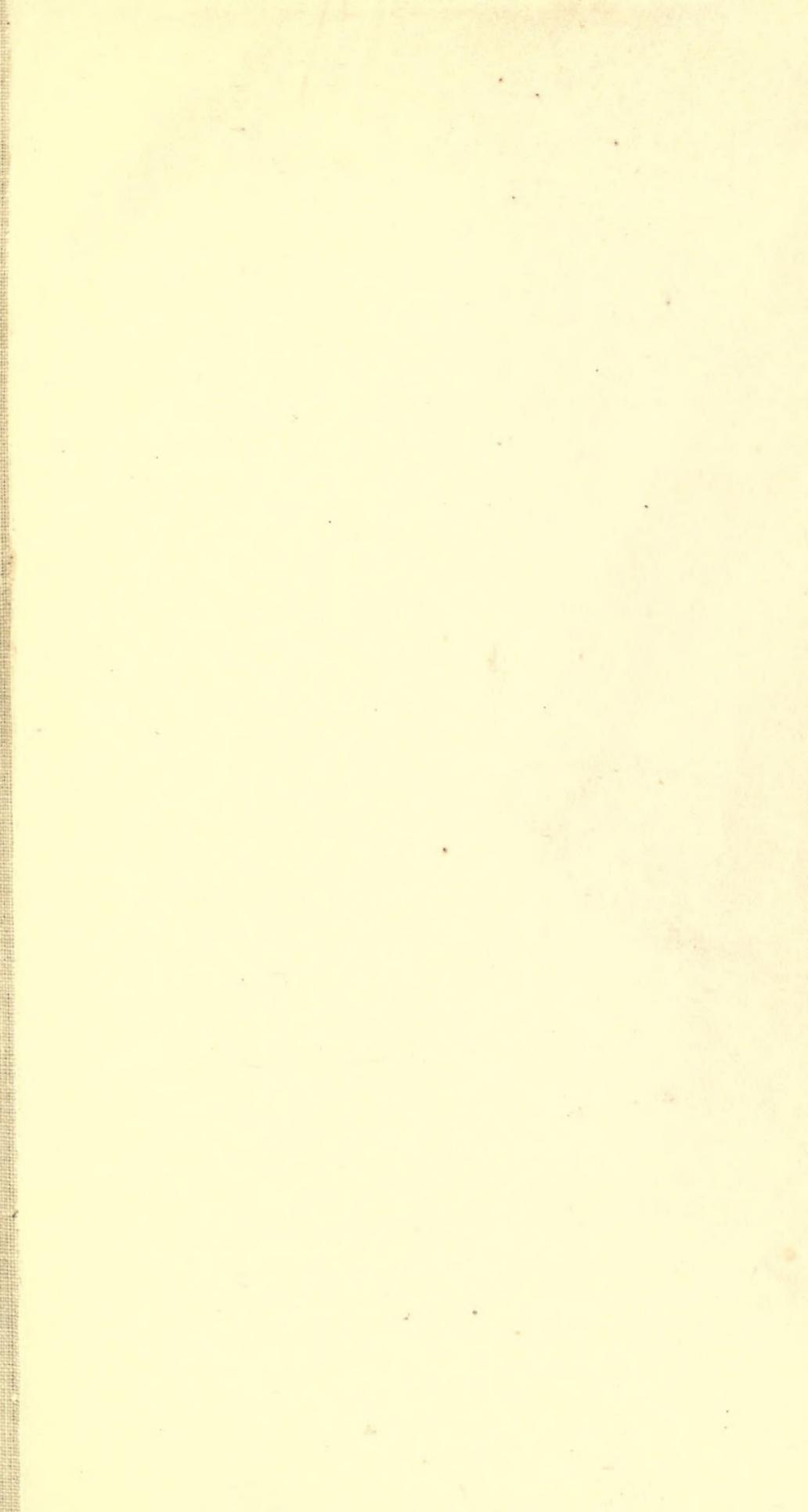


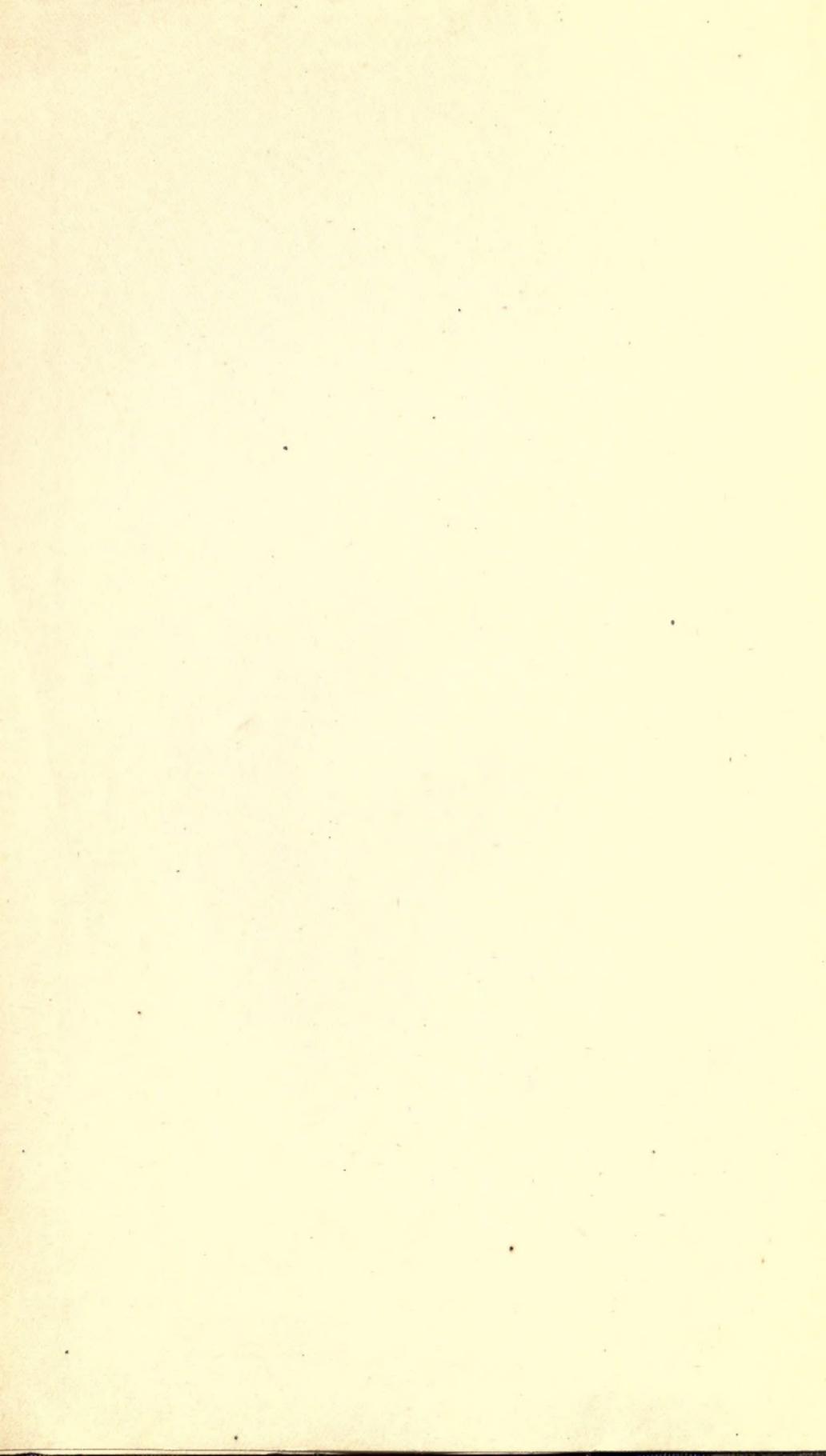
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*New York (State) Legislature, Assembly.
Special committee to investigate the
Indian problem.*

REPORT

OF

SPECIAL COMMITTEE

TO INVESTIGATE THE

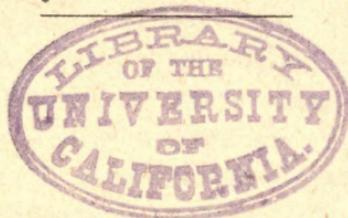
INDIAN PROBLEM

OF THE

STATE OF NEW YORK,

Appointed by the Assembly of 1888.

TRANSMITTED TO THE LEGISLATURE FEBRUARY 1, 1889.



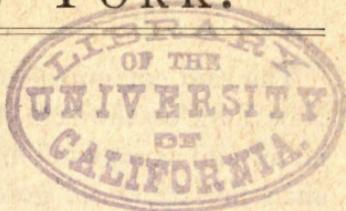
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STATE OF NEW YORK.

No. 51.



IN ASSEMBLY,

FEBRUARY 1, 1889.

REPORT

OF

SPECIAL COMMITTEE APPOINTED BY THE ASSEMBLY OF
1888 TO INVESTIGATE THE "INDIAN PROBLEM" OF
THE STATE.

To the Honorable the Assembly:

The undersigned were appointed by resolution of the Assembly, dated March 21, 1888, a committee with power to sit during the recess of the Legislature and were "charged with the duty of investigating and ascertaining the social, moral and industrial condition of the several tribes of Indians in the State; with ascertaining the amount of land cultivated and uncultivated on their respective reservations; with the investigation of their several tribal organizations and the manner in which they assume to allot their lands among the several members of their tribes; with the investigation of the title to the lands on their several reservations; with the investigation of the claims of the Ogden Land Company to said lands, and the claims of any other companies or organizations or individuals; with the investigation of all treaties made between the State of New York and the Indians therein, and of all treaties made between the United States and said Indians; and with the investigation of such other matters relating to said Indians as will afford valuable aid to the Legislature upon which to base future action."

The said committee met at the Murray Hill Hotel in the city of New York on the 12th day of June, 1888, at 10 o'clock in the forenoon, and completed its organization, and at once entered upon such investigation, going upon the reservations in the State in the order named, being, the Onondaga, Oneida, Tuscarora, Tonawanda, Shinnecock, St. Regis, Cattaraugus and Allegany. The work has involved an inspection of the lands, farms, buildings, and crops, and of the general appearance and habits of the Indians of the various tribes, an examination into their moral and physical condition, coupled with some attempt to gauge their mental capacity, together with some inquiry into the extent, location and sources of title of their several reservations. The committee have also given such consideration as their time and opportunities allowed, to the systems of government prevailing among the different nations, to their religious and educational needs and facilities, to the extent and requirements of the charitable institutions among them, to the claim of the Ogden Land Company, so called, to a portion of their lands, and finally and especially have made an earnest effort to find and recommend to the State for adoption a policy to be used in dealing with its Indians that would be both practical and at the same time beneficial to them.

The investigation has been one of great and continually growing interest to the members of the committee. They have examined under oath a large number of witnesses, comprising many Indians themselves, chiefs, deposed chiefs, officers, native teachers and preachers and other Indians, physicians, teachers, agents State and national, school superintendents, attorneys; these witnesses including Chancellor Simms, of Onondaga; Hon. William C. Bryant, of Erie; George J. Scattergood, of Philadelphia, and many other gentlemen, whose acquaintance with the red men from actual contact with and experience among them, and from long and careful study of their past history and future needs, makes their evidence of especial importance and value.

The suggestions and information from Superintendent Draper have also been of great service in the conduct of the investigation.

The Indians of the State of New York number about five thousand and occupy lands to the estimated extent of 87,677 acres. With few exceptions, these people are the direct descendants of

the native Indians who once possessed and controlled the soil of the entire State. As early as the beginning of the seventeenth century, at a time when the first Dutch explorer visited the New World, or at least very soon thereafter, these tribes, Senecas, Cayugas, Onondagas, Oneidas and Mohawks were united into a league called by the whites, Iroquois, and by themselves Ho-de-no-sau-nee, and held sway over all the country between the Hudson and Genesee rivers. Their own name signifies "a people dwelling in a long house," of which the Mohawks held the eastern door and the Senecas the western. The Onondagas kept the central fire as being the founders of the league, with the Oneidas on their eastern and the Cayugas on their western boundaries. The origin of these tribes is unknown to history. According to their own traditions, they once lived north of the St. Lawrence, but long before Hudson sailed upon the river which bears his name, they had broken over their natural barrier and built their villages in the interior of the State, settling first near the Seneca river and from that original source, spreading abroad into separate bands. These at first comprised but three: Mohawks, Onondagas and Senecas, but eventually the Oneidas became a distinct community from the Onondagas, and the Cayugas from the Senecas.

From the date of the Dutch discovery in 1609 to the close of the seventeenth century, these five tribes were almost continually at war with other native tribes, at first with those on and north of the St. Lawrence, and finally, extending their conquests to the Hudson, and to the Niagara and the great lakes on the west, their war parties roamed from the extremity of Long Island to the Mississippi, and turning southerly to the Tennessee, eventually made the latter river their southern boundary. The keen rivalry for the possession of the New World on the part of the Europeans is proved by the settlement of Virginia by the English in 1607, and the occupation of Canada by the French, under Champlain, in 1608, and of New York harbor by the Dutch, under the English Hudson, in 1609. In the latter year Champlain, while exploring the lake which bears his name, entered Lake George in company with two white companions and a war party of Hurons. They here encountered

a war party of Mohawks, and a battle resulted. The Iroquois, as usual, were at first successful, until attacked by Champlain and his Frenchmen with their muskets. Three Mohawk chiefs fell, and, dismayed by the effect, as well as by the sound of this, to them, unknown weapon of attack, their followers gave up the fight.

This was their first encounter with Europeans, and from this trifling incident seems to date the long-continued hatred on the part of the league of the Iroquois toward the French. They were sometimes neutral, and generally the allies of the English, but never to any extent friendly to the French, and in the stubborn and evenly balanced contest between the two nations for supremacy in North America, the league was at all stages a potent factor; and it is not too much to claim that its friendship finally turned the scale in England's favor. In the latter part of the seventeenth century, which was the period of its greatest strength, the league numbered from thirteen to fifteen thousand souls. These people now number about fifteen thousand, of whom much the larger part reside within the Dominion of Canada. Their skill in war was not excelled by their aptitude for civil government. They lodged the civil authority of the league in the hands of fifty sachems, divided among the five tribes in unequal numbers, giving to the Onondagas fourteen, the Mohawks nine, the Oneidas nine, the Cayugas ten and the Senecas eight. Later on another inferior civil office grew up among them, that of chief. The date when the chieftainship came to be an office of consequence cannot now be ascertained, but this seems certain that it gradually grew in importance and at last overshadowed the earlier title, and furnished, with scarcely a single exception, every man renowned for his skill and courage in war or famous for eloquence or wisdom in the civil affairs of the league. The sachems as well as the chiefs in each tribe were nominated and deposed by its people, but in all cases the action of the tribe was required to be confirmed by the general council. From among the Onondagas, as the founders of the league, was always chosen the presiding officer of the general council, and this custom has continued among these people to the present day. No distinction appears now to exist between sachems

and chiefs. The latter title seems to be the only one in use now among the Indians, and they no longer use or understand the word sachem. It is also noticeable that this term was dropped from use in the later treaties with the general government.

This brief and very general historical outline is deemed desirable as furnishing the means for the better understanding of this interesting people to whom the State of New York owes its northern boundary, and but for whose valor and steadfast friendship for our English forefathers the entire basin of the St. Lawrence would now be a Canadian possession. The supremacy of the Iroquois in what was known as the "Ohio country" had a most important bearing upon the history of that great section. In 1684 the Governor of Virginia made complaint to Thomas Dongan, Colonial Governor of New York, relating to some Iroquois attacks which had been instigated by the Jesuit French. The Governor called a council of the league at Albany. Before the end of the council the sachems of the league requested the Governor to affix the arms of the Duke of York to their stockades and villages. This was done, and from that date forward England claimed the Iroquois as her subjects, and there is some evidence to show that the Indians accepted this view. In the final contest between France and England upon this continent for the possession of the "Ohio country," the French based their claim upon prior discovery and occupation, and from this standpoint their claim could not be successfully disputed. The English could produce no such evidence of title, and, finally, based their sole right to the disputed territory upon their Iroquois title and stood upon this alone, urging that it was both their duty and privilege to guard the dominions of the Five Nations as being their subjects, and saying in their memorial to the French Council in 1755: "What the court of Great Britain asserts and insists upon is this, that the five Iroquois nations, acknowledged by France to be the subjects of Great Britain, are, either originally or by conquest, the lawful proprietors of the territory of Ohio in question." We fairly owe it, then, to the league of the Iroquois to give credit not only for their actual efforts on the field of battle, not only for their brave and successful defense of our northeastern boundary against French assaults, but as well for having

and held for Anglo-Saxon civilization the larger and fairer portion of our country beyond the Alleghanies. With the exception of the Oneidas and a portion of the Tuscaroras the Six Nations sided with England during the Revolution and were left at the close of the war unprovided for and unmentioned in the treaty of peace and at the mercy of the exasperated Americans.

The Mohawks removed to Canada and settled upon lands given to them by the British government, where their descendants still live. They claimed to carry with them the title to their former possessions in New York. Whatever title they had was sold to the State by a treaty held at Albany on the 29th day of March, 1797, between agents on the part of the State of New York, and two deputies from the Mohawks, one of whom was Captain Joseph Brant, and under the authority of a commissioner appointed by the United States. For \$1,600 all told, they ceded and released "to the people of the State of New York, forever, all the right or title of the said nation to lands within the said State."

During the Revolution the Oneidas, as a tribe, remained neutral, thus preventing by their veto any action among the Iroquois as a league in support of England. A treaty was held at Fort Herkimer June 28, 1785, by Governor Clinton, at which the Oneidas and Tuscaroras sold to the State the land between the Unadilla and Chenango rivers for \$11,500 in money and goods. In 1788, September 12, the Oneidas by treaty ceded to the State all their lands excepting certain reservations in Oneida and Madison counties. Some other small tracts upon which the Brothertown and Stockbridge Indians lived were also kept and twenty miles square for Peter Penet and John Perache. The State paid about \$2,000 in money, \$3,000 in clothing and provisions, \$500 for a mill, and an annuity of \$600.

In 1795, September 15, these Indians sold to the State still another portion of their lands for \$2,952 cash and an annuity for a like sum, and also made a conditional sale of another portion for three dollars per 100 acres, to be paid annually. June 1, 1798, they sold other lands for \$200 and an annuity of \$700.

March 5, 1802, Governor Clinton negotiated a sale of several other parcels of their land for \$900 and an annuity of \$300.

In 1805 the Christian and pagan parties divided their remaining lands into two pieces by a partition agreement. By various treaties, eleven in all, after this time up to 1846 the different parties into which the Oneidas were divided, conveyed to the State their lands in different parcels and removed to Wisconsin and to Canada, reserving only about 350 acres, which those remaining now own. By an act of the Legislature of 1843, chapter 185, these Indians were authorized to hold their lands in severalty.

The Stockbridges were a remnant of the Mohegans, who once occupied the banks of the Hudson, and the Brothertowns are remnants of the New England tribes that were brought and settled on the Oneida lands at about the close of the Revolution. In 1811 the Oneidas released to the State these lands, which were eventually given up to the State by these people, and they have all since removed to the west.

September 12, 1788, the Onondagas ceded to the State all their lands excepting a reservation one hundred miles square in Onondaga county, which included the present site of Syracuse. By a treaty of March 11, 1793, they sold about three-fourths of this reservation, and by treaty of July 28, 1795, they sold the salt lake at Syracuse and the adjacent lands. Again in 1817, February 25, they sold to the State four thousand three hundred and twenty acres, and on February 11, 1822, the last sale of eight hundred acres was made. The whole consideration received was cash \$33,380 and \$1,000 in clothing and an annuity of \$2,430 and 150 bushels of salt.

The Cayugas, by treaty, sold to the State February 27, 1789, the principal part of their lands, only reserving 100 square miles around Cayuga lake, a small tract on the Seneca river, and a square mile at Cayuga ferry. These reservations were also sold to the State July 27, 1795, and the Cayugas have now no lands. They received from these sales \$3,925 in cash, and an annuity of \$2,300. Much the larger portion of this tribe has removed to the Indian Territory, but 160 of them reside with the Senecas, and a few with the Tonawandas.

The St. Regis Indians own a reservation in Franklin county fronting on the St. Lawrence river. They are the descendants of the Mohawks and speak their language. At the instance of

French missionaries, "their ancestors migrated from the valley of the Mohawk river in 1677, and settled near Montreal." The tradition runs that the first settlers at St. Regis were two white brothers named Tarbell, with their Indian wives and children, who had been stolen when lads from Groton, Massachusetts, by the Indians, and carried to Montreal. This story gains some credence from the fact that the name Tarbell is and has been a common one among these Indians, and that there is not among them one person of pure Indian blood, but all are more or less mingled with the white race. The history of St. Regis shows that a Jesuit priest named Gordon led hither a colony of these Indians from Montreal in 1760, and founded a village where a small river joined the St. Lawrence, and named them both St. Regis, after a French nobleman who had been a Jesuit missionary among the Hurons in Canada, and died in 1740. They were divided in their allegiance during the revolution, some favoring the British and some the American side of the controversy. The extent and boundary of their lands appear for a long time to have been undefined. The Legislature of the State passed an act, at its session in 1791, granting to the Commissioners of the Land Office the very liberal powers "to dispose of any of the waste and unappropriated lands of the State in such quantities and on such terms and in such manner as they should judge most conducive to the interests of the public." Among the applicants for the purchase of these lands was Alexander McComb, a former fur trader at Detroit, who offered for all the vacant lands between Lake Champlain and the St. Lawrence, eight pence per acre, payable in six years, without interest. His proposal was rejected "on account of its extent." A subsequent offer upon the same terms, made by Macomb in May of the same year for a tract embracing about 3,840,000 acres, was accepted. In a separate paper from the one containing his original offer, Macomb agreed that "a tract equal to six miles square, in the vicinity of St. Regis village, be excepted from his purchase and to remain the property of the State," provided, however, that the tract reserved be applied for the use of the Indians; otherwise to be included in his contract. In the following year, 1792, these Indians, claiming to represent the Seven Nations of Canada, sent delegates to Albany, to assert, before

the Governor of the State, their rights to these lands. Another delegation went on in 1793, and two more in 1794. In the latter year the Governor appointed commissioners to hold an interview with these Indians, and a conference was had at Lake George, but without results. In 1796, under a joint resolution of Senate and Assembly, agents were appointed by the Governor to negotiate for the extinguishment of the Indian title to lands in the northern part of the State. In May, 1796, the agents of the State met the deputies of the Indians at the city of New York and negotiations ensued. The Indians complained of the occupation of their lands by settlers on the Macomb purchase and wanted a much larger reservation than the six miles square, urging the very plain and pointed reason, that "a nation or people without lands are like rogues without friends." A treaty was made before Abraham Ogden, as commissioner on the part of the United States, May 30, 1796, by which the Indians ceded and released to the State all lands excepting the six miles square at St. Regis, a mile square on Salmon river and a mile square on Grass river, where mills had been built and the meadows on both sides of the Grass river, from the mill to the St. Lawrence, and received from the State about \$3,200 and a perpetual annuity of about \$535, with a reasonable allowance to the deputies for services and expenses in attending the treaty and "the usual presents." This treaty, engrossed upon a good-sized sheet of parchment with a large wax seal attached and covered upon the back with receipts, is still preserved by the tribe, and was exhibited to the committee. March 15, 1816, another treaty was made with these Indians by which they released to the State the mile square on the Salmon and also 500 acres off the east side of the reservation in Franklin county, for which they received an annuity of \$1,300. In 1818, February 20, they sold to the State 2,000 acres more for an annuity of \$200. By a treaty held at Albany, March 16, 1824, they sold the mile square reservation on the Grass river with the mill, for \$1,920, and June 16, 1824, 1,000 acres more for \$1,750 and sixty dollars annuity.

In December, 1824, certain persons styling themselves "principal chiefs and head men" conveyed to the people of the State a tract of land leased to Michael Hogan, supposed

to contain about 170 acres, for \$305 annuity, and again September 23, 1825, eleven Indians as chiefs and trustees of the tribe, and of whom five were "Tarbells," sold 840 acres near the site of the village of Hogansburgh, for \$1,100 cash.* No further sales have been made, and they now own in Franklin county 14,030 acres of land. By a resolution of the general council of the Six Nations held at Coldspring, in Cattaraugus county, in April, 1888, the St. Regis Indians were formally adopted into the Six Nations in place of the Mohawks.

The Tuscaroras claim kinship with the Iroquois in language and blood. Here again their tradition shows that before the great Onondaga leader To-to-da-ho led his warriors across the St. Lawrence and took possession of central New York, a branch of the original family migrated westward to the Mississippi and thence to North Carolina, where according to their native historian, Elias Johnson, "before the discovery by Columbus the Tuscaroras consisted of six towns, and they were a powerful nation, numbering over twelve hundred warriors." They lived principally upon the head waters of the Neuse and Tar rivers. About 1712 they became involved in quarrels with their white neighbors and the adjoining Indian tribes, battles took place in which they were defeated and many of their warriors slain, and many were sold as slaves. They made peace with the State and received a grant of lands in Bertie county, on the Roanoke river, to which the remnant of the tribe removed. Their troubles with their neighbors continued here, and finally, in 1715, the larger portion of them removed to New York and formally united themselves with the confederacy of the Iroquois, and were assigned to lands between the Unadilla and Chenango rivers and upon the territory of the Oneidas. From that time on the Iroquois became known as the Six Nations. The Tuscaroras were to have only nominal authority in the league and the number of sachems was not increased or altered. During the revolution a portion of them remained neutral with the Oneidas. They united with the Oneidas in the sale of the lands to the State in 1788, but received no portion of the proceeds, and were again without a home. Prior to 1788, a

* July 21, 1845, they sold to the State the meadows on Grass river, about 210 acres, for \$621.

few families of these people had settled near an old Indian fort in view of Lake Ontario and in the county of Niagara, and after the sale of the Oneida country, many families from time to time immigrated there and they finally made this location their permanent home, and about the year 1800 gathered there the scattered remnants of their tribe which had been left in North Carolina.

The Senecas gave to the Tuscaroras a mile square^{of} land at the site of the old fort and by deed bearing date on the 30th day of March, 1808, "the sachems and warriors of the Seneca Nation of Indians in consideration of the love and affection which they bear unto the said Tuscarora Nation of Indians have released and quit-claimed all that tract of land situate in the township of Erie, county of Genesee, State of New York, on which part of the Tuscaroras now live, and in their actual possession now being, containing six hundred and forty acres and being one mile square." This deed recites that this tract of land was excepted from the sale to Robert Morris, by the Senecas, at the treaty of Big Tree in 1817, but no such exception appears in the treaty itself. This deed was signed by "their mark" by Farmer's brother, Cornplanter, Red Jacket, Halftown and others and recorded in Niagara County Clerk's office in Liber 1 at page 56. Later on, however, the successors of Morris, the Holland Land Company, "ratified" this grant and gave to this tribe twelve hundred and eighty acres more. No paper title from the Holland Land Company, seems to have been made and they hold their land simply as a reserve. About 1800, the Tuscaroras sent a delegation to North Carolina, who there negotiated a sale of their interest in the lands in that State for about fifteen thousand dollars, which money was deposited with the United States in trust. In 1804, Congress authorized the Secretary of War to purchase, with this money, more land for these Indians, and he bought and took the title in trust to 4,329 acres lying on the south and east side of the three miles already owned by them. The Secretary of War subsequently conveyed this land directly to the Tuscarora Nation who now own the fee to the same.

When the history of the State began the Senecas dwelt upon the east bank of the Genesee river. At some time, perhaps about

the middle of the seventeenth century, they drove out the Eries and the neuter nation who occupied the country from the Genesee to the Niagara and took possession of and held their lands. They always held the war chieftainship of the league and vied with the Mohawks for the doubtful honor of being the leaders in cruelty and fierceness. In their best days they nearly, if not quite, equaled in numbers all the other tribes of the league. In July, 1775, the second Continental Congress established an Indian department, and appointed commissioners "with power to treat with the Indians to preserve peace and friendship and to prevent their taking any part in the present commotions." General Philip Schuyler and others had charge of the branch including the New York Indians and at once invited the Indians to a preliminary conference which was held at German Flats August fifteenth and sixteenth of the same year, and which appears to have been the first conference between duly authorized representatives of the United Colonies and the Six Nations. Schuyler said to the chiefs: "This is a family quarrel between us and old England. You, Indians, are not concerned in it. We do not wish you to take up the hatchet against the king's troops, but we desire you to remain at home and not join either side, but keep the hatchet buried deep." The commissioners then invited the chiefs to a general council held at Albany, and the same began on the twenty-fifth of the same month and lasted some days. While the expressions and promises of the Indians toward peace were more general than specific, the commissioners appear to have been satisfied and supplied the Indians with presents upon their departure. This council is noted as being the last Indian council ever held at the city of Albany.

In 1776 General Schuyler held another council with the league at Fort Dayton, now Herkimer, which was better attended than the former one and the results secured were more substantial, as the Indians distinctly pledged themselves to remain neutral during the war—a promise, however, which was speedily and easily broken by all except the Oneidas and a part of the Tuscaroras.

At the close of the contest with the mother country, it appeared advisable for the new government to come to an understanding with the Indian tribes with respect to their rights, the extent and

location of their lands, and with respect to the terms upon which they should be permitted to remain in the country. October 15, 1783, Congress, in a series of resolutions, defined the limits and scope of these negotiations and appointed commissioners to conduct the same, and in pursuance of this action a general council was held with the Six Nations at Fort Stanwix, now Rome, at which LaFayette was present. Here the peace party under Cornplanter prevailed over Red Jacket and his followers, who were anxious to renew the war. Commissioners from the State of Pennsylvania were present, as well as some from Virginia. The Mohawks were not represented. A treaty was negotiated and signed, October 22, 1784, between commissioners plenipotentiary from the United States in Congress assembled on the one part and the sachems and warriors of the Six Nations on the other, by which the United States gave "peace to the Senecas, Mohawks, Onondagas and Cayugas," confirmed to the Oneidas and Tuscaroras the lands upon which they lived, limited the tribes to lands they occupied east and north of a line drawn from a point on Lake Ontario four miles east of Niagara to the mouth of Buffalo creek, on Lake Erie; thence south to the Pennsylvania line; thence west and south along the line of the Pennsylvania line to the Ohio river; the Indians ceding all claims to land west of this line. At Fort Harmar, in Ohio, in 1789, another treaty was held by General Arthur St. Clair, for the United States, and the Six Nations, except the Mohawks, by which the terms of the former treaty at Fort Stanwix were confirmed, the boundary line then adopted, renewed, the Oneidas and Tuscaroras again confirmed in the possession of their lands, and peace and friendship declared. The Mohawks were to be included in the provisions of the treaty upon declaring their assent within six months.

In 1790 Cornplanter, Blacksnake and Halftown headed a delegation of chiefs to Philadelphia, where formal complaint was made to President Washington, among other things, that the lands of Halftown and his people had been given to the State of Pennsylvania by the treaty of Fort Stanwix. The President called their attention to the fact that the line complained of had been laid down in 1784, and that they were guilty of laches. He told them that the line agreed upon must stand, but expressed a



hope that Halftown and his people might not be disturbed. The Legislature of the State of Pennsylvania, for the purpose of "removing every shadow of complaint made by the Seneca Nation," while the Indians were still there, enacted a law appropriating \$800 for the use of the nation, \$910, funds to pay the expenses of the delegation during their stay in the city and for their return journey, and directed that 1,500 acres of land on the Allegany be surveyed and patented to Cornplanter in fee, which was afterward done, and a portion of the same land is now owned by Cornplanter's descendants in Warren county, in that State. The government again held a "conference" with the Six Nations at Canandaigua, in 1794, by Timothy Pickering, "sole agent," at which "peace and friendship" were again "firmly established and declared to be perpetual between the United States and the Six Nations." It was here stipulated that the Oneidas, Cayugas and Onondagas should possess the lands reserved to them in their several treaties with the State of New York, and that the said reservations should "remain theirs until they shall choose to sell the same to the people of the United States, who have the right to purchase." A similar provision was inserted regarding the lands of the Senecas. Soon after the treaty of Fort Stanwix, in 1784, conflicting claims to a tract of land in the western part of this State arose between Massachusetts and New York, the former claiming title under a grant from King James I. to the Plymouth colony, and the latter under a grant from King Charles II. to the Duke of York and Albany. The dispute was compromised by commissioners on the part of each State, four from Massachusetts and six from New York, at Hartford, Connecticut, December 16, 1786, Massachusetts ceding to New York the "government, sovereignty and jurisdiction" over the disputed territory, and New York ceding to Massachusetts "the right of preëmption of the soil of the native Indians and all other estate except of sovereignty and jurisdiction to Massachusetts, its grantees and assigns forever." It was further stipulated in the compact between these two States, that no purchase of any of the lands in question should be made from the Indians without the presence and consent of an agent of Massachusetts. These lands comprised about 6,000,000 of acres, bounded easterly by a

line which ran from the southeast corner of Steuben county north and south along the west shore of Seneca lake and terminated in Sodus bay, on Lake Ontario, and embraced the present counties of Wayne and Schuyler, excepting their easterly tiers of towns, Monroe, Genesee, Yates, Ontario, Niagara, Livingston, Wyoming, Steuben, Allegany, Erie, Cattaraugus and Chautauqua.

Oliver Phelps, of Connecticut, for himself and others, began negotiations with Massachusetts in 1787, looking toward a purchase of a portion of the lands contained in the grant of this "preëmption right" from New York, and at about the same time Nathaniel Gorham, of Boston, made an offer to the Massachusetts Legislature of one shilling and six pence per acre for 1,000,000 acres of these lands, to be paid for in "the public paper of the Commonwealth." While this offer was not accepted, it had the effect to bring other competitors into the field, who, as fast as they appeared, were taken into the association after the manner of the modern "trust," until finally in April, 1788, these two gentlemen, Phelps and Gorham, acting for their company, purchased all the land comprised in the cession to Massachusetts for \$1,000,000, payable in three years in the public paper of the State, which was then greatly depreciated. Phelps at once began operations to extinguish the Indian title and was met at the outset by another complication. What was in common parlance called the "Lessee Company," hereinafter mentioned, had been formed, had procured two leases from the Indians, covering a large portion of the same territory bought by Phelps and his associates, and although Massachusetts promptly declared the leases void, and Governor Clinton commenced active warfare against them, holding councils in person with the Indians, warning them of the invalidity of the leases and taking evidence which established the fact that the leases had been procured by bribery and corrupt means, yet such was the influence of the lessees and their agents among the Indians and elsewhere, at one time threatening to form a new State from the disputed territory, at another stirring up enmity and dissatisfaction among the Indians, that finally the purchasers of the preëmptive right were obliged to compromise, and granted to the lessees a certain interest in the property. On the 4th of July, 1788, Mr.

Phelps opened negotiations at Buffalo creek, and the Indians sold for \$5,000 and an annuity of \$500 about 2,600,000 acres lying adjacent to the Massachusetts preëmption line. In the meantime the scrip, with which Phelps and his associates were to make payment to Massachusetts, had so appreciated in value, owing to the increased prospects and credit of the State as a member of the United States, that they were unable to procure the same so as to meet their obligations, and suit was entered against them by Massachusetts. They were, however, able to effect a compromise, retaining the portion of their purchase as to which they had extinguished the Indian title and reconveying to Massachusetts all the residue. This arrangement was the more readily accomplished owing to the appearance of Robert Morris as an applicant to purchase these lands. On the 12th day of March, 1791, Massachusetts agreed to sell to Samuel Ogden, as agent for Robert Morris, all the lands before sold to Phelps and Gorham, excepting the portion retained by them, and on the 11th day of May, 1791, this State conveyed to Morris, for a consideration of \$225,000, the whole of this land, by five separate deeds, the first adjoining the Phelps purchase, comprising 500,000 acres. In this conveyance Massachusetts reserved one-sixtieth of the whole tract to satisfy a claim of one John Butler, who had entered into a contract for the purchase of the same from Phelps and Gorham prior to their surrender of the lands back to Massachusetts, which interest Morris afterward purchased from Butler, thereby acquiring the entire title. The first tract of 500,000 acres was retained by Morris and sold by him in different tracts, and was called the "Morris reserve."

The land comprised in the remaining four deeds, being 3,600,000 acres, was conveyed by as many separate conveyances, dated in their order, December 4, 1792, February 27, 1793, July 20, 1793, and July 20, 1793, by Morris to Herman LeRoy and others, as trustees for a party of Amsterdam capitalists, of whom Wilhelm Willink was the largest owner, and Rutger Jan Schimmelpenninck bore the most conspicuous name. These conveyances were coupled with an agreement to extinguish the Indian title, and Morris at once bent his efforts to accomplish this result. Upon Thomas Morris, the son and able lieutenant of his father, fell the

task of procuring the consent of the Indians to hold a treaty. He went into their country, followed their trails from the wigwam of one chief to that of another, and after much difficulty, and the use of all his persuasive arts, the Indians agreed to hold a conference, and designated Big Tree, now Genesee, as the place where the same should be held. President Washington nominated Jeremiah Wadsworth as commissioner on the part of the United States, and the interested parties met together in August, 1797, and negotiations began, William Shepherd representing Massachusetts. The council was held under a large tent, provided by Morris, where daily conferences took place. Red Jacket did the talking for the Indians, assisted by Cornplanter, Farmer's Brother and some others. The Indians resisted all offers, finally consenting to sell one township. At last, Red Jacket "covered up the council fire," and declared the conference at an end. In an interview with Farmer's Brother on the following day, Morris said to him that Red Jacket had no right to cover up the council fire, as "he alone who kindled it had the right to extinguish it." To this Farmer's Brother assented, after some deliberation, and the council was continued. Morris, understanding the Indian maxim, that "the lands belong to the warriors, because they form the strength of the nation, and to the women, as the mothers of the warriors," held a conference with the chief women and the warriors, ignoring for the time the sachems and chiefs. His address to this unusual assembly deserves a passing notice. He informed them of the offers he had made the sachems, that "the money they would receive from their lands would lighten the burden they then endured." He said to them, "Now you have to till the earth and provide by your labor food for yourselves and children; when these children are without clothing and shivering with cold, you, alone, are witnesses to their suffering; your sachems will always supply their own wants; they feed on the game they kill, and sell the skins to buy themselves clothing; therefore they are indifferent about exchanging their lands for money, enough every year to lessen your labor and enable you to procure for yourselves and children the food and clothing necessary for your comfort." He then said to them that he would give the women their share of

the presents he had brought from Philadelphia to be distributed in case he bought the lands. Morris produced a powerful impression; negotiations were resumed, and on the 15th day of September, 1797, the treaty was signed which transferred the control of nearly all the country which now comprises Western New York from the hands of the red men to their white neighbors. This treaty was of such absorbing consequence, and was such an excellent illustration of the course of dealing between the two people, that these details relating to it, based principally upon facts found in "Turner's History of the Phelps and Gorham Purchase," are deemed of importance. The Indians reserved from the operation of this treaty ten separate tracts of land embracing 337 square miles; the Allegany reservation in Cattaraugus county, something over forty-two square miles; the Cattaraugus reservation in Cattaraugus, Chautauqua and Erie counties, with forty-two square miles; the Buffalo creek reservation in Erie county, 130 square miles; the Tonawanda reservation in Erie and Genesee counties, seventy-one square miles; the Squawky Hill reservation near Mount Morris, with two square miles; the Can^εadea reservation in Allegany county, sixteen square miles; Canawaugus reservation, two square miles, on the Genesee river near Avon; Little Beard's and Big Tree reservations, two miles square each, on the Genesee river opposite Geneseo, and the Gardeau reservation on the Genesee river below Mount Morris. In addition to these reservations the Senecas continued to claim and use another, one mile square, divided by the line between the counties of Cattaraugus and Allegany and near the village of Cuba, in the latter county, and upon which is located a somewhat famous oil spring, which had long been prized among the Senecas for its medicinal qualities. This small tract not being excepted from the treaty of Big Tree, passed from Morris to the Holland Land Company. and a portion of it, finally by other conveyance, came into the possession of a man named Patterson who cleared a farm and erected buildings. In 1856 Hon. Daniel Sherman, the present surrogate of Chautauqua county, to whose able address before the Chautauqua Historical Society at Jamestown in 1885, the committee are indebted for many facts and much valuable information, began ejection against Patter-

son to secure the land, which he occupied. The action was stubbornly defended and finally decided in favor of the Senecas, upon the evidence of Governor Blacksnake, an aged Indian chief, then living on the bank of the Allegany river, in the town of Coldspring, Cattaraugus county. His deposition was taken at his house upon two different occasions. He testified that he was at Philadelphia with Cornplanter in 1790, that he had "shaken hands with George Washington five times," that he was at the treaty of Big Tree and saw Robert Morris and Joseph Ellicott; that it was noticed by Red Jacket and himself that the treaty as drafted and read did not reserve the oil spring lands, and that Morris then wrote another paper excepting the oil spring and gave it to Cornplanter; that he himself took it and afterward returned it to Cornplanter and had not seen it again. On being interrogated about a map, he said that some time after this treaty he had met Joseph Ellicott at a council held at Tonawanda, and that Ellicott had then delivered to the chiefs a map, and told them that it showed all the reservations marked in red, that this map had been given to him for safe keeping and that he had it. He then directed Harrison Halftown, an intelligent and well educated Indian now living at the same town where Blacksnake lived, and who is a grandson of Halftown, the associate of Cornplanter, and who was present as interpreter, to examine an old trunk under the bed upon which he lay, and there the map was found, showing, as he had said, the Oil Spring reservation marked with the others. The depositions and maps are now on file in the clerk's office of Cattaraugus County.

Governor Blacksnake died in December, 1859, at the advanced age of at least one hundred and seventeen years, and lies buried near his former home in a tangled and unkept graveyard with no mark to distinguish his last resting-place. The great State of New York could do no more fitting act than set up at his grave some stone to preserve it from oblivion. The conveyances from Robert Morris to the agents of the Dutch capitalists were really in the interests of three sets of proprietors, eleven persons in all, blended together, however, by mutual interests, some of the members of each company owning an interest in the others. Through enabling acts of the Legislature, and conveyances by the different

agents who had taken the title to the lands because their principals were aliens, the title to all the land except 300,000 acres vested by December 31, 1798, in Wilhelm Willink and four associates, and all these different interests have since been known and referred to as the Holland Land Company. In 1802, June 20th, at Buffalo creek, the Dutch proprietors made an exchange of lands with the Senecas, receiving from the Indians the reservation of forty-two square miles, called in the treaty of Big Tree the Cattaraugus reservation, which extended along the shore of Lake Erie both ways from Cattaraugus creek and taking in the lands as far as the present city of Dunkirk, and the village of Fredonia, and the villages of Silver Creek, Angola and others, and gave in return about the same amount of land, lying on both sides of Cattaraugus creek in the same three counties and which has since been called by the same name, the Cattaraugus reservation. The Holland Land Company retained the preëmptive right to the lands taken by the Indians. In 1803 Oliver Phelps, at Buffalo creek, bought of the Seneca Nation the Little Beard's reservation for \$1,200.

The Ogdens, who were natives of Newark, N. J., early became interested in land adventures in this State, purchasing as early as 1796 a township in St. Lawrence county. Abraham Ogden, the father of David A. and Thomas L. Ogden, was a lawyer by profession, and the first district attorney for New Jersey, under the new government. Samuel Ogden, brother of Abraham, gave the family name to the city of Ogdensburg. After their father's death, the two brothers, David A. and Thomas L. Ogden, practiced law in New York city, at one time in copartnership with Alexander Hamilton, which business relation was broken off by Hamilton's death. They sold an interest in their St. Lawrence lands to Joshua Waddington, of New York. In 1810, the Holland Land Company conveyed to David A. Ogden the Cattaraugus, Buffalo creek, Allegany, Tonawanda, Caneadea and Tuscarora reservations, in all 196,335 acres, at the rate of fifty cents per acre, with "all the estate, right, title, interest, property, claim and demand whatsoever" of the first parties, "subject only to the right of the native Indian, and not otherwise." The deed contained a covenant to the effect that "they, the first parties, are seized of an indefeasible estate or inheritance of, in and to the

above described premises, and are lawfully authorized to sell the preëmption right of the reserved tracts above described." This deed was recorded in the Erie county clerk's office, May 26, 1811, in liber one, at page sixty-eight. Bonds, with mortgages for the entire purchase money, were executed by Ogden to Paul Busti, for the Dutch proprietors, payable eight years after date, with interest. On the twelfth day of September, 1815, at Buffalo creek, the Senecas sold to the State the islands in Niagara river for \$7,000 and \$500 annuity.

In 1826, August 31, a treaty was negotiated at Buffalo creek between the Seneca Nation of Indians and Robert Troup, Thomas Ludlow Ogden and Benjamin Woolsey Rogers, the trustees for the Ogden Company associates, represented by John Gray their attorney. Oliver Forward attended as Commissioner for the United States and Nathaniel Gorham was the representative of Massachusetts: At this time, the Indians sold for \$48,260 the Caneadea reservation in Allegany county, the Canawaugus reservation, Squawky Hill reservation and Big Tree reservation, these three in Livingston county, the Gardeau, or "whitewoman's" reservation in Genesee county, 36,638 acres of the Buffalo Creek reservation in Erie county, 33,409 acres of the Tonawanda reservation in Erie and Genesee counties, also 5,120 acres of the Cattaraugus reservation, in all 86,887 acres. Captain Pollard, Little Billy, Cornplanter, Blacksnake, Strong Chief, Warrior, Seneca White, White Seneca, Tall Peter, Destroytown, Charles Obail, Halftown, Long John, Blue Eyes, Henry Two Guns, Little Bear, Tall Chief, Captain Snow, Twenty Canoes, Silverheels, Lone Chief, Barefoot, Captain Crow, Lonnee's Cousin, Big Kettle, George Redeye, Captain Shongo, Stiffneck, Red Jacket, Corn Popp and other chiefs signed each by "his X mark." All these lands were surrendered by the Indians, the purchase price paid and the same have been in possession of white occupants for many years. This treaty was never ratified by the Senate of the United States, or proclaimed by the President, and the Indians have for a long time past claimed that the treaty was invalid for this reason, and sought to begin proceedings to have the same so declared by the courts; and a year or two ago begun an action against one Christy, laying the venue in Erie county, to eject him

from a portion of the "mile strip," a part of the Cattaraugus reservation sold at this treaty. The Indians have been beaten at Circuit and General Term of the Fifth Department, have appealed to the Court of Appeals, and will carry the case to the United States Supreme Court, if necessary. General James Strong, of Buffalo, counsel for the Indians in this case expresses much confidence in their ultimate success. This treaty of 1826 is recorded in Erie county clerk's office.

The next important transaction was the treaty at Buffalo creek, January 15, 1838, between Ransom H. Gillett, commissioner on the part of the United States and the "chiefs, head men and warriors of the Senaca Nation of Indians," Josiah Trowbridge attending as agent on the part of Massachusetts. Under the guise of a "whereas," the preamble to the treaty recited that the Six Nations of New York Indians "had become convinced that their true interest must lead them to seek a new home among their red brethren in the west;" that a communication had been made by them upon this subject to the President of the United States as early as 1810; that certain lands were bought for them at Green Bay on condition that they should remove there in three years, and that the President was satisfied with their reasons for not removing. The treaty provided for the cession and relinquishment by the New York Indians to the United States of all their Green Bay lands, and for this cession the United States agreed to set apart for the New York Indians a tract of land west of Missouri or elsewhere, to comprise 1,824,000 acres, being 320 acres for each of the 5,700 New York Indians, and to convey the same to them in fee by patent from the President of the United States, granting authority to divide these lands among the different tribes or in severalty. These lands were to be the future home of the Senecas, Onondagas, Oneidas, Cayugas, Tuscaroras, Stockbridges, Munsees and Brothertowns, and were to be divided among the several tribes according to numbers.

Article three provided that such of the tribes as should not accept the treaty and agree to remove to their new home within five years, "or such other time" as the President should appoint, should forfeit to the United States all interest in these western lands.

The United States agreed never to include these lands so set apart in any territory or State, and to continue payment of their annuities. Special provision was made for the St. Regis, Onondagas and Oneidas, and their location on their new lands partially agreed upon. The Tuscaroras were to receive \$3,000, and authorized the President to sell the land which they owned in fee, and the sale of the remainder to Ogden and Fellows, as owners of the "preëmptive right," was confirmed. The Senecas agreed to remove to their new homes and to stay there. The United States further agreed to give to the New York Indians a part of the Cherokee territory, in which the United States might acquire an interest, to remove the New York Indians to their new homes, to erect there for the several tribes council houses, churches, school-houses and to pay teachers, to set apart a fund of \$30,000, the income to be used in the maintenance of a literary institution among them, and that the United States would indemnify them against depredations by their new Indian neighbors, and to keep an agent among them after their arrival in the west.

The tenth article recited a deed of conveyance from the chiefs of the Senecas to Ogden and Fellows, conveying to them their entire four reservations, Buffalo creek, Tonawanda, Cattaraugus and Allegany, for a consideration of \$202,000, \$100,000 thereof to be deposited with the United States, and \$102,000 thereof to be used in paying individual members of the tribe for the improvements upon these lands sold. The fourteenth article recited a conveyance by the chiefs of the Tuscaroras of 1,920 acres to the Ogden Company.

A census was agreed upon as follows :

Senecas	2,309
Onondagas on Seneca reservation	194
Cayugas on Seneca reservation	130
	<hr/>
	2,633
Onondagas on Onondaga reservation	300
Tuscaroras	273
St. Regis	350
Oneidas at Green Bay	600

Oneidas in New York.....	620
Stockbridges.....	217
Munsees.....	132
Brothertowns.....	350
	<hr/>
Total.....	5,585
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The result was, that the New York Indians sold to the Ogden company and to the United States, all their lands in New York and in the Green Bay country, for lands in what is now the State of Kansas, and agreed to go there and remain. Deeds of conveyance from the Senecas and Tuscaroras were made and signed and approved by the United States commissioner and the Massachusetts agent. Ogden and Fellows promptly memorialized the General Council of Massachusetts to ratify their purchase, which was done, and the Governor of that State granted his certificate, bearing date March 13, 1838, approving the transfer, which certificate was recorded in the office of the Secretary of State of New York, September 11, 1838. In the following June the treaty went to the Senate of the United States for approval. The Senate struck out (1), the provision that the United States should give to the Indians part of the Cherokee country in addition to the lands west of Missouri; (2), the provision that the United States should remove the Indians to their new homes; (3), that the government should erect council-houses and other buildings; (4), the provision to set apart a fund to maintain a literary institution among the Indians, and some other minor provisions, and inserted a provision to appropriate \$400,000 to aid in removing the Indians to their new homes, and to assist them in supporting themselves for the first year after their arrival, to encourage them in education and to aid in erecting mills and houses, and to ⁱⁿ purchasing domestic animals and farming tools. The treaty as amended was then formally ratified by the Senate, with this important provision added: that the same should be of no binding effect, and it should not be understood that the Senate had assented to any of the contracts made in connection with it, until the same and the amendments added should "be submitted and fully and fairly explained by a commissioner of the United States to each

of such tribes or bands, separately assembled in council, and they have given their full and voluntary consent thereto." The provision also specified that such as assented should receive land enough to make three hundred and twenty acres for each individual and a fair share of the \$400,000. The United States commissioner, Ransom H. Gillett, the same man who negotiated it, submitted the amended treaty to each of the tribes, except the Senecas, and all ratified. In August, 1838, the commissioner, attended by General Dearborn as agent for Massachusetts, submitted the amended treaty to the Senecas in council. Sixteen chiefs signed in council and after the adjournment of the council fifteen more signed in different places, one by one, and the commissioner went away. In the following October he was directed to return and procure the signatures of a majority of the chiefs. The council had been adjourned to November fifteenth, but it never reconvened and the commissioner procured out of council the signatures of ten more chiefs, forty-one in all. He fixed the whole number of Seneca chiefs at eighty-one. In January, 1840, the amended treaty, so assented to, was again presented to the Senate for their advice. The President in his message transmitting it said: "No advance toward obtaining the consent of the Senecas to the amended treaty in council was made, nor can a majority of them in council now be obtained;" that "the provision of a resolution of the Senate of June 11, 1838, requiring the assent of each of the tribes to be given in council, has not been complied with as it respects the Seneca tribe," and, further, "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 March 2, 1839, cause the treaty to be carried into effect in respect to the Seneca tribe." March 3, 1840, the Senate resolved that "whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended treaty of June 11, 1838, with the New York Indians, according to the true intent and meaning of the resolution of the Senate of June eleventh, the Senate recommend that the President make proclamation of such treaty and carry the same into effect."

Shortly after the adoption of such resolution, and in the same month, the Senate ratified the treaty, and the President made proclamation in April following. The Senecas were greatly disturbed, memorialized Massachusetts for relief, alleged that both the treaty and the conveyance to the Ogden Company were invalid, for the reason that they had ninety-one chiefs and a majority had not signed: that a part of those who had signed were not chiefs; that some names were forged; that some chiefs had been bribed by the agents of the Ogden Company, and that the contracts of bribery had been in writing and were in their custody; that, while the resolution of the Senate required that the assent of the chiefs should be made in council, only sixteen had signed in council, and the remainder out of council and separately, with other objections.

The President, the chairman of the Committee on Indian Affairs, Governor Everett, of Massachusetts, Governor Seward, of New York, a committee of the General Assembly of Massachusetts and the Society of Friends, all expressed the opinion that improper means had been brought to bear to induce the assent of the Senecas to the treaty. Still, with what must have been a full knowledge of all the facts, the Senate ratified the treaty by the casting vote of the Vice-President, both Senators from New York, one of whom was Silas Wright, voting in its favor, and President Van Buren proclaimed it. Later on in the year, a committee of the General Council of Massachusetts, in an able report, expressed the opinion that if Massachusetts had not already assented to the treaty she would not, but having done so, she was in no situation to afford any relief to the Senecas. The Tonawanda Indians appealed to the Society of Friends, and a delegation came on. These Indians made the statement that only one of their band had signed the treaty, and he was a resident of Buffalo. The Friends promised them aid, and in their behalf memorialized both houses of Congress. They procured the opinion of three eminent lawyers, one of whom was Daniel Webster, who examined the question and informed the Friends that "the treaty having been duly approved by the Senate and ratified and proclaimed by the President, it had passed through all of the requisite forms necessary to give

it validity, and would be sustained and carried into effect by the courts." An appeal, therefore, to the courts of the United States would be useless, as the courts would not go behind the treaty to inquire into the means by which it had been procured or negotiated. Finally, Webster advised the Friends to try to gain something by compromise, and they resolved to make the effort. They saw the Secretary of War, Hon. John C. Spencer, and made this suggestion. The Secretary at once interested himself in the matter and wrote to Thomas L. Ogden, trustee of the Ogden Company, suggesting to him "whether, considering the efforts that would be made and the powerful influence that would be enlisted to befriend the Indians, would it not, therefore, be most to the interest of the land company to endeavor to compromise, by which they might come into undisturbed possession of a portion of their purchase," and promised, if they approved the course, to aid them. The result was the compromise treaty at Buffalo creek, May 20, 1842, in the presence of Ambrose Spencer, commissioner for the United States, and Samuel Hoar for Massachusetts, by which the Ogden Company released and handed back to the Senecas the whole of the Allegany reservation and the Cattaraugus reservation, and the Senecas gave up the whole of the Buffalo creek and the Tonawanda reservations, the Ogden Company retaining the preëmptive right in the two reservations surrendered to the Indians.

The Indians received a proportionate share of the money provided to be paid by the treaty of 1838, and the Ogden Company stipulated that until the Indians should desire to sell their remaining lands, neither that company nor their agents would in any manner disturb them. The Tonawanda band of Senecas were still not satisfied, since the compromise treaty of 1842, brought about by the intervention of the Society of Friends through their instigation, had only resulted, so far as the Tonawandas were concerned, in confirming the sale of their lands. They "petitioned and remonstrated." Various public bodies interested themselves in their behalf. The grand jury of Genesee county recommended a general convention of the people of the county, which was held at Batavia, March 21, 1846. John H. Martindale presided, and a memorial was drawn up and Louis H. Morgan, of Rochester,

deputed to carry it to Washington. Harassing and expensive litigation ensued. In pursuance of the treaty, Thomas C. Love had been appointed by the Secretary of War, and Ira Cook by Ogden and Fellows, as arbitrators, to appraise the values as specified in the deed. These men made a report dated March 26, 1844, from which it appeared that they had determined and awarded the Senecas for the two reservations sold, \$75,000, and to the owners of the improvements thereon, \$58,708.96. Of the latter sum they also reported that they had ascertained the amount to be paid to each individual Indian on the Buffalo creek reservation for his improvements, and that they had gone upon the Tonawanda reservation, or attempted to do so, upon two different occasions, for the purpose of making necessary surveys and examinations, to enable them to determine the amount due each person for his improvements, but had been prevented from so doing by the Indians in possession, and had been removed and led off the land, the Indians not even delaying to procure legal process. Ogden and Fellows paid into the United States Treasury the whole amount of money awarded by the arbitrators, and by force attempted to eject some of the Indians from possession. The United States Supreme Court decided, however, that the appraisal of the individual rights was a condition precedent to the possession of the land by the Ogden Company, and as that had not been made, they were not entitled to go into possession, even although the Indians, including the persons complaining, had prevented such appraisal from being made. The Indians continued to hold this land until 1857, when a new treaty was negotiated by the government with the Tonawanda Senecas, on their reservation, by Charles E. Mix, United States Commissioner, General Ely S. Parker and four associates representing the Indians. This treaty recited the terms of the treaties of 1838 and 1842, relating to the western lands; the agreement on the part of the United States to pay for the removal of the Indians to those lands; that \$15,018.36 was the portion of the "improvement money" paid by Ogden and Fellows, belonging to the Tonawandas; that the former treaties remained unexecuted as to this band of Senecas, and for the purpose of relieving these Indians of their troubles, it was mutually agreed that these Indians should surrender to the

United States all claims upon the lands west of the Missouri, and all claims to be removed there or for assistance after their removal. For this the United States agreed to invest for this band \$250,000, and that they might buy from the Ogden Company their reservation, or so much as they might wish to purchase and the Ogdens should be willing to sell, the purchase price to be paid by the government out of the \$250,000, the rate of purchase not to exceed \$20 per acre, and the deed of conveyance to be taken in the name of the Secretary of the Interior until the State of New York should name some person or public officer to take and hold such conveyance in trust for the Indians. By a supplemental treaty, bearing the same date, November 5, 1847, it was further agreed that a rate exceeding twenty dollars per acre might be agreed upon, provided the contract for the purchase should be first approved by the President. This treaty was ratified and proclaimed in March, 1859. Subsequently, this band purchased of Fellows, as surviving trustee, 7,547 acres of this reservation, paying for the same about \$165,000 out of the fund set apart to them under the treaty, the deed being taken in the name of the Secretary of the Interior, in trust. On the fourteenth day of February, 1863, the Secretary of the Interior conveyed these lands to Lucius Robinson, Comptroller of the State of New York, and to his successors in office in fee, in trust for the Tonawanda band of Seneca Indians. The portion of this reservation not repurchased was surrendered by the Indians, as had already been done by the Buffalo creek reservation. The treaty of 1838 has remained unexecuted as to the other New York tribes. 185

A question about which very little information can be found, is the one relating to the claim of the Tonawanda band to the lands of the Cattaraugus and Allegany reservations. The Tonawandas claim an interest jointly with the Senecas proper to these lands, basing their right upon the original ownership of the lands by the Seneca tribe, of which they were a part; with this view the Commissioner of Indian Affairs concurred in 1885, making the reservation, however, that this conclusion was reached by him upon only a partial examination of the question, and should not be quoted as decisive authority. The Senecas are

much more positive in the statement that the Tonawandas own no interest in their lands, citing the facts that the Tonawandas have often publicly resolved themselves to be a separate body ; that they have been a distinct tribe by an act of the Legislature with a corporate name ; that the Senecas have also been given a form of government by the Legislature with a separate and distinct corporate name, and finally that, after the treaty of 1838, a general council was held of all the Senecas, at which the Tonawandas stated that they intended to try to take care of themselves and to hold their reservation, and that the Senecas must do the same respecting their own lands, and that the Tonawandas would give up and yield to the Senecas all their right and interest in the two reservations. This claim is based upon the evidence of some of the older Senecas, notably that of John Kennedy, who was present at the council at which this stipulation was made. No public action has been taken upon this question for many years and the same has rested in abeyance, each tribe occupying its own territory and receiving and using the rents and proceeds. It is a question, however, which may at some future time create difficulties, and ought to be definitely disposed of before the evidence by which it may be justly settled is gone. Arising out of these treaties of 1838 and 1842 is a claim which the Six Nations have been urging against the government since 1859. They base their demand upon the fact that the land which was set apart for them in Kansas was afterwards appropriated by the government and sold to settlers, and that the money to be paid to remove them, was never appropriated, and that the President never designated a time for them to go West. They ask the government to pay them \$4,000,000, and their claim is now pending before the Court of Claims at Washington. Hon. George Barker, of Fredonia, James B. Jenkins, Esq., of Oneida, and Davis & Miller, of Washington, are their attorneys in the prosecution of the claim.

After the treaty of 1857 had been carried into effect the Ogden Company was left the owner of the preëmption right to the Allegany and Cattaraugus reservations, and, as it appears, to 1,920 acres of the Tuscarora lands. The "Ogden Land Company," so called, was simply, originally, a company of joint owners, with the title to their property vested in trustees as joint

tenants. The title was taken in 1810 from the Holland Land Company to David A. Ogden, absolutely. In 1811, February 14, an agreement seems to have been entered into between David A. Ogden, of the first part, and Thomas L. Ogden, Charles L. Ogden, Joshua Waddington, Abram Ogden, Thomas Cooper and Aaron Cooper, of the second part, which recited the purchase by David A. Ogden of the Indian lands from Paul Busti, acting for the Dutch proprietors, and the giving of the bonds and mortgages for the purchase money, and which provided that David A. Ogden should continue to hold the title to the lands and have the management of the same, and the power to extinguish the claim of the Indians, and to receive ten per cent of the proceeds of the sale of the lands as his compensation, and dividing the property into twenty shares or interests. In 1821 David A. Ogden retired, and an elaborate trust deed was executed providing for the appointment of Thomas Ludlow Ogden, Robert Troup and Benjamin Woolsey Rogers as trustees, conveying the lands from David A. Ogden to these trustees, directing the new trustees to cause the lands to be surveyed with a view to an equitable division thereof in twenty shares or parcels with suitable maps, and directing that, when such survey should be completed, the associates should be convened at the city of New York, and a division be made by ballot. The following persons were at this time the owners of the twenty shares or interests :

David A. Ogden, two shares; Joshua Waddington, three shares; Thomas Ludlow Ogden, two shares; Thomas Ludlow Ogden and Charles Ludlow Ogden, in trust for Charles Leroux Ogden, one share; Benjamin Woolsey Rogers, two shares; William Ogden and Susan, his wife, in right of Susan, Mary Murray and Hannah Murray, one share; Isaac Ogden, one share; Isaac G. Ogden, one share; Joshua Waddington and Thomas L. Ogden, jointly, three shares; Robert Troup, two shares; Peter B. Porter, one share; James Wadsworth, one share.

December 18, 1829, another trust deed was executed, showing their debt to the Holland Land Company to be still \$57,500, and providing for the retirement of Robert Troup and Benjamin Woolsey Rogers, and the appointment of Charles G. Troup and Joseph Fellows as trustees. Charles G. Troup died in 1839 and

Thomas Ludlow Ogden in 1844. Fellows acted as trustee until 1871, when he conveyed the lands to George R. Babcock and Charles E. Appleby, of New York. Joseph Fellows died in 1872 and Babcock in 1876. In 1882 an action was begun in the Supreme Court of Queens county, in which some of the joint owners were plaintiffs and the residue defendants, and a judgment entered December 10, 1883, confirming the appointment of Charles E. Appleby as trustee, and appointing William D. Waddington as co-trustee. Waddington has since died, leaving Mr. Appleby now sole trustee. The present owners are as follows:

	Shares.
Estate of Joshua Waddington.....	4
Estate of Peter C. Schermerhorn.....	1
Estate of Thomas L. Ogden.....	2
Estate of Abram Ogden.....	1
Estate of Robert Tillotson.....	1
Estate of Duncan P. Campbell.....	1
Estate of Charlotte Brinckerhoff.....	1
Estate of James S. Wadsworth.....	1½
Estate of Ogden ^{and} Murray.....	½
Estate of Benjamin W. Rogers.....	2
M. Bayard Brown, trustee.....	1
Louisa Troup.....	1
Shaw and Wilson, now the Bank of England.....	2
<i>Charles E. Appleby</i>	<u>1</u>
	20

The claim of the Ogden Company is a peculiar one, and the problem of determining its exact legal nature complicated and perplexing. Just what rights New York had to grant, and just what rights Massachusetts had before or then acquired, are difficult to definitely determine. By the compact of 1786, New York assumed to grant to Massachusetts "the right of preëmption of the soil from the native Indians, and all the estate, right, title and property which the said State of New York hath," and Massachusetts assumed to grant to New York "the right to the government, sovereignty and jurisdiction" of these lands. New York got the right to extend her civil and criminal laws over this territory,

“the right to exercise supreme power,” “the right to make, declare and apply the law” over it. By the same instrument, Massachusetts acquired authority to “grant the right of preëmption of any part of the said lands to any person or persons, who, by virtue of such grant, shall have good right to extinguish by purchase the claim of the native Indians,” that is, the authority to convey “the right of purchasing before others.” This was the only interest in the land which Massachusetts assumed to sell to Morris, the only right which Ogden acquired for himself and his associates, and the only right which their successors now have. In speaking of this claim, Governor DeWitt Clinton said to the Indians: “All the right which the Ogden Company have to your reservations is the right to purchase when you deem it expedient to sell them; that is, they can buy your lands, but no other person can.”

Judge Daniel Sherman, of Chautauqua county, for many years State Indian attorney for the Senecas and United States Indian agent for the Six Nations, practically concurs in Governor Clinton’s views that “this preëmption right restricts the Senecas from selling to others than the Ogden Company and its grantees.” The Judiciary Committee of the Senate of New York, in a report made in 1857, referring to the Ogden claim, said: “It was simply the right to purchase of the Indians whenever they might choose to sell, to the exclusion of any other nation.” The committee of the General Council of Massachusetts, in their report of 1840, also spoke of this claim to the effect that under the agreement with New York “Massachusetts held the sole and exclusive right to purchase the lands whenever the Indians should voluntarily dispose of them.” “The sole and exclusive right to purchase the lands of the Indians gave no other title or interest in the land whatever.” “Such interest or title could be assigned only by a sale or conveyance thereof by the Indians.”

In *Fellows vs. Denison*, Comptroller, the reservation tax case, reported in 23 New York Reports, page 420, Judge Denio speaks of the Ogden claim as a “technical fee.” From these facts the Indians dispute the claim on the part of the Ogden Company to the ownership of the fee in these lands and assert that they only own what Massachusetts got the right to sell, simply the first

right to buy these Indian lands to the exclusion of all others; that the right to purchase cannot be converted into a fee until it has been exercised and a consideration paid; that they may exercise this right or refrain from so doing at their own pleasure, but that while it exists a sale of this land to another would be invalid and inoperative, and that in the remote contingency that the Indians should give up or abandon the possession of this land, the Ogden Company must still exercise their right and purchase the land to obtain the fee.

On the other hand the Ogden Company assert the fee to these lands to be in them; that by the grant to the Plymouth colony, Massachusetts became the owner of these lands, but, if not, and New York held the title under the Duke of York's grant, certainly, after the cession by New York to Massachusetts, that Massachusetts became the absolute owner, subject to the Indian possession; that the fee to these lands must be in some one; that it cannot be in the general government, because both New York and Massachusetts are older than the general government, and neither ever ceded to the United States any interest in these lands; that it is not in New York since her cession to Massachusetts, and not in the latter State, since her sale to Morris, but must be in the grantees of Morris, and the Indians have only a permanent occupancy. In opposition to the decision in *Fellows vs. Lee*, 5 Denio, 628, to the effect that the Indian title is "original, absolute and exclusive," they cite the statement of Chancellor Kent that by the pretense of "converting the discovery of the country into a conquest," the "rule that the Indian title was subordinate to the absolute ultimate title of the European colonists, and that the Indians were to be considered as occupants," became "the law of the land," and also Chief Justice Marshall's opinion that "it has never been doubted that either the United States or the several States had a clear title to all the lands within the boundary lines described in the treaty, subject only to the Indian right of occupancy," with other opinions of a similar import. They claim title from the King of England by right of discovery or conquest, through one or both the early grants, to Massachusetts, then to Morris, then to the Holland Company and to the Ogden Com-

pany, and that the "preëmption right," the "ultimate fee," "technical fee" and "fee" are the same in meaning, and that, when their own title and the Indian possession have become united, as in case of the reservations already bought by them, a grantee under both becomes the absolute owner. The Holland Company got the same title to the lands in possession of the Indians as they did to those as to which the claim of the Indians had been extinguished by Morris.

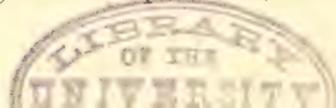
There is much force in this reasoning, and however it may be, this at least seems true: either the Indians hold the title, and the Ogden Company has the first right to purchase, or the Ogden Company has the title and the Indians a right to perpetual occupancy; and since it must be conceded that both the Indians and the Ogden Company have an interest in these lands, which can only be terminated in either case by purchase; and since there is no present prospect that the Indians will, for any indefinite time to come, relinquish the possession to these lands, it seems of vastly more importance to the Indians that some plan be devised for the extinguishment of this Ogden claim than that the exact location of the fee in these lands be ascertained and settled.

In dealing with its Indians the State of New York has been often generous and always just. Except the Mohawks, a large share of all the Indians who ever lived within her borders are still there. As early as 1617 the Dutch at Albany made a treaty of friendship with the Iroquois, which was renewed from time to time by all the Dutch governors. At once, after the surrender of Fort Orange to the English in 1664, the first act on the part of the English was to renew the old alliance with the Indians. In 1684, Governor Dongan affixed the arms of the Duke of York to their villages and castles. The city of Albany became the location of all negotiations with the Indians, and came to be called "The ancient place of treaties," and here they continued to gather year after year to confer with the colonial governors, and "to brighten the chain of friendship with the English." In 1701 the Iroquois "delineated upon paper in the most precise manner, the limits of what they called their hunting grounds, comprehending Lakes Ontario and Erie, and all the circumjacent land for the distance of sixty miles around them. The sole absolute property of this coun-

try they desire might be secured to them, and as proof of perpetual alliance and to support our rights against claims which the French might make * * * they declared themselves willing to yield to Great Britain the sovereignty and absolute dominion of it, to be secured and protected by forts wherever it should be thought proper." A treaty was concluded by the Lieutenant-Governor of New York and a deed was executed, surrendering the lands on the conditions named. Governor Burnet renewed and confirmed this treaty in 1726, and built a fort at Oswego. An important era for these people came in with the arrival among them of Sir William Johnson. His dealings with them were always measured by justice, and his influence over them was such that to him almost alone were the English indebted for the Indian alliance at the period of the Revolution. He kept open house for them at his residence on the Hudson, and held repeated conferences with them, one of some interest at Onondaga, in 1753, at which Hendrick, the Mohawk chief, was present. Perhaps the most noted and important of these meetings was held by him at Fort Stanwix in September and October, 1768, which was called for the purpose of establishing the limits between the Indians and the English, and to put an end to the complaints of the Indians, caused by encroachments of the whites upon their land. The Governors of Pennsylvania and New Jersey attended, with delegates from the Colony of Virginia; all the tribes of the league gathered, and in addition the Delawares and Shawnees from farther south. More than three thousand of the red men attended and were fed by the bounty of Johnson, to such an extent as to call forth some complaint from him, "by reason of the great consumption of provisions and the heavy expense of maintenance of these Indians, each of whom consumes daily more than two ordinary men * * * and would be extremely dissatisfied if stinted when convened for business." What has since been called the "line of property," was finally established, which gave to the Indians the western part of the State. "The line began at the mouth of the Tennessee river, extended up the south branch of the Ohio to Kittanning, above Pittsburg, then to the west branch of the Susquehanna, and across the mountains to the east branch of the Susquehanna, then up

that branch to the Owego, thence to the Delaware and up that river to a point opposite where the Unadilla falls into the Susquehanna, then along the eastern boundary of Broome county, northward across to and up the west bounds of the Unadilla to the head of the same, and thence in a straight line to the junction of the Canada creek and Wood creek, about seven miles west of Fort Stanwix." Wood creek falls into Oneida lake. What is more properly called the "line of property" was that part extending from the Unadilla river to Wood creek. By the first Constitution of the State, individuals were expressly prohibited from buying lands from the Indians, and to evade this provision an association of wealthy and influential men, living upon the Hudson, was formed to procure leases of the desired lands. They styled themselves the "New York Genesee Company of Adventurers," and organized a branch in Canada for the purpose of securing the influence with the Indians of Colonel John Butler. John Livingston and Major Peter Schuyler were the leading spirits. They secured two leases for 999 years, one from the Six Nations, dated November 20, 1787, including all their lands in the State west of the "line of property" excepting some small reservations, and one from the Oneidas separately, dated January 8, 1788, including all the Oneida country excepting certain small reservations. These "adventurers" comprised eighty persons owning different shares, of whom thirty-two were at different times members of the New York Assembly. They petitioned the Legislature in 1788 to confirm their contracts, but by concurrent resolution adopted February 16, 1788, the Legislature declared the leases to be purchases, within the meaning of the Constitution, and therefore void, and directed Governor Clinton to prevent by force any intrusion upon the lands claimed. The General Council of Massachusetts also declared the leases to be invalid.

By an act of April 6, 1784, the Legislature of the State appointed the Governor and "three commissioners for Indian affairs," who were "authorized to enter into compacts and agreements with the Indians as might be for the interest of the public," and to appoint "associates." With his accustomed vigor, Governor George Clinton at once opened negotiations with the Indians, sending a deputy among them and corresponding with Joseph Brant, which



resulted in a conference with the Indians the same year at Fort Stanwix, at the close of which conference the treaty of October 22, 1784, was made between the Indians and the commissioners on the part of the United States. Soon after this, negotiations were opened by the Governor with the Oneidas and Tuscaroras for the purchase of some of their lands, and a congress was convened by him at Fort Herkimer in 1785, when, by deed of cession, bearing date June twenty-eighth of that year, these Indians sold to the State for \$11,500 in cash and goods eleven full townships and parts of four others in the present counties of Chenango, Broome and Tioga. By act of the Legislature, passed March 1, 1788, the Governor and some others were appointed commissioners to hold treaties with the Indians of the State, "with power by themselves or conjointly with persons appointed by Massachusetts to treat with any tribe of Indians in the State for preserving their friendship and purchasing their lands, and with further power to inquire touching all leases or other purchases or contracts for the sale of lands suggested to have been obtained or made without authority or consent of the Legislature." They at once sent a message to the Six Nations warning them not to allow any persons claiming under the Livingston leases to settle upon their lands, and invited them to a conference. The "Lessee Company" approached the Governor and commissioners with offers of compromise, which were rejected. Several treaties were negotiated by this commission with the Onondagas, Oneidas and Cayugas in the year 1788 and 1789, but its authority was soon terminated, and it was disbanded. Its labors were important for the State, and under the vigorous and able leadership of Governor George Clinton it reached results that might not have been arrived at in any other way. During these negotiations the Lessee Company was not idle. Livingston's agents were kept busy distributing loads of goods among the Indians and holding conferences with their chiefs. Even after the sale of the Onondaga lands to the State in 1788, they defiantly claimed that their lease was valid, and at one time organized a far-reaching plan to create a new State from the central and western counties. Their schemes, however, all came to naught, and after vainly seeking for terms that would preserve to them at least a small share of their interests, they finally, in the latter part of the year 1789, surrendered their leases and were heard of no more.

THE ONONDAGA RESERVATION.

THE PRACTICAL WORK OF THE COMMITTEE IN TAKING TESTIMONY
BEGUN AT THE CITY OF SYRACUSE ON THE NINTH DAY OF JULY,
1888.

Dr. C. M. Sims was the first witness examined. He is the chancellor of the Syracuse University, and was a member of the Senate committee appointed in 1883, to inquire into the moral and social condition of the Onondaga Indians; he is thoroughly familiar with the habits and condition of the Onondagas, and has given much time in the study of the Indian question generally. The other witnesses examined, relative to the Onondaga reservation, were Dr. Jonathan Kneeland, for twenty-four years superintendent of Indian schools on this reservation; William W. Newman, the present superintendent; Edward B. Judson, a member of the Senate committee of 1883; Thomas D. Green, Indian agent; Rev. Charles W. Lane, who preached among the Indians for several years, and Dr. Oscar Houghton, the physician for the Onondaga Indians.

There are about 450 Indians residing on the Onondaga reservation, of which 345 are Onondagas, about seventy-five are Oneidas, and twenty-five are of the St. Regis and other tribes.

Upon this reservation are two mission churches, sustained by the Methodist Episcopal and the Protestant Episcopal denominations. During the few years last past a number of these Indians have been converted to Christianity.

There are two schools upon the reservation, one a State school and one conducted by the Episcopal missionary. The State school building is a new one, furnished with all the modern appliances for a successful school. It was built and furnished by the State, and is now maintained by it. With 100 children of school age on the reservation, the average daily attendance was twenty-three, and before the new school-house was built the average attendance was much smaller. The progress of the Indian children, in matters educational and moral, is greatly retarded owing to their home influence. The majority of the Indians on this reservation are unfriendly to the schools, and as a result they do much to discourage the children in attending. The evidence of Superintendent Newman clearly establishes the existence of this unfriendly feeling

among the Indians. He testified: "With six or more thousand acres of land upon the reservation, with not more than two-thirds of it under cultivation of any kind, we were unable to procure a site; with the title of all this land in the Indian council, we were unable to procure from the council an acre of land upon which there could be a school-house built."

The Onondagas are divided into two parties, Christian and pagan, with the pagans in the majority, who control the government by what is known as the chief system. The chiefs, twenty-six in number, are distinguished as being warrior and principal, and are divided equally. There are no Christian chiefs among them. If one becomes a Christian he is deposed. The case of the witness, Albert Cusick, is a striking illustration of this practice. He was first a warrior chief, then a principal chief and then a chief of the Six Nations. Upon his becoming a Christian he was immediately deposed and a pagan put in his place. An Indian who experiences religion "falls from grace" in the estimation of the pagans. The government as it now exists, under the control and management of the pagan chiefs, is corrupt and vicious; law and order are entirely foreign to it. The Christian party is very much opposed to the present system of government, but, being in the minority, is unable to do anything.

The chiefs are elected by the various clans in the tribe, each clan electing as many chiefs as under the form of government it is entitled to, and these chiefs are then accepted or rejected by the chiefs sitting in council. There are eight clans in each tribe, "each of them distinguished by the name and device of some quadruped, bird or other object in the animal kingdom. This device was called among the Algonquins 'totem.' The several 'totems' are as follows: The wolf, the bear, the turtle, the deer, the beaver, the falcon, the crane and the plover."

The Onondagas as a nation have two sources of revenue, one from lands leased to whites, the other a stone quarry; from the former but very little money is realized, as the lands are mostly leased by individuals; from the latter they obtain about seven hundred dollars per year. It seems that no part of this money is expended for the benefit of the nation at large. Cusick, the deposed chief, on being asked concerning the disposition of the

money, and into whose hands it went, said: "It is squandered in the way the pagans want it. It goes into the chiefs' hands and it is no benefit to the nation."

The reservation contains about seven thousand three hundred acres of land, three-fourths of which, in richness and fertility of soil, is second to no other lands in the State; the other one-fourth is somewhat hilly, but is well adapted to grazing. The reservation, as a whole, is well suited to farming purposes, and is only seven or eight miles from the city of Syracuse, a ready market for all farm products. Of the land cultivated on this reservation, four-fifths is tilled by white men. The Legislature of 1886 passed an act legalizing these leases. Prior to the passage of this act this leasing had been carried on for many years in direct violation of the treaty made with the nation in 1788. The Indians themselves, with but few exceptions, do not cultivate their land sufficiently to supply their own ordinary wants. In this productive region, with every advantage that nature could bestow, with no taxes to pay or other burdens to bear, these people have lived from hand to mouth for more than an hundred years. They seem to be wholly without ambition to work, and the present policy of the State does much to encourage them in doing nothing.

The moral and social condition of the Indians on this reservation is deplorable, and in the language of Superintendent Draper, as used by him in his annual report for 1888, it is a nest of "uncontrollable vice, where wedlock is commonly treated with indifference; where superstition reigns supreme and where impure ceremonies are practiced by pagans, with an attendance of both sexes and all ages; where there is no law to protect one or punish the other; where the prevailing social and industrial state is one of chronic barbarism." The evidence of Chancellor Sims, corroborated by many other eminent witnesses, fully sustains the foregoing statement. He says: "Their habitations are uncomfortable and filthy beyond description; roofs were leaking, windows were open, buildings old and dilapidated; dirt and discomfort are characteristic of nearly all of the buildings. The social life among the Indians is a very peculiar one. They do not, as a rule, recognize any sacredness in the marriage relations. There are no marriages among them, or a very large portion of them. Family associations

are taken up by any man and woman, without ceremony, living together for six months or a year or longer, or for a life-time, as it may be, separating and reassuming such relations without any reference to marriage or children, or anything of the kind. There is no pretense or form of divorce among them, either pagan or Christian. They have no notion of the separation of families. The Christians, while they profess Christianity, are a fluctuating people; they are pagans one year and Christians the next. If they want to separate they go over to the pagan side and separate, so there is no occasion for divorce. Any excuse is sufficient to separate and break up families." We asked La Fort if he did not think it would be better for them not to separate, and he said: "What if she scolds?" Albert Cusick, another witness, says: "The character of the young people, especially the girls, was morally bad. They associate promiscuously with Indian boys, and smoke and chew. Illegitimate children are common." Cusick and Jaris Pierce gave much more evidence on this subject, which is too revolting in its nature to be placed in this report.

By chapter 228, Laws of 1843, provision was made for the appointment of an agent for the Onondaga Indians by the Governor of the State of New York, at a salary of \$150 per year. Additional powers were given him by the Laws of 1855, chapter 26, and by the Laws of 1873, chapter 96. The present agent is Hon. Thomas D. Green, one of the witnesses examined by the committee at Syracuse. Since his appointment he has done much to straighten the business affairs of the tribe, and to get something like a fair compensation for the leased lands, shortening up the terms for which the lands are leased, and in many ways improving the business of the nation.

The Indians have no courts, and no officers except the chiefs. There is no way to settle disputes among them except through the chiefs, and that is an arbitrary tribunal, without any authority of law whatever. There is no appeal from this tribunal.

Under the laws the Indians are not bound by their contracts, but are absolved from them. In many cases white men are forbidden to deal with them; in some cases there is a penalty prescribed of fine and imprisonment for so doing.

The Onondagas receive an annuity from the national government under the treaty of 1794, paid in cloth through United States Indian Agent Jackson. They also receive an annuity from the State of \$1,599.90, or \$4.33 each. This annuity is paid under authority of the treaty of 1788 and subsequent treaties. They also are paid a yearly annuity of salt, which is a part of the consideration for the salt lands sold to the State, near Syracuse. The salt is now of so little value that few Indians ask for their portion. The State yearly makes large appropriations for the repair of their roads and bridges, for the care of indigent members of the nation, for the school-house, furniture, books, fuel, teachers, superintendent, and agent; and yet, we find them growing poorer every day.

Missionary societies yearly expend considerable sums of money and much time in endeavoring to improve the condition of these people, but their surroundings are of such a nature, and their habits of life of such a character, that the good work of the societies is greatly impaired and in some instances utterly futile. The more the Indians have done for them the more dependent they become. Their present condition is infamously vile and detestable, and just so long as they are permitted to remain in this condition, just so long will there remain upon the fair name of the Empire State a stain of no small magnitude.

THE ONEIDA RESERVATION.

A portion of the Oneida Indians reside in the county of Oneida, at Orchard Park, and a portion at Windfall, in the county of Madison, and number about 178. There are a few Oneidas on the Onondaga reservation, and 1,700 at Green Bay, Wisconsin. Hon. Thomas Jennings, United States Indian agent at Green Bay, Wisconsin, in his report for 1887, says of the Oneida Indians upon that reservation: "The Oneida reservation, consisting of 65,540 acres of land, is located in Brown county, Wisconsin, forty-six miles from the agency. The tribe numbers at present nearly 1,700 persons, as shown by a vote recently taken. All of that portion, about 200, known as the 'homeless,' have been adopted. They support themselves by farming, cutting stave-bolts, hoop-poles and cord wood. Many of them have large and well tilled farms, and are as well off as the average farmers among their white

neighbors. Recently, by an almost unanimous vote, they have decided to allot their lands in severalty and become citizens, for which they are well prepared. A commissioner is now taking a census of the tribe preparatory to the allotment."

The settlements on this reservation are about two miles apart, and each is provided with a school. The school buildings were erected and furnished by the State and the schools are maintained by it. There are twenty-one children of school age in one district and ten in the other, and the average daily attendance during the year in both schools was only eight. It will be readily seen that these schools are too small to be of much interest. The superintendent suggests that the schools be abandoned and the Indian children be sent to the district schools, and we think the suggestion a good one. We are unable to see why the State should be to the expense and trouble of maintaining and carrying on these schools. These Indians are citizens, and their children should be permitted, and if necessary, compelled to attend the district schools.

They have no tribal relations, and are without chiefs or other officers; they, as a tribe, receive no money from any source, but receive a small annuity from the general Government amounting to about eleven yards of cotton cloth to each person per year.

The land formerly the Oneida reservation and now commonly known as such, by an act of the Legislature was long since divided among the Indians there in severalty, and they now own it in fee. These Indian lands are about four miles south of the Oneida station on the New York Central railroad. The exact number of acres was not ascertained, but there are probably about 400, nearly all of which is under cultivation; the soil is rich and fertile, producing under the management of these industrious people abundant crops. These Indians not only manage and cultivate all of this land themselves, but in many instances have purchased quantities of land of the whites and paid for them. They have observed the habits and practices of the white farmers among them, and have so profited by their examples that the committee in going over the territory was unable to distinguish, in point of cultivation, the Indian farms from those of the whites.

THE TUSCARORA RESERVATION.

The committee on arriving at this reservation was met by a large number of Indians of both sexes. They were represented by their attorney, the Honorable John E. Pound, of Lockport. The committee had not proceeded far with its investigation before it discovered that there was an organized movement on the part of some of the Indians to prevent the facts concerning their tribal relations and the management of their national affairs, from coming to the surface. Whenever, during the examination of a witness, he was inquired of concerning the troubles existing among members of his tribe, or concerning troubles existing between the political parties of the nation, there seemed to be a concerted effort on the part of those belonging to the political party in power to suppress the evidence relative to such inquiries; for this reason the committee experienced no little difficulty in getting at the true situation of affairs.

On this reservation are 409 Tuscaroras, and about thirty Oneidas, and their numbers are slowly increasing.

The schools here, two in number, were established and are supported by the State. They are at present taught by Indian women, Miss Emily G. Chew and Miss Tamar T. Johnson. Miss Johnson was educated at the Lockport Union school and Miss Chew at the Thomas Orphan Asylum on the Cattaraugus reservation, and the Forestville Academy. They teach thirty-six weeks a year, in terms of twelve weeks each, and receive therefor six dollars per week. The pupils made more advancement in music and drawing than in any other branches of study, and this seems to be a characteristic of all Indian children. In one of the schools on this reservation there are registered sixty-four pupils and in the other fifty-six, and yet the total average daily attendance is only about thirty-eight. The Indians here, taken as a whole, are more enlightened and better educated than those of any other reservation in the State; as a natural result the schools are in a more advanced and healthy condition, and yet they are far from what they should be. The old pagan spirit is somewhat prevalent on this reservation, and where that exists in any degree its influence is strongly felt against all matters educational and moral.

On this reservation are two churches, a Baptist and a Presbyterian, with native pastors. The Baptist church has almost two hundred communicants, and the Presbyterian about twenty. None of the pagan rites are practiced on this reservation, and most of the Indians call themselves Christians. There are, however, some pagans among them. There seems to exist on this reservation two political parties known as the Administration and anti-Administration.

The government is controlled by chiefs, sixteen in number, selected from the clans, of which there are eight, and chosen by the women of their respective clans. Before a chief so chosen can sit as such, his election must be ratified by a council of chiefs. They elect from their number a head chief, who is called the president of the council. It is pretended that these chiefs are elected for life, but such does not seem to be the case, as many of them have been deposed. Whether a chief is deposed by the chiefs of the particular tribe to which he belongs or by the chiefs of the Six Nations is not quite clear; it appears, however, that the power to install and depose chiefs rests with the Onondagas, who were at the head of the Six Nations. It is quite apparent that if a chief becomes too modern in his habits and manner of living, or desires a change of government to conform more nearly with that of his white neighbor, he is regarded as a dangerous person and is accordingly deposed. In this way those in power are able to continue in power and thereby perpetuate tribal relations. On this reservation are many deposed chiefs, who, without doubt, are among the most intelligent members of the tribe. During the winter months the chiefs sit in council as a court, where grievances are presented and decided. This is a court of original and general jurisdiction, and its decisions are final.

If the government by chiefs among the Indians could be destroyed, and they could hold their lands in severalty, and be citizens, there is not a doubt but in a very few years they would be thoroughly respectable and enterprising people, and an honor to that part of the country where they live.

This tribe receives no revenue as a nation except the rental of what they term the "national farm" and from what is known as the

“wood tax” among them. At one time one of their officers had in his possession quite a sum of money belonging to the nation, which, without any authority, he loaned and eventually lost. He owned and occupied quite a large tract of well-cultivated land; this land he surrendered to the nation in lieu of the money lost. That land is called the “national farm” and is rented to a white man. Upon this reservation the chiefs handle the funds of the tribe, and do all the business; more attention is given to the welfare of the people than is found among other tribes. These people own the larger part of their land in fee, and while it is not divided in severalty among them, as the lands of the Oneidas are, it is patent that their advancement in civilization and their wealth and general prosperity is largely due to the fact that they do own this land in fee; the improvements belong to the individual Indians, and they feel secure in their possessions.

Of their land, in all about 6,249 acres now held by them, there are about 3,500 acres under fair cultivation; about 1,000 acres is woodland, and about 1,750 acres pastureland or commons. They raise all kinds of farm products. They do not grow as much per acre as their white neighbors, or farm it as well generally, but do much better than most of the other tribes. There are many fine orchards on the reservation, which produce quite a large quantity of fruit.

The lands are allotted to the individual Indians by the chiefs sitting in council. The Indian desiring land, makes application to the council, and if he is of age or is married, he is usually granted a small tract or parcel of land for his occupation and cultivation. The whole matter as to whether the applicant shall receive land, or whether he receive much or little, seems to rest in the discretion of the chiefs. This method of allotment is doubtless intended to conform to the provisions of section one of chapter 175 of the Laws of 1854.

The Onondagas being the recognized head of the Six Nations, and having control of all the important matters of legislation, with power to install and depose chiefs at will, it makes but little difference how well civilized the Tuscaroras may become, so long as they have a tribal government controlled by chiefs, whose chiefs in turn are controlled and governed by the pagan chiefs of the Onondagas.

THE TONAWANDA RESERVATION.

This reservation is located in the counties of Erie and Genesee, and embraces a tract of 7,547 $\frac{73}{100}$ acres.

The witnesses examined by the committee on this reservation were the following named: Edward M. Poodry, George Jameson, Jacob Doctor, David Moses, Solomon Spring, Clarence H. Abram, Wallace Jameson and Clinton Moses, Indians residing on the reservation; Mrs. Clara Tabor and Mrs. Abram Doctor, Indian women and teachers in the schools on this reservation; Miss Agnes Laughlin, a white lady and also a teacher in one of the schools; Hon. Frank S. Wood, district attorney of Genesee county, and by virtue of that office attorney for the Tonawanda Indians; Hon. T. W. Jackson, Indian agent for the Six Nations; Rev. John McMaster, having charge of the Presbyterian mission church; James Paxton, assistant in the office of the Indian agent, and William Paxton, superintendent of Indian schools on this reservation.

There are on this reservation about 500 Indians, and this number is slowly increasing.

On this reservation are three schools, two of which are taught by Indian women, and the other by a white woman. The school-work on this reserve is about the same as on the Tuscarora. There are three good school buildings, which are furnished and equipped by the State; the teachers are employed and paid by the State at the rate of seven dollars per week, and they teach three terms of fourteen weeks each. The total expense of these schools to the State per year, exclusive of repairs on the buildings, is about \$980.

The influence of the pagan Indians is keenly felt against the schools here as elsewhere, and the home life of the children tends to undo much that is accomplished for their good during the day at school. The superintendent is obliged to hire such teachers as the people want, or such as the children like, or they will not attend school at all. Superintendent Paxton, concluding his testimony upon the question of education, said: "I am of the opinion that in order to make the Indians a success, before you can ever make them a real success, you must do away with these reservation lands; divide up the land among them, make them

citizens subject to our laws, and as a matter of course not allow them to "alienate their land for at least twenty years, and at that time, if ever they are going to be anything, they will be then; this is the only way you can make them a real success."

In connection with the schools upon this reservation is a matter which is of interest. Chapter 651 of the Laws of 1869 was an act which provided for the "erection of school buildings and the maintenance of a manual labor school on the Tonawanda reservation." By that act three persons were constituted a body corporate, to erect the buildings and carry on the school, which was to be known as the Manual Labor School. This act was amended in 1870 by chapter 90 of the Laws of that year. Under the provisions of this act, as amended, a manual labor school was established by the appropriation of \$1,600 by the Tonawanda band of Indians, from their trust fund interest, and \$5,500 by the State of New York. With this money the commissioners appointed under the act purchased of the Tonawanda band eighty acres of land, which was deeded to the State, to revert to the Indians upon the discontinuance of its use for the purpose named. The commissioners also, after the lapse of some time, purchased furniture, teams and farming implements. As nearly as the committee could learn, it was designed that the school, when once well started, should be self-supporting. The building was completed, and teams and implements for farming purposes purchased, and the land cultivated to a small extent by the commissioners who had it in charge from year to year; but the school was not started by reason of a lack of funds to employ instructors and put the institution in operation. For some cause the funds were not received from the State, the United States or the Indians for this purpose. In this condition the building has stood for years, fast succumbing to the elements and falling into disrepair. The farm was worked by the trustees who had been appointed, but there seemed to be little or no income from it. Every year they would say, "We will start the school next year," and "next year" it would be the same old story. There seemed to be a lack of business management somewhere and promptness on the part of the State to go on with the work, and make use of that which had already been done. This went on for

fifteen years, when in 1877, by chapter 205 of the Laws of that year, the whole plan was abandoned, and the land reverted to the Indians. Your committee visited the farm and went through the building. It is well located and perfectly adapted for the work it was designed to accomplish, and stands there to-day, a monument to the mismanagement or neglect on the part of the State or its representatives, as well as to manifest indifference on the part of the Indians. Upon this question Superintendent Paxton says: "The industrial school could not be made a success without a great expense to the State. It would not be worth while on this reservation; it might on some other; there would be too much work to it for the Indians. That would be the trouble; they, of course, would have to work on the farm. It could not have been successful under any circumstances. The Indians would not do any more. Of course the State did not come up to their intentions at all." Thus the experiment ended in a complete failure. The committee believes it might have been of great value to the Indian youth if it had been carried out as originally intended.

There are two mission churches, a Baptist and a Presbyterian. The Baptist denomination have no ordained minister in charge of their church, but an Indian, formerly of the St. Regis tribe, conducts the services. Rev. John McMaster, one of the witnesses examined by the committee, has charge of the Presbyterian mission, and has about forty members in his church. As to the membership of the other church the committee was unable to ascertain.

Politically, these Indians are not unlike the Onondagas. They have two parties, pagan and Christian. The former is largely in the majority, and governs the tribe, as on nearly all the other reservations. Their government is practically the same as that of the Tuscaroras. Its principal modification is made by chapter 90, Laws of 1863, which, among other things, provided for the election of a president, who must be a chief, and a clerk, marshal and peace-makers. The same law also provides for an appeal from the peace-makers' court to a jury of six chiefs, to be chosen according to the provisions therein made.

The nation has two sources of revenue. One is from what is known as the "national farm," the land set apart for the manual labor school, which is leased to individual Indians, and the other

is rent received from white people for pasture land. From these two sources the nation derives about \$150 a year. The individual Indians also lease land to white men, which is cultivated by, but not occupied by them.

The nation receives an annuity of about \$6,500 from the general government, and also \$115 of the \$500 paid to the Senecas by the State.

About 3,000 acres of their lands are cultivated to some extent; of this amount so cultivated more than one-half is leased to white men. These Indians have owned and occupied this land for more than one hundred years, and at this date only three-eighths is cultivated, and more than one-half of that by white men. There is no better land in western New York; still the Indians do not make it yield more than half a crop. No words of ours can better describe the shameful indolence of these Indians than the foregoing facts conclusively illustrate.

The moral and social condition is not so degraded as the Onondagas, nor as civilized as that of the Tuscaroras. There are but few who are regularly married and separations are frequent. When separations occur the children go with the mother and take her name. Ignorance among the women and children is very marked, and a large majority of them can neither read nor write. Disputes concerning lands left by deceased Indians are settled by the chiefs, who often decide like cases in different ways. The dead feast is still kept up among the pagans. Their tribal relations and the customs and practices retained under them seem to be the greatest drawbacks.

THE SHINNECOCK RESERVATION.

This reservation is located on a neck of land running into Shinnecock bay near South Hampton, on Long Island. When the whites discovered the island thirteen Indian tribes occupied the land, one of which was the Shinnecock, claiming the territory from Canoe P ace to East Hampton, including Sag Harbor and the whole south shore of Peconic bay. All the Long Island Indians were subject to the Mohawks and paid tribute to them. They were much more peaceful and less aggressive than the Iroquois, and never formed any general conspiracy against their white neighbors.

They are supposed to be descendants of the Mohegans and spoke the language of the Delawares. They formerly held a lease of their lands, about 3,600 acres, for 1,000 years, from trustees of the common land of South Hampton, but under an act of the Legislature of 1859 they acquired the fee to about 400 acres, giving up the remainder. They also have a claim to and are in possession of fifty acres of woodland in the same town, purchased by the tribe many years ago, which their trustees assumed to sell to one Benjamin Carpenter, about 1883, and which sale they allege to be invalid, owing to lack of authority in the trustees of the tribe to sell their land. The people dwelling here called Indians number about 150, sixty males and ninety females. Upon the reservation are two schools supported by the State at an annual expense of \$737.73. The number of children of school age is fifty-nine, of whom fifty-three attended school some portion of the past year. The average daily attendance for the year was twenty-five. The school work here is not any in advance of that upon the other reservations of the State. There are two church buildings upon this reservation, only one of them, Presbyterian, being in use. Here services are held each week by one of the Indians. A Sunday school has been organized by Miss Sarah Lewis, an intelligent and public-spirited young lady of South Hampton, who has taken great interest in the welfare of these people, and is expending much well-directed effort for their improvement. Nearly all of these Indians attend church, and many of them are professors of the Christian religion.

They cultivate only one-tenth of their land, and a portion of the remainder is leased to and worked by white men. Some part of it is swampy and the residue runs to waste, covered with weeds and briars. Many of the men in past years served as whalers, and made good seamen and under-officers.

Their social condition is not enviable. During the time when negroes were held as slaves in the State, these Indians largely intermarried with them and their descendants apparently have more of the negro than of the Indian blood in their veins, and in fact are only Indians in name. They have entirely lost their native language and have not used it for more than an hundred years,

speaking now the English language exclusively. They have intermarried until they may fairly be considered one family. Marriage ceremonies among them are usually performed by a clergyman or magistrate. Divorce laws are not in force among them, and when a separation is desired, it is had and the marriage relations cease. Nearly all of them can read and write to some extent. As a class they are indolent and shiftless, living from hand to mouth, generally in cheap, poor houses, and with insufficient clothing and food, at least in winter. None of them cultivate to exceed ten acres of land and some not more than an acre or two. Their law of intestate succession is very peculiar as well as interesting. Upon the death of her husband, the wife usually takes all of his estate; if the wife be dead, all things being equal, the eldest daughter inherits, but if there be any child apparently in greater need of the property than any other, that one receives the estate.

These people are largely governed by the laws of the State, and in almost every instance apply to the State courts for redress and protection. In any action with reference to this tribe charity should be largely mingled with good judgment.

In this connection mention may be made of two other remnants of the Long Island Indians, the Poosepatucks and Montauks. The former occupy fifty acres on the southern shore of the island, near the mouth of Mastic river, in the south part of the town of Brookhaven. They number ten families and elect annually three trustees, who manage their affairs. They have a church and Sabbath school and a State school. Colonel William Smith, chief justice of the province, received a patent for the lands where these Indians live from William and Mary in 1693, and in 1700, July 2, conveyed to the tribe 175 acres to "the intent sayd Indians, their children and posterryte may not want sufficient land to plant on forever." Of these lands only fifty acres remain to them.

The Montauks, at Montauk Point, number only eight or ten persons. Both of these remnants are also mixed Indian and negro.

THE ST. REGIS RESERVATION.

On this reservation are about 1,044 St. Regis Indians, all of whom, with the exception of perhaps about thirty, are Catholics. Their church building is situated at St. Regis Point in Canada, on the banks of the St. Lawrence river, and has been twice burned and rebuilt; the first building was erected in 1793. Father Mauville, the priest in charge of the parish, is a Frenchman, and has learned the language of these Indians, and conducts his services in that language. He has over 2,000 Indians in his congregation, who are very regular in their attendance upon the services of the church, some of them driving or walking twelve miles, while others go across the St. Lawrence in skiffs. He has a Sunday school in connection with his church services, but no parochial school. He said all the schools on the reservation were subject to his instruction, except one. The Indians cannot understand much English. All the church-books as well as the singing-books are written in Indian; their singing is conducted in the Indian language, and the records of the nation are kept in Indian.

There are four schools upon the St. Regis reservation, three taught by white women and one by an Indian woman. From all the evidence obtainable your committee were led to believe that while the teachers no doubt are well qualified and do as well as they can, there is very little progress in school work upon this reservation. There are four good school buildings, which were built and furnished by the State, and the four schools are sustained by the State at an annual expense of over \$1,100, with the exception of the fuel, which the teachers themselves furnish out of their salary of six dollars a week, one witness estimating that the fuel for one school-house would probably cost for a year about twenty-five dollars.

There are 305 children of school age on the reservation, and the average daily attendance during the past year was sixty-two. These schools have greater obstacles to overcome than those on the other reservations, for the reason that on no other reservation in the State is the Indian language so generally used.

This tribe receives from the State of New York every year, on the first day of October, an annuity of \$2,130.67, which this

year amounted to two dollars per capita. And there is a little money collected from the sale of wood, but this does the nation but little good, as it is used by the trustees in whatever way they see fit, but probably to pay their expenses while doing business for their nation, real or imaginary.

The individual Indians make large numbers of baskets, which are sold in New York, Montreal and other cities. The men get the timber from the woods and prepare it and the women make the baskets.

On this reservation are about 14,030 acres of good land, about one-half of which is cultivated to some extent, and about one-fourth of the whole amount cultivated is leased to white men.

Some time between 1850 and 1860 the State of New York commenced a survey of these lands, which was prosecuted for two summers, and was then, for some reason, discontinued; there is no accurate map or survey of the reservation, and the exact number of acres is not known. The title to the land is in the State and the Indians have the right of occupancy. They hold it in common and seem to have no method of dividing it among themselves, but each Indian takes as much as he wants, and in any locality he likes, occupies and cultivates, and it is his without further requirements. They sometimes purchase of each other improved land. Nearly all of the timber has been sold off by the Indians or destroyed by fire. The land is estimated to be worth from thirty to fifty dollars per acre; that not actually occupied or cultivated by the Indians is termed common land and is used as pasturage. Some of it is used for pasturage by white people, who pay the trustees of the nation rent therefor.

Some of the Indians are fair farmers, a few in particular having very good farms and buildings. They raise all kinds of farm products and grow some fruit. Some of them keep considerable live-stock.

Many of these Indians can not be distinguished from white people. In point of morals they are far in advance of most other Indians. This is largely on account of their having become so thoroughly white, but principally because of the Christianizing

influence of the Jesuit priests who have dwelt among them so long, and whose teachings have induced them to give up their pagan customs and practices and adopt the habits and manners of white people to a great degree. The neglect, however, of these missionaries to teach them the English language is a serious misfortune.

They have no laws for divorces among them, but separations often occur, on account, no doubt, of the early age at which the women marry, many times at the age of fourteen. The practice among them until late years has been for the parents of the young people to make their contracts of marriage. This system has been largely stopped by Father Mauville.

They make but little preparation for the winter season, and as a natural consequence there is much suffering among them, owing to the severity of the weather. Many of them live in hovels or huts containing but one room.

By common consent rather than by virtue of any statute, the individual Indians can sue and be sued in the courts of the State of inferior jurisdiction, and, in case a judgment is obtained against an Indian, execution issues and is enforced in like manner as against a white man. They have no courts among themselves, but rely entirely upon the courts of the State for the trial and determination of all their differences.

Since 1813 they have elected as their officers three trustees, who hold office for three years, one being elected each year. They also elect a clerk each year. For a long time it was made the duty of the district attorney of Franklin county to act as attorney for the nation. Under the Laws of 1861, chapter 325, provision was made for the appointment of an attorney for the tribe, whose duty it is, among other things, to receive and pay over to the Indians the State annuities.

There is very little left for the trustees to do and they have very little power. They have a kind of *ex-officio* relation to the Indian schools, as will be seen by reference to the evidence of one of the teachers, Mrs. Hattie Terrance. One witness said all the trustees did was to advise, and that he was inclined to think their advice purchasable.

Although they have no chiefs, they send men who act as chiefs sent them in the councils of the Six Nations.

THE ALLEGANY AND CATTARAUGUS RESERVATIONS.

The Senecas occupy two reservations, one, the Allegany, forty miles in length, extending from the Pennsylvania line up the Allegany river, and lying on both banks, and situate wholly in Cattaraugus county; the other extending from Lake Erie up the Cattaraugus creek, a distance of about twelve miles, and lying principally in Erie county, but having a small portion in Cattaraugus county and a fraction in Chautauqua. They number upon the Cattaraugus reservation 1,305, with 21,680 acres of land, and upon the Allegany reservation, 834, with 30,469 acres. One hundred and twenty-six Onondagas and about 160 Cayugas live with the Senecas on these lands. They cultivate on the Allegany reservation not to exceed 3,000 acres, with perhaps as much more partially in use for grazing. A dozen fairly good farms would include all to be found. The average on the Cattaraugus reservation would be somewhat better, with more land under cultivation and more good farmers; but the fact remains that a much greater proportion of the land upon these reservations lies unsubdued and unused than upon any other reservation in the State. They raise the ordinary crops, and a few of them have a surplus to sell after providing for their own needs. They average more horses and cattle than any other tribe, except, perhaps, the Tuscaroras, and a few of them are beginning to plant a few fruit trees. Their buildings range from the extreme of good-looking, comfortable, and in a few instances, commodious houses and barns, to hovels and shanties.

A Presbyterian mission was established upon the Cattaraugus reservation in 1826. The Methodists and Baptists began their work about 1850. The claim is made that the two latter missions made but a few converts, merely dividing those already secured by the other. The Presbyterian and Baptist denominations have missions upon the Allegany reservation. The Presbyterian society is under the charge of Rev. Frank M. Tripp, who is doing excellent work. During the past year it has erected a new church building at an expense of about \$1,500, a liberal share of which was contributed in money and labor by the Indians themselves. The Baptist building is no longer fit for use, and no regular service is held by this mission.

APPENDIX A.

The following laws have been enacted by the Legislature of the State relating to the Indians on the several reservations in the State:

ONONDAGA INDIANS.

Laws of 1813, chapter 29, relating to contracts, suits not maintainable on bond, bills, notes, etc.

Laws of 1822, chapter 205, an act prohibiting the sale of liquors to any Onondaga Indian.

An act relating to schools among. Vol. 1, pages 278, 292, 293, seventh edition Revised Statutes.

An act relating to the appointment of agents for. Id., pages 294, 298, 313, 315, 332, 343, 362 and 365.

An act relating to highways. Id., page 298.

An act regulating payments to. Id., pages 273 and 314.

An act prohibiting contracts without consent of agent. Id., page 313.

An act for the preservation of timber, stone, etc. Id., pages 313, 315 and 332.

An act relating to medical aid for. Id., page 315.

An act providing for toll free. Id., pages 282 and 304.

An act relating to the Syracuse and Tully Plank-road Company. Id., page 304.

Laws of 1822, chapter 205, an act applying section 3 of the Laws of 1813, chapter 29, to the Onondagas.

Laws of 1836, chapter 316, an act authorizing construction of railroads upon Indian lands.

Laws of 1841, chapter 234, an act relating to certain tribes of Indians.

Laws of 1849, chapter 420, an act for the benefit of Indians.

Laws of 1856, chapter 71, an act providing for education among.

Laws of 1857, chapter 233, an act relating to the payment of annuities to.

Laws of 1884, chapter 445, an act providing for the practice of medicine by Indians upon the reservations.

Laws of 1886, chapter 413, an act providing for the compensation of agent for.

Laws of 1887, chapter 332, an act in relation to the Syracuse Water Company.

Laws of 1888, chapter 451, care of insane Indians.

ONEIDA INDIANS.

Laws of 1839, chapter 58, an act relative to payment of moneys to, making treaties with, etc.

Laws of 1843, chapter 185, an act relating to Oneida Indians.

Laws of 1847, chapter 416, an act making valid deeds made by Oneida Indians, etc.

TUSCARORA INDIANS.

Laws of 1813, chapter 29, general act applying to all Indians.

Laws of 1836, chapter 316, an act authorizing the construction of railroads upon Indian lands.

Laws of 1841, chapter 234, an act relating to certain tribes of Indians.

Laws of 1843, chapter 87, section 3, providing that Indians may hold lands and be taxed.

Laws of 1849, chapter 420, an act for the benefit of Indians, and providing for the division of lands among, when they shall so elect.

Laws of 1854, chapter 175, an act to prevent the destruction of timber on the lands of the Tuscaroras and to regulate highway labor.

Laws of 1856, chapter 71, an act relating to education among.

Laws of 1884, chapter 345, an act to regulate the practice of medicine and surgery in the State of New York by the Indians on the reservations thereof.

Laws of 1888, chapter 451, an act relating to the care of insane Indians.

TONAWANDA INDIANS.

Laws of 1813, chapter 29, general act applying to all Indians.

Laws of 1836, chapter 316, an act authorizing the construction of railroads upon Indian lands.

Laws of 1841, chapter 234, an act relating to certain tribes of Indians.

Laws of 1843, chapter 87, section 3, providing that Indians may hold lands and be taxed.

Laws of 1849, chapter 420, an act for the benefit of Indians and providing for the division of lands among, when they shall so elect.

Laws of 1853, chapter 444, an act to establish schools among, amended by Laws of 1854, chapter 301.

Laws of 1856, chapter 71, an act to facilitate education among.

efforts and labors in their behalf have been productive of great good. If their policy is open to criticism at any point it is here : that they seem, perhaps, too well satisfied to set an example and furnish good advice to the Indian, and do not look to it that the example and advice are accepted and followed; are too prone to excuse his faults and too much inclined to give him credit for good intentions in all he does, and to allow him, in all things, to have his own way, and are, at times, unable, and it almost appears unwilling, to consent that the Indian is ever immoral, lazy and worthless, and needs, in addition to kindness, forbearance and friendship, sometimes a little wholesome correction and coercion. Judging from this standpoint and measured by results, their work now for nearly ninety years is regarded by some as not as satisfactory as it might have been if they had mingled with their zeal and compassion and disinterestedness an occasional word of reproof, or rule of restraint, or law of compulsion.

This school is in many respects most excellent, and the atmosphere of cleanliness, health and contentment which pervades this institution is refreshing and somewhat unusual, and their ability to retain under their influence, in some cases, these children, until they reach a more mature age, has been their principal source of success.

The Senecas residing upon the Cattaraugus and Allegany reservations are a corporate body, under the name of "The Seneca Nation of Indians," by an act of the Legislature, and own a common interest in the lands of both reservations. Their officers comprise a president, clerk and treasurer, and upon each reservation eight councilors, a marshal, overseer of the poor and three peace-makers, all holding office for one year except the peacemakers, whose term is three years. The custom has been to elect the president alternately from the two reservations, but through political manipulations this unwritten law of the Senecas has been broken over and the present incumbent is serving his third term. They are pagans and Christians, like the other tribes, with the former in the majority and controlling the elections.

After the Senecas secured the return to them of their two reservations by the compromise treaty of 1842, many of them,

principally among the young men, alarmed at the action of their chiefs in selling their lands, began an agitation to change their form of government. This measure encountered intense opposition from the chiefs and their retainers, but such was the feeling of insecurity on the part of the people, that a general convention of the Senecas was held on the Cattaraugus reservation, December 5, 1848, at which a series of resolutions and a "Declaration changing their form of government, and adopting a constitutional charter," were passed, in which they agreed to "abolish, abrogate and annul" their form of government by chiefs and gave their reasons for their action. The chiefs who had been deposed from power kept up the fight, endeavoring to prevent the ratification of the new government by the United States and State of New York, and to retain the annuities in their hands in place of having them paid to heads of families, as provided by their new constitution. After the recognition of the new government by the authorities of the United States, the chiefs sent a delegation to Albany to prevent any assent on the part of the State of New York, but after an investigation of the subject by a committee of the Assembly, the Legislature also recognized the new government. Even after this, the chiefs memorialized President Fillmore in 1852, and again President Pierce in 1854, to obtain the assistance of the government in regaining their former powers. The authorities at Washington eventually upheld the new government among the Indians, and the power of the chiefs was broken and destroyed. The history of these Indians, as well as that of every other tribe in the State, conclusively proves that the chiefs and office-holders have invariably barred the way to progress and improvement among them, and from these sources alone may be expected opposition to all plans for their future welfare. Their present written constitution was adopted in 1868.

Their existing form of government is an improvement upon the old system, for the reason that more publicity is given to the acts of their officers, and that such officers may be more frequently changed, but still it must be conceded that even this new plan of carrying on the affairs of the nation is insufficient to protect the rights of the people; that their courts are many times ignorant and incompetent, and often venal, and that their councilors and

officers are many times selfish and corrupt. One additional step would place these Indians under the protection of all the laws of the State.

An interesting question arising out of the Indian custom of intestate succession from the mother, and not from the father, is now before the courts of the State for settlement. Certain Indian men occupying reservation lands had intermarried with white women and died, leaving children. The nations claiming that these half-breed children could not take by descent or devise their father's land, brought suit to eject them from the reservation. Two of these cases were decided by Mr. Justice Daniels, of the Supreme Court, in 1888, in which he held that, although by the Indian custom these half-white children could not inherit from their father, since they are white persons, and therefore incapable of taking the title to any part of the real estate of their deceased parent, still, since the laws of the State give to the authorities of the nation power to set apart a portion of their lands for the "separate cultivation, improvement and occupation by any Indian and his family, and since the father and his family, including the defendants in the action, had been in the actual occupation of the lands in question for many years, it should be presumed that such lands had been lawfully set apart for the use of the father and his family, and after the father's death his family would still be entitled to the possession of them, as the statute does not distinguish between Indians of the half-blood and of the whole blood, and, therefore, the nation could not recover the possession of these lands. It seems cause for regret that the learned judge was not able to find good reasons to brush away this tribal custom, which forbids an Indian to devise his property to his children, because their mother may have been so unfortunate as to be born white, and certainly it is to be hoped, if the courts cannot correct this wrong, that the Legislature will.

The Senecas receive an annuity from the State of about \$385, and \$11,902 and \$3,500 worth of cloth from the national government. The money and goods from the United States are paid to heads of families by Agent Jackson.

Under an act of Congress of February 19, 1875, certain leases from the Indians to railroad corporations of lands upon the Alle-

gany reservation, and also to white occupants, principally in the employ of the railroad companies, were made valid, and within certain defined limits or "villages" located and surveyed by commissioners appointed, the nation was authorized to grant leases of lands with renewals. Six "villages" were surveyed, Vandalia, Carrolton, Great Valley, Salamanca, West Salamanca and Red House, some of which have become the centers of considerable population, the principal one being Salamanca, where a permanent village of 4,000 people has grown up.

Four railroads traverse this reservation. Very little timber remains upon either reservation, considerable quantities having been sold by the nation and the remainder by the individual members.

From these leases large revenues are received by the Senecas each year, exceeding since 1880, when the first leases were granted, the sum of \$60,000. The amounts collected by the different treasurers vary from \$11,408 in 1883 to \$5,702 in 1887. With good management, the amount of money received should be the same each year, and these figures argue either gross incompetency on the part of the officers or greedy dishonesty. The books of the nation show that the amount of money reported as collected by the treasurer for some of the years is suspiciously small; that a balance of \$2,600 was due from one treasurer, and \$638 from another, which do not appear ever to have been accounted for, and that the accounts of several of the treasurers have never been settled or balanced. The evidence shows that of all this money, with the exception of a small contribution for a church the past year and a slight expenditure for a bridge, in all but a few hundred dollars, not a penny has gone for the benefit of the people at large, but all has been consumed in paying salaries of officers, expenses of councils and of pilgrimages to the seat of government and in other ways less easily to be ascertained. These rents, honestly collected and accounted for, should aggregate at least \$8,000 per year and should be received by some responsible person and paid to the individuals as their annuities are paid, in place of being left to be squandered and stolen by the politicians and office-seekers of the tribe. Important legislation relating to these villages is now pending before Congress.

The improvement of the Senecas in morals and education has been slow; so slow, in fact, as to be almost imperceptible to all excepting those with an acquaintance with them of fifteen or twenty years. By such observers considerable progress has been noticed. They are somewhat more temperate, more marriage ceremonies are performed, their farms have improved slightly and buildings considerably, a few more work, a few more go to school, their clothing and food are better; but all this goes rather to prove their degradation and distress than to establish the existence of a very high standard of excellence among them now. As a class they are unthrifty, with some marked exceptions. Marriage ceremonies among them have been in the past the exception rather than the rule. The morals of the women in too many cases are bad. The trouble here is as with all the other tribes of the State, that marriage simply consists in intercourse for a shorter or longer period, as inclination suggests, and then separation. The offspring of such unions are legitimate and inherit from their parents, and this custom is indirectly sanctioned by the laws of the State.

The low standard of morality existing seems directly and principally traceable to this Indian custom of marriage. The excuse for such unions is the "Indian custom." The principal charge brought by the pagans against the missionaries is that they oppose these Indian marriages and try to induce the Indians to abandon them and adopt the Christian method; and such reforms as have been brought about among the Indians should be principally credited to the advice and efforts of these missionaries.

The influence of the missionaries has been all in the right direction, but they are almost powerless as long as the Indians are allowed to marry and divorce at pleasure. The application to these people of the laws of the State regulating marriage and divorce is the only way to correct the evil. These statements should, in justice, be somewhat modified before applying them to the St. Regis and the Tuscarora tribes. Some marked exceptions are to be found among the Senecas, also—families where the marriage tie is adopted and respected, where schools are prized and the teachings of the missionaries heeded, and where material

comforts are sought for in comfortable houses and fairly well tilled farms.

The physical condition of many of the Indians is far from satisfactory. Lax morals, insufficient and unsuitable food, scanty clothing, with an unhealthy sanitary condition as to their homes and surroundings, have produced among them serious physical degeneration. The evidence of Dr. A. D. Lake, of Perrysburg, N. Y., is of interest and value, as coming from a man thoroughly well acquainted with the habits and condition of the Indians. Dr. Lake has been State physician to these Indians for some years, and for a considerable period had charge of the dispensary maintained by the general government upon the Cattaraugus reservation, and has made the condition of these people a special study, as is shown by his able article published in the *Medical Register*, under date of August 4, 1888.

Dr. Lake testified that the prevalent diseases among these Indians are scrofula and consumption, which are caused by their mode of life, their unhealthy sanitary condition and the prevalence of venereal diseases among them; that forty or fifty years ago syphilis became epidemic among them to such an extent that almost every family was afflicted with this disease; but now, for some years, this form of the disease has disappeared, and the secondary stage exists to such a degree as to have inoculated thoroughly the blood of almost the entire people. Doubtless, it can well be claimed that the same accurate observation and study given by Dr. Lake to these Indians, if applied to some of the other tribes, would disclose a similar condition of affairs among them.

It may not be too often to again assert that the Indian himself is not so much to blame for this unfortunate condition as are the policy and the laws which have allowed it to exist and develop. The aid from State and nation and from public charity is not enough to support the Indian in comfort and decency and health, but is just enough to discourage and often destroy effort on his part to assist himself. If the laws are set right the schools and missionaries will do the rest.

Here are in the State 5,000 people, the descendants of a hardy and intellectual race, with scarcely a single artisan or person

following or learning a trade among them, excepting a very few unskillful carpenters or cobblers, with an abundance of fertile land, and at least a considerable number of them lacking food and clothing. No similar condition exists elsewhere in the country, and something is at fault. A careful and conscientious examination of the whole question must result in charging such fault to the laws, which respect and tolerate communistic ideas, Indian customs and tribal relations among these people.

In view of the evidence taken and presented, the committee make these comments: The policy of the State of New York towards its Indians for quite a number of years past has been one of drifting and inaction. Its laws relating to them have remained practically unaltered, none being enacted or repealed. Exception should doubtless be made as to the educational department of the State government, in which marked progress has recently taken place. New districts have been organized, more efficient superintendents employed in some cases, and better attention given to the selection of teachers, so that there is no longer among these people any general lack of facilities for education. In the meantime the general discussion of the Indian question has been stimulated and widened. Public opinion has been traveling rapidly. Your committee have asked for a solution of the "Indian problem" from men living in nearly every section of the State, men of almost every station in life and of varied capacity, whose judgments have matured and ripened by years of acquaintance and intercourse with these people and by study of their situation and needs, and, in answer to the question: "What can be done for the good of the Indian?" invariably has come the reply, "Exterminate the tribe and preserve the individual; make citizens of them and divide their lands in severalty."

Chancellor Sims said to the committee, in answer to the question, "Obliterate the whole tribe; make them citizens; divide all the lands among them and put them under the laws of citizenship in the State. It is the merest farce in the world to treat them as a nation."

Hon. Daniel Sherman, of Chautauqua county, said: "I would never advise them to break up their tribal relations while this

Ogden claim existed, but I would advise them to when that claim was wiped out, and become citizens eventually."

Mr. William A. Duncan, of Syracuse, said: "I was the originator of the commission relating to the Onondagas, of which Chancellor Sims was the president. I have been upon the Cattaraugus and Tonawanda reservations, and while I was working at this problem I went through some of the Indian reservations in the west. I went into Dakota and visited the Crow reservation and several of those reservations there as a visitor, to gather from the agents themselves their idea of the one great problem about the Indian. Of course the only question that is vital is, 'Is the Indian worth saving?' If he is susceptible to civilization and education, he is worth saving; if he is a wild beast he can never be civilized, and there is no use in spending money on him. If he can be educated and brought into citizenship, then money and time are no object to obtain that end. I have come to the conclusion that he is worth saving. The principal of the school at Carlisle told me that the Indian is worth saving. The agents on the reservations out in the west say, when the Indian is taken early and put upon a patch of land belonging to himself, that he does make a good citizen. * * * But this will never be done by keeping a nation within a nation. They should be made, as soon as possible, citizens, and should be made to obey the laws of the State of New York with reference to marriage. They ought to be made voters and have lands of their own. That is my judgment, and it is the judgment of the best students of Indian life to-day in the land. They will never be men until they are put upon a certain responsibility relating to themselves. The Indian will never be civilized until he ceases to be a communist. This tribal relationship is the bane of civilization, the strongest ally of savagery. There has been more sentiment than sense in treating the Indians as a separate people. It was kindly meant, but, as to its results, a cruel plan."

Hon. James G. Johnson, of Randolph, for several years State Indian attorney, said: "The tribal relations ought to be broken up first; a law should be devised to allow them under some conditions to become citizens when qualified. I think their lands should be held in severalty. When that is done, the greatest

injury that grows out of their tribal relations would be relieved.”

Hon. T. W. Jackson, of Akron, N. Y., United States agent for the Six Nations, said: “I think the quicker there is something done to force them to citizenship, to force them to school and to act like men, the quicker they will learn. They will not get very much schooling as long as they perpetuate their tribal relations. There is but one way to do it, and that is the idea of making them citizens.”

Dr. Jonathan Kneelant, of Syracuse, for several years physician to the Onondaga tribe, said: “I have recommended that they be detribalized and made citizens.”

Superintendent VanValkenberg, of the Thomas Orphan Asylum, said in his last annual report: “After several years experience among the Indians, I have become fully convinced that the means of education and improvement will never be productive of the highest good as long as their tribal relations are continued. With a division of the lands a home would not only be secured to the pagans and their families, but would provide such for the orphans and destitute children. It must indeed be humiliating for the intelligent and educated to live under laws established for their uncivilized ancestors of sixty or seventy years ago. The severalty act seems to me to be one of the most important steps toward the elevation of this people.”

Mr. Thomas D. Green, the efficient State agent for the Onondagas, said: “We have seen of some of the western tribes that making them citizens has tended to elevate and encourage them; and, I think, it would not be detrimental, surely, if they should be made citizens and make them amenable to our laws as white citizens are, and give their property in severalty with proper limitations.”

Mr. William Newman, superintendent of schools on the Onondaga reservation said, “They ought to be put just where you and I are, under the same law, the same hopes, the same rewards and punishments, and be absorbed into citizenship. Their lands should be divided among them in the same manner that the national government has already done upon the western reservations.”

Many intelligent Indians favor these views. John Kennedy, a Seneca upon the Cattaraugus reservation, himself occupying about 400 acres of land said: "I would actually be very glad if I could own my proportion of our land, my share, and I know others, a great many of them, who would like to do the same. I know quite a many of our people who would like to be citizens. I feel as if I would like to have a piece of the reservation all to myself, so that nobody could take it away from me; that is my desire. A great many of us would be willing to do that, be very glad to do it, although there would be great opposition on the part of the pagans. They would like to own their property in common as they own it now. There would be great opposition, and I do not know as there would be a majority that would be in favor of a general division. And now, in order to carry this plan out, why would it not be a good plan, if we come to that conclusion, those that want their own to give it to them and those that don't want it, want to remain Indians, why, what hurt will it do to allow them to remain Indians. If that law was to be passed and carried out I think before you got through with it, they will all turn right in and say, 'Here, I will take my part too.' The moment we extinguish that claim (the Ogden Company's) why, how quick we would be glad to be citizens, adopted right along. We think some of us are fully capable as well as any of these foreigners that come to our shores and don't know anything about our country and don't know the laws of the land. We would be glad to be men among men for once."

Rev. Henry Silverheels, Harrison Halftown, M. H. Silverheels, John Jameson and other Indians earnestly concurred in these suggestions of Mr. Kennedy.

Superintendent Draper said in his last annual report: "Action should be taken which will be just if not generous to the tribes and to every member of them, but which will result finally in breaking up the reservation system and in the absorption of these wards into the citizenship of the State."

Bishop Huntington, of Syracuse, in a letter to the chairman of the committee, after speaking of the religious and educational efforts that have been made to elevate the Indian, eloquently said: "It has, however, become more and more evident, and in

my own mind has become a certainty, that beyond a fixed limit this improvement cannot be carried out without a radical change in the political status of the nation. The present tribal arrangement is a fatal bar to real progress and utterly destructive of anything that deserves to be called civilization. It discourages industry, it lowers self-respect, it shelters laziness, it destroys all wholesome stimulus to thrift and economy. You will permit me to express my deep conviction that the remedy for these wrongs is to be sought in an equitable division of the territory into homesteads and the lifting of the Indians to citizenship."

Secretary Lamar, in his annual report for 1886, said: "As I stated in my last annual report, the only alternative now presented to the American Indian race is speedy entrance into the pale of American civilization or absolute extinction."

The Commissioner of Indian Affairs in his report for 1885, said: "It should be industriously and gravely impressed upon them that they must abandon their tribal relations and take lands in severalty, as the corner stone of their complete success in agriculture which means self-support, personal independence and material thrift." And several other commissioners have expressed similar views.

The Board of Indian Commissioners, of the State of New York, in a meeting at Lake Mohonk in 1886, among other things, made this statement: "It is our conviction that the duties of citizenship are of such a nature that they can only be learned by example and practice, and we believe that quicker and surer progress in industry, education and morality will be secured by giving citizenship first, than by making citizenship depend upon the attainment of any standard of education and conduct." And again, "That we hail with much hope and pleasure the passage by the House of Representatives of the Senate bill providing for the allotment of lands in severalty under wise restrictions, the extension of the laws of the States and Territories over the Indians, giving the protection, rights and immunities of citizens."

The presbytery of the district comprising the counties of Erie, Chautauqua and Cattaraugus, at its annual meeting at Buffalo, in 1886, at which were delegates from forty churches of the district, adopted a series of well written resolutions, which were chiefly

prepared by Rev. Frank M. Tripp, present missionary to the Senecas on the Allegany reservation, in which was recommended the extinguishment of the Ogden claim, lands in severalty, the placing of the Indians fully under the civil and criminal laws of the State, and, "crowning all, to secure for the Indians who desire it, citizenship."

These men know of what they speak, and their opinions deserve attention, and show that, with every well-informed man in the State, sentiment toward the tribe has given place to interest in the individual.

The present forms of government among these Indians are no longer adequate to their changed condition and circumstances. Their laws and forms were made for other times, when there was no attempt or desire to accumulate property, when individual holdings of land were unknown and unnecessary, and no longer offer protection to rights and property. Many Indians see a better way, and are restive; many others submit in silence. It cannot be determined what proportion of these people would favor a change. They cling to the old order of things with much tenacity. The chiefs and head men and office-holders and those with political ambitions will vigorously resist any change, any attempt or suggestion looking toward interference with their authority or to a limitation of their prerogatives. However this fact may be, it ought not to be allowed to stand in the way. If the State or nation must support and protect the Indians, it should also have control over them. If they still remain "wards," their guardian ought to know what is for their welfare and supply it. Their rights should be protected and preserved with the most exact justice, but whenever any conditions of existing treaties stand in the way of their welfare and progress, such conditions should be set aside; neither should the State or nation be longer embarrassed by the refusal of the Indian to receive what is for his own good. Plainly and bluntly, his consent to any measures manifestly and clearly tending to benefit and improve him should no longer be asked. No harm can come from this course, because if past history is any guide, whatever may have occurred or is likely to happen elsewhere, there is little

danger that the State of New York will do any injustice to its Indians.

This government of chiefs, wherever it still exists, is but a husk of its former self, preserving only the form, but having long ago parted with the vigor and rude justice adapted to the early condition of the red men.

When the Senecas abolished their government by chiefs and adopted their present constitution in 1848, they said this of the old system: "We do hereby abolish, abrogate and annul our form of government by chiefs because it has failed to answer the purpose for which all governments should be created.

"It affords no security to the enjoyment of property; it provides no laws regulating the institution of marriage, but tolerates polygamy; it makes no provision for the poor, but leaves the destitute to perish; it leaves the people dependent upon foreign aid for the means of education; it has no judiciary or executive department; it is an irresponsible, self-constituted aristocracy; its powers are absolute and unlimited in assigning away the people's rights.

"We cannot enumerate the evils growing out of a system so defective, nor calculate its overpowering weight on the progress of improvement."

Their tribunals of chiefs or trustees or peace-makers are inefficient and often corrupt. Their "dead feast" is a relic of their savage past. Individual cases of injustice by their so-called courts or "dead feasts" have come to the attention of the committee, making at least one thing very plain, that the rights of no human being ought longer to be submitted to the decision of such a tribunal as this "dead feast." The ultimate purpose of all action should be to make these people self-supporting, so that they will no longer require the assistance and protection of any one. Pity is of no account. Sentiment or fine words will not save the Indian. The business ideas of business men must be applied to his case. Even the civilization of the Indian will not result in saving all, but the portion saved will be useful and respectable, and will be worth more than all are now.

The present vigorous and conscientious administration of the educational affairs of the State should be supplemented by

the enactment of a simple and easily administered compulsory attendance school law. If the State is to furnish teachers and school-houses and fuel, there should be children present to be taught and warmed. The average attendance in all the schools is light, and in some instances teachers at the expense of the State, have attended to give instruction with not a single child present to receive it. If it is worth the while of the State of New York to equip and maintain schools among these people, it is also worth its while to see to it that they are benefited by the schools. The large expense incurred each year for Indian schools ought not to be regarded as made from charitable motives, but rather as a business investment, from which the best results possible should be secured. Authority should be lodged in the hands of the superintendents of schools or other competent persons to require some regular attendance at school from each child of school age on the reservations.

The State should urgently recommend to the general government to make provision for the extinguishment of the Ogden Company's claim, whatever it may be, whether "the right to purchase" or the "fee." This claim operates as a cloud upon the Indians' title, as a serious bar to the progress of the Indians in agriculture and in clearing and improving their lands, and is a source of much uneasiness to them. A few of the Indians adopt the remarkable theory that this claim should be left to rest over them, because, so long as it exists, no attempt will be made to divide their lands, but the investigation shows that the Senecas are nearly unanimous in their desire to have this claim removed.

Their lands should be divided in severalty, without the power of alienation for a term of years, and some provision made to absorb them into citizenship. It is the belief of the committee that no body of men ever prospered who held property in land in common. The plan destroys individual effort, and takes away the desire and ambition to acquire and own rights in property separate from others, which is so important a factor in the progress of any race. Land in severalty has, in all cases where the experiment has been tried, proved a success. The Oneidas, under an act of the Legislature of 1843, divided their lands. Many of them parted

with their own possessions and removed to Wisconsin, where, to the number of 1,700, they now hold lands in severalty, and are among the most prosperous of the Indian people. Those remaining in this State are nearly all well-to-do farmers, comparing very favorably, from a material standpoint, with their white neighbors. The results from the act of Congress of February, 1887, known as the Dawes bill, are eminently satisfactory, and the reports from agents entrusted with the work of carrying it into effect are most hopeful for its final and complete success. The Dawes bill, while apparently applying in terms to all the reservations of this State, except those of the Senecas, is not, at least in many important and essential respects, well adapted to the needs and circumstances of the New York Indians.

With these changes, all, or nearly all, the existing statutes of the State concerning the Indians, excepting those prohibiting the sale of liquors and perhaps of intrusion upon their lands, should be repealed and wiped out. These laws are a motley lot at best, enacted by piecemeal, most of them at times and under circumstances which no longer exist, not adapted to the present order of things and not uniform or harmonious. In their stead, the Indian should be placed under and given the benefits of the laws of the State, civil and criminal. The jurisdiction of the State courts should be extended over his person and property, and at his death his estate should be given into the keeping of the surrogates' courts of the several counties. These laws lack uniformity, and tolerate and recognize and provide for many different forms of government. Some of the tribes are governed by chiefs, some by chiefs and trustees combined, and some by a council. The Indians now here will undoubtedly remain, as there is no apparent expectation or desire on the part of any one for their removal. Then, if they are to be permanent residents of the State, the form of government of the State and its laws ought to be accepted by them and be good enough for them.

Here is an illustration. By chapter 374 of the Laws of 1859, "The peace-makers of the Allegany and Cattaraugus reservations in this State shall have exclusive jurisdiction to grant divorces as between Indians residing on said reservations." The following

“decree” in divorce is copied verbatim from the records of the peace-makers’ court on the Allegany reservation :

“SEPARATE CERTIFICATE.

“JIMESONTOWN, CATTARAUGUS COUNTY, N. Y., *June 1, 1886.*

“On the first day of June, before us personally came David Jameson, Jr., husband of Amanda, described in the within conveyance, the said David Jameson being, and known to us to be, the individual described in and who executed the said conveyance, and he acknowledged, on private examination, that Amanda had two children who were not belonging to the said David Jameson, Jr.; that he executed the same freely and without any fear or compulsion of her.

(Signed,)

“DAVID JIMESON, JR.,

“JOHN ^{his} X LAMPSON,
_{mark}

“DAVID B. JIMESON,

“*Peacemakers’ Court.*”

No notice was given the wife, and no other proceeding had except the above. This enterprising young man had been married by the missionary, had concluded to change mates and applied to and procured from this court, one member of which was his father, this “separate certificate,” and was at once again married by a justice. An arrest for bigamy followed and he was held by the magistrate, but upon an examination by the district attorney of the county the charge was dropped, as it appeared that the statute did not require the peace-makers’ court to have any reason for their action, or to adopt any particular form of procedure, but gave them authority to exercise their “exclusive jurisdiction” in their own way. It is worthy of passing notice, too, that the statute also gives to this court “exclusive jurisdiction” to “determine all questions between individual Indians involving the title to real estate.” Other instances are upon record in these courts where divorces were granted upon a consent signed, or a plea of “guilty” as the peace-makers term it.

In the face of such a farce as this, the laws of the State for the punishment of bigamy are of very little importance. It seems

very doubtful if this method is preferable to that of mating and separating as inclination dictates, but if there is anything in its favor the distinction is one of form rather than of merit.

Upon the question of citizenship the United States District Court for New York decided in the case of Abram Elm, indicted for voting for Representative in Congress at the election in the town of Lenox, Madison county, in 1876, that inasmuch as the defendant was subject by the laws of the State to taxation and to the jurisdiction of the courts in the same manner and to the same extent as other citizens," and since the tribal government to which he belonged had ceased to exist, he was entitled to vote, and his conviction for illegal voting was reversed. From this opinion by Judge Wallace it would appear that whenever the tribal government of the several Indian nations is broken up and their lands divided in severalty no further action will be necessary to make them citizens.

The committee then recommends for the consideration of the Assembly:

- (1) That a compulsory attendance school law be enacted.
- (2) That the Legislature request the general government to take action to extinguish the claim of the Ogden Company to the lands of the Senecas, and that portion of the Tuscaroras, covered by it.
- (3) That the lands of the several reservations be allotted in severalty among the several members of the tribe, with suitable restrictions as to alienation to whites, and protection from judgments and other debts; but such division not to go into effect as to lands affected by the Ogden Company's claim until that claim be removed. This allotment in severalty ought not to be limited to a division of the possession of the land, but should comprise a radical uprooting of the whole tribal system, giving to each individual absolute ownership of his share of the land in fee.
- (4) The repeal of all existing laws relating to the Indians of the State, excepting those prohibiting sale of liquors to them and intrusion upon their lands, the extension of the laws of the State over them, and their absorption into citizenship.

Doubtless if these things are done it cannot be expected that the Indians will at once become self-dependent, and that all State

aid or protection and control can be withdrawn. It will still be necessary to help them over "the first rough places in the white man's road," and to aid them to gain a foothold in their ascent to self-respect and self-support.

These Indian people have been kept as "wards" or children long enough. They should now be educated to be men, not Indians, and it is the earnest belief of the committee that when the suggestions made, or at least the more important of them are accomplished facts, and the Indians of the State are absorbed into the great mass of the American people, then, and not before, will the "Indian problem" be solved.

Respectfully submitted.

J. S. WHIPPLE,
GEO. H. FROST,
FRANK P. DEMAREST,
BARNET H. DAVIS,
GEO. F. ROESCH,

Committee.

Dated, *January* 31, 1889.

APPENDIX A.

The following laws have been enacted by the Legislature of the State relating to the Indians on the several reservations in the State:

ONONDAGA INDIANS.

Laws of 1813, chapter 29, relating to contracts, suits not maintainable on bond, bills, notes, etc.

Laws of 1822, chapter 205, an act prohibiting the sale of liquors to any Onondaga Indian.

An act relating to schools among. Vol. 1, pages 278, 292, 293, seventh edition Revised Statutes.

An act relating to the appointment of agents for. Id., pages 294, 298, 313, 315, 332, 343, 362 and 365.

An act relating to highways. Id., page 298.

An act regulating payments to. Id., pages 273 and 314.

An act prohibiting contracts without consent of agent. Id., page 313.

An act for the preservation of timber, stone, etc. Id., pages 313-315 and 332.

An act relating to medical aid for. Id., page 315.

An act providing for toll free. Id., pages 282 and 304.

An act relating to the Syracuse and Tully Plank-road Company. Id., page 304.

Laws of 1822, chapter 205, an act applying section 3 of the Laws of 1813, chapter 29, to the Onondagas.

Laws of 1836, chapter 316, an act authorizing construction of railroads upon Indian lands.

Laws of 1841, chapter 234, an act relating to certain tribes of Indians.

Laws of 1849, chapter 420, an act for the benefit of Indians.

Laws of 1856, chapter 71, an act providing for education among.

Laws of 1857, chapter 233, an act relating to the payment of annuities to.

Laws of 1884, chapter 445, an act providing for the practice of medicine by Indians upon the reservations.

Laws of 1886, chapter 413, an act providing for the compensation of agent for.

Laws of 1887, chapter 332, an act in relation to the Syracuse Water Company.

Laws of 1888, chapter 451, care of insane Indians.

ONEIDA INDIANS.

Laws of 1839, chapter 58, an act relative to payment of moneys to, making treaties with, etc.

Laws of 1843, chapter 185, an act relating to Oneida Indians.

Laws of 1847, chapter 416, an act making valid deeds made by Oneida Indians, etc.

TUSCARORA INDIANS.

Laws of 1813, chapter 29, general act applying to all Indians.

Laws of 1836, chapter 316, an act authorizing the construction of railroads upon Indian lands.

Laws of 1841, chapter 234, an act relating to certain tribes of Indians.

Laws of 1843, chapter 87, section 3, providing that Indians may hold lands and be taxed.

Laws of 1849, chapter 420, an act for the benefit of Indians, and providing for the division of lands among, when they shall so elect.

Laws of 1854, chapter 175, an act to prevent the destruction of timber on the lands of the Tuscaroras and to regulate highway labor.

Laws of 1856, chapter 71, an act relating to education among.

Laws of 1884, chapter 345, an act to regulate the practice of medicine and surgery in the State of New York by the Indians on the reservations thereof.

Laws of 1888, chapter 451, an act relating to the care of insane Indians.

TONAWANDA INDIANS.

Laws of 1813, chapter 29, general act applying to all Indians.

Laws of 1836, chapter 316, an act authorizing the construction of railroads upon Indian lands.

Laws of 1841, chapter 234, an act relating to certain tribes of Indians.

Laws of 1843, chapter 87, section 3, providing that Indians may hold lands and be taxed.

Laws of 1849, chapter 420, an act for the benefit of Indians and providing for the division of lands among, when they shall so elect.

Laws of 1853, chapter 444, an act to establish schools among, amended by Laws of 1854, chapter 301.

Laws of 1856, chapter 71, an act to facilitate education among.

Laws of 1859, chapter 280, an act applying provisions of section 17 of the Laws of 1857, chapter 628, to all reservations.

Laws of 1860, chapter 374, an act exempting Indians from taxation.

Laws of 1860, chapter 491, an act prohibiting taxes being levied on land.

Laws of 1863, chapter 90, an act providing for the government of, amended in 1884, chapter 316.

Laws of 1884, chapter 445, an act to regulate practice of medicine and surgery among.

Laws of 1887, chapter 255, an act abolishing manual labor school upon the Tonawanda reservation.

Laws of 1888, chapter 451, an act providing for the care of insane Indians.

SHINNECOCK INDIANS.

Laws of 1813, chapter 29, general act applying to all Indians.

Laws of 1816, chapter 133, an act providing for the appointment of trustees for.

Laws of 1836, chapter 316, an act providing for the construction of railroads upon lands of.

Laws of 1841, chapter 234, an act relating to certain tribes of Indians.

Laws of 1843, chapter 87, section 3, providing that Indians may hold lands and be taxed.

Laws of 1849, chapter 420, an act for the benefit of Indians, and providing for the division of lands among, when they shall so elect.

Laws of 1856, chapter 71, an act to facilitate education and civilization among Indians.

Laws of 1859, chapter 46, amending act of 1816, and providing for a deed of land to the Shinnecock Indians.

Laws of 1884, chapter 445, an act to regulate the practice of medicine among.

Laws of 1888, chapter 451, an act providing for the care of insane Indians.

ST. REGIS INDIANS.

Laws of 1813, chapter 29, general act applying to all Indians.

Laws of 1818, chapter 283, an act authorizing the district attorney of the county to act as attorney for the Indians.

Laws of 1826, chapter 150, an act extending three sections of the act of 1813 to the St. Regis and Cattaraugus Indians.

Laws of 1835, chapter 110, an act prohibiting sale of liquors to.

Laws of 1836, chapter 316, an act providing for the building of railroads upon the lands of.

Laws of 1841, chapter 143, an act authorizing the leasing of land.

Laws of 1841, chapter 234, an act to provide for certain payments to be made to Caughnawaga and St. Regis Indians.

Laws of 1849, chapter 420, an act for the benefit of Indians and providing for the division of lands among, when they shall so elect.

Laws of 1861, chapter 325, an act appointing an attorney for, and providing for the payment of and duties of.

Laws of 1875, chapter 226, an act providing for the election of trustees and prescribing their duties and terms of office.

Laws of 1859, chapter 280, an act applying section 17, Laws of 1857, chapter 628, to all nations of Indians.

Laws of 1884, chapter 445, an act providing for the practice of medicine among.

Laws of 1888, chapter 451, an act providing for the care of insane Indians.

SENECA INDIANS RESIDING ON THE ALLEGANY AND CATTARAUGUS RESERVATIONS.

Laws of 1813, chapter 29, a general act relating to the different tribes and nations of Indians within the State, which has been amended by Laws of 1816, chapter 133; Laws of 1821, chapter 204; Laws of 1835, chapter 294; Laws of 1839, chapter 40; Laws of 1841, chapter 234; Laws of 1847, chapter 486; and Laws of 1859, chapter 46. Sections 9, 10, 11, 12, 27, 29, 32, 34, 35, 36, 40, 44, 45, 47, 48, 49, 50, 51 and 54 of the act of 1813, have been extinguished by limitation, repealing acts or otherwise.

Laws of 1821, chapter 204, an act respecting intrusions on Indian lands.

Laws of 1825, chapter 257, an act to amend the act entitled "An act respecting intrusions on Indian lands," passed March 31, 1821.

Laws of 1826, chapter 150, an act applying section 3 of the act of 1813, chapter 29, to St. Regis and Seneca Indians.

Laws of 1841, chapter 234, an act in relation to certain tribes of Indians.

Laws of 1845, chapter 150, an act for the protection and improvement of the Seneca Indians residing on the Cattaraugus and Allegany reservations in this State.

Laws of 1846, chapter 278, an act in relation to selling liquor to the Indians on the Cattaraugus and Allegany reservations.

Laws of 1847, chapter 238, an act providing for schools and school-houses, and providing for education of children on the Cattaraugus and Allegany reservations.

Laws of 1847, chapter 365, an act to amend the act for the protection and improvement of the Seneca Indians residing on the Cattaraugus and Allegany reservations in this State.

Laws of 1849, resolution passed March twenty-seventh, concurred in by Senate and Assembly, recognizing a new government for Indians on the Cattaraugus and Allegany reservations.

Laws of 1849, chapter 378, an act in reference to the new government of the Seneca Nation of Indians on the Cattaraugus and Allegany reservations.

Laws of 1849, chapter 420, an act for the benefit of Indians and providing for the division of lands among, when they shall so elect.

Laws of 1853, chapter 601, an act to establish the Seneca Indian High School on the Cattaraugus reservation.

Laws of 1855, chapter 233, an act to incorporate the Thomas Asylum for Orphan and Destitute Indian Children on the Cattaraugus reservation, and to provide for its establishment and maintenance.

Laws of 1857, chapter 45, an act to relieve the Seneca Nation of Indians from certain taxes on the Allegany and Cattaraugus reservations.

Laws of 1859, chapter 280, an act applying section 17, Laws of 1857, chapter 628, to all reservations, and providing for marshals on the Cattaraugus and Allegany reservations.

Laws of 1859, chapter 374, an act granting the peace-makers on the Cattaraugus and Allegany reservations exclusive jurisdiction over actions for divorces among the Indians on said reservations, and to hear and determine actions between Indians involving the title of real estate on said reservations.

Laws of 1865, chapter 124, an act providing an amended constitution for the Senecas.

Laws of 1871, chapter 703, an act to further amend the act for the protection and improvement of the Seneca Nation of Indians residing on the Cattaraugus and Allegany reservations.

Laws of 1871, concurrent resolution passed by the Legislature January 25, asking Congress to take action to procure title to lands on Allegany reservation.

Laws of 1873, chapter 454, an act relative to taxes illegally levied.

Laws of 1873, chapter 455, an act providing for cutting timber by individual Indians.

Laws of 1875, chapter 162, an act to reorganize the Thomas Asylum for orphans and destitute children.

Laws of 1878, chapter 307, an act authorizing the clerk of Cattaraugus county to make copies of maps of reservations.

Laws of 1878, chapter 320, an act authorizing Cornplanter Senecas to vote and hold office among the Senecas.

Laws of 1881, chapter 188, an act extending the general laws of the State over leased land under act of Congress of 1875 on Allegany reservation.

Laws of 1881, chapter 355, an act providing for highways across reservations.

Laws of 1884, chapter 445, an act to regulate the practice of medicine and surgery in New York by Indians on the reservations thereof.

Laws of 1885, chapter 157, an act authorizing the Seneca Nation of Indians to employ James C. Strong as attorney to act in all matters growing out of treaty made with Troup, Ogden and Rogers.

Laws of 1888, chapter 451, an act providing for the care of insane Indians.

APPENDIX B.

UNITED STATES TREATIES.

ARTICLES CONCLUDED AT FORT STANWIX, ON THE TWENTY-SECOND DAY OF OCTOBER, 1784, BETWEEN OLIVER WOLCOTT, RICHARD BUTLER AND ARTHUR LEE, COMMISSIONERS PLENIPOTENTIARY FROM THE UNITED STATES IN CONGRESS ASSEMBLED, ON THE ONE PART, AND THE SACHEMS AND WARRIORS OF THE SIX NATIONS ON THE OTHER.

The United States of America give peace to the Senecas, Mohawks, Onondagas and Cayugas, and receives them into their protection upon the following conditions :

Article 1. Six hostages shall be immediately delivered to the commissioners by the said nations to remain in the possession of the United States, till all the prisoners, white and black, which were taken by the said Senecas, Mohawks, Onondagas and Cayugas, or by any of them in the late war, from among the people of the United States, shall be delivered up.

Article 2. The Oneida and Tuscarora Nations shall be secured in the possession of the lands on which they are settled.

Article 3. A line shall be drawn beginning at the mouth of a creek about four miles east of Niagara, called Oyonwayea, or Johnston's landing place, upon the lake named by the Indians Oswego, and by us Ontario; from thence southerly in a direction always four miles east of the carrying path between Lakes Erie and Ontario, to the mouth of Tehoseroron, or Buffalo creek, on Lake Erie; thence south to the north boundary of the State of Pennsylvania; thence west to the end of the said north boundary; thence south along the west boundary of the said State to the river Ohio; the said line from the mouth of the Oyonwayea to the Ohio shall be the western boundary of the lands of the Six Nations, so that the Six Nations shall and do yield to the United States all claims to the country west of the said boundary, and then they shall be secured in the peaceful possession of the lands they inhabit east and north of the same, reserving only six miles square round the fort of Oswego to the United States for the support of the same.

Article 4. The commissioners of the United States, on consideration of the present circumstances of the Six Nations, and in execution of

the humane and liberal views of the United States, upon the signing of the above articles, will order goods to be delivered to the said Six Nations for their use and comfort.

Proclaimed *October 22, 1784.*

ARTICLES OF A TREATY MADE AT FORT HARMAR THE NINTH DAY OF JANUARY, IN THE YEAR OF OUR LORD 1789, BETWEEN ARTHUR ST. CLAIR, ESQUIRE, GOVERNOR OF THE TERRITORY OF THE UNITED STATES OF AMERICA NORTHWEST OF THE RIVER OHIO, AND COMMISSIONER PLENIPOTENTIARY OF THE SAID UNITED STATES, FOR REMOVING ALL CAUSES OF CONTROVERSY, REGULATING TRADE AND SETTLING BOUNDARIES BETWEEN THE INDIAN NATIONS IN THE NORTHERN DEPARTMENT AND THE SAID UNITED STATES, OF THE ONE PART, AND THE SACHEMS AND WARRIORS OF THE SIX NATIONS, OF THE OTHER PART.

Article 1. WHEREAS, The United States, in Congress assembled, did, by their commissioners, Oliver Wolcott, Richard Butler and Arthur Lee, Esquire, duly appointed for that purpose, at a treaty held with the Six Nations, viz., with the Mohawks, Oneidas, Onondagas, Tuscaroras, Cayugas and Senecas, at Fort Stanwix, on the 22d day of October, 1784, give peace to the said nations, and receive them into their friendship and protection; and

WHEREAS, The said nations have now agreed to and with the said Arthur St. Clair to renew and confirm all the engagements and stipulations entered into at the before-mentioned treaty at Fort Stanwix; and

WHEREAS, It was then and there agreed between the United States of America and the said Six Nations that a boundary line should be fixed between the lands of the said Six Nations and the territory of the said United States, which boundary line is as follows, viz.: Beginning at the mouth of a creek about four miles east of Niagara, called Ononwayea, or Johnston's landing place, upon the lake named by the Indians Oswego, and by us Ontario; from thence southerly, in a direction always four miles east of the carrying-place, between Lake Erie and Lake Ontario, to the mouth of Tehoseroton or Buffalo Creek, upon Lake Erie; thence south to the northern boundary of the State of Pennsylvania; thence west to the end of the said north boundary; thence south along the west boundary of the said State to the river Ohio. The said line, from the mouth of Ononwayea to the Ohio, shall be the western boundary of the lands of the Six Nations, so that the Six Nations shall and do yield to the United States all claim to the country west of the boundary; and then they shall be secured in the possession of the lands they inhabit east, north and

south of the same, reserving only six miles square round the fort of Oswego for the support of the same. The said Six Nations, except the Mohawks, none of whom have attended at this time, for and in consideration of the peace then granted to them, the presents they then received, as well as in consideration of a quantity of goods, to the value of \$3,000, now delivered to them by the said Arthur St. Clair, the receipt whereof they do hereby acknowledge, do hereby renew and confirm the said boundary line in the words before mentioned to the end that it may be and remain as a division line between the lands of the said Six Nations and the territory of the United States forever. And the undersigned Indians, as well in their own names as in the name of their respective tribes and nations, their heirs and descendants, for the considerations before mentioned, do release, quit-claim, relinquish, and cede to the United States of America all the lands west of the said boundary or division line, and between the said line and the strait, from the mouth of Ononwayea, and Buffalo Creek, for them, the said United States of America, to have and to hold the same in true and absolute propriety forever.

Article 2. The United States of America confirm to the Six Nations all the lands which they inhabit lying east and north of the before-mentioned boundary line, and relinquish and quit-claim to the same and every part thereof, excepting only six miles square round the fort of Oswego, which six miles round said fort is again reserved to the United States by these presents.

Article 3. The Oneida and Tuscarora Nations are also again secured and confirmed in the possession of their respective lands.

Article 4. The United States of America renew and confirm the peace and friendship entered into with the Six Nations of America, renew and confirm the peace and friendship entered into with the Six Nations (except the Mohawks) at the treaty before mentioned, held at Fort Stanwix, declaring the same to be perpetual. And if the Mohawks shall within six months declare their assent to the same, they shall be considered as included.

Separate Article.

Should a robbery or murder be committed by an Indian of the Six Nations, upon the citizens or subjects of the United States, or by the citizens or subjects of the United States or any of them, upon any of the Indians of the said nations, the parties accused of the same shall be tried, and, if found guilty, be punished according to the laws of the State or of the Territory of the United States, as the case may be, where the same was committed. And should any horses be stolen,

either by the Indians of the said nations, from the citizens or subjects of the United States, or any of them, or by any of the said citizens or subjects from any of the said Indians, they may be reclaimed into whose possession soever they may have come; and upon due proof shall be restored, any sale in open market notwithstanding; and the persons convicted shall be punished with the utmost severity the laws will admit. And the said nations engage to deliver the persons that may be accused, of their nations, of either of the before-mentioned crimes, at the nearest post of the United States, if the crime was committed within the territory of the United States, or to the civil authority of the States, if it shall have happened within any of the United States.

Concluded *June 9, 1789.*

A TREATY BETWEEN THE UNITED STATES AND THE TRIBES OF INDIANS CALLED
THE SIX NATIONS.

The President of the United States, having determined to hold a conference with the Six Nations of Indians for the purpose of removing from their minds all causes of complaint and establishing a firm and permanent friendship with them, and Timothy Pickering being appointed sole agent for that purpose, and the agent having met and conferred with the sachems, chiefs and warriors of the Six Nations in a general council, now, in order to accomplish the good design of this conference, the parties have agreed on the following articles, which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the Six Nations :

Article 1. Peace and friendship are hereby firmly established, and shall be perpetual between the United States and the Six Nations.

Article 2. The United States acknowledge the lands reserved to the Oneida, Onondaga and Cayuga nations, in their respective treaties with the State of New York, and called their reservations, to be their property; and the United States will never claim the same, nor disturb them or either of the Six Nations, nor their Indian friends residing thereon and united with them, in the free use and enjoyment thereof; but the said reservation shall remain theirs until they choose to sell the same to the people of the United States, who have the right to purchase.

Article 3. The land of the Seneka nation is bounded as follows : Beginning on Lake Ontario, at the northwest corner of the land they sold to Oliver Phelps, the line runs westerly along the lake as far as

O-yong-wong-yeh Creek, at Johnson's Landing Place, about four miles eastward from the fort of Niagara; thence southerly up that creek to its main fork; then straight to the main fork of Stedman's Creek, which empties into the river Niagara about Fort Schlosser, and then onward from that fork, continuing the same straight course, to that river (this line from the mouth of O-yong-wong-yeh Creek to the river Niagara, above Fort Schlosser, being the eastern boundary of a strip of land extending from the same line to Niagara river which the Seneka Nation ceded to the king of Great Britain, at a treaty held about thirty years ago, with Sir William Johnson); then the line runs along the river Niagara to Lake Erie; then along Lake Erie to the northeast corner of a triangular piece of land which the United States conveyed to the State of Pennsylvania, as by the President's patent, dated the third day of March, 1792; then due south to the northern boundary of that State; then due east to the southwest corner of the land sold by the Seneka Nation to Oliver Phelps; and then north and northerly along Phelps' line to the place of beginning on Lake Ontario. Now, the United States acknowledge all the land within the aforementioned boundaries to be the property of the Seneka Nation; and the United States will never claim the same, nor disturb the Seneka 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.

Article 4. The United States having thus described and acknowledged what lands belong to the Oneidas, Onondagas, Cayugas and Senekas, and engaged never to claim the same, nor to disturb them, or any of the Six Nations or their Indian friends residing thereon and united with them, in the free use and enjoyment thereof, now, the Six Nations, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

Article 5. The Seneka Nation, all others of the Six Nations concurring, cede to the United States the right of making a wagon road from Fort Schlosser to Lake Erie, as far south as Buffalo creek, and the people of the United States shall have the free and undisturbed use of this road for the purposes of traveling and transportation. And the Six Nations, and each of them, will forever allow to the people of the United States a free passage through their lands and the free use of the harbours and rivers adjoining and within their

respective tracts of land, for the passing and securing of vessels and boats and liberty to land their cargoes where necessary for their safety.

Article 6. In consideration of the peace and friendship hereby established and of the engagements entered into by the Six Nations, and because the United States desire with humanity and kindness to contribute to their comfortable support, and to render the peace and friendship hereby established strong and perpetual, the United States now deliver to the Six Nations, and the Indians of the other nations residing among and united with them, a quantity of goods of the value of \$10,000. And for the considerations, and with a view to promote the future welfare of the Six Nations, and of their Indian friends aforesaid, the United States will add the sum of \$3,000 to the \$1,500 heretofore allowed them, by an article ratified by the President on the twenty-third day of April, 1792, making in the whole, \$4,500, which shall be expended yearly forever in purchasing clothing, domestic animals, implements of husbandry, and other utensils suited to their circumstances, and in compensating useful artificers, who shall reside with or near them, and be employed for their benefit; the immediate application of the whole annual allowance now stipulated to be made by the superintendent appointed by the President for the affairs of the Six Nations and their Indian friends aforesaid.

Article 7. Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States and the Six Nations agree that, for injuries done by individuals on either side no private revenge or retaliation shall take place, but instead thereof complaint shall be made by the party injured to the other — by the Six Nations or any of them to the President of the United States or the superintendent by him appointed, and by the superintendent or other person appointed by the President to the principal chiefs of the Six Nations, or of the nation to which the offender belongs, and such prudent measures shall then be pursued as shall be necessary to preserve our peace and friendship unbroken, until the Legislature (or great council) of the United States shall make other equitable provisions for the purpose.

Proclaimed *January 21, 1795.*

NOTE.—It is clearly understood by the parties to this treaty that the annuity stipulated in the sixth article is to be applied to the benefit of such of the Six Nations, and of their Indian friends united with them as aforesaid, as do or shall reside within the boundaries of the United States, for the United States does not interfere with nations, tribes or families of Indians elsewhere resident.

A TREATY BETWEEN THE UNITED STATES AND THE ONEIDA, TUSCARORA AND STOCKBRIDGE INDIANS, DWELLING IN THE COUNTRY OF THE ONEIDAS.

WHEREAS, In the late war between Great Britain and the United States of America, a body of the Oneida and Tuscarora and the Stockbridge Indians adhered faithfully to the United States and assisted them with their warriors; and in consequence of this adherence and assistance the Oneidas and Tuscaroras, at an unfortunate period of the war, were driven from their homes, and their houses were burned and their property destroyed; and as the United States in the time of their distress, acknowledged their obligations to these faithful friends, and promised to reward them; and the United States being now in a condition to fulfill the promises then made, the following articles are stipulated by the respective parties for that purpose; to be in force when ratified by the President and Senate.

Article 1. The United States will pay the sum of \$5,000 to be distributed among individuals of the Oneida and Tuscarora nations as a compensation for their individual losses and services during the late war between Great Britain and the United States. The only man of the Kaughnawaugas now remaining in the Oneida country, as well as some few very meritorious persons of the Stockbridge Indians, will be considered in the distribution.

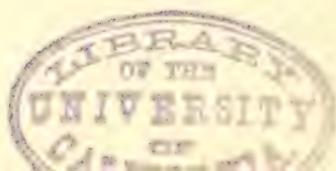
Article 2. For the general accommodation of these Indian nations residing in the country of the Oneidas, the United States will cause to be erected a complete grist-mill and saw-mill, in a situation to serve the present principal settlement of these nations. Or if such one convenient situation cannot be found, then the United States will cause to be erected two such grist-mills and saw-mills in places where it is now known the proposed accommodation may be effected. Of this the United States will judge.

Article 3. The United States will provide, during three years after the mills shall be completed, for the expense of employing one or two suitable persons to manage the mills, to keep them in repair, to instruct some young men of the three nations in the arts of the miller and sawyer, and to provide teams and utensils for carrying on the work of the mills.

Article 4. The United States will pay \$1,000, to be applied in building a convenient church at Oneida, in the place of the one which was burnt by the enemy in the late war.

Article 5. In consideration of the above stipulations to be performed on the part of the United States, the Oneida, Tuscarora and Stockbridge Indians, aforementioned, now acknowledge themselves satisfied, and relinquish all other claims of compensation and rewards for their losses and services in the late war, excepting only the unsatisfied claims of such men of the said nations as bore commissions under the United States for any arrears which may be due to them as officers.

Proclaimed *January 21, 1795.*



APPENDIX C.

LAND GRANTS.

THE CHARTER OF THE COLONY OF THE MASSACHUSETTS BAY IN NEW
ENGLAND, 1628-9.

Charles, by the grace of God, Kinge of England, Scotland, Fraunce and Ireland, Defendor of the Fayth, etc., to all whome this presents shall come, Greeting:

WHEREAS, Our most deare and royall father Kinge James, of blessed memory, by his Highness' letters patents, bearing date at Westminster, the third day of November, in the eighteenth yeare of his raigne, hath given and graunted vnto the Councell established at Plymouth in the county of Devon, for the planting, ruling, ordering and governing of Newe England in America, and to their successors and assignes for ever: All that parte of America lyeing and being in bredth from forty degrees of northerly latitude from the equinoctiall lyne, to forty-eight degrees of the saide northerly latitude inclusively, and in length of and within all the bredth aforesaid throughout the maine landes from sea to sea, together, also, with all the firme landes, soyles, groundes, havens, portes, rivers, waters, fishing, mynes and myneralls, as well royall mynes of gould and silver, as other mynes and myneralls, precious stones, quarries, and all and singuler other comodities, jurisdiccons, royalties, priviledges, franchises and prehemynences, both within the said tract of lande vpon the mayne and also within the islandes and seas adioining; Provided alwayes, That the saide islandes or any the premises by the said letters patents intended and meant to be graunted were not then actuallie possessed or inhabited by any other Christian Prince or State, nor within the boundes, lymitts, or territories of the Southerne Colony then before graunted by our deare father, to be planted by divers of his loving subiects in the south partes. To have and to houlde, possesse, and enioy all and singuler the aforesaid continent, landes, territories, islands, hereditaments, and precints, seas, waters, fishings, with all and all manner their comodities, royalties, liberties, prehemynences, profitts that should from thenceforth arise from thence, with all and singuler their appurtenances, and every parte and parcell thereof vnto the saide Councell and their successors and assignes for

ever, To the sole and proper vse, benefitt, and behoofe of them the saide Councelle and their successors and assignes for ever : To be houlden of our saide most deare and royall father, his heires, and successors, as of his manor of Eastgreenewich, in the County of Kent, in free and comon Soccage, and not in Capite nor by Knights Service. Yeilding and paying therefor to the saide late Kinge, his heires, and successors the fite parte of the oare of gould and silver which should, from tyme to tyme, and at all tymes then after, happen to be found, gotten, had and obteyned in, att, or within any of the saide landes, lymytts, territories and precints, or in or within any parte or parcel thereof, for or in respect of all and all manner of duties, demaunds, and services whatsoever to be don, made, or payde to our saide dear father, the late Kinge, his heires and successors, As in and by the saide letters patents (amongest sundrie other clauses, powers, privileges, and grauntes therein conteyned) more at large appeareth. And

WHEREAS, The saide Councell, established at Plymouth, in the County of Devon, for the plantinge, ruling, ordering and governing of Newe England in America, have, by their deede, indented vnder their comon seale, bearing date the nineteenth day of March last past, in the third yeare of our raigne, given, graunted, bargained, sould, enfeoffed, aliened, and confirmed to Sir Henry Roswell, Sir John Young, knightes, Thomas Southcott, John Humphreys, John Endecott, and Symon Whetcombe, their heires and associats for ever, All that parte of Newe Englande in America aforesaid which lyes and extendes betweene a greate river there comonlie called Monomack, alias Merriemack, and a certen other river there called Charles river, being in the bottome of a certayne bay there comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts bay, and also all and singuler those landes and hereditaments whatsoever, leying within the space of three English miles on the south parte of the saide Charles river, or of any or everie parte thereof : And also all and singuler the landes and hereditaments whatsoever, lyeing and being within the space of three English myles to the southwarde of the southmost parte of the saide bay, called Massachusetts, alias Mattachusetts, alias Massatusetts bay : And also all those landes and hereditaments whatsoever which lye and be within the space of three English myles to the northward of the saide river called Monomack, alias Merrymack, or to the northward of any and every parte thereof : And all landes and hereditaments whatsoever, lyeing within the lymytts aforesaide,

north and south, in lattiude and bredth, and in length and longitude, of and within all the bredth aforesaide, throughout the mayne landes there, from the Atlantick and westerne sea and ocean on the east parte; to the south sea on the west parte, and all landes and groundes, place and places, soyles, woodes and wood groundes, havens, portes, rivers, waters, fishings, and hereditaments whatsoever, lyeing within the said boundes and lymytts, and everie parte and parcell thereof: And also all islandes lyeing in America aforesaide, in the saide seas, or either of them, on the westerne or easterne coastes or partes of the said tractes of lande by the saide indenture mencoed to be be given, graunted, bargained, sould, enfeoffed, aliened and confirmed, or any of them: And also all mynes and myneralls, as well royall mynes of gould and silver, as other mynes and myneralls whatsoever in the saide landes and premisses, or any parte thereof: And all jurisdiccons, rights, royalties, liberties, freedomes, ymmunities, privileges, franchises, preheminences, and comodoties whatsoever, which they, the saide Councell, established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, then had or might vse, exercise, or enioy in and within saide landes and premisses by the saide indenture mencoed to be given, graunted, bargained, sould, enfeoffed, and confirmed, or in any parte or parcell thereof. **TO HAVE** and to hould the saide parte of Newe England in America which lyes and extendes and is abutted as aforesaid, and every parte and parcell thereof: And all the saide islandes, rivers, portes, havens, waters, fishings, mynes and mineralls, jurisdiccons, franchises, royalties, liberties, priviledges, comodoties, heriditaments, and premisses whatsoever, with the appurtenances, vnto the saide Sir Henry Roswell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their heires and assignes, and their associatts, to the onlie proper and absolute vse and behoofe of the said Sir Henry Rosewell, Sir John Yonge, Thomas Southcott, John Humfrey, John Endecott, and Symon Whettecombe, their heirs and assignes, and their associatts, for evermore. **TO BE HOULDEN** of VS, our heirs and successors, as of our manor of East greenewich, in the County of Kent, in free and comon Socage, and not Capite, nor by knightes service, YEILDING and payeing therefore vnto vs, our heires and successors, the fite parte of the oare of goulde and silver which shall, from tyme to tyme, and all tymes hereafter, happen to be founde, gotten, had, and obteyned in any of the saide landes within the saide lymytts, or within any parte thereof, for and in satisfaccon of al manner duties, demaunds, and services whatsoever, to be donn, made, or paid to vs, our heires or successors, as in and by

the said recited indenture more at large maie appeare. NOWE knowe yee, that wee, at the humble suite and peticon of the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and of others whome they have associated vnto them, HAVE, for divers good causes and considerations vs moveing, graunted and confirmed, And by theis presents of our especiall grace, certen knowledge, and meere mocon, doe graunt and confirme vnto the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and to their associatts hereafter named, (videlicet), Sir Richard Saltonstall, knight, Isaack Johnson, Samuel Aldersey, John Ven, Mathew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion and George Foxcrofte, their heires and assignes, All the saide parte of Newe England in America, lyeing and extending betweene the boundes and lymitts in the said recited indenture expressed, and all landes and groundes, place and places, soyles, woodes, and wood groundes, havens, portes, rivers, waters, mynes, myneralls, jurisdiccons, rightes, royalties, liberties, freedomes, immunities, priviledges, franchises, preheminences, hereditaments, and comodities whatsoever to them the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humphrey, John Endecott, and Simon Whetcombe, their heires and assignes, and to their associatts, by the saide recited indenture given, graunted, bargayned, solde, enfeoffed, aliened, and confirmed, or mencoed or intended thereby to be given, graunted, bargayned, sold, enfeoffed, aliened and confirmed. TO HAVE and to hould the saide parte of Newe Englande in America, and other the premisses hereby mencoed to be graunted and confirmed, and every parte and parcell thereof, with the appurtenances, to the saide Sir Henry Rosewell, Sir John Yonge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniel Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their heires and assignes for ever, to their onlie proper and absolute vse and behoofe for evermore. To be holden of vs, our heires and successors, as of our mannor of Eastgreenewich aforesaid, in free and comon Socage, and not in Capite

nor by knights service, AND ALSO YEILDING and paying to Vs, our heires and successors, the fiftte parte onlie of all oare of gould and silver, which, from tyme to tyme, and att all tymes hereafter, shalbe there gotten, had or obteyned, for all services, exacons, and demaunds whatsoever, according to the tenure and reservacon in the said recited indenture expressed. AND FURTHER knowe yee, That, of our more especiall grace, certen knowledg, and meere mocon, Wee have given and graunted, And by their presents doe for vs, our heires and successors, give and Graunt vnto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their heires and assignes, All that parte of Newe England in America which lyes and extendes betweene a great river there comonlie called Monomack river, alias Merrimack river, and a certen other river there called Charles river, being in the bottome of a certen bay comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts bay ; And also all and singular those lands and hereditaments whatsoever, lyeing within the space of three Englishe myles on the south parte of the saide river called Charles river, or of any or every parte thereof : And also all and singular the lands and hereditaments whatsoever lyeing and being within the space of three Englishe myles to the southward of the southermost parte of the baye called Massachusetts, alias Mattachusetts, alias Massatusetts bay : And also all those landes and hereditaments whatsoever which lye within the space of three English myles to the norward of the saide river called Monomack, alias Merrymack, or to the norward of any and every parte thereof, and all landes and hereditaments, whatsoever, lyeing within the lymitts aforesaide, north and south, in latitude and bredth, and in length and longitude, of and within all the bredth aforesaide, throughout the mayne landes there from the Atlantick and westerne sea and ocean on the east parte, to the south sea on the west parte. And all landes and groundes, place and places, soyles, woodes and wood-groundes, havens, portes, rivers, waters, and hereditaments, whatsoever, lyeing within the saide boundes and lymitts, and every parte and parcell thereof, and also all islandes in America aforesaide, in the saide seas, or either of them, on the westerne or easterne coastes, or partes of the saide tracts of

landes hereby mencoed to be given and graunted, or any of them, and all mynes and myneralls, as well royall mynes of gould and silver as other mynes and myneralls, whatsoever, in the saide landes and premises, or any parte thereof, and free libertie of fishing in or within any the rivers or waters within the boundes and lymitts aforesaide, and the seas therevnto adioining : And all fishes, royall fishes, whales, balan, sturgions, and other fishes, of what kinde or nature soever, that shall at any tyme hereafter be taken in or within the saide seas or waters, or any of them, by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eason, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their heires and assignes, or by any other persons whatsoever there inhabiting, by them, or any of them, to be appointed to fishe therein. PROVIDED, alwayes, that yf the said landes, islandes, or any other the premisses herein before mencoed, and by theis presents intended and meant to be graunted, were, at the tyme of the graunting of the saide former letters patents, dated the third day of November, in the eighteenth yeare of our said deare fathers raigne aforesaide, actuallie possessed or inhabited by any other Christian Prince or State, or were within the boundes, lymytts, or territories of that Southerne Colony then before graunted by our said late father to be planted by divers of his loveing subiects in the south partes of America, That then this present graunt shall not extend to any such partes or parcells thereof, soe formerly inhabited or lyeing within the boundes of the southerne plantacon as aforesaide, but as to those partes or parcells soe possessed or inhabited by such Christian Prince or State, or being within the bounders aforesaid, shalbe vtterly voyd, theis presents or any thinge therein conteyned to the contrarie notwithstanding. TO HAVE and to hould, possesse and enioy the saide partes of Newe England in America, which lye, extend, and are abutted as aforesaide, and every parte and parcell therof : And all the islands, rivers, portes, havens, waters, fishings, fishes, mynes, myneralls, jurisdiccons, franchises, royalties, liberties, priviledges, comodoties, and premises whatsoever, with the appurtenances, vnto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George

Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their heires and assignes forever, to the onlie proper and absolute vse and behoufe of the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Mathewe Cradocke, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their heires and assignes forevermore. TO BE HOLDEN OF US, our heires and successors, as of our mannor of Eastgreenewich, in our countie in Kent, within our realme of England, in free and comon soccage, and not in Capite nor by knight service, and also yielding and paying to VS, our heires and successors, the fite parte onlie of all oare of gould and silver which, from tyme to tyme, and at all tymes hereafter, shall be gotten, had, or obteyned for all services, exacons, and demaundes whatsoever. * * * * *

[The rest of this charter provides for the government of the colony, and like matters, and has nothing to do with the land grant.]

GRANT TO THE DUKE OF YORK, DATED 12TH MARCH, AO. 16, CAR. 2D, 1664

Charles the Second, by the Grace of God, King of England, Scotland, Ffrance and Ireland, Defender of the ffaith, etc., To all whom these p'nts shall come, Greeting :

Know Yee that wee for divers good Causes and Consideracons Us thereunto moving Have, of our especiall Grace, Certaine knowledge and meere motion Given and Granted, And by these presents for us, Our heires and Successors, Do Give and Grant unto our Dearest Brother James, Duke of Yorke, his Heires and Assignes, All that part of the maine Land of New England, begining at a Certaine place called or knowne by the Name of St. Croix, next adjoyning to new Scotland in America, and from thence extending along the Sea Coast unto a Certaine place called Petuaquine or Pemaquid, and so up the River thereof to the farthest head of ye same as it tendeth Northwards, and extending from thence to the River Kinebequi, and so upwards by the Shortest Course to the River Canada Northward, And also all that Island or Islands commonly called by the severall name or names

of Matowacks or Lond Island, Scituate lying and being towards the West of Cape Codd and ye narrow Higansetts abutting upon the maine Land between the two Rivers there Called or knowne by the severall Names of Conecticut and Hudsons River, together also wth the said river called Hudons River, and all the Land from the west side of Conecticut to ye East side of Delaware Bay, And also all those severall Islands called or knowne by the Names of Martins Vinyard and Nantukes, otherwise Nantuckett, Together with all ye Lands, Islands, Soyles, Rivers, Harbours, Mines, Minerals, Quarries, Woods, Marshes, Waters, Lakes, fishings, Hawking, Hunting and fflowing and all other Royalltyes, Proffitts, Commodities and Hereditam^{ts} to the said Severall Islands, Lands and prmisses belonging & appertaining wth their and every of their appurtenances, And all Our Estate, Right, Title, Interest, benefitt, Advantage, Claime and Demand of, in or to the said Lands and prmisses or any part or parcell thereof And the Revercons Remainder & Remainders together with the Yearly and other ye Rents Revenues and Proffitts of all and Singuler the said Premisses and of every part and parcell thereof To have & to hold all and Singuler the said Lands Islands Hereitam^{ts} and p^rmisses wth their and every of their appurtenances hereby given and granted or herein before menconed to be given and Granted unto our Dearest Brother James Duke of Yorke his Heires and Assignes forever To the only proper use and behoofe of the said James Duke of Yorke his Heires and Assignes forever To be holden of Us Our Heires and Successo^{rs} as of our Manno^r of East Greenw^{ch} in our County of Kent in ffree and Common Soccage and not in Capite nor by Knight Service Yielding and Rendring. And the said James Duke of Yorke doth for himselfe his Heires and Assignes Covenant & promise to Yield and render unto us our Heirs and Successo^{rs} of and for the same yearly and every Yeare forty Beaver Skins when they shall be demanded or within Ninety dayes after And Wee do further of our Speciall Grace Certaine knowledge and meere mocon for us our Heires and Successo^{rs} Give & Grant unto our said Dearest Brother James Duke of Yorke his Heires Deputyes Agents Commission^{rs} and Assignes by these p^rits full and absolute Power and Authority to Correct Punish Pardon Governe and Rule all such the Subjects of us Our Heires and Successo^{rs} as from time to time adventure themselves into any the parts or places aforesaid or that shall or doe at any time hereafter Inhabite within the same according to such Lawes Orders Ordinances Direccons and Instruments as by our said Dearest Brother or his Assignes shall be Established And in defect thereof in Cases of necessity according to the good discrecons of his Deputyes Commission^{rs} Officers or Assignes respectively as

well in all Causes and matters Capitall and Criminall as Civill both Marine and others Soe alwayes as the said Statutes Ordinances & proceedings be not Contrary to but as neare as Conveniently may be Agreeable to the Lawes Statutes & Governm^t of this our Realme of England And Saving and reserving to us Our Heires and Successo^{rs} ye receiving hearing and determining of the Appeale and Appeales of all or any Person or Persons of in or belonging to ye Territoryes or Islands aforesaid in or touching any Judgment or Sentence to be there made or given And further that it shall and may be lawfull to & for our said Dearest Brother his Heires and Assignes by these p^{nt}s from time to time to Nominate make Constitute Ordaine and Confirme by such Name or Names Stile or Stiles as to him or them shall seeme good And likewise to revoke discharge Change and alter as well all and Singular Governo^{rs} Officers & Minist^{rs} which hereafter shall be by him or them thought fitt and needfull to be made or used wthin the aforesd parts & Islands And also to make Ordaine and Establish all manner of Orders Lawes directions Instrucecons formes and Ceremonyes of Governm^t and Magistracy fitt and Necessary for and Concerning the Government of the Territoryes and Islands aforesd so alwayes as the same be not Contrary to the Lawes and Statutes of this our Realme of England but as neare as may be Agreeable thereonto And the same at all times hereafter to put in Execucon or abrogate revoke or change only within the p^{rc}incts of the said Territoryes or Islands but also upon the Seas in going and Coming to and from the same as he or they in their good descrecons shall thinke to be fittest for the Good of the Adventurers and Inhabitants there And wee do further of our Speciall Grace Certaine knowledge and meere Mocon Grant Ordaine and Declare That such Governo^{rs} Officers and Ministers as from time to time shall be Authorized and appointed in manner and forme aforesaid shall and may have full Power and Authority to use and Exercize Marshall Law in Cases of Rebellion Insurrecon and Mutinie in as large and Ample manner as our Lieutenants in our Countyes wthin our Realme of England have or ought to have by force of their Commission of Lieutenancy or any Law or Statute of this our Realme And wee do further by these p^{nt}s for us Our Heires and Successo^{rs} Grant unto our said Dearest Brother James Duke of Yorke his Heires and Assignes That it shall and may be Lawfull to and for the said James Duke Of Yorke his Heires and Assignes in his or their discrecons from time to time to admitt such and so many Person and Persons to Trade and Traffique unto and wthin the Tereitoryes and Islands aforesaid and into every or any part & Percell thereof and to have possesse and Enjoy any Lands or Hereditam^{ts} in

ye Parts and Places aforesaid as they shall thinke fitt according to the Lawes Orders Constitucons and Ordinances by our said Brother his Heires and Deputeyes Commission^{rs} and assignes from time to time to be made and Established by vertue of and according to the true intent and meaning of these p^{nt}s and under such Condicons Reservacons and Agreem^{ts} as Our sd Brother his Heires or Assignes shall set downe Order direct and appoint and not otherwise as aforesd And wee do further of our especiall grace Certaine Knowledge and meere Mocon for us our Heires and Successo^{rs} give and grant to our said Deare Brother his Heires and Assignes by these p^{nt}s That it shall and may be lawfull to and for him them or any of them at all and every time and times hereafter out of any our Realmes or Dominions whatsoever to take leade Carry and Transport in and into their Voyages and for and towards the Plantacons of our said Territoryes and Islands all such and so many of our Loveing Subjects or any other Strangers being not prohibited or under restraint that will become our Loving Subjects and live under Our Alegiance as shall willingly Accompany them in the said Voyages together with all such Cloathing Implements furniture and other things usually transported and not Prohibited as shall be necessary for the Inhabitants of the said Islands and Territoryes and for their use and defense thereof and Manageing and Carrying on the Trade wth the People there and in passing and returning to and fro: Yielding & Paying to us our Heires and Successo^{rs} the Customes and Dutyes therefore due and payable according to the Lawes and Customes of this Our Realme And we do also for us our Heires and Successors grant to our said Dearest Brother James Duke of Yorke his Heires And Assignes and to all and every such Governo^r or Governo^{rs} or other Officers or Ministers as by our said Brother his Heires or Assignes shall be Appointed to have Power and Authority of Governm^t and Command in and over the Inhabitants of the said Territoryes or Islands that they and every of them shall and Lawfully may from time to time and at all times hereafter forever for their Severall defence and Safety Encounter expulse repell and resist by force of Arms as well by Sea as by Land and all wayes and Means whatsoever all such Person and Persons as wth out the Speciall Licence of our said Deare Brother his Heires or Assignes shall Attempt to Inhabit wthin the Severall p^{ci}ncts and Limitts of our said Territoryes and Islands And also all and every such Person or Persons whatsoever as shall enterprize or Attempt at any time hereafter the destrucon invasion detriment or annoyance to ye parts places or Islands aforesaid or any Parte thereof And Lastly our will and pleasure is and wee do hereby declare and grant that these our Letters Patents or the Inrollm^t

thereof shall be good and effectually in the Law to all intents and Purposes whatsoever Notwithstanding the not reciting or mentioning of the Premises or any part thereof or the meets or Bounds thereof or of any former or other Letters Patents or Grants heretofore made or Granted of the Premises or of any Part thereof by us or of any of our Progenitors unto any other Person or Persons whatsoever Bodies Politique or Corporate or any Act Law or other restraint uncertainty or imperfection whatsoever to the Contrary in any wise notwithstanding although expresse mention of the true yearly Value or Certainty of the Premises or any of them or of any other Gifts or Grants by us or by any of our Progenitors or Predecessors heretofore made to the said James Duke of York in these Presents is not made or any Statute Act Ordinance provision Proclamation or restriction heretofore had made Enacted Ordained or Provided or any other matter cause or thing whatsoever to the Contrary thereof in any wise Notwithstanding

In Witnesse Whereof Wee have caused these our Letters to be made Patents Witnesse Ourselfe at Westminster the twelveth day of March in the Sixteenth Yeare of our Raigne

BY THE KING

HOWARD. /.

I do hereby certify the foregoing to be a true copy of the Original Record, Word *Mocon* fifth line from the bottom of page forty, word *or* seventeenth line of page forty one and the word *statute* eighth line from the end being severally written on razures, and the word *to* between the twenty third and twenty fourth line of page forty two being interlined, and the word *of* eleventh line from the end being obliterated as in the Original and that the several Blanks therein contained represent such parts of the said Record as are defaced. Compared therewith By Me

LEWIS A. SCOTT,

Secretary.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE. } ss. :

I have compared the preceding copy of grant with the record thereof in this office, in book number one of patents, at page 109, etc., and I do hereby certify the same to be a correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of office of the Secretary of
[L. s.] State, at the city of Albany, the 28th day of January, 1889.

FREDERICK COOK,

Secretary of State.

FROM LIBER ONE OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF CATTARAUGUS, AT PAGES 270-280.

To all to whom these presents shall come, the underwritten John Lowell, James Sullivan, Theophilus Parsons and Rufus King, agents or commissioners appointed by the commonwealth of Massachusetts, of the one part, and the underwritten James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith and Egbert Benson, six of the agents or commissioners appointed by the State of New York, of the other part, send greeting:

WHEREAS, The commonwealth of Massachusetts did heretofore present a petition to the United States, in Congress assembled, thereby among other things stating that all that territory which in the said petition is described as "All that part of New England in America which lieth and extendeth between a great river called Merrimac, and a certain other river, Charles river, being the bottom of a bay then called Massachusetts bay, and also those lands lying within three English miles to the southward of the southernmost part of the said bay, and extending thence northward in latitude to the northward of every part of the said river Merrimac, and in breadth of latitude aforesaid, extending through all the main-land in longitude westwardly to the southern ocean," was the just and proper right of the said commonwealth; and further stating that the State of New York had set up a claim to some part of the land before mentioned; the said commonwealth did therefore by the said petition solemnly request of the United States in Congress that commissioners might be appointed for inquiring into and determining upon the claim aforesaid of the Legislature of the said commonwealth, and that such other proceedings respecting the premises might be had as are by the federal government of the said United States in such case made and provided, as by the said petition filed among the archives of the United States, reference being thereunto had may more fully appear; and

WHEREAS, The State of New York doth, in opposition to the said claim of the commonwealth of Massachusetts, claim as the just and proper right of the said State, as well in respect of property as jurisdiction, all those lands, territories, bounded on the north by the parallel of latitude passing through the said point, place or boundary aforesaid of three miles to the northward of every point of the said river Merrimac, and bounded on the south by the parallel of latitude passing through the said point or place situate three miles south of the southernmost point on the said bay, called Massachusetts bay, bounded on the west by the limits between the United States and

the King of Great Britain, by the line of cession from the State of New York to the United States, and bounded on the east by the line agreed on and established between the late colony of Massachusetts Bay and the late colony of New York, in the year 1773; and from the northern terminal of the said line, then bounded on the east by the western bank of the Connecticut river; and

WHEREAS, The State of New York, having been duly notified, did appear by their lawful agent to vindicate such their said right against the said claim of the said commonwealth, and proceedings were thereupon had in Congress pursuant to the Articles of Confederation, in order to the appointment of commissioners or judges to constitute a court for hearing and determining the said matters in question; and

WHEREAS, The said John Duane, James Sullivan, Theophilus Parsons and Rufus King were afterwards, by a certain commission under the seal of the said commonwealth, and bearing date the twenty-sixth day of April, in the ninth year of the independence of the United States, and made in pursuance of an act of the Legislature of the said commonwealth, passed the fourteenth day of March, in the eighth year of the independence of the United States, and of a resolution of the said Legislature, passed the eighteenth day of the said month of March, commissioned to be agents to manage, conduct and prosecute the claims of the said commonwealth to the lands described in the said petition; and

WHEREAS, Afterwards and pending such proceedings in Congress, the Legislature of the Commonwealth of Massachusetts did, by an act entitled "An act empowering the agents appointed by this government to defend the territory on the west side of Hudson river against the claims of the State of New York, to settle the controversy relative thereto, otherwise than by a federal court if they shall judge it expedient," enact that the major part of said agents or commissioners shall be fully authorized and empowered to agree with the agents or commissioners of the State of New York and settle the controversy respecting the territory aforesaid by a federal court as appointed by virtue of the confederation or otherwise, in such way and manner as they should judge would comport with justice and the interest of the said Commonwealth, and the Legislature of the State of New York did by an act entitled "An act supplementary to the act entitled 'An act to appoint agents or commissioners for vindicating the right and jurisdiction of this State against the claims of the Commonwealth of Massachusetts, pursuant to the articles of confederation and perpetual union of the United States,'" among other things enact that it should be lawful for the said James Duane,

Robert R. Livingston, Egbert Benson, John Haring, Melancton Smith and Robert Yates, and also John Lansing, Jr., or any five or more of them to settle said controversy between the said State of New York and the said Commonwealth of Massachusetts, otherwise than by the said federal court in such manner as they should judge most conducive to the interest of the said State, as by the said commission and the said several acts, relation being thereunto had, may appear.

Now, therefore, know ye, that the underwritten commissioners on the part of the Commonwealth of Massachusetts and State of New York respectively, having by mutual consent assembled at the city of Hartford, in the State of Connecticut, on the thirtieth day of November last, in order to the due execution of their respective trusts, and having duly exchanged and considered their respective powers and declared the same legal and sufficient after several conferences, and to the end that all interfering claims and controversies between the said Commonwealth of Massachusetts and the State of New York, as well in respect of jurisdiction as property, may be finally settled and extinguished, and peace and harmony forever established between them on the most solid foundations have agreed, and by these presents do mutually for and in behalf of the said Commonwealth of Massachusetts and the said State of New York by whom, respectively, they, the said commissioners, have been so appointed and authorized as aforesaid, agree to the mutual cession, grant, release and other provisions following, that is to say :

First. The Commonwealth of Massachusetts doth hereby cede, grant, release and confirm to the State of New York, forever, all the claim, right and title, which the Commonwealth of Massachusetts hath to the government, sovereignty and jurisdiction of the lands and territories so claimed by the State of New York, as hereinbefore stated and particularly described.

Secondly. The State of New York doth hereby cede, grant, release and confirm to the said Commonwealth of Massachusetts, and to the use of the Commonwealth, their grantees and the heirs and assigns of such grantees forever, the right of preëmption of the soil from the native Indians, and all their estate, right, title and property (the right and title of government, sovereignty and jurisdiction excepted) which the State of New York hath of, in or to 230,400 acres, to be located by the Commonwealth of Massachusetts, and to be situate to the northward and adjoining to the lands granted respectively to Daniel Cox and Robert Lettice Hasper, and their respective associates, and between the rivers Owego and Chenango, and also of, in or to all the

lands and territories within the following limits and bounds, that is to say: Beginning in the north boundary line of the State of Pennsylvania, in the parallel of forty-two degrees of north latitude, at a point distant eighty-two miles west from the northeast corner of the State of Pennsylvania, on the Delaware river, as the said boundary line hath been run, and marked by the commissioners appointed by the States of Pennsylvania and New York respectively, and from the said point or place of beginning running on a due meridian north to the boundary line between the United States of America and the King of Great Britain; thence westerly and southerly along the said boundary line to a meridian which will pass one mile due east from the northern termination of the strait or waters between Lake Ontario and Lake Erie; thence south along the said meridian to the south shore of Lake Ontario; thence on the eastern side of the said strait by a line always one mile distant from and parallel to the said strait to Lake Erie; thence due west to the boundary line between the United States and the King of Great Britain; thence along the said boundary line until it meets with the line of cession from the State of New York to the United States; thence along the said line of cession to the northwest corner of the State of Pennsylvania; and thence east along the northern boundary line of the State of Pennsylvania to the said place of beginning, and which said lands and territories so ceded, granted, released and confirmed are part of the lands and territories described in the said petition.

Thirdly. The Commonwealth of Massachusetts doth hereby cede, grant, release and confirm to the State of New York and to the use of the State of New York, their grantees, and the heirs and assigns of such grantees forever, the right of preëmption of the soil from the native Indians and all other the estate, right, title and property which the Commonwealth of Massachusetts hath, of, in, or to the residue of the lands and territories so claimed by the State of New York as hereinbefore stated and particularly specified.

Fourthly. That the lands so ceded, granted, released and confirmed to the Commonwealth of Massachusetts, or such part thereof as shall from time to time be and remain the property of the Commonwealth of Massachusetts, shall during the time that the same shall be and remain such property, be free and exempt from all taxes whatsoever, and that no general or State tax shall be charged on or collected from the lands hereinafter to be granted by the Commonwealth of Massachusetts, or on the occupants or proprietors of such lands, until fifteen years after such confirmation as is hereinafter mentioned of such grant shall have expired, but that the lands to be

granted and the occupants thereof shall, during the said period, be subject to town and county charges or taxes, only from deeds that this exemption from general or State taxes shall not be construed to extend such duties, excises or imposts to which the other inhabitants of the State of New York shall be subject and liable.

Fifthly. That no rents or services shall be reserved in any grants to be made of the said lands by the Commonwealth of Massachusetts.

Sixthly. The inhabitants on the said lands and territories being citizens of any of the United States, and holding by grant from the Commonwealth of Massachusetts, shall be entitled to equal rights with the other citizens of the State of New York, and further that the citizens of the Commonwealth of Massachusetts shall from time to time, and at all times hereafter, have and enjoy the same and equal rights respecting the navigation and fishery on and in Lake Ontario, and Lake Erie, and the waters communicating from one to the other of the said lakes, and respecting the roads and portages between the said lakes, as shall from time to time be had and enjoyed by the citizens of the State of New York. And the citizens of the Commonwealth of Massachusetts shall not be subject to any other regulations or greater tolls or duties to be made or imposed from time to time by the State of New York, respecting the premises, than the citizens of the State of New York shall be subject to.

Seventhly. That no adverse possession of the said lands for any length of time shall be adjudged a disseizin of the Commonwealth of Massachusetts.

Eighthly. That the State of New York, so long as any part of the said lands shall be and remain the property of the Commonwealth of Massachusetts, shall not cede, relinquish or in any manner divest themselves of the government and jurisdiction of the said land, or any part thereof, without the consent of the Commonwealth of Massachusetts.

Ninthly. That the Commonwealth of Massachusetts may from time to time, by persons to be by them authorized for the purpose, hold treaties and conferences with the native Indians relative to the property of right of soil of the said lands and territories hereby ceded, granted, released and confirmed to the Commonwealth of Massachusetts, and with such armed force as they shall deem necessary for the more effectual holding such treaty or conference; and the Commonwealth of Massachusetts, within six months after such treaties shall respectively be made, shall cause copies thereof to be deposited in the office of the Secretary of the State of New York.

Tenthly. The Commonwealth of Massachusetts may grant the right of preëmption of the whole or any part of the said lands and territories to any person or persons who by virtue of such grant shall have good right to extinguish by purchase the claims of the native Indians, providing, however, that no purchase from the native Indians by any such grantee or grantees shall be valid unless the same shall be made in the presence of and approved by a superintendent to be appointed for such purpose by the Commonwealth of Massachusetts, and having no interest in such purchase, and unless such purchase shall be confirmed by the Commonwealth of Massachusetts.

Eleventhly. That the grantees of the said lands and territories under the Commonwealth of Massachusetts, shall within six months after the confirmation of their respective grants, cause such grants or the confirmation thereof or copies of such grants or confirmations, certified or exemplified under the seal of the Commonwealth of Massachusetts, to be deposited in the said office of Secretary of the State of New York, to the end that the same be recorded there, and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said Secretary their respective grants or confirmations or the copies thereof, whichever may have been so deposited, without any charge or fees of office whatsoever; and every grant or confirmation which shall not, or of which such copies shall not be so deposited shall be adjudged void.

In testimony whereof, the said John Lowell, James Sullivan, Theophilus Parsons and Rufus King for and in the name and behalf of the said Commonwealth of Massachusetts, and the said James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith and Egbert Benson for and in the name and on behalf of the said State of New York, have to these presence and a duplicate thereof, both indented interchangeably, set their hands and affixed their seals.

Done at the city of Hartford, aforesaid, the 16th day of December, in the year of our Lord 1786, and the eleventh year of the independence of the United States of America.

The following errors in the transcribing being corrected before execution, viz.: The words "the underwritten," between the first and second lines; "then," between the fourth and fifth lines, "are" and "said," between the ninth and tenth lines; "point," between the eleventh and twelfth lines; "said," between the eighteenth and nineteenth lines; "an act entitled," between the twenty-second and twenty-third lines; "relativetthereto," between the twenty-third and twenty-fourth lines;

“and” and “also,” between the twenty-eighth and twenty-ninth lines; “following,” between the thirty-sixth and thirty-seventh lines; “sovereignty,” between the fortieth and forty-first lines; “operated,” between the forty-fourth and forty-fifth lines of the first sheet being interlined; and “of Massachusetts,” between the fifteenth and sixteenth lines; “added,” between the sixteenth and seventeenth lines, and “so,” between the twenty-seventh and twenty-eighth lines, interlined in the second sheet, and erasure between the words “until” and “fifteen,” made in the second sheet.

Witnesses present at the sealing and delivering:

GEORGE WYLLYZ.
 THOMAS SEYMOUR.
 JESSE ROOT.
 JERE. WADSWORTH.
 D. HUMPHREYS.
 WILLIAM IMLAY.
 JOSEPH WEBB.
 SIMEON DEWITT.
 LOUIS DUBOYS.
 NATH'L BETHUNE.
 JOHN LOWELL. [L. S.]
 JAMES SULLIVAN. [L. S.]
 THEOPHILUS PARSONS. [L. S.]
 RUFUS KING. [L. S.]
 JAMES DUANE. [L. S.]
 ROBERT R. LIVINGSTON. [L. S.]
 ROBERT YATES. [L. S.]
 JOHN HARING. [L. S.]
 MELANCTON SMITH. [L. S.]
 EGBERT BENSON. [L. S.]

Be it remembered, that on this 13th day of January, in the year of our Lord 1787, personally appeared before me, Richard Morris, Esq., Chief Justice of the State of New York, Jeremiah Wadsworth and Louis DuBoys, Esq., two of the subscribing witnesses to the within instrument, and by me being duly sworn, did severally depose and say that they were present and did see the within named James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith, Egbert Benson, John Lowell, James Sullivan, Theophilus Parsons and Rufus King severally sign, seal and deliver the within instrument by their and each of their free and voluntary act and deed, to and for the uses and purposes therein mentioned, and that George Wyllys,

Thomas Seymour, Jesse Root, D. Humphreys, William Imlay, Simeon DeWitt and Nathaniel Bethune, the other subscribing witnesses, were also present and did, together with the deponent, sign and subscribe their names as witnesses to the execution thereof.

And I having inspected the said instrument, and finding no interlineations or material erasures therein except those noted in the body thereof, to have been made before the execution thereof, do allow the same to be recorded.

R. MORRIS.

STATE OF NEW YORK, }
TOMPKINS COUNTY. } ss.:

Be it remembered that on this 24th day of November, in the year 1834, before me, the subscriber, a Supreme Court commissioner of the said State, personally appeared Simeon DeWitt, and being by me duly sworn, deposed that he saw James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith, Egbert Benson, John Lowell, James Sullivan, Theophilus Parsons and Rufus King, sign, seal, execute and deliver the within instrument at the time when the same bears date. That he, too, at the same time subscribed his name thereto as a witness, and that the persons above named who executed the said instrument were each of them to him at the time well known to be the same individuals described in, and who executed the said instrument. That the place of the permanent residence of the said Simeon DeWitt is in the city of Albany, although he now temporarily resides in the village of Ithaca, in the county of Tompkins aforesaid.

And I further certify that said Simeon DeWitt is to me well known to be the same individual who was a subscribing witness to the said instrument aforesaid, and that his residence is as above; that the foregoing proof of the execution of the within instrument is to me entirely satisfactory evidence of the due execution thereof.

I do therefore allow the same to be recorded.

Given under my hand at Ithaca, aforesaid, the day and year above mentioned.

A. D. W. BURGER.

Recorded April 1, A. D. 1835, at 9 }
o'clock A. M., and examined. }

JOHN W. STANDTON,
Clerk.

WHEREAS, The General Court of the Commonwealth of Massachusetts by their Resolve of the eighth day of March in the Year of our Lord One thousand seven hundred and ninety one did appoint Samuel Phillips Nathaniel Wells, David Cobb, William Eustis &

Thomas Davis Esquires, a Committee with full powers & authority to bargain sell & convey to Samuel Ogden Esquire his heirs and assigns, all & singular the right of preëmption & all other the title & interest of the said Commonwealth in & unto all that tract of land lying in the State of New York, the right of Preëmption whereof, the State of New York ceded granted released & confirmed to the Commonwealth of Massachusetts, their Grantees & the heirs & assigns of such Grantees forever, saving & excepting such part or parts of said Tract, the right of preëmption whereof the said Commonwealth has ceded & granted to the United States of America & also saving & excepting such part or parts of the same Tract the preëmptive right to which now belongs to Nathaniel Gorham & Oliver Phelps Esquires their heirs or Assigns, by Virtue of any grant or confirmation from the said Commonwealth, however the same tract is or may be bounded or described, & also reserving one undivided sixtieth part of said Tract, excepting such parts thereof as belong to the said United States & said Gorham & Phelps, by Virtue of any Cession from the Commonwealth aforesaid. And whereas the above named Committee pursuant to the resolve aforesaid did by their Deed of Indenture bearing date the twelfth day of March last, in Consideration of the Covenants in the same Indenture mentioned, Covenant & agree with the said Ogden, that they would sell & convey to him his heirs & assigns, the preëmptive & all other right & title which the said Commonwealth empowered the said Committee to convey by the Resolve aforesaid. And the said Samuel Ogden having by his Deed, bearing even date with these presents relinquish his right to & release his interest in the same Covenants so far as they relate to a conveyance of the same right to the said Territory to him, & having agreed that the right aforesaid shall be conveyed to Robert Morris Esquire to whom he has assigned the Covenants aforesaid & that such Conveyance to the said Morris shall in effect be considered as a compliance with the covenants aforesaid for a Conveyance to him the Said Ogden. Now Know all men by these presents that we the said Samuel Phillips Nathaniel Wells David Cobb William Eustis & Thomas Davis by Virtue of the authority aforesaid & in consideration of all the premises hereinbefore recited, & also in consideration of the sum of forty-five thousand pounds paid by Robert Morris of the City & County of Philadelphia & State of Pennsylvania Esq'r or secured to be paid for & to the Use of the Commonwealth aforesaid, have for & by authority of the same Commonwealth, given granted bargained & sold & conveyed & by these presents for & in behalf of the said Commonwealth Do give grant bargain sell & convey to the

said Robert Morris his Heirs & assigns forever, the preëmptive right & all other right title & Interest which the said Commonwealth hath to a certain tract or parcel of land being part of the territory above described, which parcel contains about Five hundred thousand Acres more or less & is bounded as follows to wit. Westerly by a Meridian line drawn from a point on the North Line of the State of Pennsylvania twelve miles west of the South West corner of the Land confirmed to Nathaniel Gorham & Oliver Phelps to the Line in Lake Ontario which divides the Dominion of the King of Great Britain & the United States, Northerly by said dividing line easterly by the Land confirmed to Nathaniel Gorham & Oliver Phelps by the Legislature of the Commonwealth of Massachusetts by an Act passed November the twenty first one thousand seven hundred & eighty eight, & southerly by the said North line of the State of Pennsylvania, reserving out of the same granted premises one undivided sixtieth part thereof. To have & to hold to the said Robert Morris his heirs & assigns forever, all the preëmptive right, & all other right title & interest which the said Commonwealth hath in & to the said granted premises saving the reservation aforesaid, & the said Commonwealth doth hereby covenant & agree to & with the said Robert Morris his heirs and assigns, that he & they shall hold & enjoy the same free from all claims & demands of all & every person claiming for or by any Right of the said Commonwealth.

In Witness whereof the said Samuel Phillips Nathaniel Wells David Cobb, William Eustis & Thomas Davis have hereunto set their hands & seals by Virtue & force of the authority of the said Commonwealth, the Eleventh day of May, in the Year of Our Lord One thousand seven hundred & Ninety one.

SAM'L PHILLIPS	[L. s.]
NATH'L WELLS	[L. s.]
DAVID COBB	[L. s.]
WILLIAM EUSTIS	[L. s.]
THOMAS DAVIS	[L. s.]

Signed sealed & delivered in presence of

SAM'L OGDEN.
 DAVID MOREY.
 THOMAS WALLCUT.

COMMONWEALTH OF MASSACHUSETTS.

I approve of this Conveyance and the security given for it as adequate & sufficient.

JA: SULLIVAN

Attorney General.

COMMONWEALTH OF MASSACHUSETTS *May 16th 1791.*

SUFFOLK ss.

Then the said Samuel Phillips Nathaniel Wells David Cobb William Eustis and Thomas Davis appeared and acknowledged this to be their Act and Deed before me.

JA: SULLIVAN,

Jus Peace throughout said Commonwealth.

The preceding instrument was recorded at the request of Robert Morris therein named and is a true copy of the Original—

Examined and Compared with the Original this 11th Aug't 1791
By Me

LEWIS A: SCOTT

Secretary.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE. } ss.:

I have compared the preceding copy of deed with the record thereof in this office, in book No. 23 of deeds, at page 322, and I do hereby certify the same to be a correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of office of the Secretary of
[L. s.] State, at the city of Albany, the 31st day of January, one thousand eight hundred and eighty-nine.

FREDERICK COOK,

Secretary of State.

COMMONWEALTH OF MASSACHUSETTS, }
IN SENATE *June the 19th, 1792.* }

WHEREAS The General Court of the Commonwealth of Massachusetts upon the first day of April in the year of our Lord one thousand seven hundred and eighty-eight, by a certain Resolve of that date did "agree to grant sell and convey to Nathaniel Gorham & Oliver Phelps Esquires all the right title and demand which the said Commonwealth had in and to the western territory ceded by the State of New York to the commonwealth by a deed executed by the Commissioners of the said State on the sixteenth day of December 1786, with such exceptions and limitations as are expressed as well in acts and proceedings of the said General Court as those of their Agents & Committees. And Whereas by a certain Indenture of Agreement made between the said Commonwealth and the said Gorham and Phelps on the ninth day of June, in the year of our Lord one thousand seven hundred and ninety the said Gorham and Phelps reconveyed to the said Commonwealth a certain part of the same territory according to the Conditions

of the same Indenture reference to the same being had. And whereas the said Commonwealth by Samuel Phillips, Nathaniel Wells David Cobb William Eustis and Thomas Davis Esquires, Agents for for that purpose especially appointed on the eleventh day of May in the year of our Lord one thousand seven hundred and ninety-one did sell and convey to Robert Morris, Esq^r all and singular the Right & Title which the said Commonwealth had to the same part of said Territory so reconveyed by the said Gorham & Phelps to the said Commonwealth according to the tenor of the Deed for that purpose executed reference to the same being had, but reserving amongst other things one undivided sixtieth part of the same tract so reconveyed by the said Gorham and Phelps as aforesaid, which same one-sixtieth part was so reserved because the said Gorham and Phelps had previously contracted to convey the same to John Butler; and it being represented to this Court that Robert Morris, of Philadelphia, in the State of Pennsylvania, Esq^r has purchased the said sixtieth part of the assigns of the said John Buttler, and he having petitioned the General Court of the said Commonwealth for a Release of the same from the Reservation aforesaid. It is therefore Resolved that the said Commonwealth will and hereby doth release and convey to the said Robert Morris his heirs and assigns forever all the right title and interest which the said Commonwealth hath or could have by virtue of the same Re-conveyance of the said Gorman & Phelps, or by virtue and force of the said reservation to the said one undivided sixtieth part of the said tract reserved as aforesaid so that he, the said Robert Morris his heirs and assigns shall hold and enjoy the same in the same manner and to all such uses as the said Commonwealth could hold the same by virtue of the same reservation, but the said Commonwealth doth not warrant the same against any claim which may arise by means of any conveyance from the said Gorham & Phelps or either of them, or from any person claiming under them or under either of them.

Sent down for concurrence.

SAMUEL PHILLIPS,

President.

In the House of Representatives June 20th, 1792, read and concurred.

DAVID COBB,

Speaker.

The foregoing approved.

JOHN HANCOCK.

A true Copy.

(Attest)

JOHN AVERY, JUNR., [L. S.]

Secretary Commonwealth of Massachusetts.

By his Excellency John Hancock, Esq^r, Governor of the Commonwealth of Massachusetts:

To all whom it may concern :

Know ye That John Avery, Jun^r Esq^r is Secretary of the commonwealth of Massachusetts duly constituted and sworn and that to his Acts and Attestations as on the annexed paper full faith and credit is and ought to be given both in and out of Court.

In testimony whereof I have caused the public seal of the Commonwealth aforesaid this 9th day of October, A^o Dⁱ, 1792 to be affixed, In the seventeenth year of the Independence of the United States of America

Recorded for Robert Morris, the Grantee.

Examined and compared with the original this 10th day of Novr. 1792 By Me

ROBERT HARPER,

D. Secry.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE. } ss.:

I have compared the preceding copy of deed with the record thereof in this office, in book No. 24 of deeds at page 367, etc., and I do hereby certify the same to be a correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of office of the Secretary of State,
[L. s] at the city of Albany, the 31st day of December, one thousand eight hundred and eighty-eight.

FREDERICK COOK,

Secretary of State.

This Indenture, made the twenty-fourth day of December, in the year one thousand seven hundred and ninety-two, Between Robert Morris of the City of Philadelphia and Mary his Wife of the one part, and Herman Le Roy and John Lincklaen, of the State of New York of the other part, Witnesseth that the said Robert Morris and Mary his Wife for and in consideration of the sum of one hundred and twelve thousand five hundred pounds Sterling Money of Great Britain, Have granted, bargained and sold, and by these presents Do grant bargain sell alien enfeoff release and confirm to the said Herman Le Roy and John Lincklaen and to their heirs and assigns Two certain Tracts of land situate in the county of Ontario in the State of New York, being parts of the Lands ceded by the State of New York

to the State of Massachusetts, and which by virtue of divers Legislative Acts of the State of Massachusetts and of divers good conveyances and assurances duly had made and executed under the said acts are now vested in the said Robert Morris. One of the said Tracts to contain One Million of Acres of land, and to be admeasured according to the following Bounds and lines to wit. Beginning at a Point on the Southern shore of Lake Ontario one mile due East from the northern termination of the Streight which divides Lake Ontario from Lake Erie, being a corner of land reserved by the State of New York, and from the said point extending along the shore of Lake Ontario Eastwardly so far as upon actual mensuration shall be found necessary to include within the lines and bounds next hereinafter mentioned and described the full and just quantity of one million of acres of land exclusive of lands covered with the waters of Ponds or Lakes within the same which shall be more than four miles in Circumference as to such pond or lake, and from the termination of the said Boundary so to be ascertained extending by a Meridian line due South to the North Boundary of the State of Pennsylvania thence by the same west to a corner of a triangular piece of land granted by the United States to the State of Pennsylvania, thence by the perpendicular line of the said triangle due North to the shore of Lake Erie thence along the shore of Lake Erie to the place where the line of lands reserved by the State of New York shall be found to intersect the said shore thence along the lines and Bounds of the said Reserved lands northwardly and Eastwardly to the Point of Beginning on the shore of Lake Ontario, And the other of the said tracts to contain Half a Million of Acres to be admeasured according to the following lines and Bounds to-wit: Beginning at the North East Corner of the first described Tract of One Million of Acres upon the shore of Lake Ontario and extending from thence along the Shore thereof Eastwardly so far as upon an actual mensuration thereof shall be found necessary to include within the lines and Bounds next hereinafter mentioned and described, the full and just quantity of half a Million of Acres of Land exclusive of Lands covered with the waters of Ponds or Lakes within the same which shall be More than four Miles in circumference as to each pond or Lake and from the termination of the last mentioned Boundary so to be ascertained extending by a meridian Line due south to the said North Boundary of the State of Pennsylvania, thence by the same west to the South East Corner of the said Tract of One Million of Acres, thence by the Eastern Boundary thereof north to the place of Begin-

ning on the Shore of Lake Ontario. Together with all and singular the Woods, Waters Water Courses Ponds Lakes Islands lands covered with water, Mines Minerals Quarries Huntings fishings, fowlings, Rights Liberties Privileges Immunities hereditaments and appurtenances whatsoever to the said Lands and premises hereby granted belonging or in any wise appertaining. And the Reversions and remainders Rents, Issues and profits thereof, and all the Estate Right Title and Interest whatsoever of them the said Robert Morris and Mary his Wife of in, to and out of the same To have and to hold all and singular the premises hereby granted with the appurtenances to the said Herman LeRoy and John Lincklaen their heirs and assigns to and for their own proper Use, Benefit and Behoof forever as joint Tenants and not as Tenants in common. And the said Robert Morris for himself his heirs Executors and administrators Doth Covenant promise grant and agree to and with the said Herman Le Roy and John Lincklaen their heirs and assigns Tenants of the Freehold of the hereby granted Premises and every part thereof in manner and form following that is to say: That the said Robert Morris at and immediately before the sealing and delivery of these presents is seized of and in the Lands and Tenements hereby granted as of a good and perfect Estate of Inheritance in Fee Simple, and hath absolute power good Right and Lawful authority to grant bargain sell convey and assure the same, in the manner and form herein contained. And that he the said Robert Morris and his heirs all and singular the Lands and Tenements hereby granted with the appurtenances to the said Herman Le Roy and John Lincklaen their heirs and assigns Tenants of the Freehold thereof and of every part thereof against all and all manner of persons whatsoever lawfully claiming the same or any part thereof and against all incumbrances and charges whatsoever touching the same shall and will Warrant and forever defend. And that he the said Robert Morris and his heirs and all and every other person and persons anything having or claiming to have in the hereby granted Premises by through from or under him or them shall and will at the reasonable request and proper Costs and charges of the said Herman Le Roy and John Lincklaen or either of them, their or either of their Heirs or Assigns Tenants of the Freehold thereof and of every part thereof make do execute and suffer, or cause to be made done executed and suffered all and every such Acts Deeds and Devices in the Law as by the Counsel learned in the Law of them the said Herman Le Roy and John Lincklaen or either of them,

their heirs or assigns Tenants of the freehold of the hereby granted premises or any part thereof shall be devised advised or required for the further and better assuring and confirming the same to them or him Fee Simple. In Witness Whereof the said parties to these presents have hereunto interchangeably set their hands and Seals the day and year first above written.

ROBERT MORRIS. [L. s.]

MARY MORRIS. [L. s.]

Sealed and delivered in the }
presence of Us. }

F. P. VAN BERKEL,

W. W. MORRIS,

GARRET COTTINGER.

PENNSYLVANIA, ss.:

Before the Honorable Thomas McKean Esquire Doctor of Laws Chief Justice of the Supreme Court of the State of Pennsylvania personally appeared Robert Morris and Mary his Wife the Grantors in the above written Indenture named and in due form of Law acknowledged the same to be their Act and Deed. She the said Mary being of full age and well knowing the contents, being examined by me separate and apart from her husband did declare and say that she became a party thereto voluntarily without compulsion or under influence whatsoever

In Testimony whereof and in order that the same may be as such recorded, I have hereunto set my hand and Seal at Philadelphia, the twenty-fourth day of December in the Year of our Lord One thousand seven hundred and ninety-two,

THO. M. KEAN, [L. s.]

Be it Remembered that in the City of Philadelphia on the twenty-fourth day of January in the Year one thousand seven hundred and ninety-three personally appeared before me the honorable James Wilson Esquire one of the Judges of the Supreme Court of the United States Robert Morris and Mary his Wife the Grantors named in the within Indenture, and the said Robert Morris acknowledged that he had sealed and delivered the said Indenture as his voluntary Act and Deed to the uses therein mentioned, and the said Mary being examined by me privately and apart from her said husband freely acknowledged that she had in like manner executed the said Indenture without any threat fear or compulsion of or from her said husband. And I having inspected the same and finding therein no Erasures or interlineations Do allow it to be recorded.

JAMES WILSON.

The preceding Indenture was recorded at the request of William Bayard & is a true Copy of the Original, word *the* interlined between the thirty-first and thirty-second lines word *corner* interlined instead of a word obliterated in the twenty-eighth line and words of *Land exclusive* thirty-fifth line word *the* forty-first line words *in him* eighty-fourth line word *said* ninety-fourth lines all obliterated Compared therewith this 15th day of February 1793
By Me

LEWIS A. SCOTT,
Secretary.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE. } ss. :

I have compared the preceding copy of deed with the record thereof in this office, in Book No. 24 of Deeds, at page 510, etc., and I do hereby certify the same to be a correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of office of the Secretary of
[L. s.] State, at the city of Albany, the thirty-first day of
December, one thousand eight hundred and eighty-eight.

FREDERICK COOK,
Secretary of State.

This Indenture made the twenty-Seventh day of February in the Year of Our Lord One thousand seven hundred and ninety-three Between Robert Morris of the City of Philadelphia, and Mary his Wife of the first part and Herman LeRoy, John Lincklaen and Gerrit Boon of the State of New York of the second part Witnesseth that the said Robert Morris and Mary his Wife, for and in Consideration of the Sum of Six hundred and fifty thousand Florins Holland Currency Have granted bargained sold aliened enfeoffed released and confirmed, and by these presents Do grant bargain sell alien enfeoff release and confirm to the said Herman LeRoy, John Lincklaen and Gerrit Boon, All that certain Tract of Land situate in the County of Ontario, in the State of New York (being part of the Lands ceded by the State of New York to the State of Massachusetts, and which by Virtue of divers Legislative Acts of the State of Massachusetts, and of divers good Conveyances and assurances duly had made and executed under the said acts are now vested in the said Robert Morris, Beginning at a point in the North Boundary line of the State of Pennsylvania, twenty-eight Miles West from the South Western Corner of the Lands purchased by Nathaniel Forham and Oliver Phelps from the five nations of Indians, by Deed dated the Eighth day of

July in the Year One thousand seven hundred and eighty-eight, and which South Western Corner hereby intended is a point in said Boundary Line of the State of Pennsylvania due South of the Confluence of the Shanahasgwaiken Creek, with the waters of the Genesee River and from the said point or Place of Beginning, the said Tract hereby granted runs due North eighteen Miles, thence due East twelve miles, thence due North Six Miles, thence due East four Miles, thence due North to the boundary line in Lake Ontario Between the United States and the King of Great Britain, thence westerly along the said Boundary line to a point therein due north of the Point or place of beginning first above mentioned, thence due south to a Point twenty-four miles north of and distant from the said Point or place of beginning first above mentioned, thence due West sixteen miles, thence due South twenty-four miles to the said Boundary Line, of the State of Pennsylvania, thence due East along the said Boundary line sixteen Miles to the said point or place of Beginning first above mentioned. Together with all and singular the woods, waters, water Courses, Ponds, Lakes, Islands, Lands covered with water; Mines, Minerals, Quarries, Huntings, Fishings, Fowlings, Rights, Liberties, privileges, Immunities, Hereditaments and appurtenances whatsoever to the said Lands and premises hereby granted belonging or in any wise appertaining; And the Reversions and Remainders, Rents Issues and profits thereof, and all the Estate Right Title and Interest whatsoever of them the said Robert Morris and Mary his Wife, of in to or out of the same. To have and to hold all and singular the premises hereby granted with the appurtenances to the said Herman Le Roy John Lincklaen and Gerrit Boon their heirs and Assigns: To and for their own proper Use Benefit and Behoof forever as joint tenants and not as Tenants in Common. And the said Robert Morris for himself his heirs Executors and Administrators Doth Covenant Grant promise and agree to and with the said Herman Le Roy John Lincklaen and Gerrit Boon their heirs and assigns Tenants of the Freehold of the hereby granted premises and every part thereof in manner and form following that is to say: That he the said Robert Morris at and immediately before the sealing and delivery of these presents is seized of said Lands and Tenements hereby granted as of a good and perfect Estate of Inheritance in Fee Simple and hath absolute power good right and lawful Authority to grant bargain sell convey and assure the same in the same manner and form herein contained, And that he the said Robert Morris and his heirs, all and singular the Lands and Tenements hereby granted the appurtenances to the said Herman Le Roy John Lincklaen and Gerrit Boon their heirs and assigns,

Tenants of the Freehold thereof and of every part thereof against all & all manner of persons whatsoever lawfully claiming the same or any part thereof and against all Incumbrances and Charges whatsoever touching the same shall and will warrant and defend forever. And that he the said Robert Morris his heirs executors and Administrators will at all times during the term or period of thirteen Years from the eighth day of December last save and keep harmless and indemnified said Herman Leroy, John Lincklaen and Gerrit Boon their heirs and Assigns Tenants of the Freehold of the hereby granted Premises or any Part thereof from all general or State Taxes which may be charged on the said hereby granted premises or any part thereof by the State of New York. And that he the said Robert Morris and his heirs and all and every other person and persons and thing having or claiming to have in the hereby granted premises by through from or under him or them shall and will at the reasonable request and proper Costs and Charges of the said Herman Leroy, John Lincklaen and Gerrit Boon or either of them, their or either of their heirs or assigns Tenants of the Freehold thereof and of every part thereof make execute and suffer, or cause to be made done executed and suffered all and every such Acts and Deeds, Device and Devices in the Law, as by the Counsel learned in the Law, of them the said Herman Leroy John Lincklaen and Gerrit Boon or either of them, their heirs or assigns Tenants of the Freehold of the hereby granted Premises or any part thereof shall be devised advised or required for the further and better assuring and confirming the same to them or him in Fee Simple.

In Witness whereof the said Parties to these presents have hereunto interchangeably set their hands and seals the day and year first above written.

ROBERT MORRIS. [L. s.]

MARY MORRIS. [L. s.]

Sealed and delivered in }
the presence of us. }

EGBT: BENSON.

GARRET COTTRINGER.

Be it Remembered that in the City of Philadelphia on the fourth day of March in the Year One thousand seven hundred and ninety-three, personally appeared before me James Iredell One of the Judges of the Supreme Court of the United States, Robert Morris and Mary his Wife, the grantors named in the above written Indenture, and the said Robert Morris acknowledged that he had sealed and delivered

the said Indenture as his voluntary Act and Deed to the use therein mentioned. And the said Mary being examined by me privately and apart from her said husband freely acknowledged, that she had in like manner executed the said Indenture without any threat fear or compulsion of or from her said husband, And I having inspected the same and finding therein no Erasures or Interlineations, do allow it to be recorded.

JA: IREDELL. [L. s.]

The preceding Indenture was recorded at the request of Herman LeRoy therein named and is a true Copy of the Original (word Westwardly fifteenth line of preceding page wrote on an Erasure).

Compared therewith this 27th of March 1793 By Me —

LEWIS A. SCOTT

Secretary.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE. } ss.:

I have compared the preceding copy of deed with the record thereof in this office, in book No. 25 of deeds, at page 38, and I do hereby certify the same to be a correct transcript therefrom and of the whole thereof.

[L. s.] Witness my hand and the seal of office of the Secretary of State, at the city of Albany, the thirty-first day of December, one thousand eight hundred and eighty-eight.

FREDERICK COOK,

Secretary of State.

This Indenture made the twentieth day of July in The Year of our Lord one thousand seven hundred and ninety-three

Between Robert Morris of the City of Philadelphia and Mary his Wife of the first part and Herman Le Roy, William Bayard and Matthew Clarkson of the State of New York of the second part

Witnesseth that the said Robert Morris and Mary his Wife for and in consideration of the Sum of Seven thousand five hundred pounds sterling Money of Great Britain Have granted bargained sold, aliened, enfeoffed released and confirmed and by these presents Do grant, bargain, sell, alien, enfeoff, release and confirm to the said Herman Le Roy, William Bayard and Matthew Clarkson all that certain Tract of Land situate in the County of Ontario in the State of New York (being part of the Lands ceded by the State of New York to the State of Massachusetts), and which by virtue of divers legislative Acts of the State of Massachusetts and of divers good convey-

ances and assurances duly had made and executed under the said Acts are now vested in the said Robert Morris.

Beginning at a point in the North Boundary line of the State of Pennsylvania twenty-eight Miles West from the Southwestern corner of the Lands purchased by Nathaniel Gorham and Oliver Phelps from the Five Nations of Indians by Deed dated the eighth day of July in the Year One thousand seven hundred and eighty-eight (and which southwestern corner hereby intended is a point in the said Boundary Line of the State of Pennsylvania due south of the confluence of the Shanahasgwaikon Creek with the Waters of the Genesee River) and from the said point or place of beginning the said Tract hereby granted runs due North eighteen Miles, thence due East twelve Miles, thence due North six Miles, thence due East four miles and thence due south to the said Boundary line of the State of Pennsylvania, and thence West along the said Boundary Line of the State of Pennsylvania to the said point or place of beginning first above-mentioned Together with all and singular the woods, waters, watercourses, ponds, Lakes, Islands, Lands covered with water, Mines, Mineralls, quarries, huntings, fishings, fowlings, Rights, liberties, privileges, immunities, hereditaments, and appurtenances whatsoever to the said Lands and premises hereby granted belonging or in any wise appertaining, and the Reversions and Remainders, Rents, Issues and profits thereof and all the Estate right title and Interest whatsoever of the said Robert Morris and Mary his wife of in to or out of the same To have and to hold all and singular the premises hereby granted with the appurtenances to the said Herman LeRoy, William Bayard and Matthew Clarkson their Heirs and Assigns to and for their own proper use Benefit and Behoof forever as Joint tenants and not as Tenants in Common And this Indenture further Witnesseth that the said Robert Morris and Mary his Wife for and in consideration of the sum of Sixty thousand Guilders Holland Currency have granted, bargained sold aliened enfeoffed released and confirmed and by these presents do grant bargain sell alien enfeoff release and confirm to the said Herman Le Roy, William Bayard and Matthew Clarkson All those two certain other Tracts of Land situate in said County of Ontario (being also part of the Lands ceded by the State of New York to the State of Massachusetts and now vested in the said Robert Morris as above-mentioned) The first of the said two Tracts to contain fifty-four thousand Acres and to be admeasured according to the following Bounds and lines to wit. Beginning at a point in the North Boundary Line of the State of Pennsylvania forty-four Miles West from the said Southwestern Corner of the Lands purchased by Nathaniel Gorham and Oliver Phelps from the Five Nations of

Indians and from the said point or place of beginning the said Tract runs due North so far as on an actual admeasurement shall be found necessary to include within the limits and bounds next hereinafter mentioned and described the said quantity of fifty-four thousand acres thence due West to the Eastern boundary of a Tract of half a Million of Acres Conveyed by the said Robert Morris and Mary his wife, to the said Herman Le Roy and John Lincklaen by Conveyance bearing date the twenty-fourth day of December last Thence due South to the said Boundary line of the State of Pennsylvania, and thence East along the same to the said point or place of beginning. And the second of the said two Tracts to contain forty six thousand acres and to be admeasured according to the following bounds or lines to wit Beginning at a point or place on the Southern shore of Lake Ontario due North of the said point or place of beginning of the said Tract of fifty four thousand Acres, thence due South so far as on an actual admeasurement shall be found necessary to include within the limits and bounds next hereinafter mentioned and described the said quantity of forty six thousand Acres, thence due West to the Eastern Boundary of the said Tract of half a Million of Acres thence due North to the said Shore of Lake Ontario and thence Easterly along the same to the said point or place of beginning of the said Tract of forty six thousand Acres Together with all and singular the woods waters water courses, ponds Lakes, Islands, Lands covered with Water, Mines, Minerals, Quarries Huntings, Fishings, Fowlings, rights, liberties privileges, immunities, hereditaments and appurtenances whatsoever to the said Lands and premises hereby granted belonging or in any wise appertaining and the reversions and remainders, rents, issues and profits thereof and all the Estate, right title & Interest whatsoever of them the said Robert Morris and Mary his Wife of in to or out of the same To have and to hold all and singular the premises hereby granted with the appurtenances to the said Hermon Le Roy, William Bayard and Matthew Clarkson their Heirs and Assigns, to and for their own proper Use Benefit and Behoof forever as Joint tenants and not as tenants in common and the said Robert Morris for himself his Heirs, Executors and Administrators doth covenant grant promise and agree to and with the said Hermon Le Roy, William Bayard and Matthew Clarkson their Heirs and Assigns Tenants of the Freehold of the hereby granted Premises and every part thereof in manner and form following that is to say that he, the said Robert Morris at and immediately before the sealing and delivery of these presents is seized of the said Lands and Tenements hereby granted as of a good and perfect Estate of Inheritance in Fee simple and have

absolute power good right and lawful authority to grant bargain sell and convey and assure the same in the manner and form herein contained and that he the said Robert Morris and his Heirs all and singular the Lands and Tenements hereby granted with the appurtenances to the said Herman Le Roy William Bayard and Matthew Clarkson their Heirs and Assigns Tenants of the Freehold thereof and of every part thereof against all and all manner of Persons whatsoever lawfully claiming the same or any part thereof, and against all incumbrances and charges whatsoever touching the same shall and will Warrant and Defend forever And that he the said Robert Morris his Heirs Executors and Administrators will at all times during the term or period of thirteen years from the twenty ninth day of August last save and keep harmless and indemnified the said Herman LeRoy William Bayard and Matthew Clarkson, their Heirs and Assigns Tenants of the Freehold of the hereby granted premises or any part thereof from all general and State Taxes which may be charged on the said hereby granted premises or any part thereof by the State of New York And that he the said Robert Morris and his Heirs and all and every other person and persons, any thing having or claiming to have in the hereby granted premises by through from or under him or them shall and will at the reasonable request and proper costs and Charges of the said Herman LeRoy William Bayard and Matthew Clarkson or either of them, their or either of their Heirs or Assigns Tenants of the Freehold thereof and of every part thereof make do execute and suffer, or cause to be made done executed and suffered all and every such Acts, Deeds, Device and Devices in the Law, as by the Counsel learned in the Law of them the said Herman LeRoy, William Bayard and Matthew Clarkson or either of them their Heirs or Assigns Tenants of the Freehold of the hereby granted premises or any part thereof shall be devised advised or required for the further and better assuring and confirming the same to them or him in fee simple.

In witness whereof the said parties to these presents have hereunto interchangeably set their Hands and Seals the day and year first above written

ROBT. MORRIS. [L. s.]

MARY MORRIS. [L. s.]

Sealed and delivered in the }
presence of us }

JAMES WILSON
EGB. BENSON

Be it remembered that on the twentieth day of July in the Year One thousand seven hundred and ninety three personally appeared in the City of Philadelphia before me James Wilson one of the Judges of the Supreme Court of the United States Robert Morris and Mary his Wife the within named Grantors and the said Robert Morris acknowledged that he had executed the within Indenture by Sealing and delivering it as his voluntary Act and Deed to the Use therein mentioned, and the said Mary being examined by me privately and apart from her said Husband freely confessed and acknowledged that she had in like manner executed the same without any fear Threat or compulsion from her said Husband, and I having Inspected the same and finding therein no Erasures or Interlineations do allow it to be recorded.

JAMES WILSON.

The preceding Indenture was recorded at the request of the Grantees. Exam^d & Compared with the Original this 29th July 1793 (page 132 line 12 word "*Beginning*" page 133 line 27 part of *William*, line 48 "*Defend*" & page 134 line 7 word "*any*" wrote on Erasures ; page 132 line 27 word "*pools*" obliterated, and line 51 letter *n* Interlined) By Me.

ROBERT HARPER,

D. Secry.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE. } ss. :

I have compared the preceding copy of deed with the record thereof in this office, in Book No. 25 of Deeds, at page 131, and I do hereby certify the same to be a correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of office of the Secretary of
[L. s.] State, at the city of Albany, the thirty-first day of December, one thousand eight hundred and eighty-eight.

FREDERICK COOK,

Secretary of State.

This Indenture made the twentieth day of July in the year of Our Lord, One thousand seven hundred and ninety-three Between Robert Morris of the city of Philadelphia and Mary his wife of the first part, and Herman Leroy, John Linklaen and Gerrit Boon of the State of New York of the second part,

Witnesseth, That the said Robert Morris and Mary his Wife for and in consideration of the sum of six hundred thousand Florins Holland Currency, have granted, bargained, sold, aliened, enfeoffed, released,

and confirmed, and by these presents Do grant bargain sell alien enfeoff release and confirm to the said Herman LeRoy, John Lincklaen, and Gerrit Boon all that certain Tract of Land situate in the County of Ontario in the State of New York (Being part of the lands ceded by the State of New York to the State of Massachusetts, and which by virtue of divers legislative acts of the State of Massachusetts and of divers good conveyances and assurances duly had and executed under the said acts are now vested in the said Robert Morris), Beginning at a point or place twenty four miles due North of a point in the North Boundary Line of the State of Pennsylvania forty four miles West from the south western corner of the lands purchased by Nathaniel Gorham and Oliver Phelps from the five nations of Indians by deed dated the eighth day of July in the year one thousand seven hundred and eighty-eight (and which South Western Corner hereby intended is a point in the said Boundary line of the State of Pennsylvania due South of the confluence of the Shanahasguaikon creek with the Waters of the Genesee River) and from the said point or place of Beginning the said Tract hereby granted runs due East sixteen miles (along a tract conveyed by the said parties of the first part to the said parties of the second part on the twenty seventh day of February last) thence due North along the Bounds of the said Tract so conveyed on the twenty seventh day of February last to the Boundary Line in Lake Ontario between the United States and the King of Great Britain, thence Westerly along the said Boundary Line to a point therein due North of the said point or place of Beginning first above mentioned, and thence due south to the said direct point or place of Beginning first above mentioned Together with all and singular the Woods, Waters, Water courses, Ponds, Lakes, Islands, Lands covered with water, Mines, Minerals, Quarries, Huntings, Fishings, Fowlings, Rights, Liberties, Privileges, Immunities, Hereditaments and appurtenances whatsoever to the said Lands and premises hereby granted belonging or in anywise appertaining and the Reversions and Remainders Rents Issues and profits thereof, and all the Estate Right Title and Interest whatsoever of them the said Robert Morris and Mary his Wife of in to or out of the same To have and to hold all and singular the premises hereby granted with the appurtenances to the said Herman Leroy John Lincklaen and Gerrit Boon their heirs and assigns, to and for their own proper use benefit and behoof forever as Joint Tenants and not as tenants in common : and the said Robert Morris for himself his heirs executors and administrators doth covenant grant promise and agree to and with the said Herman Leroy John Lincklaen and Gerrit Boon their heirs and assigns, Tenants of the Freehold of

the hereby granted premises and every part thereof in manner and form following, that is to say, that he the said Robert Morris at and immediately before the sealing and delivery of these presents is seised of the said lands and tenements hereby granted as of a good and perfect Estate of Inheritance in fee simple, and hath absolute power good right and lawful authority to grant bargain sell convey and assure the same in the manner and form herein contained, and that he the said Robert Morris and his heirs all and singular the lands and tenements hereby granted with the appurtenances to the said Herman Leroy, John Lincklaen and Gerrit Boon their heirs and assigns Tenants of the freehold thereof and of every part thereof, against all and all manner of persons whatsoever lawfully claiming the same or any part thereof and against all Incumbrances and charges whatsoever touching the same shall and will warrant and defend forever. And that he the said Robert Morris his Heirs Executors and Administrators will at all times during the term or period of thirteen years from the Eighth day of December last save and keep harmless and indemnified the said Herman Le Roy John Lincklaen and Gerrit Boon their heirs and assigns Tenants of the freehold of the above granted premises or any part thereof from all general and State Taxes which may be charged on the said hereby granted premises or any part thereof by the State of New York. And that he the said Robert Morris and his heirs and all and every other person and persons anything having or claiming to have in the hereby granted premises by through from or under him or them shall and will at the reasonable request and proper costs and charges of the said Herman Le Roy John Lincklaen and Gerrit Boon or either of them, their or either of their heirs and assigns, Tenants of the freehold thereof and of every part thereof, make do execute and suffer or cause to be made done executed and suffered, all and every such acts and deeds, device and devices in the law as by the counsel learned in the law of them the said Herman Le Roy John Lincklaen and Gerrit Boon or either of them their or assigns Tenants of the Freehold of the hereby granted premises or any part thereof shall be devised advised or required for the further and better assuring and confirming the same to them or him in fee simple.

In Witness whereof the said parties to these presents have hereunto interchangeably set their hands and seals the day and year first above written.

ROBT: MORRIS [L. s.]

MARY MORRIS [L. s.]

Sealed and delivered in the }
presence of us. }

JAMES WILSON.

EGBT BENSON.

Be it remembered that on the twentieth day of July in the yeare one thousand seven hundred and ninety three personally appeared in the city of Philadelphia before me James Wilson one of the Judges of the Supreme Court of the United States, Robert Morris and Mary his Wife the above named Grantors, and the said Robert Morris acknowledged that he had executed the above Indenture by sealing and delivering it as his voluntary act and deed to the use therein mentioned, and the said Mary being examined by me privately and apart from her said Husband, freely confessed and acknowledged that she had in like manner executed the same without any fear threat or compulsion from her said husband, and I having inspected the same and finding therein no Erasures or Interlineations do allow it to be recorded.

JAMES WILSON.

The preceding Deed was Recorded at the request of the Grantees, Examined and Compared with the original this 8th day of August 1793, (the words "the term" at the 31st line of page 148, being interlined) By Me

ROBT HARPUR,
D. Sec'y.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE. } ss.:

I have compared the preceding copy of deed with the record thereof in this office, in Book No. 25 of Deeds, at page 147, and I do hereby certify the same to be a correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of office of the Secretary of [L. s.] State, at the city of Albany, the 31st day of December, 1888.

FREDERICK COOK,
Secretary of State.

CONTRACT ENTERED INTO, UNDER THE SANCTION OF THE UNITED STATES OF AMERICA, BETWEEN ROBERT MORRIS AND THE SENECA NATION OF INDIANS.

This indenture, made the fifteenth day of September in the year of our Lord one thousand seven hundred and ninety-seven, between the sachems, chiefs and warriors of the Seneca nation of Indians of the first part, and Robert Morris of the city of Philadelphia, esquire, of the second part :

WHEREAS, The Commonwealth of Massachusetts have granted, bargained and sold unto the said Robert Morris, his heirs and assigns forever, the præemptive right, and all other, the right, title and

interest which the said Commonwealth had to all that tract of land hereinafter particularly mentioned, being part of a tract of land lying within the State of New York, the right of the preëmption of the soil whereof, from the native Indians, was ceded and granted by the said State of New York to the said Commonwealth; and

WHEREAS, At a treaty held under the authority of the United States, with the said Seneca Nation of Indians at Genesee, in the County of Ontario and State of New York, on the day of the date of these presents, and on sundry days immediately prior thereto, by the honorable Jeremiah Wadsworth, esquire, a commissioner appointed by the President of the United States to hold the same, in pursuance of the Constitution and of the act of the Congress of the United States, in such case made and provided, it was agreed, in the presence and with the approbation of the said commissioner, by the sachems, chiefs and warriors of the said Nation of Indians, for themselves and in behalf of their Nation, to sell to the said Robert Morris and to his heirs and assigns forever, all their right to all that tract of land above recited, and hereinafter particularly specified for the sum of one hundred thousand dollars, to be by the said Robert Morris vested in the stock of the bank of the United States, and held in the name of the President of the United States, for the use and behoof of the said Nation of Indians, the said agreement and sale being also made in the presence and with the approbation of, the honorable William Shepherd, esquire, the superintendent appointed for such purpose, in pursuance of a resolve of the general court of the Commonwealth of Massachusetts, passed the eleventh day of March in the year of our Lord one thousand seven hundred and ninety-one.

Now, this indenture witnesseth, that the said parties of the first part, for and in consideration of the premises above recited, and for divers other good and valuable considerations them thereunto moving have granted, bargained, sold, aliened, released, enfeoffed and confirmed, and by these presents do grant, bargain, sell, alien, release, enfeoff and confirm, unto the said party of the second part, his heirs and assigns forever, all that certain tract of land except as hereinafter excepted, lying within the county of Ontario and State of New York, being part of a tract of land, the right of preëmption whereof was ceded by the State of New York to the Commonwealth of Massachusetts by deed of cession executed at Hartford, on the sixteenth day of December in the year of our Lord one thousand seven hundred and eighty-six, being all such parts thereof as is not included in the Indian purchase made by Oliver Phelps and Nathaniel Gorham, and bounded as follows, to wit.: easterly by the

land confirmed to Oliver Phelps and Nathaniel Gorham by the Legislature of the Commonwealth of Massachusetts, by an act passed the twenty-first day of November in the year of our Lord one thousand seven hundred and eighty-eight; southerly by the north boundary line of the State of Pennsylvania; westerly partly by a tract of land, part of the land ceded by the State of Massachusetts to the United States, and by them sold to Pennsylvania, being a right-angled triangle, whose hypotenuse is in or along the shore of Lake Erie; partly by Lake Erie from the northern point of that triangle to the southern bounds of a tract of land one mile in width, lying on and along the east side of the Strait of Niagara, and partly by the said tract to Lake Ontario; and on the north by the boundary-line between the United States and the King of Great Britain; excepting nevertheless and always reserving out of this grant and conveyance, all such pieces or parcels of the aforesaid tract, and such privileges thereunto belonging, as are next hereinafter particularly mentioned, which said pieces or parcels of land so excepted are, by the parties to these presents, clearly and fully understood to remain the property of the said parties of the first part, in as full and ample manner as if these presents had not been executed; that is to say, excepting and reserving to them, the said parties of the first part, and their nation, one piece or parcel of the aforesaid tract, at Canawagus, of two square miles to be laid out in such manner, as to include the village extending in breadth one mile along the river; one other piece or parcel of two square miles at Little Beard's town, extending one mile along the river, to be laid off in such manner as to include the village; one other tract of two square miles at Squawky Hill, to be laid off as follows, to wit: one square mile to be laid off along the river, in such manner as to include the village, the other directly west thereof and contiguous thereto; one other piece or parcel at Gardeau, beginning at the mouth of Steep Hill Creek, thence due east until it strikes the old path, thence south until a due west line will intersect with certain steep rocks on the west side of Genesee River, then extending due west, due north and due east until it strikes the first mentioned bound, enclosing as much land on the west side as on the east side of the river. One other piece or parcel at Kaounadeau, extending in length eight miles along the river, and two miles in breadth. One other piece or parcel at Cattaraugus, beginning at the mouth of the Eighteen mile or Koghquaugu Creek, thence a line or lines to be drawn parallel to Lake Erie at the distance of one mile from the Lake to the mouth of Cattaraugus Creek, thence a line or lines extending twelve miles up the north side of said creek at the

distance of one mile therefrom; thence a direct line to the said creek; thence down the said creek to Lake Erie; thence along the Lake to the first mentioned creek, and thence to the place of beginning. Also one other piece at Cataraugus, beginning at the shore of Lake Erie on the south side of Cataraugus Creek, at the distance of one mile from the mouth thereof; thence running one mile from the lake; thence on a line parallel thereto to a point within one mile from the Conondauweya Creek; thence up the said Creek one mile on a line parallel thereto; thence on a direct line to the said creek; thence down the same to Lake Erie; thence along the Lake to the place of beginning. Also one other piece or parcel of forty-two square miles at or near the Allegenny River. Also two hundred square miles to be laid off partly at the Buffalo and partly at the Taunawanta Creeks. Also, excepting and reserving to them, the said parties of the first part, and their heirs, the privilege of fishing and hunting on the said tract of land hereby intended to be conveyed. And it is hereby understood by and between the parties to these presents, that all such pieces or parcels of land as are hereby reserved, and are not particularly described as to the manner in which the same are to be laid off shall be laid off in such manner as shall be determined by the sachems and chiefs residing at or near the respective villages where such reservations are made, a particular note whereof to be endorsed on the back of this deed and recorded therewith, together with all and singular the rights, privileges, hereditaments, and appurtenances thereunto belonging or in anywise appertaining. And all the estate, right, title and interest, whatsoever, of them, the said parties of the first part, and their nation of, in and to, the said tract of land above described, except as is above excepted, to have and to hold all and singular the said granted premises, with the appurtenances to the said party of the second part, his heirs and assigns, to his and their proper use, benefit and behoof forever.

Concluded *September 15, 1797.*

TAKEN FROM NO. 1 OF DEEDS, ERIE COUNTY CLERK'S OFFICE, PAGE 68.

This indenture made the 12th day of September, in the year of our Lord one thousand eight hundred and ten, between William Willink, Pieter Vaneghen, Hendrik Vollenhoven, Rutgerk Jan. Schimmelpenninck, William Willink, the younger, Jan. Willink the younger son of Jan. Cornelius Vollenhoven, Hendrik Seye of the kingdom of Holland, Paul Busti of the city of Philadelphia of the State of Pennsylvania,

their attorney of the first part, and David A. Ogden of the city and State of New York, counselor at law of the second part,

Witnesseth, That the said parties of the first part by their said attorney, Paul Busti, for and in consideration of the sum of ninety-eight thousand nine hundred and seventeen dollars and fifty cents (\$98,917.50) lawful money of the United States of America unto them at or before the sealing and delivering hereof by the party of the second part, well and truly pay the receipt whereof is hereby acknowledged, have granted, bargained, sold, released, conveyed and confirmed, and by these presents do each and every of them doth grant, bargain, sell, release, convey and confirm into the said party of the second part, his heirs and assigns forever, all that certain tract or parcel of land situate lying and being in the late county of Ontario and State of New York, being part of a certain large tract of land containing one million five hundred thousand (1,500,000) acres, granted and conveyed by Robert Morris and Mary his wife, to Herman Leroy and John Lincklaen, by deed of conveyance bearing date the 24th day of December, in the year of our Lord one thousand seven hundred and ninety-two (1792), which said tract or parcel of land hereby intended to be conveyed and released, on a certain map of land purchased by the said Robert Morris of the commonwealth of Massachusetts, lying west of the Genesee river, made in the year of our Lord eighteen hundred, by Joseph and B. Ellicott for the Holland Land Company is designated by the name of the Cattaraugus reservation, and is bounded on the north by lands designated on said map by township No. eight, in the 9th range; on the west in part by lake Erie, in part by township No. 6 of the 10th range, and in part by township No. 6 of the 9th range; on the south by township No. 6 of the said 9th range and 10th range, and on the east by township No. 6 and 7 of the 8th range, containing twenty-six thousand eight hundred and eighty acres (26,880) of land, be the same more or less.

Also all that certain other tract or parcel of land situate in the same county and State, being a part of said large tract of land hereinbefore mentioned, and also a part of a certain other large tract of land, conveyed by the said Robert Morris and Mary, his wife to Herman Leroy John Lincklaen and Gerrit Boon, by deed of conveyance bearing date the 20th day of July in the year of our Lord one thousand seven hundred and ninety-three (1793) which said tract or parcel of land hereby intended to be conveyed, is distinguished and marked on the said map by the name of the Buffalo Creek reservation, and is bounded northerly in part by lands now or late

belonging to William Willink, Nicholaus Van. Staphorst, Pieter Van. Eghen, Hendrik Vallenhoven and Rutger Jan. Schimmelpenninck designated on said map as township No. 11 of the 5th, 6th, 7th and 8th ranges, and in part by land now or late belonging to William Willing, Jan. Willink, William Willink the younger Jan. Willink the younger; on the east in part by the said township No. 11 of the 5th range and township No. 10 of the 4th range, also now or late belonging to William Willink, Nicholaus Van. Staphorst, Pieter Van. Eghen, Hendrik Vallenhoven, Rutger Jan. Schimmelpenninck; on the north by township No. 9 of the 5th, 6th, 7th and 8th ranges, and in parts by lands now or late belonging to said William Willink, Jan Willink, William Willink, the younger, and Jan Willink, the younger; and westerly in part by a small strip of land lying between the premises hereby intended to be described and lake Erie; and north-easterly by the above mentioned township No. 11 of the 8th range containing eighty-three thousand, five hundred and fifty-seven (83,557) acres, be the same more or less.

Also all that certain other tract or parcel of land situate in the same county and State and being a part of the said large tract of land hereinbefore first mentioned, and also part of a certain other large tract of land granted and conveyed by the said Robert Morris and Mary, his wife, to Herman Le Roy, John Lincklaen and Gerritt Boon, deed or conveyance bearing date the 27th day of February, 1798, which said tract or parcel of land hereby intended to be described is designated and marked on the said map by the name of the Allegany reservation, and extends from the Pennsylvania line on each side of the Allegany river, up the several courses thereof into the southwest corner of a certain tract of land designated on the said map by township No. 2 of the 5th range, and the northwest corner of township No. 1 and the range of townships last mentioned, containing thirty thousand, four hundred and sixty-nine (30,469) acres, be the same more or less.

Also, all that certain other tract or parcel of land situate in the same county and State being a part of said large tract of land conveyed by the said Robert Morris and Mary, his wife, to the said Herman Le Roy John Lincklaen and Gerrit Boon on the said 27th day of February, 1793, which said tract or parcel of land hereby intended to be described is that part of a certain tract of land distinguished and marked on the said map by the name of the Caneadea reservation, and is situate west of a certain line, also designated on the said map by the name of the transit Meridian line, being the eastern boundary of the Holland Land Company's purchase, and is

included within the lines and bounds of two certain tracts of land designated on said map by townships No. 5 and 6 of the first range, and containing with the lines and boundaries of the said townships No. 5 and 6 of the first range, the quantity of eight thousand eight hundred (8,800) acres of land, be the same more or less.

Also all that certain other tract or parcel of land situate in the same county and State, being part of the before-mentioned two large tracts of land conveyed by the said Robert Morris and Mary, his wife, to Herman Le Roy, John Lincklaen and Gerrit Boon by two deeds of conveyance, one bearing date the 27th day of February, and the other the 20th day of July, both in the year 1793, which said tract or parcel of land hereby intended to be described, is designated and marked on the said map by the name of the Tonawanda reservation and is bounded on the north by township No. 13 of the 2nd, 3rd, 4th and 5th ranges; on the east by townships Nos. 12 and 13th of the second range; on the south by township No. 12 of the 2nd, 3rd, 4th and 5th ranges, and on the west by townships Nos. 12 and 13 of the 5th range, which said tract or parcel of land hereby intended to be conveyed contains forty-five thousand five hundred and nine (45,509) acres, be the same more or less.

Also all that certain other tract or parcel of land situate in the same county and State, and part of the large tract first above-mentioned, which said tract or parcel of land hereby intended to be described on the said map is included within the lines and bounds of two certain tracts of land designated on the said map as township No. 14 of the 8th and 9th ranges, and is also designated and marked in the said map by the name of the Tuscarora reservation (being usually known by the name of the Seneca reservation) and containing 1,920 acres, be the same more or less.

Together with all and singular the buildings, improvements, ways, woods, pastures, water, water courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever, unto the hereby granted premises belonging, or in any wise appertaining, and the reservation or reservations, remainder and remainders thereof, and also all the estate, right, title, interest, property, claim and demand whatsoever of them the said party of the first part in law, equity or otherwise howsoever, of, in and to all and singular of said tracts of land and premises above-mentioned and described and every part and parcel thereof, with the appurtenances, to have and to hold said tracts of land and premises above mentioned and described and hereby granted, bargained and sold, and every part and parcel thereof, with the appur-

tenances, unto the said party of the second part, his heirs and assigns, to and for the only proper use and behoof of the said party of the second part his heirs and assigns forever, subject only to the right of the native Indians and not otherwise. And the said parties of the first part, for themselves, their heirs, executors and administrators, and for each and every of them do, and each of them doth, covenant, promise and agree to and with the said David A. Ogden, his heirs, executors, administrators and assigns, in manner following, that is to say, that they, the said parties of the first part are seized of an indefeasible estate or inheritance of and in the above mentioned and described premises, and are lawfully authorized to sell the preëmption right of, in and to the several tracts, pieces or parcels of land above mentioned and described, and that the said party of the second part, his heirs and assigns shall and may at all times hereafter forever, have, hold, occupy, possess and enjoy the above granted and described premises and every part thereof, subject only to the the right of the native Indians, without the hindrance, molestation, or eviction of any other person or persons claiming by, from or under the parties of the first part, or their heirs, or by, from or under any or either of them, or any other person or persons whomsoever, and that the said parties of the first part or any or either of them have not done or committed willingly or unwillingly, caused or suffered to be done or committed, any act, matter, cause or thing whatsoever, whereby or by reason whereof the hereby granted premises or any part thereof, now is or at any time hereafter can or may be impeached or incumbered in title, charge, estate or otherwise, howsoever. And further that they, the said parties of the first part and their heirs and of every other person or persons having or lawfully claiming any estate, right, title or interest of, in or to the said hereby granted premises or any part or parcel thereof, shall and will at any time or times hereafter, upon the reasonable request and proper cost and charges in the law of the said party of the second part, his heirs and assigns, make, do, execute, acknowledge and deliver, or cause to be made and delivered, all and every such further and other lawful and reasonable act or acts, deed or deeds, and conveyances and assurances in the law whatsoever, for the further, better and more perfect assurance and confirmation of all and singular the aforesaid tract or parcel of land, hereditaments and premises hereby granted, bargained and sold or mentioned or intended so to be, with the appurtenances unto the said party of the second part, his heirs and assigns, to his and their only proper use and behoof forever as by the

said party of the second part, his heirs and assigns, or his or their counsel learned in the law, shall be reasonably devised, advised or required.

In witness whereof, the said parties, of the first part, (who survived Nicholas Van Staphorst, Jan Gabriel Van Staphorst and Roeloff Van Staphorst, the youngest), by their said attorney, have hereunto set their hands and seals the day and year first above written.

Sealed and delivered in the presence of }
 us, "party" "late" being first interlined. }

ANTHY LIVINGSTON,
 BENJN. TELGHMAN.

WILLIAM WILLINK,	[L. S.]
PETER VAN EGHEN,	[L. S.]
HENDRIK VALLENHOVEN,	[L. S.]
RUTGERT JAN SCHIMMELPENNINCK,	[L. S.]
WILLIAM WILLINK, THE YOUNGER.	[L. S.]
JAN WILLINK, THE YOUNGER, son of Jan,	[L. S.]
CORNELIUS VALLENHOVEN,	[L. S.]
HENDRIK & SEYE, by their attorney,	[L. S.]

PAUL BUSTI.

Received the day of the date of the above written indenture of the above named David A. Ogden, the sum of ninety-eight thousand nine hundred and seventeen dollars and fifty cents (\$98,917.50), in full of the consideration money for the above granted premises.

PAUL BUSTI.

To all to whom these presents shall come:

WHEREAS, Jan Willink, the elder, of the Kingdom of Holland, is interested in a part of the lands mentioned and described in the within conveyance, the same being held by him in joint tenancy with William Willink, William Willink, the younger, and Jan Willink, the younger (son of the said Jan); and

WHEREAS, It is intended to grant, bargain and sell unto the said David A. Ogden, his heirs and assigns, the whole of the said several tracts of land; and

WHEREAS, Paul Busti, within named, is the attorney within named, is the attorney in fact of the said Jan Willink, Now, these presents witness that the said Jan Willink by the said Paul Busti, his attorney, for and in consideration of the sum of (\$1.00) one dollar to him in hand paid by the said David A. Ogden, the receipt whereof is hereby

acknowledged, hath granted, bargained, sold, assigned, released, confirmed unto the said David A. Ogden, his heirs and assigns forever, all and singular his right, title and interest of, in and to the several tracts of lands in the within deed mentioned and described, and which said several tracts for greater certainty are particularly designated in the map hereto annexed that is signed by the said Paul Busti to have and to hold all and singular the within granted and described premises, unto the use of the said David A. Ogden, his heirs and assigns forever.

In witness whereof, the said Paul Busti has set his hand and seal this 20th day of September, in the year of our Lord, one thousand eight hundred and ten (1810).

Sealed and delivered in the presence }
of us, "come" first interlined. }

ANTHY. LIVINGSTON,

BENJN. TELGHMAN.

JOHN WILLINK,

By his attorney, PAUL BUSTI.

STATE OF NEW YORK, ss.:

On the 14th day of September, 1810, before me came Anthony Livingston, known to me, and on oath before me made says, that he saw the within deed executed by William Willink, Pieter Van. Eghen, Hendrik Valhoven, Rutgert Jan Schimmelpenninck, William Willink, the younger, Jan Willink, the younger, son of Jan, Cornelius Vallenhoven and Hendrik Seye, by Paul Busti their attorney respectively, and that the deponent and Benjamin Tilghman subscribed their names as witnesses thereto; that the deponent knew the said Paul Busti and that he was the person described by that name in the said deed, which is to me satisfactory evidence.

And deponent further saith that he saw the release endorsed on the said deed executed by Jan Willink by the said Paul Busti his attorney, who the deponent knew to be the same person described by that name in the said release, which is also to me satisfactory evidence.

Deponent further saith that he and the said Benjamin Tilghman subscribed their names as witnesses to the said release.

The deponent further saith that he saw the said Paul Busti subscribe his name to the acknowledgment written on the map annexed to the within deed and release; that the said map was the map referred to in the said deed; and that the deponent and the said Anthony Livingston subscribed their names as witnesses thereto, and that he knew the said Paul Busti to be the same person described in the said acknowledgment.

And, further, the deponent saith that the said map was annexed to the said deed and release at the time of the execution thereof, and is the same referred to in the said deed and release. All which is likewise to me satisfactory evidence. There not appearing any material erasures or interlineations in the said deed, release or map, except as noted, I allow them all to be recorded. The words "the within deed executed by," and the words "except as noted," interlined in the certificate.

THOMAS COOPER,

Master in Chancery.

Recorded, examined and compared with the original on the twentieth day of May, A. D. 1811, at four o'clock P. M.

LOUIS LE COUTEULX,

Clerk.

By CHM HOLMES,

Dept. Clerk.

This indenture, made the thirtieth day of June, in the year of our lord one thousand eight hundred and two, between the sachems, chiefs and warriors of the Seneca Nation of Indians of the first part, and Wilhem Willink, Pieter VanEeghen, Hendrick Vollenhoven, W. Willink the younger, J. Willink the younger (son of Jan) Jan Gabriel Van Staphorst, Roelof Van Staphorst the younger Cornelius Vollenhoven and Hendrick Seye all of the city of Amsterdam and Republic of Batavia by Joseph Ellicott, Esquire, their agent and attorney, of the second part:

Whereas, at a treaty held under the authority of the United States, with the Seneca Nation of Indians at Buffalo Creek in the County of Ontario and State of New York, on the day of the date of these presents by the Honorable John Tayler, Esquire, a commissioner appointed by the United States to hold the same, in pursuance of the constitution, and of the act of the Congress of the United States, in such case made and provided, a convention was entered into, in the presence and with the approbation, of the said commissioner, between the said Seneca Nation of Indians and the said Wilhem Willink, Pieter Van Eghen, Hendrick Vollenhoven, W. Willink, the younger, J. Willink the younger (son of Jan) Jan Gabriel Van Staphorst the younger, Cornelius Vollenhoven and Hendrick Seye by the said Joseph Ellicott, their agent and attorney lawfully constituted and appointed for that purpose: Now, this indenture witnesseth, that the said parties of the first part, for and in consideration of the lands hereinafter described, do hereby exchange,



cede and forever quit claim to the said parties of the second part, their heirs and assigns, all those lands situate lying and being in the County of Ontario, and State of New York being part of the lands described and reserved by the said parties of the first part, in a treaty or convention held by the Honorable Jeremiah Wadsworth, Esquire, under the authority of the United States, on the Genesee river, the fifteenth day of September, 1797, in the words following, viz: "Beginning at the mouth of the Eighteen Mile or Kogh-quaw-gu creek; thence a line or lines to be drawn parallel to Lake Erie at the distance of one mile from the lake, to the mouth of the Cattaraugus creek; thence a line or lines extending twelve miles up the north side of said creek at the distance of one mile therefrom; thence a direct line to the said creek; thence down the said creek to Lake Erie; thence along the lake to the first mentioned creek; and thence to the place of beginning." Also one other piece at Cattaraugus, "Beginning at the shore of Lake Erie, on the south side of Cattaraugus creek at the distance of one mile from the mouth thereof; thence running one mile from the Lake; thence on a line parallel thereto to a point within one mile from the Con-non-daw-we-gea creek; thence up the said creek one mile on a line parallel thereto; thence on a direct line to the said creek; thence down the same to Lake Erie; thence along the lake to the place of beginning." Reference being thereunto had will fully appear, together with all and singular the rights, privileges, hereditaments, and appurtenances, thereunto belonging, or in any wise appertaining; and all the estate, right, title, and interest, whatsoever, of them, the said parties of the first part, and their Nation, of, in, and to the said tracts of land above described; to have and to hold all and singular the said granted premises, with the appurtenances, to the said parties of the second part, their heirs and assigns to their only proper use, benefit and behoof, forever. And, in consideration of the said lands, described and ceded as aforesaid, the said parties of the second part, by Joseph Ellicott, their agent and attorney, as aforesaid do hereby exchange, cede, release and quit-claim to the said parties of the first part, and their Nation, the said parties of the second part, reserving to themselves the right of preëmption, all that certain tract or parcel of land situate as aforesaid, beginning at a post marked No. 0, standing on the bank of Lake Erie at the mouth of Cattaraugus creek, and on the north bank thereof; thence along the shore of said Lake, N. 11 degrees, E. 21 chains; N. 13 degrees E. 45 chains; N. 19 degrees, east 14 chains 65 links to a post; thence east one hundred and nineteen chains, to a post; thence

South fourteen chains, twenty-seven links, to a post; thence east, six hundred and forty chains, to a post standing in the meridian between the 8th and 9th ranges; thence along said meridian, south, six hundred and seventeen chains, seventy-five links, to a post standing on the south bank of Cattaraugus creek; thence west one hundred and sixty chains, to a post; thence north two hundred and ninety chains, twenty-five links, to a post; thence west, four hundred and eighty-two chains, thirty-one links, to a post; thence north, two hundred and nineteen chains, fifty links, to a post standing on the north bank of Cattaraugus creek; thence down the same, and along the several meanders thereof to the place of beginning: To hold to the said parties of the first part in the same manner and by the same tenor as the lands reserved by the said parties of the first part, in and by said treaty or convention entered into on Genesee river, the fifteenth day of September 1797, as aforesaid, were intended to be held.

In testimony whereof, the parties to these presents have hereunto and to two other indentures of the same tenor and date, one to remain with the United States, one to remain with the said parties of the first part, and one other to remain with the said parties of the second part, interchangeably set their hands and seals, the day and year first above written.

JOSEPH ELLICOTT,

Attorney for the Holland Company.

Done at a full and general treaty of the Seneca nation of Indians, held at Buffalo creek, in the county of Ontario and State of New York, on the thirtieth day of June, in the year of our Lord, one thousand eight hundred and two, under the authority of the United States.

In testimony whereof, I have hereunto set my hand and seal, the day and year aforesaid.

JOHN TAYLOR.

At a treaty held under the authority of the United States at Buffalo Creek, in the County of Ontario and State of New York, between the sachems chiefs and warriors of the Seneca Nation of Indians, on behalf of said Nation, and Oliver Phelps, esquire, of the County of Ontario, Isaac Bronson, esq., of the City of New York, and Horatio Jones of the said County of Ontario, in the presence of John Tayler, esq., commissioner appointed by the President of the United States for holding said treaty.

Know all men by these presents that the said sachems chiefs and warriors, for and in consideration of the sum of twelve hundred dol-

lars, lawful money of the United States, unto them in hand paid by the said Oliver Phelps, Isaac Bronson and Horatio Jones, at or immediately before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have and by these presents do grant, remise, release and forever quit-claim and confirm unto the said Oliver Phelps, Isaac Bronson and Horatio Jones, and to their heirs and assigns, all that tract of land commonly called and known by the name of Little Beard's reservation, situate, lying and being in the said county of Ontario, bounded on the east by the Genesee River and Little Beard's Creek, on the south and west by other lands of the said parties of the second part, and on the north by Big Tree reservation, containing two square miles or twelve hundred and eighty acres, together with all and singular the hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, to hold to them, the said Oliver Phelps, Isaac Bronson and Horatio Jones, their heirs and assigns, to the only proper use and behoof of them, the said Oliver Phelps Isaac Bronson and Horatio Jones, their heirs and assigns forever.

Proclaimed *February 7, 1803.*

FROM LIBER 10, PAGE 138, IN THE ERIE COUNTY CLERK'S OFFICE.

The Seneca Nation to Robert Troup, T. L. Ogden and B. W. Rogers.

TREATY.

At a treaty held under the authority of the United States at Buffalo Creek, in the county of Erie in the State of New York, between the sachems, chiefs and warriors of the Seneca nation of Indians, on behalf of said nation, and Robert Troup, Thomas L. Ogden and Benjamin W. Rogers, Esquires, of the city of New York, in the presence of Oliver Forward, Esq., commissioner appointed by the United States for holding said treaty, and of Nathaniel Gorham, Esq., superintendent in behalf of the State of Massachusetts.

Know all men by these presents that the said sachems, chiefs and warriors for and in consideration of the sum of forty-eight thousand two hundred and sixty dollars (\$48,260) lawful money of the United States to him in hand paid by the said Robert Troup, Thomas L. Ogden and Benjamin W. Rogers, at or immediately before the ensealing and delivering of these presents the receipt whereof is hereby acknowledged have granted, sold, aliened, released, quit-claimed and confirmed and by these presents do grant, bargain, sell, alien, release, quit-claim and confirm unto the said Robert

Troup, Thomas Ludlow Odgen and Benjamin W. Rogers and their heirs and assigns forever all of that tract of land commonly called and known by the name of the Caneadea Reservation situate lying and being in the county of Allegany in the State of New York and containing sixteen square miles. Also all that other tract of land commonly called and known by the name of the Canawagus Reservation situate lying and being in the county of Livingstone in the said State of New York, and containing two square miles. Also all that other tract of land commonly called and known by the name of the Big Tree Reservation situate, lying and being in the said county of Livingstone, containing two square miles. Also all that other tract of land commonly called and known by the name of the Squawky Hill Reservation situate, lying and being in the said county of Livingstone and containing two square miles.

Also all that other tract of land commonly called and known by the name of the Gardean Reservation situate lying and being in the county of Genesee in the said State of New York and containing two square miles, and being that part of the original Guardean Reservation which was excepted and reserved out of the sale of a part of the same to John Greig and Henry B. Gibson at a treaty held at Moscow in the said county of Livingston on the third day of September, 1823. Also all that other tract of land commonly called and known by the name of the Buffalo Creek reservation situate lying and being in the said county of Erie and containing by estimation eighty-three thousand five hundred and fifty-seven (83,557) acres, excepting, nevertheless and always reserving out of the said Buffalo Creek reservation the following tract, piece or parcel thereof, that is to say, seventy-eight square miles or forty-nine thousand nine hundred and twenty (49,920) acres bounded as follows, that is to say: Beginning on the north line of the said reservation at a point one mile and a half east of the Cayuga creek, running thence south one mile and a half; thence east parallel with the north line so far as that, a line to be drawn from the termination thereof south to a point one mile distant from the south line of the said reservation; and thence west parallel with the said south line to the west line of the reservation, and thence along the west and north line of the same to the place of beginning will contain the said quantity of seventy-eight square miles or forty-nine thousand, nine hundred and twenty (49,920) acres. Also all that tract of land commonly called and known by the name of the Tonawanda Reservation situate lying and being in the said county of Genesee and Erie and containing by estimation forty-six thousand, two hundred and nine

(46,209) acres, excepting nevertheless and always reserving out of the Tonawanda Reservation the following tract piece or parcel thereof, that is to say, twelve thousand eight hundred (12,800) acres, to be laid off in one body in such a manner as that one-half thereof shall all be on one side of the Tonawanda Creek and the other half on the other side of the creek, and connecting at a point on said creek one mile and a half west of where it crosses the line of the said reservation, and the said creek being the center of the said twelve thousand eight hundred (12,800) acres until it strikes the north-west corner of the Tonawanda Reservation. Also the following piece or parcel of that other tract of land commonly called and known by the name of the Cattaraugus Reservation, situate, lying and being in the counties of Chautauqua, Cattaraugus and Erie, in the said State of New York, that is to say, one square mile or six hundred and forty (640) acres, to be laid off in a square form in the south-west corner of said reservation; six square miles or three thousand eight hundred and forty (3,840) acres in the north part of the said reservation, bounded on the north and on the east by the north and east lines of the said reservation; on the west by a line parallel to the east line, and six miles distant therefrom, and on the south by a line parallel to the north line and one mile distant therefrom. And one other square mile or six hundred and forty (640) acres to be laid off in a square form, bounded as follows, that is to say, on the east by the east line of the said reservation; on the west by a line parallel thereto and one mile distant therefrom; on the north by the south line of the piece last above described, and on the south by a line parallel thereto and one mile distant therefrom. And which said several tracts, pieces or parcels of land so excepted and reserved as aforesaid, out of the said Buffalo Creek and Tonawanda Reservations, are fully and clearly understood to remain the property of the said parties of the first part and their nation, in as full and ample a manner as if these presents had not been executed, together with all and singular the rights, privileges and appurtenances to the said hereby granted premises belonging or in anywise appertaining, and all of the estate, right, title and interest, claim and demand whatsoever of them the said parties of the first part and all their nation of, in and to the said several tracts, pieces and parcels of land above described except as is above excepted, to have and to hold all and singular the said granted premises with the appurtenances unto the said Robert Troup, Thomas L. Ogden and Benjamin W. Rogers, their heirs and assigns, in trust for the use, benefit and behoof of themselves and such other person or persons as are

respectively entitled to the right of præemption of the said several tracts, pieces or parcels of land or any part or portion thereof.

In testimony whereof the parties to these presents have hereunto and to three other instruments of the same tenor and date, one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Seneca Nation of Indians and one to remain with the said Robert Troup, Thomas L. Ogden and Benjamin Woolsey Rogers, interchangeably set their hands and seals, at the council house at Buffalo Creek the thirty-first day of August, 1826.

LA-QUI-UM-GAR-TU-OHTA	x	YOUNG KING.	[L. S.]
KAR-HUN-DA-WU-NA	^{his} x	POLLARD.	[L. S.]
FOSH-KA-UGA	^{his} mark. x	LITTLE BILLY.	[L. S.]
JOHN-A-BE-AL	^{his} mark. x	CORNPLANTER.	[L. S.]
TY-WAU-EASH	^{his} mark. x	BLACKSNAKE.	[L. S.]
NA-HAL-STA	^{his} mark. x	STRONG.	[L. S.]
UON-HON-DXT-GAH-LE	^{his} mark. x	CHIEF WARRIOR.	[L. S.]
TU-Y-A-GO	^{his} mark. x	SENECA WHITE.	[L. S.]
ON-A-TRAH-KAI	^{his} mark. x	TALL PETER.	[L. S.]
SAN-GED-QUATE	^{his} mark. x	JAMES ROBISON.	[L. S.]
A-SAH-EA-NOR	^{his} mark. x	WHITE SENECA.	[L. S.]
ON-ON-DA-HAI	^{his} mark. x	DESTROYTOWN.	[L. S.]
USLA-EYE	^{his} mark. x	CHARLES OBEAL.	[L. S.]
TE-UGH-TA-GUD-TA	^{his} mark. x	TUNIS HALFTOWN.	[L. S.]
IE-U-GAR-SE	^{his} mark. x	LONG JOHN.	[L. S.]
UAN-EAE-GA	^{his} mark. x	BLUE EYES.	[L. S.]
LA-HIM-EUHA	^{his} mark. x	LITTLE JOHNSON.	[L. S.]
TY-AT-A-HADA	^{his} mark. x	DOCHSTADER.	[L. S.]

UDL-WEN-DY-HA	^{his} x mark.	GREEN BLANKET.	[L. S.]
U-UT-HA-DA-GAU	^{his} x mark.	WHITE BAY.	[L. S.]
UA-HU-HEVDIA	^{his} x mark.	ISAACS.	[L. S.]
UA-PAU-QUISH	^{his} x mark.	HENRY TWO GUNS.	[L. S.]
GE-MUCH-THA-DE	^{his} x mark.	STEVENSON.	[L. S.]
LEN-AEH-TE-NO-GO	^{his} x mark.	JOHN ——— *	
SHE-CAN-A-CHWESCH-GUE	^{his} x mark.	LITTLE BEAR.	[L. S.]
AU-A-SHOD-AKAI	^{his} x mark.	TALL CHIEF.	[L. S.]
HA-WAN-SAI	^{his} x mark.	CAPTAIN SNOW.	[L. S.]
PA-HE-GAN-ONE	^{his} x mark.	TWENTY CANOES	[L. S.]
AS-ALON-A-SAITH	^{his} x mark.	SILVERHEELS.	[L. S.]
KAN-ON-GA-IOT	^{his} x mark.	LONG CHIEF.	[L. S.]
UAN-ISH-AN	^{his} x mark.	BAREFOOT.	[L. S.]
MILE-LA-GO-OR	^{his} x mark.	CAPTAIN CROW.	[L. S.]
SA-GUN-JA-WA	^{his} x mark.	LONNEE'S COUSIN.	[L. S.]
KAM-AU-JA-UANA	^{his} x mark.	BIG KETTLE.	[L. S.]
TY-A-GO-DOU-TE	^{his} x mark.	JOSEPH SNOW.	[L. S.]
	^{his} x mark.	JOSEPH LEGUANY.	[L. S.]
SO-WAM-A-WA	^{his} x mark.	WILLIAM BLACKSNAKE.	[L. S.]
SAY-WAY-DO	^{his} x mark.	GEORGE REDEYE.	[L. S.]
KAU-IS-H-SHORGE	^{his} x mark.	CAPTAIN SHONGO.	[L. S.]
SA-GU-I-OTH	^{his} x mark.	JONES UNDSOON.	[L. S.]

* Here the record was defaced.

LA-GA-IN-A-SHOT-SIA ^{his} x STIFFNECK. [L. S.]
mark.

LA-GAU-OTA ^{his} x RED JACKET. [L. S.]
mark.

KAH-DO-WAY ^{his} x COHN FOPP. [L. S.]
mark.

LO-YE-AWA ^{his} x CON. SNOW. [L. S.]
mark.

TE-GO-HAI ^{his} x TOMPSON. [L. S.]
mark.

K-AND-GAE ^{his} x JAMES STEVENSON, JR. [L. S.]
mark.

PEAEA-DYO ^{his} x JOHN SNOW. [L. S.]
mark.

ROBERT TROUP (by his attorney JOHN GREIG). [L. S.]

THOMAS L. OGDEN (by his attorney JOHN GREIG). [L. S.]

BENJAMIN W. ROGERS (by his att'y JOHN GREIG). [L. S.]

The words "and a half" twice interlined on the second page before executing sealing and delivering, in presence of Joseph Parish, Indian agent; Horatio Jones, interpreter; Levi Hubbell; Jacob Jameson, interpreter.

Done at a treaty held with the sachems, chiefs and warriors of the Seneca Nation of Indians at Buffalo creek in the county of Erie and State of New York on the thirty-first day of August in the year of our Lord one thousand eight hundred and twenty-six [1826], under the authority of the United States.

In testimony whereof I have hereunto set my hand and seal the day and year aforesaid, by virtue of a commission issued under the seal of the Commonwealth of Massachusetts bearing date the 31st day of April in the year of our Lord n housand eight hundred and fifteen [1815], pursuant to a resolution of the Legislature of the said Commonwealth passed the 11th day of March in the year of our Lord one thousand seven hundred and ninety-one [1791].

N. GORHAM,
Superintendent.

I have attended a treaty of the Seneca Nation of Indians held at Buffalo Creek in the county of Erie and State of New York on the 31st day of August 1826, when the foregoing instrument was duly executed in my presence by the sachems, chiefs and warriors of the

said nation, being fairly and properly understood, and transacted by all the parties of Indians concerned, and declared to be done to their universal satisfaction.

I do therefore certify and approve of the same.

OLIVER FORWARD,

Commissioner.

STATE OF NEW YORK, }
 ERIE COUNTY. } ss. :

On the first day of September in the year of our Lord, one thousand eight hundred and twenty-six, before me Ebenezer Walden first judge of the Court of Common Pleas of said county and a counselor at law in the Supreme Court of the said State, personally appeared Joseph Parish, one of the subscribing witnesses to the foregoing instrument, to me known, who being duly sworn deposeth and saith, that he saw the several persons whose names are subscribed as grantors in the foregoing instrument and as the sachems, chiefs and warriors of the Seneca Nation of Indians, severally execute the same as their voluntary act and deed for the uses and purposes therein mentioned; that he is acquainted with the said grantors and knows them to be the persons described in and who executed the said instrument, and that he, the said deponent, together with Horatio Jones, Levi Hubbell and Jacob Jameson severally subscribed their names as witnesses to the same.

I further certify that John Greig to me known also appeared before me and acknowledged that he executed the said instrument as the attorney of Robert Troup, Thomas L. Ogden and Benjamin Woolsey Rogers therein described, for the uses and purposes therein mentioned.

I further certify that Nathaniel Gorham to me known, also appeared before me and acknowledged that he executed the foregoing certificate subscribed by him as superintendent of the said treaty on behalf of the State of Massachusetts.

And I further certify that Oliver Forward to me known, also appeared before me and acknowledged that he executed the foregoing certificate subscribed by him as commissioner appointed by the United States holding the said treaty.

All which is satisfactory evidence to me of the matters therein sworn to and acknowledged and I allow the said deed to be recorded.

E. WALDEN.

Recorded, examined and compared with the original the 9th day of May, A. D. 1827 at half past two o'clock, P. M.

JACOB A. BAKER,

Clerk.

TREATY WITH THE NEW YORK INDIANS, AS AMENDED BY THE SENATE AND
ASSENTED TO BY THE SEVERAL TRIBES, 1838.

Articles of a treaty made at Buffalo Creek, in the State of New York, the fifteenth day of January, in the year of our Lord, one thousand eight hundred and thirty-eight, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, head-men and warriors of the several tribes of New York Indians assembled in council, witnesseth :

WHEREAS, The Six Nations of New York Indians not long after the close of the war of the Revolution, became convinced, from the rapid increase of white settlers around, that the time was not far distant when their true interest must lead them to seek a new home among their red brethen in the West ; and

WHEREAS, This subject was agitated in a general council of the Six Nations as early as 1810, and resulted in sending a memorial to the President of the United States, inquiring whether the Government would consent to their leaving their habitations and their removing into the neighborhood of their western brethren, and if they could procure a home there, by gift or purchase, whether the Government would acknowledge their title to the lands so obtained in the same manner it had acknowledged it in those from whom they might receive it; and further whether the existing treaties would in such a case remain in full force, and their annuities be paid as heretofore; and

WHEREAS, With the approbation of the President of the United States, purchases were made by the New York Indians from the Menomonee and Winnebago Indians of certain lands at Green Bay in the Territory of Wisconsin, which after much difficulty and contention with those Indians concerning the extent of that purchase, the whole subject was finally settled by a treaty between the United States and the Menomonee Indians, concluded in February, 1831, to which the New York Indians gave their assent on the 17th day of October, 1832; and

WHEREAS, By the provisions of that treaty, five hundred thousand acres of land are secured to the New York Indians of the Six Nations and the St. Regis tribe, as a future home, on condition that they all remove to the same within three years, or such reasonable time as the President should prescribe; and

WHEREAS, The President is satisfied that various considerations have prevented those still residing in New York from removing to Green Bay, and among other reasons that many who are in favour of

emigration preferred to remove at once to the Indian Territory, which they were fully persuaded was the only permanent and peaceable home for all the Indians. And they therefore applied to the President to take their Green Bay islands and provide them a home among their brethren in the Indian Territory; and

WHEREAS, The President being anxious to promote the peace, prosperity and happiness of his red children, and being determined to carry out the humane policy of the Government in removing the Indians from the east to the west of the Mississippi, within the Indian Territory by bringing them to see and feel, by his justice and liberality, that it is their true policy and for their true interest to do so without delay;

Therefore, Taking into consideration the foregoing premises, the following articles of a treaty are entered into between the United States of America and the several tribes of the New York Indians, the names of whose chiefs, head-men and warriors are hereto subscribed, and those who may hereafter give their assent to this treaty in writing within such time as the President shall appoint.

General Provisions.

ARTICLE 1. The several tribes of New York Indians the names of whose chiefs, head-men, warriors, and representatives are hereunto annexed, in consideration of the premises above recited, and the covenants hereinafter contained, to be performed on the part of the United States, hereby cede and relinquish to the United States, all their right, title and interest to the lands secured to them at Green Bay by the Menomonie treaty of 1831, excepting the following tract, on which a part of the New York Indians now reside: beginning at the southwesterly corner of the French grants at Green Bay, and running thence southwardly to a point on a line to be run from the Little Cocalin, parallel to a line of the French grants and six miles from Fox River; from thence on said parallel line, northwardly six miles; from thence eastwardly to a point on the northeast line of the Indian lands, and being at right angles to the same.

ARTICLE 2. In consideration of the above cession and relinquishment on the part of the tribes of the New York Indians, and in order to manifest the deep interest of the United States in the future peace and prosperity of the New York Indians, the United States agrees to set apart the following tract of country, situated directly west of the State of Missouri, as a permanent home for all the New York Indians now residing in the State of New York, or in Wisconsin, or elsewhere in the United States, who have no permanent homes, which said

country is described as follows, to wit : Beginning on the west line of the State of Missouri, at the northeast corner of the Cherokee tract, and running thence north along the west line of the State of Missouri twenty-seven miles to the southerly line of the Miami lands; thence west, so far as shall be necessary by running a line at right angles, and parallel to the west line aforesaid to the Osage lands, and thence easterly along the Osage and Cherokee lands to the place of beginning, to include one million eight hundred and twenty-four thousand acres of land being three hundred and twenty acres for each soul of said Indians as their numbers are at present computed. To have and to hold the same in fee simple to the said tribes or nations of Indians, by patent of the President of the United States, issued in conformity with the provisions of the third section of the act entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi" approved on the 28th day of May, 1830, with full power and authority in said Indians to divide said lands among the different tribes, nations or bands in severalty, with the right to sell and convey to and from each other, under such laws and regulations as may be adopted by the respective tribes, acting by themselves or a general council of the said New York Indians acting for all the tribes collectively. It is understood and agreed that the above described country is intended as a future home for the following tribes, to wit : The Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St. Regis, Stockbridges, Munsees, and Brothertowns residing in the State of New York, and the same is to be divided equally among them according to their respective numbers, as mentioned in a schedule hereunto annexed.

ARTICLE 3. It is further agreed that such of the tribes of the New York Indians as do not accept and agree to remove to the country set apart for their new homes within five years or such other time as the President may, from time to time, appoint, shall forfeit all interest in the lands so set apart to the United States.

ARTICLE 4. Perpetual peace and friendship shall exist between the United States and the New York Indians; and the United States hereby guaranty to protect and defend them in the peaceable possession and enjoyment of their new homes, and hereby secure to them in said country, the right to establish their own form of government, appoint their own officers, and administer their own laws; subject, however, to the legislation of the Congress of the United States regulating trade and intercourse with the Indians. The lands secured to them by patent under this treaty, shall never be included in any

state or territory of this Union. The said Indians shall also be entitled in all respects, to the same political and civil rights and privileges that are granted and secured by the United States to any of the several tribes of emigrant Indians settled in the Indian Territory.

ARTICLE 5. The Oneidas are to have their lands in the Indian Territory, in the tract set apart for the New York Indians, adjoining the Osage tract, and that hereinafter set apart for the Senecas; and the same shall be so laid off as to secure them a sufficient quantity of timber for their use. Those tribes whose lands are not specially designated in this treaty are to have such as shall be set apart by the President.

ARTICLE 6. It is further agreed that the United States will pay to those who remove west, at their new homes, all such annuities as shall properly belong to them. The schedules hereunto annexed shall be deemed and taken as a part of this treaty.

ARTICLE 7. It is expressly understood and agreed that this treaty must be approved by the President and ratified and confirmed by the Senate of the United States, before it shall be binding upon the parties to it. It is further expressly understood and agreed, that the rejection by the President and Senate, of the provisions thereof, applicable to one tribe, or distinct branch of a tribe, shall not be construed to invalidate as to others, but as to them it shall be binding, and remain in full force and effect.

ARTICLE 8. It is stipulated and agreed that the accounts of the commissioner, and expenses incurred by him in holding a council with the New York Indians, and concluding treaties at Green Bay and Duck Creek, in Wisconsin, and in the State of New York, in 1836, and those for the exploring party of the New York Indians, in 1837, and also the expenses of the present treaty, shall be allowed and settled according to former precedents.

Special Provisions for the St. Regis.

ARTICLE 9. It is agreed with the American party of the St. Regis Indians, that the United States will pay to the said tribe, on their removal west or at such time as the President shall appoint, the sum of five thousand dollars, as a remuneration for monies laid out by the said tribe, and for services rendered by their chiefs and agents in securing the title to the Green Bay lands, and in removal to the same, the same to be apportioned out to the several claimants by the chiefs of the said party, and a United States commissioner, as may be deemed by them equitable and just. It is further agreed that the following

reservation of land shall be made to the Rev. Eleazer Williams, of said tribe which he claims in his own right and in that if his wife, which he is to hold in fee-simple by patent from the President, with full power and authority to sell and dispose of the same, to wit; beginning at a point in the west bank of Fox river, thirteen chains above the old mill-dam at the rapids of Little Locklain; thence north fifty-two degrees and thirty minutes west, two hundred and forty chains; thence north thirty-seven degrees and thirty minutes east, two hundred chains; thence south fifty-two degrees and thirty minutes east, two hundred and forty chains to the bank of Fox River: thence up along the bank of Fox River to the place of beginning.

Special Provisions for the Senecas.

ARTICLE 10. It is agreed with the Senecas, that they shall have for themselves and their friends, the Cayugas and Onondagas residing among them, the easterly part of the tract set apart for the New York Indians, and to extend so far west as to include one-half section (three hundred and twenty acres) of land for each soul of the Senecas, Cayugas and Onondagas, residing among them; and if, on removing west, they find there is not sufficient timber on this tract for their use, then the President shall add thereto timber land sufficient for their accommodation, and they agree to remove from the State of New York to their new homes within five years and to continue to reside there. And whereas, at the making of this treaty, Thomas L. Ogden and Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Seneca Nation of Indians, in the presence and with the approbation of the United States commissioner, appointed by the United States to hold said treaty or convention, all the right, title, interest and claim of the said Seneca nation, to certain lands, by a deed of conveyance, a duplicate of which is hereunto annexed; and whereas, the consideration money mentioned in said deed, amounting to two hundred and two thousand dollars, belongs to the Seneca Nation, and the said Nation agrees that the said sum of money shall be paid to the United States, and the United States agree to receive the same to be disposed of as follows: The sum of one hundred thousand dollars is to be invested by the President of the United States in safe stocks for their use, the income of which is to be paid to them at their new homes annually, and the balance being the sum of one hundred two thousand dollars, is to be paid to the owners of improvements on the lands so deeded, according to an appraisement of said improvements and a distribution and award of said sum of money among the owners of said improvements to be made by

appraisers, hereafter to be appointed by the Seneca Nation, in the presence of a United States commissioner, hereafter to be appointed, to be paid by the United States to the individuals who are entitled to the same, according to said appraisal and award, on their severally relinquishing their respective possessions to the said Ogden and Fellows.

Special Provisions for the Cayugas.

ARTICLE 11. The United States will set apart for the Cayugas, on their removing to their new homes at the west, two thousand dollars and will invest the same in some safe stocks, the income of which shall be paid them annually, at their new homes. The United States further agree to pay to the said Nation, on their removal West, two thousand five hundred dollars, to be disposed as the chiefs shall deem just and equitable.

Special Provisions for the Onondagas Residing on the Seneca Reservations.

ARTICLE 12. The United States agree to set apart for the Onondagas, residing on the Seneca Reservations, two thousand five hundred dollars on their removing west, and to invest the same in safe stocks, the income of which shall be paid to them annually, at their new homes. And the United States further agree to pay to the said Onondagas, on their removal to their new homes in the west, two thousand dollars to be disposed of as the chiefs shall deem equitable and just.

Special Provisions for the Oneidas Residing in the State of New York.

ARTICLE 13. The United States will pay the sum of four thousand dollars, to be paid to Baptist Powlis, and the chiefs of the first Christian party residing at Oneida, and the sum of two thousand dollars shall be paid to William Day, and the chiefs of the Orchard party residing there, for expenses incurred and services rendered in securing the Green Bay country, and the settlement of a portion thereof; and they hereby agree to remove to their new home in the Indian Territory as soon as they can make satisfactory arrangements with the Governor of the State of New York for the purchase of their lands at Oneida.

Special Provisions for the Tuscaroras.

ARTICLE 14. The Tuscarora Nation agree to accept the country set apart for them in the Indian Territory, and to remove there within five years, and continue to reside there. It is further agreed that the Tuscaroras shall have their lands in the Indian country at the forks of the Neasha River, which shall be so laid off as to secure a sufficient quantity of timber for the accommodation of the Nation. But if, on examination they are not satisfied with this location, they are to have their lands at such place as the President of the United States shall

designate. The United States will pay to the Tuscarora Nation on their settling at the West, three thousand dollars to be disposed of as the chiefs shall deem most equitable and just. Whereas, the said nation owns, in fee-simple, five thousand acres of land, lying in Niagara County in the State of New York, which was conveyed to the said nation by Henry Dearborn, and they wish to sell and convey the same before they remove West; Now, therefore, in order to have the same done in a legal and proper way, they thereby convey the same to the United States, and to be held in trust for them, and they authorize the President to sell and convey the same, and the money which shall be received for the said lands, exclusive of the improvements, the President shall invest in safe stocks for their benefit, the income from which shall be paid to the nation at their new homes annually; and the money which shall be received for improvements on said lands shall be paid to the owners of the improvements when the lands are sold. The President shall cause the said lands to be surveyed, and the improvements shall be appraised by such persons as the nation shall appoint; and the said lands shall also be appraised, and shall not be sold at a less price than the appraisal, without the consent of James Cusick, William Mountpleasant and William Chew, or the survivor or survivors of them; and the expenses incurred by the United States in relation to this trust are to be deducted from the moneys received before investment. And whereas, at the making of this treaty, Thomas L. Ogden and Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Tuscarora Nation of Indians, in the presence and with the approbation of the commissioner appointed on the part of the United States to hold said treaty or convention, all the right, title, interest and claim of the Tuscarora Nation to certain lands, by a deed of conveyance a duplicate of which is hereunto annexed; And whereas, the consideration money for said lands has been secured to the said nation to their satisfaction by Thomas L. Ogden and Joseph Fellows: Therefore, the United States hereby assent to the said sale and conveyance and sanction the same.

ARTICLE 15. The United States hereby agree that they will appropriate the sum of four hundred thousand dollars to be applied from time to time, under the direction of the President of the United States, in such proportions as may be most for the interest of the said Indians, parties to this treaty, for the following purposes, to wit: To aid them in removing to their homes, and supporting themselves the first year after their removal; to encourage and assist them in education, and in being taught to cultivate their lands; in erecting mills and other necessary houses; in purchasing domestic animals and farming utensils, and acquiring a knowledge of the mechanic arts.

SCHEDULE A.

CENSUS OF THE NEW YORK INDIANS, AS TAKEN IN 1837.

Number Residing on the Seneca Reservations.

Senecas	2,309
Onondagas	194
Cayugas	130
	<hr/>
	2,633
	<hr/> <hr/>
Onondagas at Onondaga	300
Tuscaroras	273
St. Regis in New York	350
Oneidas at Green Bay	600
Oneidas in New York	620
Stockbridges	217
Munsees	132
Brothertowns	360
	<hr/> <hr/>

The above was made before the execution of the treaty.

R. H. GILLET,

Commissioner.

SCHEDULE B.

The following is the disposition agreed to be made of the sum of three thousand dollars provided in this treaty for the Tuscaroras, by the chiefs, and assented to by the commissioner, and is to form a part of the treaty.

To Jonathan Printess, ninety-three dollars.

To William Chew, one hundred and fifteen dollars.

To John Patterson, forty-six dollars.

To William Mountpleasant, one hundred and seventy-one dollars.

To James Cusick, one hundred and twenty-five dollars.

To David Peter, fifty dollars.

The rest and residue thereof is to be paid to the Nation.

The above was agreed to before the execution of the treaty.

R. H. GILLET,

Commissioner.

SCHEDULE C.

SCHEDULE APPLICABLE TO THE ONONDAGAS AND CAYUGAS RESIDING ON THE
SENECA RESERVATION.

It is agreed that the following disposition shall be made of the amount set apart to be divided by the chiefs of those nations, in the preceding parts of this treaty, anything therein to the contrary notwithstanding :

To William King, one thousand five hundred dollars.

Joseph Isaacs, seven hundred dollars.

Jack Wheelbarrow, three hundred dollars.

Silversmith, one thousand dollars.

William Jacket, five hundred dollars.

Button George, five hundred dollars.

The above was agreed to before the treaty was fully executed.

R. H. GILLET,

Commissioner.

At a treaty held under the authority of the United States of America, at Buffalo Creek, in the County of Erie, and State of York, between the chiefs and head-men of the Seneca Nation of Indians, duly assembled in council and representing and acting for the said nation, on the one part, and Thomas Ludlow Ogden of the City of New York, and Joseph Fellows of Geneva in the County of Ontario, on the other part, concerning the purchase of the right and claim of the said Indians in and to the lands within the State of New York, remaining in their occupation : Ranson H. Gillet, esquire, a commissioner appointed by the President of the United States to attend and hold the said treaty, and also Josiah Trowbridge, esquire, the Superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said chiefs and head-men on behalf of the Seneca Nation, did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they the said Thomas Ludlow Ogden and Joseph Fellows, did agree to purchase all the right, title and claim of the said Seneca Nation of, in and to the several tracts, pieces or parcels of land mentioned and described in the instrument of writing next hereinafter set forth, and at the price or sum therein specified, as the consideration or purchase

money for such sale and release; which instrument being read and explained to the said parties and mutually agreed to, was signed and sealed by the said contracting parties, and is in the words following :

This indenture, made this fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, between the chiefs and head-men of the Seneca Nation of Indians, duly assembled in council, and acting for and on behalf of the said Seneca Nation, of the first part, and Thomas Ludlow Ogden of the City of New York, and Joseph Fellows of Geneva, in the County of Ontario, of the second part, witnesseth : That the said chiefs and head-men of the Seneca Nation of Indians in consideration of the sum of two hundred and two thousand dollars to them in hand paid by the said Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released and confirmed, and by these presents do grant, bargain, sell, release and confirm unto the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, all that certain tract or parcel of land situate lying and being in the County of Erie and State of New York, commonly called and known by the name of Buffalo Creek reservation, containing by estimation forty-nine thousand nine hundred and twenty acres, be the contents thereof more or less. Also all that certain other tract or parcel of land, situate lying and being in the counties of Erie, Chautauqua and Cattaraugus, in said State, commonly called and known by the name of the Cattaraugus reservation, containing by estimation twenty-one thousand six hundred and eighty acres, be the contents thereof more or less. Also all that certain other tract or parcel of land, situate, lying and being in the said County of Cattaraugus, in said State, commonly called and known by the name of the Allegany reservation, containing by estimation thirty thousand four hundred and sixty-nine acres, be the contents more or less. And also all that certain other tract or parcel of land, situate, lying and being partly in said county of Erie, and partly in the County of Genesee, in said State, commonly called and known by the name of the Tonawanda reservation, and containing by estimation twelve thousand eight hundred acres, be the same more or less; as the said several tracts of land have been heretofore reserved and are held and occupied by the said Seneca Nation of Indians, or by individuals thereof, together with all and singular the rights, privileges, hereditaments and appurtenances to each and every of the said tracts or parcels of land belonging or appertaining; and all the estate, right title, interest, claim and demand of the said party of the first part

and of the said Seneca Nation of Indians, of in and to the same and to each and every part and parcel thereof; to have and to hold all and singular the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, their heirs and assigns, to their proper use and behoof forever, as joint tenants, and not as tenants in common.

At the before mentioned treaty, held in my presence as Superintendent on the part of the Commonwealth of Massachusetts, and this day concluded, the foregoing instrument of writing, was agreed to by the contracting parties therein named, and was in my presence executed by them, and being approved by me, I do hereby certify and declare such my approbation thereof.

Witness my hand and seal at Buffalo Creek, this 15th day of January, in the year 1838.

JOSIAH TROWBRIDGE.

I have attended a treaty of the Seneca Nation of Indians held at Buffalo Creek, in the County of Erie in the State of New York, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, when the within instrument was duly executed, in my presence, by the chiefs of the Seneca Nation, being fairly and properly understood by them. I do therefore certify and approve the same.

R. H. GILLET,

Commissioner.

Supplemental article to the treaty concluded at Buffalo Creek in the State of New York, on the 15th of January, 1838, concluded between Ransom H. Gillet, commissioner on the Part of the United States, and chiefs and head men of the St. Regis Indians, concluded on the 13th day of February, 1838.

The undersigned chiefs and head men of the St. Regis Indians residing in the State of New York, having heard a copy of said treaty read by Ransom H. Gillet, the commissioner who concluded that treaty on the part of the United States, and he having fully and publicly explained the same, and believing the provisions of the said treaty to be very liberal on the part of the United States and calculated to be highly beneficial to the New York Indians, including the St. Regis who are embraced in its provisions, do hereby assent to every part of the said treaty and approve the same. And it is further agreed that any of the St. Regis Indians who wish to do so shall be at liberty to remove to the said country, at any time hereafter within

the time specified in this treaty, but under it the government shall not compel them to remove. The United States will, within one year after the ratification of this treaty, pay over to the American party of said Indians one thousand dollars, part of the sum of five thousand dollars mentioned in the special provisions for the St. Regis Indians, anything in the article contained to the contrary, notwithstanding.

Proclaimed *April 4, 1840.*

Articles of a treaty made and concluded at Buffalo Creek, in the State of New York, on the twentieth day of May in the year one thousand eight hundred and forty-two, between the United States of America, acting herein by Ambrose Spencer, their commissioner, thereto duly authorized on the one part, and the chiefs, head-men and warriors of the Seneca Nation of Indians, duly assembled in council, on the other part.

WHEREAS, A treaty was heretofore concluded and made between the said United States and the chiefs, head-men and warriors of the several tribes of New York Indians, dated the fifteenth day of January, in the year one thousand eight hundred and thirty-eight, which treaty, having been afterwards amended, was proclaimed by the President of the United States on the fourth day of April, one thousand eight hundred and forty, to have been duly ratified; and (see p. 548)

WHEREAS, On the day of making this treaty, and bearing an even date herewith, a certain indenture was made, executed and concluded by and between the said Seneca Nation of Indians and Thomas I. Ogden and Joseph Fellows, assignees under the State of Massachusetts, in the presence and with the approbation of a commissioner appointed by the United States, and in the presence and with the approbation of Samuel Hoare, a superintendent on the part of the Commonwealth of Massachusetts, which indenture is in the words and figures following, to-wit :

“This indenture, made and concluded between Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows, of Geneva, in the county of Ontario, of the one part, and the chiefs and head-men of the Seneca Nation of Indians on the other part, at a council duly assembled and held at Buffalo Creek, in the State of New York, on the twentieth day of May, in the year one thousand eight hundred and forty-two, in the presence of Samuel Hoare, the superintendent thereto authorized and appointed by and on the part of the Commonwealth of Massachusetts, and of Ambrose Spencer, a commissioner thereto, duly appointed and authorized on the part of the United States.

“WHEREAS at a council held at Buffalo Creek on the fifteenth day of January in the year one thousand eight hundred and thirty-eight, an indenture of that date was made and executed by and between the parties to this agreement, whereby the chiefs and head-men of the Seneca Nation of Indians, for the consideration of two hundred and two thousand dollars, did grant, bargain, release and confirm unto the said Thomas Ludlow Ogden and Joseph Fellows all those four several tracts of lands situate within the State of New York, then and yet occupied by the said nation or the people thereof, severally described in the said indenture, as the Buffalo Creek reservation containing by estimation forty-nine thousand nine hundred and twenty acres of land; the Cattaraugus reservation containing by estimation twenty-one thousand six hundred and eighty acres of land; the Allegany reservation containing by estimation thirty thousand four hundred and sixty-nine acres of land; and the Tonawanda reservation, containing by estimation twelve thousand eight hundred acres of land; a duplicate of which indenture was annexed to a treaty of the same date made between the United States of America, and the chiefs, head-men and warriors of the several tribes of New York Indians assembled in council, which treaty was amended and proclaimed by the President of the United States, on the fourth of April one thousand eight hundred and forty, as having been duly ratified, as by the said indenture, treaty and proclamation more fully appear; and

“WHEREAS, Divers questions and differences having arisen between the chiefs and head men of the Seneca Nation of Indians, or some of them, and the said Thomas Ludlow Ogden and Joseph Fellows in relation to the said indenture, and the rights of the parties thereto, and the provisions contained in the said indenture being still unexecuted, the said parties have mutually agreed to settle, compromise and finally terminate all such questions and differences on the terms and conditions hereinafter specified:

“Now, therefore, it is hereby mutually declared and agreed by and between the said parties as follows:

“ARTICLE 1. The said Thomas Ludlow Ogden and Joseph Fellows, in consideration of the release and agreements hereinafter contained, on the part of the said Seneca Nation, do on their part consent, covenant and agree, that they, the said Nation, (the said indenture notwithstanding) shall and may continue in the occupation and enjoyment of the whole of the said two several tracts of land called the Cattaraugus reservation and the Allegany reservation, with the same right and title in all things as they had and possessed therein immediately

before the date of the said indenture, saving and reserving to the said Thomas Ludlow Ogden and Joseph Fellows, the right of pre-emption, and all other the right and title which they then had or held in or to the said tracts of land.

“ARTICLE 2. The chiefs and head-men of the Seneca Nation of Indians, in consideration of the foregoing, and of the agreement next hereinafter contained, do on their part, grant, release and confirm unto the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, in joint tenancy, the whole of the said two tracts of land severally called the Buffalo Creek reservation and the Tonnewanda reservation, and all the right and interest therein of the said nation.

“ARTICLE 3. It is mutually agreed between the parties hereto, that in lieu of the sum expressed in the said indenture, as the consideration of the sale and release of the said four tracts of land, there shall be paid to the said nation a just consideration sum for the release of the two tracts hereby confirmed to the said Ogden and Fellows, to be estimated and ascertained as follows.

“The present value of the Indian title to the whole of the said four tracts of land, including the improvements thereon, shall for all the purposes of this present compact be deemed and taken to be two hundred and two thousand dollars, of which sum one hundred thousand dollars shall be deemed to be the value of such title in and to all the lands within the said four tracts, exclusive of the improvements thereon, and one hundred and two thousand dollars to be the value of all the improvements within the said four tracts; and of the said sum of one hundred thousand dollars, the said Ogden and Fellows shall pay to the Seneca Nation, such proportion as the value of all the lands within the said two tracts; called the Buffalo Creek and Tonnewanda reservations shall bear to the value of all the lands within all the said four tracts; and of the said sum of one hundred and two thousand dollars, the said Ogden and Fellows shall pay such proportion as the value of the improvements on the same two tracts shall bear to the value of the improvements on all the said four tracts.

ARTICLE 4. The amount of the consideration moneys to be paid in pursuance of the last preceding article, shall be determined by the judgment and award of arbitrators, one of whom shall be named by the Secretary of the War Department of the United States, and one by the said Ogden and Fellows; which arbitrators in order to such judgment and award, and to the performance of the other duties hereby imposed on them, may employ suitable surveyors to explore, examine and report on the value of the said lands and improvements,

and also to ascertain the contents of each of the said four tracts, which contents shall govern the arbitrators as to quantity in determining the amount of the said consideration money.

“The arbitrators shall also award and determine the amount to be paid to each individual Indian out of the sum which, on the principles above stated, they shall ascertain and award to be the proportionate value of the improvements on the said two tracts called Buffalo Creek reservation and the Tonnewanda reservation; and in case the said arbitrators shall disagree as to any of the matters hereby submitted to them, they may choose an umpire, whose decision thereon shall be final and conclusive; and the said arbitrators shall make a report in writing of their proceedings in duplicate, such reports to be acknowledged or proved according to the laws of the State of New York, in order to their being recorded, one of such reports to be filed in the office of the Secretary of the Department of War, and the other thereof to be delivered to the said Thomas L. Ogden and Joseph Fellows.

“ARTICLE 5. It is agreed that the possession of the two parts hereby confirmed to the said Ogden and Fellows shall be surrendered and delivered up to them as follows, viz.: The forest or unimproved lands on the said tracts, within one month after the report of the said arbitrators shall be filed in the office of the Department of War, and the improved lands within two years after the said report shall have been so filed: Provided always, That the amount to be so ascertained and awarded as the proportionate value of the said improvements, shall on the surrender thereof, be paid to the President of the United States, to be distributed among the owners of the said improvements according to the determination and award of the said arbitrators in this behalf: And provided further, That the consideration for the release and conveyance of the said lands, shall at the time of the surrender thereof be paid or secured to the satisfaction of the said Secretary of the War Department, the income of which is to be paid to the said Seneca Indians annually.

“But, any Indian having improvements may surrender the same and the land occupied by him and his family, at any time prior to the expiration of the said two years, upon the amount awarded to him for such improvements, being paid to the President of the United States or any Agent designated by him for that purpose, by the said Ogden and Fellows, which amount shall be paid over to the Indian entitled to the same, under the direction of the War Department.

“ARTICLE 6. It is hereby agreed and declared to be the understanding and intent of the parties hereto, that such of the said Seneca

Nation as shall remove from the State of New York, under the provisions of any treaty made or to be made, between the United States and the said Indians, shall be entitled in proportion to their relative numbers to the funds of the Seneca Nation, and that the interest and income of such their share and proportion of the said funds, including the consideration money to be paid to the said nation in pursuance of this indenture, and of all annuities belonging to the said nation, shall be paid to the said Indians so removing at their new homes; and whenever the said tracts called the Alleghany and Cattaraugus reservations or any part thereof, shall be sold and conveyed by the Indians remaining in the State of New York, the Indians so removing shall be entitled to share in the proceeds of said sales in the like proportion. And it is further agreed and declared that such Indians owning improvements in the Cattaraugus and Alleghany tracts as may so remove from the State of New York, shall be entitled on such removal and surrendering their improvements to the Seneca Nation, for the benefit of the nation to receive the like compensations for the same, according to their relative values, as in the third and fourth articles of this treaty are stipulated to be paid to the owners of improvements in the Buffalo Creek and Tonnewanda tracts on surrendering their improvements, which compensations may be advanced by the President of the United States out of any funds in the hands of the Government of the United States belonging to the Seneca Nation, and the value of these improvements shall be ascertained and reported by the arbitrators to be appointed in pursuance of the fourth article.

“ARTICLE 7. This indenture is to be deemed to be in lieu of and as a substitute for the above recited indenture made and dated the fifteenth day of January, one thousand eight hundred and thirty-eight, so far as the provisions of the two instruments may be inconsistent or contradictory, and the said indenture, so far as the same may be inconsistent with the provisions of this compact, is to be regarded and is hereby declared to be rescinded and released.

“ARTICLE 8. All the expenses attending the execution of this indenture and compact, including those of the arbitration, and surveys hereinbefore referred to, and also those of holding the treaty now in negotiation between the United States and the said Seneca Nation, except so far as may be provided for by the United States, shall be advanced and paid by the said Ogden and Fellows.

“ARTICLE 9. The parties to this compact mutually agree to solicit the influence of the Government of the United States, to protect such of the lands of the Seneca Indians, within the State of New York, as may from time to time remain in their possession from all taxes and

assessments for roads highways or any other purpose until such lands shall be sold and conveyed by the said Indians, and the possession thereof shall have been relinquished by them.

“In witness whereof the parties to these presents have hereunto and to three other instruments of the same tenor and date, one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Seneca Nation of Indians, and one to remain with the said Thomas Ludlow Ogden and Joseph Fellows, interchangeably set their hands and seals the day and year first above written.”

Therefore taking into consideration the premises, it is agreed and stipulated by and between the United States of America and the Seneca Nation of Indians, as follows, to wit:

First. The United States of America consent to the several articles and stipulations contained in the last recited indenture between the said nation and the said Thomas Ludlow Ogden and Joseph Fellows, above set forth.

Second. The United States further consent and agree that any number of the said nation who shall remove from the State of New York under the provisions of the above-mentioned treaty, proclaimed as aforesaid on the fourth day of April, one thousand eight hundred and forty, shall be entitled, in proportion to their relative numbers, to all the benefits of the said treaty.

Third. The United States of America further consent and agree that the tenth article of said treaty proclaimed as aforesaid, on the fourth day of April one thousand eight hundred and forty, be deemed and considered as modified in conformity with the provisions of the indenture hereinabove set forth, so far as that the United States will receive and pay the sum stipulated to be paid as the consideration money of the improvements therein specified, and will receive, hold and apply the sum to be paid, or the securities to be given for the lands therein mentioned, as provided for in such indenture.

Proclaimed *August 26, 1842.*

Treaty between the United States and the Tonnewanda band of Seneca Indians, concluded at the meeting-house on the Tonawanda reservation, November 5, 1857; supplementary articles concluded at the same time and place; ratified by the Senate June 4, 1858.

James Buchanan, President of the United States of America, to all and singular to whom these presents shall come, greeting:

WHEREAS, *A treaty was made and concluded at the meeting-house on the Tonawanda reservation, in the county of Genesee, and State of

New York, on the fifth day of November, one thousand eight hundred and fifty-seven, by Charles E. Mix, as commissioner on behalf of the United States, and the following persons, viz.: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky and Ely S. Parker, duly authorized thereunto by the Tonawanda band of Seneca Indians, which treaty is in the following words to wit:

Articles of agreement and convention made this fifth day of November, in the year one thousand eight hundred and fifty-seven, at the meeting-house on the Tonawanda reservation, in the county of Genesee and State of New York, between Charles E. Mix commissioner on behalf of the United States, and the following persons, duly authorized thereto by the Tonawanda band of Seneca Indians, viz.: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky and Ely S. Parker.

WHEREAS, A certain treaty was heretofore made between the Six Nations of New York Indians and the United States, on the fifteenth day of January, 1838, and another between the Seneca Nation of Indians and the United States on the 20th day of May 1842, by which, among other things, the Seneca Nation of Indians granted and conveyed to Thomas Ludlow Ogden and Joseph Fellows the two certain Indian reservations in the State of New York known as the Buffalo Creek and the Tonawanda reservations, to be surrendered to the said Ogden and Fellows, on the performance of certain conditions-precedent defined in said treaties; and

WHEREAS, In and by the said treaties there were surrendered and relinquished to the United States 500,000 acres of land in the then Territory of Wisconsin; and

WHEREAS, The United States in and by said treaties, agreed to set apart for said Indians certain lands in the Indian Territory immediately west of Missouri, and to grant the same to them to be held and enjoyed in fee-simple, the quantity of said lands being computed to afford 320 acres to each soul of said Indians, and did agree that any individual or any number of said Indians, might remove to said Territory, and thereupon be entitled to hold and enjoy said lands, and all the benefits of said treaties, according to numbers, respectively; and

WHEREAS, The United States did further agree to pay the sum of \$400,000 for the removal of the Indians of New York to the said Territory, and for their support and assistance during the first year of their residence in said Territory; and

WHEREAS, The said Ogden and Fellows did agree to pay to the said Seneca Nation of Indians, as the consideration of the surrender and relinquishment of the said two reservations known as the Buffalo Creek and Tonawanda reservations, certain sums of money, one part

of which was to be paid to the individual Indians residing upon said reservations for the improvements held and owned by them in severally, the amount of which "improvement money" heretofore apportioned to those residing upon the Tonawanda reservation being \$15,018 36-100, which money has been paid into and still remains in the Treasury of the United States; and

WHEREAS, For divers reasons and differences, the said treaties remain unexecuted as to the said Tonawanda reservation and the band of Senecas residing thereon; and

WHEREAS, It is ascertained, at the date of these articles, that the Seneca Indians composing the Tonawanda band, and residing upon the Tonawanda reservation, amount to 650 souls in number; and

WHEREAS, The United States are willing to exercise the liberal policy which has heretofore been exercised in regard to the Senecas, and for the purpose of relieving the Tonawandas of the difficulties and troubles under which they labor,

These articles are entered into:

ARTICLE 1. The said persons authorized as in the caption hereof stated, hereby surrender and relinquish to the United States, all claims severally and in common as a band of Indians, and as a part of the Seneca Nation, to the lands west of the State of Missouri, and all right and claim to be removed thither, and for support and assistance after such removal, and all other claims against the United States under the aforesaid treaties of 1838 and 1842, except, however, such moneys as they may be entitled to under said treaties, paid or payable by the said Ogden and Fellows.

ARTICLE 2. In consideration of which aforesaid surrender and relinquishment, the United States agrees to pay and invest, in the manner hereafter specified, the sum of \$256,000 for the said Tonawanda band of Indians.

ARTICLE 3. It is hereby agreed that the Tonawanda band may purchase of the said Ogden and Fellows, or the survivor of them, or of their heirs or assigns, the entire Tonawanda reservation, or such portions thereof as they may be willing to sell, and said band may be willing to purchase; and the United States undertake to pay for the same out of the said sum of \$256,000, upon the express condition that the rate of purchase, shall not exceed, on an average, twenty dollars per acre. The land so purchased shall be taken by deed of conveyance to the Secretary of the Interior of the United States, and his successors in office, in fee, to be held by him in trust for the said Tonawanda band of Indians and their exclusive use, occupation and enjoyment, until the Legislature of the State of New York shall pass

an act designating some persons or public officer of that State to take and hold said land upon a similar trust for said Indians; whereupon they shall be granted by the said Secretary to such persons or public officer.

ARTICLE 4. And the said Tonawanda band of Indians hereby agree to surrender, relinquish and give up to the said Ogden and Fellows, the survivor of them or their assigns—provided the whole reservation shall not be purchased—the unimproved lands which they shall not purchase, as aforesaid, within thirty days after this treaty shall be proclaimed by the President of the United States, and the improved lands which they shall not purchase, as aforesaid, on the 1st day of June, 1859.

ARTICLE 5. For the purpose of contracting for and making purchase of the lands contemplated herein, a majority of the chiefs and head-men of said Tonawanda band, in council assembled may appoint one or more attorneys with adequate powers, which appointment must be approved by the Secretary of the Interior, before such attorney or attorneys can have power to act in the premises.

ARTICLE 6. Whenever a quantity of said lands, amounting to 6,500 acres, at the least, upon the terms hereinbefore provided, may be purchased, written notice, executed by the chief and head-men in council, and acknowledged before a justice of the Supreme Court of New York, or judge of the Superior Court of the city of Buffalo, shall be given to the Secretary of the interior, whereupon the portion of said sum of \$256,000, not expended in the purchase of lands, as aforesaid, shall be invested by the said Secretary of the Interior in stocks of the United States, or in stocks of some of the States, at his discretion; and the increase arising from such investment shall be paid to the said Tonawanda Indians at the time and in the manner that the annuities are paid which said Indians are now entitled to receive from the United States.

ARTICLE 7. It is hereby agreed that the sum of \$15,018 36-100 "improvement money" heretofore apportioned to the Indians upon the Tonawanda reservation, shall be again apportioned by an agent, to be appointed by the chiefs and head-men in council assembled, to be approved by the Secretary of the Interior, which agent shall make a report of such apportionment to the said Secretary of the Interior, and if he concur therein the shares so ascertained shall be paid to the individual Indians entitled thereto, who shall surrender and relinquish to the said Ogden and Fellows, or the survivor of them, or their assigns, their improvements, and any balance remaining shall be paid

to the chiefs and head-men of the band, to be disbursed by them in payment of the debts or for the use of the band. The services of the agent to be thus appointed, and all other expenses attending the execution of these articles, are to be paid by the United States, out of any moneys coming to the Tonawandas.

Supplemental articles of agreement and convention made this fifth day of November, in the year one thousand eight hundred and fifty-seven, at the meeting-house on the Tonawanda reservation, in the County of Genesee, state of New York, between Charles E. Mix commissioner on behalf of the United States of the first part, and the following persons duly authorized thereunto by the Tonawanda band of Seneca Indians, viz: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky and Ely S. Parker, of the second part.

WHEREAS, At the date hereof and concurrent with the execution of this instrument, articles of agreement and convention have been entered into between the parties aforesaid, in and by which articles it is provided that the said Tonawanda band of Seneca Indians may purchase portions of the Tonawanda reservation, "upon the express condition that the rate of purchase shall not exceed \$20.00 per acre on an average." And

WHEREAS, The President of the United States may deem it discreet and expedient that certain portions of said reservation, held in severalty by the assigns of said Ogden and Fellows, should be purchased by said Indians if it shall be necessary so to do at a rate exceeding \$20 per acre on an average;

Now, therefore, the said parties of the second part agree that portions of said reservation may be purchased by the authorized agents of said Indians for them, and paid for out of said sum of \$256,000 at a rate exceeding \$20 per acre on an average, provided the contract or contracts therefor shall be first submitted to and approved by the President, or some public officer to be designated by him.

And the said parties of the second part solicit the President to accept and adopt this supplement as a part of the said articles of agreement and convention entered into concurrent with the execution of this agreement.

Proclaimed *March* 31, 1859.

TAKEN FROM LIBER ONE OF DEEDS AT PAGE 102-110 IN THE CLERK'S OFFICE
OF CATTARAUGUS COUNTY.

This indenture made this 8th day of February in the year of our Lord one thousand eight hundred and twenty-one (1821), between David A. Ogden of the county of St. Lawrence in the State of New York, Esquire, and Rebecca his wife of the first part, Paul Busti of the city of Philadelphia, Esquire of the second part, Joshua Waddington, Thomas Ludlow Ogden, Charles Ludlow Ogden, Benjamin Woolsey Rogers, William Ogden and Susan, his wife Mary Murray, Hannah L. Murray, Isaac Ogden and Isaac G. Ogden of the city of New York, Robert Troup of the county of Ontario, Peter B. Porter of the county of Niagara, and James Wadsworth of the county of Genesee and the said David A. Ogden of the third part, and the said Robert Troup, Thomas Ludlow Ogden and Benjamin Woolsey Rogers of the fourth part.

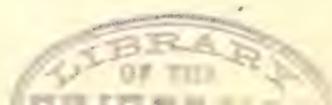
WHEREAS, By certain articles of agreement and association made and dated on the 14th day of February, in the year of our Lord one thousand eight hundred and eleven, between the said David A. Ogden of the first part, and the said Charles Ludlow Ogden, Thomas Ludlow Ogden and Joshua Waddington, together with Abram Ogden, Thomas Cooper and Aaron Ogden of the second part, it was among other things recited that the said David A. Ogden had on the 12th day of September then last past for the consideration of ninety-eight thousand nine hundred and seventeen dollars and fifty cents purchased from William Willink and others composing the Holland Land Company (so-called) the several tracts or parcels of land usually called Indian reservations therein and herein more particularly described, and to secure the payment of the said consideration money in eight years from the date of the said purchase with interest, had executed to the said Paul Busti, four several bonds and four several mortgages, bearing date the same 12th day of September, of and upon the said land in several and by parcels, and that the said Wilhelm Willink and others, the constituents of the said Paul Busti were by agreement with the said David A. Ogden, entitled to become entrusted, and the other parties to the said agreement were then actually intrusted in the same lands as associates with the said David A. Ogden, to the extent and in the manner therein particularly mentioned, and in and by the said articles it was among other things, provided, declared and agreed, that the title to and management and sale of the said lands subject to the restrictions therein mentioned and the charge and power of extinguishing the claim thereto of the native Indians, should be and remain vested in the said David A. Ogden, who for his services therein should

be entitled to a compensation of ten per centum on the proceeds of the sales of the lands; that the said associates and all future associates in the said purchase and their assignees, holding at least one full share or twentieth part of the said purchase, should be severally entitled to one certificate under the hand and seal of the said David A. Ogden, for each said share, and that they be severally liable to pay their respective proportions (according to the number of shares held by them respectively), of the amount of said bonds and mortgages, and of the costs, advances and expenses of the said David A. Ogden, other than his personal expenses in and about the management of the said lands and in the purchase or other extinguishment of the said native claim and the said David A. Ogden, should and would at any time thereafter upon the request of any one or more of the associates in the said purchase separately or together, representing four shares thereof, release the said lands by way of trust in such manner and to such persons, as might be mutually agreed on, in order to convenient management, sale and division of the same, in the event of the death of the said Ogden, or of his inability to execute the said agreement, as by reference to the said articles of association may appear. And

WHEREAS, The right of the said Wilhelm Willink and others to become interested in the said purchase was afterwards released to the said David A. Ogden, to his own use and benefit, and he subsequently agreed to purchase from them a certain tract, or narrow strip of land containing two thousand three hundred and fourteen acres and an half [2,314½] acre of land lying along the shore or margin of Lake Erie, adjacent to the said tract called the Buffalo reservation, and particularly described in the contract relating to the same, which tract or strip of land was purchased for the benefit of all the associates in the said first mentioned purchase, subject to the payment of their respective proportions of the consideration money for the same amounting to one hundred seventy-three dollars and fifty-one cents [\$173.51], and subject in like manner as the said reservation lands are subject to the operation and effect of the articles of association. And

WHEREAS, The several other parties hereto of their part as those under whom they hold as assigns, having been interested as associated in the said purchase the said reservation lands, were in pursuance of the covenant for that purpose contained in the said articles of association, vested in the said David A. Ogden, together with the said Thomas Ludlow Ogden and Benjamin Woolsey Rogers upon trust so as to provide for the management sale and division of the same in case of such the death or inability of the said David A. Ogden. And

WHEREAS, The said parties of the third part are now interested as



associates in the said purchase in the proportion and manner herein-after mentioned, that is to say, the said David A. Ogden to the extent of two shares; the said Joshua Waddington to the extent of three shares; the said Thomas Ludlow Ogden to the extent of two shares; the said Charles Ludlow Ogden, and Thomas Ludlow Ogden in trust for Charles Leroux Ogden, to the extent of one share; the said Benjamin Woolsey Rogers to the extent of two shares; the said William Ogden and Susan, his wife (in right of the said Susan), Mary Murray and Hannah L. Murray to the extent of one share; the said Isaac Ogden to the extent of one share; the said Isaac G. Ogden to the extent of one share; the said Joshua Waddington and Thomas Ludlow Ogden jointly to the extent of three shares; the said Robert Troup to the extent of two shares; the said Peter B. Porter to the extent of one share; and the said James Wadsworth and the said David A. Ogden stand seized of the said reservation lands and entitled by contract to the said gore or strip of land subject, to the agreement and trust herein-above mentioned and to the rights and claims of the said Indians. And

WHEREAS, The said associates have mutually agreed to come to a partition or division as well of the said reservation lands as of the said gore or strip of land and to terminate the trusts under which the same are so held by the said David A. Ogden, and to this end have agreed that the same shall be granted and conveyed to the parties hereto of the fourth part, upon the trusts and for the several intents and purposes hereinafter expressed and declared, of and concerning the same, and in order to facilitate such division the said Paul Busti has proposed and agreed to take and accept from the said association their separate and individual obligations for their respective proportions of the consideration moneys remaining due on the said several purchases amounting on each share of the said purchases to the sum of five thousand one hundred and nineteen dollars and thirty-eight cents (\$5,119.38), such new obligations to be counter-secured by mortgages to be executed by the respective obligors to the therein named of and upon the separate shares and portions of the said lands, which upon such division or partition shall fall to them respectively, the said several bonds to be payable as to the principal sums to be thereby secured in five equal annual installments commencing one year after the extinguishment of the said native claim to the whole or any part of the said lands and to bear interest payable annually at the rate of four per centum per annum so long as such interest shall be paid by or within months after the day on which the same according to the tenor of the said bonds shall annually fall due, otherwise and at

all times after default shall be made in the payment of such interest within that period at the rate of six per centum per annum.

Now, therefore, this indenture witnesseth that the said parties of the first part in order to effectuate the several objects and purposes hereinbefore expressed, and in consideration of the sum of one dollar to them in hand paid by the parties hereto of the fourth part, and by and with the consent and approbation of all the other parties to these presents, testified, have granted, bargained, sold, released, enfeoffed, conveyed and confirmed, and by these presents do grant, bargain, sell, release, enfeoffe, convey and confirm, unto the said parties of the fourth part their heirs and assigns, all those several tracts or parcels of land situate lying and being in the western part of the State of New York, and all comprised within the bounds of the county of Ontario, as it was originally bounded, the same being usually called Indian reservations, and being part of the tract of country lying on and west of the Genesee river, which was purchased of the Commonwealth of Massachusetts by Robert Morris and upon a map thereof made for the Holland Land Company by J. and B. Ellicot, designated as follows, to wit: One of the tracts as the Cattaraugus reservation, one other tract thereof as the Tuscarora or Seneca reservation, one other thereof as the Buffalo Creek reservation, one other thereof as the Allegany reservation, one other thereof as the Caneadea reservation, and one other thereof as the Tonnewanta reservation, which said several tracts were purchased as containing the respective quantities of land following, that is to say, the Cattaraugus reservation containing twenty-six thousand eight hundred and eighty (26,880) acres; the Tuscarora or Seneca reservation and grant containing one thousand nine hundred and twenty (1,920) acres; the Buffalo Creek reservation containing eighty-three thousand five hundred and fifty-seven (83,557) acres; the Allegany reservation containing thirty thousand four hundred and sixty-nine (30,469) acres; the Caneadea reservation containing eight thousand and eight hundred (8,800) acres; the Tonnewanta reservation containing forty-six thousand two hundred and nine acres, containing in the aggregate one hundred ninety-seven thousand eight hundred and thirty-five acres of land as fully as the same was held by the said David A. Ogden, under the said first recited conveyance from the said Wilhem Willink and others, or otherwise. Also, all the right, title, estate and interest at law and in equity of the said David A. Ogden of, in and to all that certain other tract, strip, gore or parcel of land situate in the county of Niagara and State of New York, situate along and near the shore or margin of Lake Erie, between the said lake and the Buffalo reservation, and hereinbefore

mentioned and referred to, containing two thousand three hundred fourteen acres and an half acre of land, as the same is now particularly described in the said contract for the purchase of the same, and as fully as the said David A. Ogden is thereby or otherwise entitled to the same, to have and to hold all and singular the said lands and premises, with the rights and privileges, hereditaments and appurtenances thereto belonging, unto the said parties of the fourth part, their heirs and assigns, to the use and behoof of the said parties of the fourth part, their heirs and assigns forever, as joint tenants upon the trust and for the several intents and purposes hereinafter expressed and declared of and concerning the same, that is to say, upon trust that they, the said parties of the fourth part and the survivors and survivor of them shall proceed with all convenient dispatch to have the said several lands and premises carefully surveyed into lots corresponding in lines, dimensions and numbers to the original surveys of the Holland Land Company, so far as may in their judgment be compatible with a just and fair division of the same into twenty shares or parcels, which is the objects and intention of all the parties to these presents; and that they shall cause maps and field books of such surveys to be made representing the situation, quality and contents of each lot, and the whole the lots in each tract to be arranged in three or more classes according to their relative quantities and values, such particular lot or lots, tract or tracts as may be adapted to the establishment of villages, or possess valuable mill seats or otherwise from local circumstances be deemed of peculiar value, being separately set apart and subdivided into smaller lots, so that the same as well as the larger lots shall as far as practicable be divided into twenty equal shares or parcels, and for all or any of those purposes the said parties of the fourth part shall and may employ such and so many surveyors, chain-bearers and other attendants and laborers as they shall deem expedient, and that when and so soon as the said surveys, maps, field books and classifying shall be completed, they shall convene all the said associates in the city of New York in order to a partition or division of the said lands, and thereupon proceed to make such partition or division among the said associates their heirs or assigns, according to the respective shares and interests in the same, as hereinbefore specified by an open ballot in the presence of all the said associates or such of them as shall choose to attend the said meeting, provided that the said meeting be held on or before the first day of October next, and that if the owners or proprietors of a major part of the said shares shall wish to retain undivided all or any of the said lots or tracts

which may be so specially set apart as peculiarly valuable on account of local advantage, that the same may be reserved and excepted out of such partition and division, and such lots or tracts shall be held and owned and retained by the said parties of the fourth part, subject to such future direction as all the said parties of the fourth part, their heirs or assigns may give in relation to the same or division of the same, but if no such directions shall be given within two years after such first division then the said parties of the fourth part and the survivors and survivor of them shall as soon as may be after the expiration of that period, proceed to divide the said reserved lots or tracts by ballot into twenty parts or shares of equal value as far as in their judgment they may be susceptible of such division, and as to such parts or portions thereof as they shall not consider susceptible of such division, they shall then proceed and sell the same at auction giving two months previous notice thereof in one of the public newspapers to be then published in the City of New York, and also in one public newspaper to be then published in each of the Counties of Ontario, Genesee and Niagara, and when and as often as any partition or division shall be made among the said proprietors, the said parties of the fourth part or the survivors or survivor of them shall release and confirm to each of the other parties thereto of the third part, themselves their heirs and assigns representing one full share or twentieth part of the said lands or said several lots or parcels of land which upon any such partition shall fall to their share respectively, and as to those which shall fall to the share of the said parties of the fourth respectively, shall mutually release and confirm the same to each other, and all the other parties to these presents shall if required join in such release, *provided always*, that the instrument in writing containing such releases, conveyances and confirmations, shall not be declared otherwise than as escrows to fit and proper persons to take effect as deeds only when and so soon as the several parties of the third part or their heirs or assigns named therein as grantees respectively shall have respectively paid to the said Paul Busti or his heirs or assigns, as and for their several proportions of the said original consideration moneys the sum of five thousand one hundred and nineteen dollars and thirty-eight cents (\$5,119.38) on each share so held by them respectively with interest thereon from the first day of February instant, or shall have respectively secured the payment of the same by bond or mortgage with the interest at the times and in the manner so proposed and agreed on and hereinbefore particularly mentioned (unless such payments shall have been previously made or such security for the payment of the same shall

have been previously executed to the satisfaction of the said Paul Busti) and when and so soon as the said parties of the third part shall also in the like proportions have paid and discharged all the expense attending the execution of trusts hereby created.

And provided further that as and all and every the lot or lots, tract or tracts which being so retained or reserved shall be afterwards sold by the said parties of the fourth part, they shall release the same to the purchasers thereof on receiving the consideration moneys for the same and shall account for, pay and divide such consideration moneys (first deducting the expenses and charges of such sale) to and among the said proprietors their heirs and assigns according to their respective interests therein, provided always, that as to such of the said associates or proprietors, as shall not then have paid and discharged their respective proportions of the said original consideration moneys to the said Paul Busti such their several shares and proportions of the moneys to arise from the sales of the said reserved lots or as much thereof as shall be sufficient to discharge the balances due from them respectively to the said Paul Busti shall be accounted for and to the said parties of the fourth part to the said Paul Busti, or to his order or assigns, on account or in satisfaction of such balance.

And it is hereby declared and agreed by and between all the parties to these presents that immediately upon the completion of any portion or division of the said lands, whether partial or final, the separate share or portion therein which shall fall to the said proprietors or associates respectively, as to their or to their heirs or assigns shall come to the separate use and benefit of the said proprietors and associates respectively and their respective heirs and assigns forever, and shall also thenceforth operate and enure as a security to the said Paul Busti, for the payment of such portion of the said original consideration moneys, as they, the said proprietors or associates shall severally and respectively be liable to pay to him according to the intent and meaning of these presents, but shall not be further or otherwise charged or chargeable for or in respect to the said consideration moneys.

And it is hereby further declared and agreed by and between all the parties to this indenture and these presents and upon this further trust that the said parties of the fourth part and the said David A. Ogden and the survivors or survivor of them shall have full power in their discretion at any time before the division and partition of the said lands hereby contemplated, to treat and negotiate, contract and agree with the Seneca Nation of Indians or any other person or persons for

the purchase or extinguishment of the said native claim or right of, in and to all or any part or parts of such lands, and thereupon for and in the name of all the said associates or proprietors their heirs and assigns to stipulate and contract for the payment of such consideration for the said purchase or extinguishment as they may deem fit and reasonable whether in money or by way of release of the preëmption right to part of the said lands for the use and benefit of the said Indians to the payment of which money consideration and the expense of holding the treaty and negotiation with the said Indians, the said parties of the third part their heirs and assigns shall and will severally contribute according to the number of their said shares, and upon the conclusion of any such treaty or contract the lands to which the native claim shall be thereby acquired shall first be divided in pursuance of the trust and powers hereinbefore expressed, and the said several shares and portions of the said proprietors or associates respectively shall be in the first place liable and stand as a security for their respective proportions of the said money consideration and of the expenses, and then as a security for the payment to the said Paul Busti of the said sum of five thousand one hundred and nineteen dollars and thirty-eight cents (\$5,119.38) on each share with interest in the manner hereinbefore mentioned, or such portion or balance of the said sum as may then be due to him from them respectively on that account.

And it is further and in like manner agreed by and between all the parties to this indenture and these presents are upon this further trust that until such division or partition of the said lands as is herein contemplated and whilst the same shall be held by the said parties of the fourth part in virtue of the trusts hereby created, the said parties of the fourth part and the said David A. Ogden the said major part of them shall have full power in their discretion to take all such moneys for the preservation and enforcement of the legal and equitable rights of the said proprietors in relation to the said lands, as they or the major part of them may deem expedient. And the said parties to these presents of the third part do hereby each for himself respectively and for his heirs, executors and administrators but not jointly nor one for the other covenant promise and agree to and with the said parties of the fourth part their heirs, executors, administrators and assigns, that they will well and truly pay to said parties of the fourth part or the survivors or survivor of them and to the said Paul Busti his executors administrators or assigns all such sum and sums of money as they shall or may be respectively liable to pay in pursuance of these presents or of the

agreement herein recited and that they will otherwise in all things well and faithfully do, execute and perform all and every the acts matters and things, to be by them respectively done in pursuance of the true intent and meaning of these presents and in furtherance of the objects and purposes hereby intended. And

WHEREAS, The said David A. Ogden having come to an account and settlement with the said parties of the third part of and concerning his disbursements and expenditures already incurred in and about the management of the said land, the various attempts which have been made to effect the extinguishment of the claim of the native Indians to the same and of and concerning the compensation and commissions secured to him by the said original articles of association, the said parties of the third part have severally agreed in reimbursement of such disbursements and expenditures and in satisfaction of all his claims for and in relation to such compensation or commissions or allow and pay to the said David A. Ogden the sum of one thousand dollars on each share by them held respectively as aforesaid, in notes payable with interest at the rate of six per centum per annum, in six and twelve months, and in consideration thereof the said David A. Ogden has agreed to take upon himself the adjustment, settlement and liquidation of all claims and demands founded on any contract, agreement, promise or understanding made or existing with any person or persons whomsoever in relation to any advances heretofore made, or to any services heretofore rendered, or to be rendered, in or about the effecting of the extinguishment of the said native claim or in any manner connected with the said lands, and to pay and satisfy the same out of his own proper moneys.

Now, therefore, in consideration of the said premises the said David A. Ogden for himself, his heirs, executors and administrators, doth covenant and agree to and with the said other parties of the third part, and with each of them, that he will at all times hereinafter save and indemnify and bear harmless them and each of them, their and each of their heirs, executors and administrators of and from all and every such claim and demand, and all losses and damages by reason or means of the same, provided always, and it is hereby further declared and agreed, that the separate shares and portions of and in the said lands and premises which on such proposed partition shall fall to said parties of the third part respectively, shall severally stand and remain as a security to the said David A. Ogden, for the due payment of the said notes, subject only to the prior lien and claim of the said Paul Busti and to the payment of a just proportion of the con-

sideration money and expenses which may be payable or incurred in the extinguishment of the native claim as is hereinbefore more particularly mentioned.

In witness whereof, the said parties to these presents have hereinto interchangeably set their hands and seals the day and year first above written.

Sealed and delivered by Paul Busti, in the presence of (the words "forth" in the fourth page, "money and of the said" in the fifth page, "shall or may" in the sixth page, written on erasure)

NATHAN FORD.

DAVID A. OGDEN, [L. s.]
REBECCA C. OGDEN, [L. s.]
ISAAC G. OGDEN. [L. s.]

Sealed and delivered by the other parties except Paul Busti and Robert Troup, in the presence of

WILLIAM H. HARRISON.

By Robert Troup, in the presence of

WILLIAM VAN WORT,
JOSEPH FELLOWS.

J. WADDINGTON, [L. s.]
THOMAS L. OGDEN, [L. s.]
PAUL BUSTI, [L. s.]
B. W. ROGERS, [L. s.]
ISAAC OGDEN, [L. s.]
PETER B. PORTER, [L. s.]
JAS. WADSWORTH, [L. s.]
ROB. TROUP (by his attorney, Charles G. Troup), [L. s.]
ROBERT TROUP, [L. s.]
WILLIAM OGDEN, [L. s.]
SUSAN OGDEN, [L. s.]
MARY MURRAY, [L. s.]
HANNAH L. MURRAY, [L. s.]
CHARLES L. OGDEN. [L. s.]

STATE OF NEW YORK, }
 ONTARIO COUNTY. } ss. :

I, Daniel W. Lewis, a commissioner to perform the duties of a judge of the Supreme Court of the said State, do certify that on the 29th day of March, 1821, personally before me, Robert Troup, to me known to be the person of that name described in and who executed the above deed, and who acknowledged that he executed the same for the uses and the purposes mentioned.

I allow the same to be recorded.

D. W. LEWIS.

CITY AND COUNTY OF NEW YORK, ss. :

I, William Harrison a Commissioner appointed by virtue of the act of the 24th March, 1818 to take the proof and acknowledgement of deeds and for other purposes, do hereby certify that on the 8th day of February in the year of our lord, one thousand eight hundred and twenty-one, David A. Ogden and Rebecca C. his wife, Joshua Waddington, Thomas Ludlow Ogden, Benjamin Woolsey Rogers Isaac Ogden, Peter B. Porter, James Waddington and Charles G. Troup (all of whom except Charles G. Troup known to me to be the same persons described in and who executed the within deed, and the said Charles G. Troup known to me to be the same person and is or who on the said day was attorney for Robert Troup, the same person described in the within deed) severally, personally before me and acknowledged the within deed; the said David A. Ogden, and Rebecca C. his wife, Isaac Ogden, Joshua Waddington, Thomas Ludlow Ogden, Benjamin Woolsey Rogers, Peter B. Porter, and James Waddington to be their respective acts and deeds and the said Charles G. Troup as attorney for Robert Troup to be the act and deed of the said Robert Troup, and that on the 9th day of February, in the same year, Isaac G. Ogden, and on the 10th day of the same month of the same year William G. Ogden and Susan, his wife, Mary Murray and Hannah L. Murray, and on the 20th day of the same month of February in the same year Charles L. Ogden, all known to me to be the same persons described in and who executed the within deed, severally before me and acknowledged the same to be their respective acts and deeds, and that Rebecca C. Ogden and Susan Ogden, being at the time they severally appeared as aforesaid, examined by me separate and apart from their respective husbands, and did severally acknowledge that they executed the within deed freely without fear or compulsion of their husbands, and I do further certify that on this 13th day of March in the same year, Nathan Ford known to me to be the same person as a subscribing witness to the within deed personally appeared before me and being

first duly sworn did depose and say, that he knew Paul Busti, the same person described in and who executed the within deed, and that the said Paul Busti did execute and acknowledge the same to be his act and deed in the presence of him, said Nathan Ford.

I allow it to be recorded.

WM. H. HARRISON.

STATE OF NEW YORK, }
CITY AND COUNTY OF NEW YORK. } ss.:

I, John L. Broome, Clerk of the City and County of New York, and Clerk of the Court of Common Pleas, called the Mayor's Court of the City of New York, do hereby certify that William H. Harrison, whose name is subscribed to the certificate of the proof of the execution and acknowledgment of the annexed deed or instrument in writing and endorsed thereon, was on the day of the date of the said certificate, a commissioner in and for the City and County of New York, dwelling in the said City and County, commissioned and sworn and duly authorized by law to take the proof and acknowledgment of deeds and discharges of mortgages, and further that I am acquainted with the handwriting of the said Commissioner and verily believe that the signature of William H. Harrison subscribed to the said certificate is the proper handwriting of the said Commissioner.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said Court this 14th day of March, 1821.

JOHN L. BROOME,

Clk.

Received for recording the 12th day of November, 1821, at ten o'clock A. M., and recorded by Joseph McClure.

FROM LIBER 16, PAGE 282—DEED ROBERT TROUP AND OTHERS TO JOSEPH FELLOWS AND OTHERS.

This indenture made this 19th day of December in the year of our Lord, one thousand eight hundred and twenty-nine, between Robert Troup, Thomas Ludlow Ogden, and Benjamin Rogers, of the city of New York, N. Y., of the first part, Joseph Fellows of Geneva in the county of Ontario, and Charles G. Troup of the said city of New York of the second part, and said Thomas Ludlow Ogden, Joseph Fellows, and Charles G. Troup of the third part.

WHEREAS, David A. Ogden and Rebecca, his wife by indenture quadripartite, dated the 8th day of February in the year of our Lord

one thousand eight hundred and twenty-one [1821], made between them of the first part, Paul Busti of the second part, John Waddington, Thomas Ludlow Ogden, Charles Ludlow Ogden, Benjamin Woolsey Rogers, William Ogden and Sarah, his wife, Mary Murray, Hannah L. Murray, Isaac Ogden, Isaac G. Ogden, Robert Troup, Peter B. Porter, James Wadsworth and David A. Ogden of the third part, and the said Robert Troup, Thomas Ludlow Ogden and Benjamin Woolsey Rogers of the fourth part do grant, bargain, sell and convey unto the said Robert Troup, Thomas Ludlow Ogden and Benjamin Woolsey Rogers, all those several tracts or parcels of land situate in the western part of the State of New York, usually called Indian reservations, being parts of the tract of country lying on and west of the Genesee river, which was purchased by the Commonwealth of Massachusetts by Robert Morris, the said several tracts or parcels of land being severally designated in the said indenture, and being usually called and known by the names of the Cattaraugus reservation, the Tuscarora reservation, the Seneca reservation, the Buffalo Creek reservation, the Allegany reservation the Caneadea reservation and the Tonawanda reservation, and also the right, title and interest of the said David A. Ogden of, in and to a certain tract, gore or strip of land lying along and near the shore or margin of Lake Erie, between the said lake and the said tract of land called the Buffalo Creek reservation; the last mentioned tract of land being then held by the said David A. Ogden in virtue of a certain contract in the said indenture mentioned, to be had and holden unto the said Robert Troup, Thomas Ludlow Ogden and Benjamin Woolsey Rogers, their heirs and assigns upon trust for the common benefit of all the said parties to the said indenture of the third part, being all the associates then interested in the said trust premises, and their several heirs and assigns, according to their respective shares and interests therein, and their uses upon trust for the purposes therein expressed, and subject as to the said six first mentioned tracts of land to four several mortgages given and executed by the said David A. Ogden and Rebecca, his wife, to the said Paul Busti, to secure the original purchase moneys of the said tracts, amounting to \$98,917.50, and subject as to the said gore or strip of land, to the payment of the original purchase money thereon amounting to the sum of three thousand four hundred and seventy-one dollars and seventy-five cents [\$3,471.75] as by reference to the said indenture may among other things appear, and when as at the date of the said indenture the whole of said six first mentioned tracts of land were in the occupation and subject to the claim of the Seneca tribe of Indians by reason whereof difficulties were experienced in procuring a survey of the said tracts, on which

and on other accounts it was deemed expedient by all the parties interested therein to postpone and suspend any partition of the same whilst so occupied. And whereas, by treaty since concluded with the said Indians and dated the thirty-first day of August in the year of our Lord one thousand eight hundred and twenty-six, the whole of the said tract called the Caneadea reservation and certain parcels of the said several tracts called the Cattaraugus reservation, the Buffalo Creek reservation, and the Tonawanda reservation, were released by the said Indians, and having been since exonerated from the lien of the said mortgages, having been surveyed, and allotted, divided, conveyed and otherwise accounted for to and among the said associates, and their respective assignees, excepting only certain lots or parcels thereof which were reserved, and in part was still held by the said Robert Troup, Thomas Ludlow Ogden and Benjamin Woolsey Rogers to be sold and disposed of for the common benefit of the said associates. And whereas, the amount intended to be secured by the said four several mortgages has been reduced by payment to fifty-seven thousand five hundred dollars [\$57,500.00], and the purchase-money of the said gore or strip of land as by agreement with John I. Vanderkemp, the general agent of the Holland Land Company, been reduced to one thousand eight hundred and eighty-nine dollars and fifty-six cents [\$1,889.56], both sums bearing interest from the 15th day of March of the year eighteen hundred and twenty-eight [1828]; the first of the said sums by agreement with the said John I. Vanderkemp, as executor of the will of the said Paul Busti, being payable with annual interest in three yearly installments, of which the first would become due on the 15th day of March next, and the second of the said sums by agreement with the said John I. Vanderkemp, as said general agent being payable out of the first proceeds and avails of the said gore or strip of land, for which purpose that is to be open for sale at Buffalo in lots or parcels. And whereas, the premises hereinafter described and released being still held by the said Robert Troup, Thomas Ludlow Ogden and Benjamin Woolsey Rogers in virtue of the said first recited indenture, for the purposes and under and subject to the trust therein expressed.

And the said Robert Troup and Benjamin Woolsey Rogers having at a meeting of the said associates lately convened in the said city of New York, signified their desire to be released from the further execution of said trust, it was resolved by the associates so convened that all the residue and remainder of the said trust estate, should be vested for the like purposes and upon the like trusts in the said Thomas Ludlow Ogden and the said Joseph Fellows and Charles G. Troup, the parties hereto of the third part.

Now, therefore, this indenture witnesseth that the said Robert Troup, Thomas Ludlow Ogden and Benjamin Woolsey Rogers, in pursuance of the said resolution, and in order so to vest the said trust estate, and for and in consideration of the sum of one dollar to them in hand paid by the said Joseph Fellows and Charles G. Troup the receipt whereof is hereby acknowledged, have granted, bargained, sold, assigned, aliened, released and confirmed and by these presents do grant, bargain, sell, assign, alien, release and confirm unto the said Joseph Fellows, Charles G. Troup (in their possession now being in virtue of an indenture to them thereof made bearing date the day next before the day of the date of these presents, and by force of the statute for transferring uses unto possession) and to their heirs and assigns forever, all and singular the several lands, tenements and hereditaments hereinafter described, being all the residue and remainder of those described in the said first recited indenture, which remains subject to the trust thereof, that is to say, the whole of the said tract of land called the Tuscarora or Seneca reservation situate in the county of Niagara and containing nineteen hundred and twenty (1920) acres of land. Also all of the said tract of land called the Allegany reservation situate in the county of Cattaraugus containing thirty thousand, four hundred and sixty-nine (30,469) acres of land. Also that the said tract of land called the Cattaraugus reservation situate partly in the said county of Cattaraugus, partly in the county of Chautauqua and partly in the county of Erie, containing twenty-six thousand eight hundred and eighty (26,880) acres of land, excepting five thousand one hundred and twenty (5,120) acres thereof released by the said treaty. Also all that said tract of land called the Buffalo Creek reservation situate in the said county of Erie, containing eighty-three thousand five hundred and fifty-seven 83,557 acres of land, excepting thirty-three thousand six hundred and thirty-seven acres thereof released by the same treaty. Also that the said tract of land called the Tonawanda reservation, situate partly in the county of Genesee, containing forty-six thousand two hundred and nine (46,209) acres of land, excepting thirty-three thousand four hundred and nine (33,409) acres thereof released by the same treaty. Also that certain tract, gore or strip of land situate in* the said county of Erie, along or near the shore or margin of Lake Erie between the said lake and the said tract of land called the Buffalo creek reservation, containing two thousand three hundred and fourteen acres of land. Also all those four certain lots, pieces or parcels of land situate in said county of Erie, being parcels

*Here the record in the clerk's office was partly destroyed.

of that part of said tract of land called the Buffalo creek reservation, which was released by the above mentioned treaty, and there known and distinguished upon the map of said released part made by John Lambertson by the numbers 30, 31, 140, 141 in township number 10 in the fifth range of townships and severally containing as follows, to wit: Lot number 30 containing seventy [70] acres of land; lot number 31 containing eighty-five [85] acres of land; lot number 140 containing one hundred and thirty-four [134] acres of land, and lot number 141 containing eighty-six acres and one-half [86½]. Also all that certain lot, piece or parcel of land situate in the county of Alleghany and State of New York, being part of the tract of land called the Caneadea Reservation, and known and distinguished upon the survey and map of that said tract made by Joseph Jones by the name of the village tract, bounded north-westerly by lot number twenty-two; north-easterly by lot number eighty-two; south-easterly by the Genesee river, and south-westerly by lot number twenty-three, excepting always all those several lots of land which are commonly pasture lots and which upon the map of the said village tract are severally numbered from one to thirty-two both included; and excepting also those several lots which are commonly called village lots upon the same map are severally numbered from sixteen to fifty-two both included. And from fifty-seven to sixty-eight both included. The said several pasture lots and village lots having been heretofore divided and conveyed to and among the said several associates. And also all other or lots of land tenements, and hereditaments lying or being within any or either of the said above mentioned tracts of land, and not heretofore allotted, divided, released or conveyed in pursuance of the said first recited indenture whereof they, the said Robert Troup, Thomas Ludlow Ogden and Benjamin W. Rogers remain in any manner seized or possessed for the use and benefit of the said associates. Together with all and singular the rights, members, privileges, hereditaments and appurtenances whatsoever, unto the said above mentioned and described premises belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. And also all the estate, right, title interest property, possession, claim and demand whatsoever as well in law and in equity of them, the said Robert Troup, Thomas Ludlow Ogden and Benjamin Woolsey Rogers of, in and to the same, and every part and parcel thereof with the appurtenances. To have and to hold all and singular the hereinbefore described and released premises and every part and parcel thereof with the appurtenances unto the said Joseph Fellows and Charles G. Troup their heirs and

assigns, to the use and behoof of the said Thomas Ludlow Ogden and of them the said Joseph Fellows and Charles G. Troup their heirs and assigns forever, as joint tenants, and not as tenants in common upon the like trusts and for the like purposes. Nevertheless as here expressed and declared in and by said first recited indenture, so far forth as said trusts and purposes remain to be executed and fulfilled, the said several mortgages and contract, and otherwise subject as it and subject to the payment of the purchase moneys remaining due on mentioned in the same indenture.

And this indenture further witnesseth, that the said Robert Troup, Thomas Ludlow, Ogden and Benjamin Woolsey Rogers for the consideration aforesaid have assigned and by these presents do assign and transfer to the said Joseph Fellows and Charles G. Troup all and singular the sum and sums of money, debts, contracts, bonds, mortgages and securities, which as said trustees they are or may be in any manner possessed of or entitled unto for the use and benefit of said associates, whether arising from the said trust estates or otherwise by reason or means of the trusts or powers expressed and contained in the said indenture, and all their rights, title, and interest therein at law and in equity, to be had and holden unto the said Joseph Fellows and Charles G. Troup, their executors, administrators and assigns for the use and benefit of themselves and of the said Thomas Ludlow Ogden and the survivors and survivor of them to the executors, administrators and assigns of said survivor, upon the like trusts and for the like purposes and subject as aforesaid.

In witness whereof the said parties to these presents have hereunto interchangeably set their hands and seals the day and year first above written.

Sealed and delivered in the presence of, the
 name "James Wadsworth" in the 11th
 line of the first page being first interlined }

ABR. OGDEN, JR.

ROB. TROUP, [L. s.]

T. L. OGDEN, [L. s.]

B. W. ROGERS. [L. s.]

CITY AND COUNTY OF NEW YORK, ss.:

On the 19th day of December, in the year 1829, Robert Troup, Thomas Ludlow Ogden, and Benjamin Woolsey Rogers, whom I know to be the same persons described in and who executed the above deed, personally appeared before me and severally acknowledged the said above deed to be their respective act and deed.

ABR. OGDEN, JR.,

Commiss. &c.

STATE OF NEW YORK, }
CITY AND COUNTY OF NEW YORK. } ss. :

I, Nicholas Dean, clerk of the city and county of New York, do hereby certify that Abram Ogden, Jr., Esq., whose name is subscribed to the certificate of the proof or acknowledgment to the annexed indenture or instrument in writing and thereon written, was on the day of the date of the said certificate a commissioner in and for the city and county aforesaid, dwelling in said city, commissioned and sworn and duly authorized by law to take the proof and acknowledgment of deeds and discharges or mortgages &c.

And further that I am well acquainted with the handwriting of the said commissioner and verily believe that the signature of Abr. Ogden, Jr., subscribed to the said certificate is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of said county the 7th day of January, 1830.

N. DEAN.

Recorded, examined and compared with the original the first day of September, A. D., 1831 at two o'clock P. M.

ELYAH SUSH,
Clerk.

APPENDIX D.

INDIAN TREATIES WITH STATE.

“At a treaty held at Fort Schuyler, formerly called Fort Stanwix, in the State of New York, by His Excellency George Clinton, Governor of the said State of New York, and William Floyd, Ezra L’Hommedieu, Richard Varick, Samuel Jones, Egbert Benson & Peter Gansevoort, Jr., commissioners authorized for that purpose, by and on behalf of the people of the State of New York, with the tribe or nation of Indians called the Onondagas on the 12th day of September in the year 1788, covenanted and concluded as follows :

“*First.* The Onondagas do cede and grant all their lands to the people of the State of New York, forever.

“*Second.* The Onondagas shall of the said ceded lands hold to themselves and their posterity forever, for their own use and cultivation, but not to be sold, leased or in any manner aliened or disposed of to others, all that tract of land beginning at the southerly end of the Salt Lake, at the place where the river or stream on which the Onondagas now have their village, empties into the said lake, and runs from the said place of beginning east three miles ; thence southerly according to the general course of the said river, until it shall intersect a line running east and west at the distance of three miles south from the said village ; thence from the said point of intersection west nine miles ; thence northerly parallel to the second course above mentioned, until an east line will strike the place of beginning, and thence east to the said place of beginning.

“*Third.* The Onondagas and their posterity forever shall enjoy the free right of hunting in every part of the said ceded lands, and of fishing in all the waters within the same.

“*Fourth.* The Salt Lake and the lands for one mile around the same, shall forever remain for the common benefit of the people of the State of New York, and the Onondagas and their posterity for the purpose of making salt, and shall not be granted or in anywise disposed of for other purposes.

“*Fifth.* In consideration of the said cession and grant the people of the State of New York do at this treaty, pay to the Onondagas 1,000 French crowns in money, and two hundred pounds in clothing at the price which the same cost the people of the State of New York

(the receipt of which money and clothing the Onondagas do now acknowledge). And the people of the State of New York shall annually pay said Indians and their posterity forever, on the first day of June in every year at Fort Schuylér, \$500.00 in silver, but if the Onondagas or their posterity, shall at any time hereafter elect that the whole, or any part of the said \$500.00 shall be paid in clothing or provision, and give six weeks' previous notice thereof to the Governor of the said State for the time being, then so much of the annual payment shall for that time be in clothing or provision as the Onondagas or their posterity shall elect, and at the price which the same shall cost the people of the State of New York at Fort Schuylér, aforesaid.

“*Sixth.* The people of the State of New York, may in such manner as they shall deem proper, prevent any persons except the Onondagas from residing or settling on the lands so to be held by the Onondagas and their posterity, for their own use and cultivation. And if any person, shall, without the consent of the people of the State of New York, come to reside or settle on the said land, or on any other of the lands so ceded, as aforesaid, the Onondagas and their posterity, shall forthwith give notice of such intrusion, to the Governor of said State for the time being.

“And further, the Onondagas and their posterity, forever, shall at the request of the Governor of said State, be aiding to the people of the State of New York, in removing all such intruders, and in apprehending not only such intruders, but also felons, and other offenders who may happen to be on the said ceded lands, to the end that such intruders, felons and other offenders, may be brought to justice.

“In testimony whereof, as well the sachems, chiefs, warriors and others of the said Onondagas in behalf of their tribe or nation, as the said Governor and other commissioners on behalf of the people of the State of New York, have hereunto interchangeably set their hands and affixed their seals the day and year first above written.

“(Signed,)

GEORGE CLINTON, AND OTHERS.”

We the Sachems, Chiefs and Warriors of the Tribe or Nation of Indians called the Onondagas, being assembled in full council at a Council Fire kindled at Fort Stanwix this day by his Excellency George Clinton, Governor of the State of New York, the Honorable Pierre Van Cortlandt, Lieutenant-Governor of the said State, and Ezra L’Hommedieu, Abraham Ten Broeck, Peter Gansvoort Junior and Richard Varick Commissioners for holding Treaties with the Indians within the said State Do hereby acknowledge to have received from

the People of the said State the sum of five hundred dollars in Silver being the annual payment stipulated to be made to us the said Onondagas on the first day of June instant in and by certain articles of Agreement or Deeds of Cession hereunto annexed and executed by and between the People of the State of New York by their Commissioners authorised for that purpose, and us the said Onondagas, and bearing date the twelfth day of September in the year one thousand seven hundred and eighty-eight; and also the further sum of five hundred dollars as a Benevolence, And We the said Onondagoes do by these presents fully freely and absolutely Ratify and Confirm the said Agreement and Deed of Cession and all and singular the articles covenants and things therein expressed and contained on the part of the said Onondagoes done or to be done executed or performed. In Testimony whereof We the said Sachems Chiefs and Warriors of the said Onondagoes for and in Behalf of our Tribe or Nation have hereunto set our hands and affixed our seals this sixteenth day of June in the Year one thousand seven hundred and ninety.

TEHONWAGHSKWENTON	his X mark.	[L. S.]
RONONGHSIONNE	his X mark.	[L. S.]
TAKANAGHKWAGHSPN	his X mark.	[L. S.]
AONGHWEN JAGEGHTE	<i>alias</i> LAND CARRIER	his X mark. [L. S.]
SKONAWADIGH	<i>alias</i> ONE RIFT	his X mark. [L. S.]
ATTHAGHSERANON	his X mark.	[L. S.]
SKAYANESS	his X mark.	[L. S.]
AYANOO	his X mark.	[L. S.]
OYADAGEGHTE	his X mark.	[L. S.]
ANNHIENTE	his X mark.	[L. S.]
OTKWENTAGEGHTE	his X mark.	[L. S.]
ARONGHGOWANENGH	his X mark.	[L. S.]
KAGHICKTOTON	his X mark.	[L. S.]
ONAGHSADEGEAGH	<i>alias</i> FLAMING ARROW	his X mark. [L. S.]

SKAYENDAHHEN	his X mark.	[L. S.]
RASSEGHSTOGHARE	his X mark.	[L. S.]
TAKENEGHSATE	his X mark.	[L. S.]
ARONGHYEAGHTHA	his X mark.	[L. S.]
JOGHAHILEN	his X mark.	[L. S.]
SAGOYENAGHS	his X mark.	[L. S.]
KARONGHYATSIGOWA	his X mark.	[L. S.]
ONAAKARONTON	his X mark.	[L. S.]
TEHOUGHWEAKARONTO	his X mark.	[L. S.]
KAGHNENRAYEN	his X mark.	[L. S.]
AGWIRONTONGWAGHS	his X mark.	[L. S.]
ANONGHSIGHRAGHTHA	his X mark.	[L. S.]
ONIATA RIYOO	his X mark.	
KANEYAAGH	his X mark.	[L. S.]
GEO: CLINTON.		[L. S.]
PIERRE VAN CORTLANDT.		[L. S.]
EZRA L'HOMMEDIEU.		
AB'M TEN BROECK.		[L. S.]
PETER GANSEVOORT, JUN'R.		[L. S.]
RICH'D VARICK.		[L. S.]

Witnesses present:

SAM'L KIRKLAND,

Miss'ry, Interpreter.

JOHN LANSING, JUN'R.

JOS. BRANT,

DAVID HILL,

JOHN TAYLER,

MALACHI TREAT,

AB'M HARDENBERGH,

PETER OTSIEGUETTE,

AGHWISTONISK ^{his} X
mark.

ONEYANHA ^{his} X
mark.

COLL. HONYERY ^{his} X
mark.

Oneida Chiefs

ONONGALEKHON ^{his} X
mark.

THOGHUAWAYEN ^{his} X
mark.

Senekas.

Be it Remembered that on the twenty fifth day of November in the year one thousand seven hundred and ninety one before me John Sloss Hobart one of the Justices of the Supreme Court of the State of New York came Samuel Kirkland, Clerk, Missionary and Interpreter to the six nations of Indians, who made oath that he was present and did see the twenty eight Sachems, Chiefs and Warriors of the Onondaga nation of Indians, whose names are written opposite to their respective Seals, severally seal and deliver the within written Ratification as their voluntary act and deed for the purposes and uses therein mentioned, he having previously thereto faithfully and truly interpreted the contents of the same from the English into the Indian Language unto the said Sachems, Chiefs and Warriors in such a manner that it was fully understood by them and that he also saw the Commissioners on the part of the State of New York in the said Ratification mentioned severally seal and deliver the same as their Voluntary Act and deed for the purposes and uses therein mentioned, and that John Lansing Jun'r and the Eleven other persons whose names are signed as Witnesses were present and did see the said parties seal and deliver the said Ratification : And I having examined the same and found no material Alteration therein do allow it to be recorded

JNO. SLOSS HOBART

The preceding Instrument refers to the Treaty Recorded in pages 150 &c which is dated the 12th of September 1788, and is a true copy of the Original, Examined and compared therewith this 5th day of April 1793, (the words "alias Land Carrier" in page 170 being interlined) By Me,

ROBT HARPUR

D. Secry

At a treaty held at Onondaga by John Cantine and Simeon DeWitt, two of the agents appointed for that purpose by and on behalf of the People of the State of New York by an Act of the Legislature of said State, entitled "An Act relative to the lands appropriated by this State to the use of the Oneida, Onondaga and Cayuga Indians," passed the 11th day of March 1793 with the tribe or nation of Indians called the Onondagoes — It is on the eighteenth day of November, in the year One thousand seven hundred and Ninety three covenanted and concluded as follows—

First, the Onondagoes do release and quit claim to the People of the State of New York forever all the rights reserved to the said Onondagos in and to so much of the lands appropriated to their use by the said State commonly called the Onondaga Reservation as is comprehended within the two following tracts of Land (To wit) the first of the said Tracts begins in the East bounds of the said Reservation at a certain bass wood tree marked for seven miles south from the Northeast corner of the said Reservation and runs from the said place of beginning West to the River or Stream commonly called the Onondago Creek, on which the Onondagos now have their Village then Northerly down along the said River or Creek to the Lands appropriated for the common benefit of the people of the State of New York and of the Onondagoes and their posterity for the purpose of making Salt, Then easterly and Northerly along the said last mentioned lands to the line run from the north bounds of the said reservation Then East along the said Line to the northeast corner of the said reservation and then South along the East Bounds of the said Reservation seven miles to the place of Beginning, And the second of the said Tracts begins at a point in the South bounds of the said Reservation Four Miles West from the Southeast corner thereof and runs from the said place of beginning North so far until an East course will strike the aforesaid Basswood tree marked for the seven miles, South from the Northeast corner of the said Reservation; then East to a point half a mile West from the aforesaid Onondago Creek, then northerly along straight lines connecting points successively at intervals of half a mile northing from each other, each of which points shall be half a mile measured West from the said Onondago Creek to the aforesaid Lands appropriated for the common benefit of the People of the State of New York and of the Onondagoes and their posterity for the purpose of making Salt, Then along the same westerly and Northerly to the Line run for the North bounds of the said Reservation then along the said line west to the northwest corner of the said reservation, then along the West bounds thereof South to the Southwest corner thereof & then along the South bounds thereof east to the place of beginning.

Secondly. In consideration of the said release and quit-claim the People of the State of New York do at this Treaty pay to the Onondagoes Four hundred and Ten Dollars, the receipt whereof the Onondagoes do hereby acknowledge. And the People of the State of New York shall pay to the Onondagoes the first day of June next Two hundred and eighteen dollars, and on the first day of June annually forever thereafter Four Hundred and Ten dollars.

Thirdly. The Payments which the Onondagoes are by virtue of these presents entitled annually to receive and also these payments which they are by covenants heretofore entered into entitled annually to receive from the People of the State of New York shall be made and discharged at Onondaga at the Village where the said Onondagoes now reside any thing in any former covenants contained to the contrary notwithstanding.

Fourthly. The People of the State of New York shall from time to time and at all times forever hereafter have full power and authority to lay out and open roads through any part of the lands appropriated by the People of the State of New York to the use of the Onondagoes and not hereby quit claimed in the same way and manner as roads now are and hereafter may be directed by Law to be laid out and made generally in other parts of the State.

Fifthly. The several boundaries of the lands herein before described the rights to which the said Onondagoes have by these presents released and quit claimed to the People of the State of New York, and also the southerly boundaries of the lands appropriated for the common benefit of the people of the State of New York and of the Onondagoes and their posterity for the purpose of making Salt, shall as soon as conveniently may be, be surveyed run and marked at the expense and by the direction of the People of the State of New York according to the true intent and meaning of these presents, in the presence of such of the Indians of the said Nation as choose to attend and of such persons as the said Nation may appoint to attend and Inspect the Surveying running and marking of the said several boundaries as aforesaid.

In testimony whereof as well the Sachems Chiefs Warriors and others of the said Onondagoes in behalf of their tribe or Nation as the said John Cantine and Simeon DeWitt on behalf of the people of the State of New York have hereunto interchangeably set their hands and Seals the day and year above written

KANIGHOREN	^{his} X mk.	[L. s.]
SHOTAROWANE	^{his} X mk.	[L. s.]

ANATAESS	^{his} X mk.		[L. S.]
SHAWEGWATIYO (by his Father)		^{his} X mk.	[L. S.]
SHOREGWASKON	^{his} X mk.		[L. S.]
TARAGHGOENGHS	^{his} X mk.		[L. S.]
ROGHKIWINHATLE (by his Uncle)		^{his} X mk.	[L. S.]
ANANGHRONTONGWAS (by his Nephew)		^{his} X mk.	[L. S.]
WAKANINTYINENNO	^{his} X mk.		[L. S.]
TEGYATHAHASERE	^{his} X mk.		[L. S.]
THANONWENTHE	^{his} X mk.		[L. S.]
TEHONWAENGHULAKGE		^{his} X mk.	[L. S.]
KAHIKTOTON	^{his} X mk.		[L. S.]
ONAGHSATIGEA	^{his} X mk.		[L. S.]
THANIGWENTARIGHKON		^{his} X mk.	[L. S.]
AONTANYAGON	^{his} X mk.		[L. S.]
OT. GWENTAGEGHTI		^{his} X mk.	[L. S.]
JAGOYINAS	^{his} X mk.		[L. S.]
AONGHWHENYAGEGHTI		^{his} X mk.	[L. S.]
TEYOHATEGHKON	^{his} X mk.		[L. S.]
ONAKAROT	^{his} X mk.		[L. S.]
JOHAHESON	^{his} X mk.		[L. S.]
KENTAGHER	^{his} X mk.		[L. S.]
KANYOWA	^{his} X mk.		[L. S.]
JOHN CANTINE			[L. S.]
SIMEON DE WITT			[L. S.]

Sealed and Delivered in the Presence of
 (the word forever) at the end of the
 fourth line the words *in the South*
Bounds in the eleventh line, the word
North in the same line, the word *other*
 in the thirteenth line, and the word
annually in the eighteenth line being
 first severally interlined.

JAMES DEAN, *Interpreter*

EPHRAIM WEBSTER *Interpreter* for the Indians.

MOSES DE WITT,

BENJ'M BIRDSALL,

ASA DANFORTH,

EBENEZER CAULKING,

ABR'M J. HASBROUCK,

JOHN I. CANTINE,

COMFORT TYLER,

ROBERT PATTERSON.

Be it remembered that on the eighteenth day of January in the year of our Lord One thousand seven Hundred Ninety four personally appeared before me John Lansing Jun'r One of the Justices of the Supreme Court of Judicature of the State of New York, James Dean who being duly sworn made oath that he is acquainted with the Onondaga Nation of Indians and conversant in their Language that he the said James Dean saw Kahiktoson the Principal Sachem of the said Nation, Onaghsategea one of the Head Warriors of the said Nation and the Twenty two other Indians whose names are wrote opposite to the respective Seals affixed to the within written instrument, and which Indians were all Sachems Chiefs and Warriors of the said Onondaga Nation, execute the within written instrument respectively for the use therein expressed that previous to the said Execution of the said Deponent communicated substantially the true Import of the said Instrument to the said Indians in their own language so as to enable them fully to comprehend the true Intent and meaning thereof. That he the said Deponent also saw the within named John Cantine and Simeon DeWitt execute the said instrument and that he the said Deponent subscribed his name as a Witness to the Execution thereof And also appeared before me on the day and year above mentioned John J. Cantine who being also duly sworn made oath that he saw Twenty four Indians subscribe their Marks to & execute the within Instrument which he then understood were of the Onondaga Nation but

with whom he was totally unacquainted—that the said Indians and the within named John Cantine and Simeon DeWitt respectively executed the said Instrument in his presence, and that he the said John J. Cantine subscribed his Name to the said Instrument as a Witness to the Execution thereof. And having examined the said Instrument and finding no material Razures or Interlineations therein other than those noted. I allow the same to be recorded.

JOHN LANSING, JUN'R.

Recorded December 10, 1818 and agrees with the Original Compared therewith by

ARCH'D CAMPBELL,

Dep. Secretary.

At a Treaty held at the Cayuga Ferry in the State of New York by Philip Schuyler, John Cantine, David Brooks and John Richardson Agents Authorized for that purpose by and on behalf of the People of the State of New York with the tribe or nation of Indians called the Onondagoes it is on this twenty eighth day of July one thousand seven hundred and ninety five Covenanted Concluded and agreed as follows

WHEREAS, There was reserved to the Onondago Nation by the Articles of agreement made at Fort Schuyler formerly called Fort Stanwix on the twelfth day of September one thousand seven hundred and eighty eight and Confirmed by Subsequent Articles of Agreement made on the sixteenth day of June one thousand seven hundred and ninety Sundry Lands in the said Articles particularly specified and described and

WHEREAS, Subsequently thereto in the year one thousand seven hundred and ninety three the said Onondago Nation did sell and by a Certain Deed of Cession convey unto the people of the State of New York Certain part of the Lands reserved to them by the Treaties first above mentioned reference being had unto the said Deed of Cession made in one thousand seven hundred and ninety three will therefrom more particularly appear by which said last agreement there was Stipulated to be paid to the said Onondago Indians on the part of the People of this State a perpetual annuity of four hundred and ten dollars

Now know all men that the People of the State of New York in order to render the Situation of the said Onondago Indians more Comfortable have granted and by these presents Do grant and agree that instead of and in lieu of the said four hundred and ten Dollars

annually to be paid to them the said Onondagoes they shall be and hereby are declared to be entitled to a perpetual annuity of eight hundred Dollars and they having been already paid in the year one thousand seven hundred and ninety three four hundred and ten Dollars and the residue for two years being one thousand one hundred and ninety Dollars is now paid them in the presence of the Witnesses whose names are subscribed to this Instrument and they are hereby declared to be intitled to and shall be paid eight hundred Dollars on the first day of June next ensuing the date hereof and annually thereafter on the first day of June in each year forever the like sum of eight hundred Dollars in manner hereinafter Specified
And

WHEREAS, There was also reserved to the said Onondago Indians by the Articles of Agrèement first above mentioned a Common right with the People of this State to the Salt Lake and the Lands for one mile around the same and by the agreement made in the year one thousand seven hundred and ninety three there was also reserved to the said Nation and their posterity forever all the Lands lying on the West side of the Creek running from the Northern boundary of the square tract Surrounding their Village to the Salt Lake an extent of one half mile from the said Creek Now Know all men further by these presents that in order to render the said Common right and the said Lands adjoining to the Creek aforesaid more productive of an annual income to the said Onondaga Nation it is Covenanted Stipulated and agreed by the said Onondaga Nation that they will sell and they do by these presents sell to the People of the State of New York and their Successors forever all and Singular the Common right in the said Salt Lake and the one mile of Land around the same together with all and Singular the Lands Comprised within one half mile of the Creek between the Northern boundary of the Land reserved to them by the agreement of one thousand seven hundred and ninety three and the said Salt Lake to have and to hold the same to the People of the State of New York and their Successors forever in Consideration of which Cession and grants it is Covenanted agreed and granted on the part of the People of the State of New York that they shall pay and do now pay to the said Onondago Nation in the presence of the witnesses who have Subscribed their names hereunto the, Sum of five hundred Dollars for the Common right aforesaid and also the sum of two hundred Dollars for the one half mile of Land adjoining the said Creek in the extent aforesaid and the people of the State of New York do further promise Covenant and agree that they will pay to the said

Onondago Nation in manner hereinafter Specified the further Sums of five hundred Dollars and of two hundred Dollars and also one hundred bushels of Salt to be delivered at the Salt Lake aforesaid on the first day of June next ensuing the date hereof and annually forever thereafter on the first day of June in each year the said Sums of five hundred and of two hundred Dollars and the said one hundred bushels of Salt and it is further Covenanted and agreed that as well the said eight hundred Dollars hereinbefore mentioned as the said several sums of five hundred and two hundred Dollars and the sum of five hundred Dollars Stipulated to be paid to them by the Treaty at Fort Schuyler first aforesaid making together the sum of two thousand dollars shall in future be annually paid them forever hereafter at Canadaghque in the County of Ontario to the Agent for Indian affairs under the United States for the time being residing within this State and in case no such agent shall be appointed by the United States then by such person as the Governor of the State of New York shall thereunto appoint to be by the said Agent or person so to be appointed paid to the said Onondago Nation taking their receipt therefor on the back of the Counter part of this Instrument in the possession of the said Indians to wit, We the Onondago Nation do acknowledge to have received from the People of the State of New York the sum of two thousand Dollars in full for the Several Annuities mentioned as witness our hands at Canadaghque this day of 179 which money shall be paid in the presence of at least one of the Magistrates of the County of Ontario and in the presence of at least two more reputable Inhabitants of the said County and which Magistrate and other persons in whose presence the same shall be paid shall Subscribe their names as Witnesses to the said receipt and the said agent or other person so to be appointed shall also take a duplicate receipt for the said money witnessed by the said Witnesses and which duplicate shall as soon as Conveniently may be, acknowledged and Recorded in the Records of the said County of Ontario and the Original Duplicate transmitted to the Governor of this State for the time being

In Testimony whereof as well the Sachems Chief Warriors and others of the said Onondagoes in behalf of their tribe or nation as the said Agents on behalf of the People of the State of New York have hereunto interchangeably set their hands and affixed their Seals the day and year first above written:

PH: SCHUYLER

[L. S.]

JOHN CANTINE

[L. S.]

D. BROOKS		[L. S.]
JOHN RICHARDSON		[L. S.]
KAHIHOTON	his X mark.	[L. S.]
SHORONGHYOWANEA	his X mark.	[L. S.]
OTGWENTAGEGHTI	his X mark.	[L. S.]
KANYATARIGO	his X mark.	[L. S.]
ONYATAJIWEA	his X mark.	[L. S.]
SKAWIROWANE	his X mark.	[L. S.]
OGHGWARI OGHSTI	his X mark.	[L. S.]
AT, HAGHSERAREA	his X mark.	[L. S.]
SKAYANES	his X mark.	[L. S.]
ONYONYEANI	his X mark.	[L. S.]
SAGOYENAWASKON	his X mark.	[L. S.]
ARONGHYENTHA	his X mark.	[L. S.]
SHORONGHYOWANEN for OJINONGHYATA	his X mark.	[L. S.]
KANEGHSATE	his X mark.	[L. S.]
AONTARIGAGE	his X mark.	
AYARAWAHS	his X mark.	[L. S.]
SAYOYENAWASKON	his X mark.	[L. S.]

saw the other eight persons subscribe as witnesses and I having inspected it and finding therein no erasures or interlineations other than such as are noted to have been made before execution do allow it to be recorded Egb't Benson.

The precedeing Instrument is a true Copy of the Original Compared therewith this 30th March 1796 By Me

LEWIS A: SCOTT

Secretary.

At a Treaty held at the City of Albany on the Twenty fifth day of February in the year of our Lord One thousand eight hundred and Seventeen by his Honor John Tayler Lieutenant Governor of the State of New York Administering the government thereof with the Chiefs or Sachems of the Tribe or Nation of Indians called the Onondagas It is covenanted, agreed and concluded as follows To Wit,

The said Onondaga Nation Sell and Convey to the People of the State of New York to be held by them forever. All that certain Tract of Land being part of the Lands reserved to them in former cessions to the said people and known as the Onondaga Residence Reservation and bounded as follows North by the north bounds of said residence Reservation East by the East bounds thereof South by the South bounds thereof and West by a line parallel to the said east bounds and at the distance of one mile and a half westward from the same — And in consideration whereof the said people now pay to the said Onondaga Nation the sum of One thousand dollars the Receipt whereof the said Nation do hereby acknowledge And further that the said People of the State of New York will annually forever hereafter pay to the said Onondaga Nation the Sum of four hundred and thirty dollars together with fifty bushels of salt in addition to the quantity stipulated to be delivered to them annually by a former treaty at the time place and in the manner agreed upon in former treaties for the Payment of annuities to the said Onondaga Nation. And

WHEREAS, In pursuance of authority given by a law of the said State, the said Nation have Leased to Ephriam Webster three Hundred Acres of Land on which he has made valuable improvements It is covenanted and agreed that in order to secure to him the land so leased to him with his improvements thereon the said people shall by Letters Patent confirm to the said Ephriam Webster his heirs and assigns forever the said Land to be Bounded as follows to wit. Beginning at the south east corner of Lot Number

one hundred and fifty eight which is the South West corner of Lot Number one hundred and sixty of the Tract called the Onondago Reservation in the North bounds of said residence Reservation and running thence along the same East twenty five chains, then South Sixty chains then West fifty chains then North sixty chains to said North bounds of said Residence Reservation and then along the same East Twenty five chains to the place of beginning containing Three hundred Acres —

In Testimony whereof the said Lieutenant Governor on the part of the People of the State of New York and the said Chiefs or Sachems of the said Onondaga Nation of Indians have hereunto Set their hands and Seals the day and Year above mentioned.

JOHN TAYLER [L. S.]

YOU NONTALACK ^{his}
X [L. S.]
mark.

TOW WASQAAT ^{his}
X [L. S.]
mark.

TITATA GABNAH ^{his}
X [L. S.]
mark.

COLLO YAH ^{his}
X [L. S.]
mark.

OHATTA ^{his}
X [L. S.]
mark.

KHA RLENT ^{his}
X [L. S.]
mark.

TWASHASLAK ^{his}
X [L. S.]
mark.

YOU NONTEIT ^{his}
X [L. S.]
mark.

TAL UGO ^{his}
X [L. S.]
mark.

CATQUENTAGATE ^{his}
X [L. S.]
mark.

Sealed and Delivered }
in the presence of }

SIMEON DEWITT,

ISAAC DENNISTON

EPH'M WEBSTER

Interpreter.

STATE OF NEW YORK, ss.

Be it remembered that on the twenty sixth day of February one thousand eight hundred and Seventeen personally appeared before me Archibald Campbell, one of the Masters in Chancery for the State of New York Ephriam Webster to me known who being duly sworn said that he saw John Tayler (to him known) duly execute the within treaty ; That he also saw the ten Indians whose names are Subscribed to the within treaty also execute the same by making their marks that he is well acquainted with each of the said Indians and knows they are of the Onondaga Tribe or Nation that all the aforesaid parties acknowledged to have executed the said treaty for the uses and purposes therein mentioned, and that Simeon DeWitt Isaac Deniston and this deponent signed their names as Witnesses to the Execution thereof All which is to me satisfactory proof of the due execution thereof I allow it to be Recorded. Arch'd Campbell Recorded Dec'r. 10, 1818 and agrees with the Original Compared therewith by

ARCH'D CAMPBELL

Dep. Secretary.

At a treaty held at the City of Albany on the eleventh day of February in the year of our Lord one thousand eight hundred and twenty two by his Excellency De Witt Clinton Governor of the State of New York with the Chiefs or Sachems of the Tribe or Nation of Indians called the Onondagas. It is covenanted agreed and concluded as follows to Wit:

The said Onondaga Nation sell and Convey to the People of the State of New York to be held by them forever All that certain Tract of land being part of the lands reserved to them in former cessions to the said People and known as the Onondaga residence reservation and bounded as follows to wit Beginning at the South west corner of the said residence reservation and running thence along the south bounds thereof East two miles and a half to the lands sold by the said Indians to the said People in the year One thousand eight hundred and Seventeen then along the same North half a mile then west parallel with the said South bounds two miles and a half then along the same East two miles and a half to the place of beginning containing eight hundred acres: In consideration whereof the said people now pay to the said Nation the sum of One thousand seven hundred dollars the receipt whereof the said Indians do hereby

confess and acknowledge and therewith to be fully content and satisfied :

In Testimony whereof His Excellency De Witt Clinton the said Governor on the part of the people of the State of New York and the said Chiefs or Sachems of the said Onondaga Nation of Indians have hereunto set their hands and Seals the day and year above mentioned \$1700.

DE WITT CLINTON [L. s.]

ASAHERNT ^{his} X [L. s.]
mark.

HONONIRETON ^{his} X [L. s.]
mark.

TEGOOSAGA ^{his} X [L. s.]
mark.

HRONYAKTHA ^{his} X [L. s.]
mark.

KUSHESTOHRE ^{his} X [L. s.]
mark.

Sealed and delivered in }
the presence of }

JOHN TAYLER
SIMEON DE WITT
ISAAC DENNISTON
EPH'M WEBSTER

Interpreter—

CITY AND COUNTY OF ALBANY, ss.:

On this 14th day of february 1822 appeared before me Isaac Denniston one of the Subscribing Witnesses to the Execution of the above Instrument to me well known who being duly sworn did depose and say that he was present and saw DeWitt Clinton Governor of the State of New York Execute the said Instrument — That he also saw Asahent-Hononereton-Tegoosaga and Kushestohre Indians of the Onondaga Tribe or Nation Execute the same — That the said Governor and the said Indians severally acknowledged to have Executed the said Instrument for the uses and purposes therein mentioned That the said deponent is well acquainted with the said Governor and that he is satisfied that the said Indians are the persons above described and belong to the said Tribe or Nation and that John Tayler Simeon DeWitt and Ephriam Webster (Indian Interpreter)

Subscribed their names together with this deponent as Witnesses to such Execution and I having examined the above Instrument and finding no material alterations therein Except the word "seven" in the consideration money written on an Erasure which was done before Execution as proved by the said deponent I allow it to be recorded

ARCH'D CAMPBELL,

Commissioner &c.

Recorded December 2, 1822 and agrees with the Original Compared therewith by

ARCH'D CAMPBELL

Dep. Secretary

At a Treaty held at Albany in the State of New York on the twenty eight day of February 1829 Between His Excellency Martin Van Buren Governor of the State of New York Of the One part and the Chiefs or Sachems of the Tribe or Nation of Indians called the Onondagas residing at Buffalo in the State of New York of the other part — Whereas at a Treaty held at the Cayuga Ferry in the State of New York by Phillip Schuyler John Cantine David Brooks and John Richardson agents duly authorized by and on the part and behalf of the People of the said State with the said Tribe or Nation of Indians called the Onondagas bearing date the 28th day of July 1795 Covenanted concluded and agreed as follows :

WHEREAS there was reserved to the Onondaga Nation by the articles of agreement made at Fort Schuyler Formerly called Fort Stanwix on the twelfth day of September 1788 and Confirmed by Subsequent articles of agreement made on the sixteenth day of June 1790 sundry lands in the said articles particularly specified and described and

WHEREAS subsequently thereto in the year 1793 the said Onondaga Nation did sell and by a certain Deed of cession Convey unto the People of the State of New York certain part of the lands reserved to them by the treaties first above mentioned reference being had unto the said Deed of Cession made in 1793 will more particularly appear by which said last agreement there was stipulated to be paid to the said Onondaga Indians on the part of the People of this State a perpetual annuity of \$410.00 and by subsequent Articles in the said Treaty or agreement it was further agreed that the said People of the State of New York should pay the said Onondaga Indians in addition to the sum of \$410. the further of \$1590.00 making in all the sum of \$2000 to be paid on the first day of June in each year forever there-

after at Canandaigua in the County of Ontario to the agent of Indian affairs appointed by the United States for the time being residing within this State or in case no agent should be appointed on the part of the United States then by such person as the Governor of the State of New York should thereunto appoint to be by the said agent or person so to be appointed paid to the said Onondaga Nation of Indians and the receipt taken therefor in the manner specified in said Treaty as by reference thereto will more fully appear and by a subsequent article in the said Treaty made July 28, 1795 it was further agreed that only the sum of \$1.000:00 was to be paid at Canandaigua and the other \$1.000:00 at Onondaga And

WHEREAS It has been represented to the Governor of the State of New York by said Nation of Indians that the payment of the said sum of \$1.000:00 agreed by said Treaty of 28th of July 1795 to be paid to the agent of Indian affairs appointed by the United States residing at Canandaigua is attended with considerable expense and inconvenience to said Nation of Indians and who are now desirous and do now request the said People of the State aforesaid to pay to them the aforesaid annuities amounting together to the sum of \$1.000:00 on the draft or bill of exchange to be drawn by at least four of the principal Chiefs of said Onondaga Nation and Executed in the presence of at least two respectable witnesses and acknowledged or proved before an officer authorized to take acknowledgments of Deeds whose appointment is to be duly authenticated by the County

Now therefore I the said Martin Van Buren Governor of the said State Do hereby Covenant and Agree to and with the said Onondaga Nation of Indians to cause to be annually paid to the said Nation on the Draft or Bill of Exchange of at least four of the principal Chiefs of said Nation to be made and drawn on the Agent of Indian Affairs residing at Albany appointed by the said State on or after the first day of June in each and every year and authenticated in the manner aforesaid for the aforesaid sum of \$1000. and specifying the Treaties under which the same are payable and that the following shall in all cases be the form of said Draft or bill of Exchange

To *Indian Agent at the City of Albany.*

SIR, at sight you will please pay to the order of \$1,000: and charge the same to our account pr annuities under the several Treaties of 1793 and July 28. 1795 and oblige yours &c

Witnesses present and the said Onondaga Nation of Indians Do hereby forever release and discharge the said People of the State [Assembly No. 51.] 27

of New York from the payment of the monies payable by the said Treaties to the said agent of the United States residing at Canandaigua

In witness Whereof the said Governor on the part of the People of the State of New York and the subscribers Chiefs or Sachems of the Onondaga Nation of Indians have hereunto set their hands and Seals the day and year first above written. Signed & Sealed by me Lieutenant and acting Governor this 24th day of March 1829

E. T. THROOP [L. s.]

In presence of

CHARLES BUTLER,

ISAAC DENNISTON

CAPTAIN COLE ^{his} X [L. s.]
mark.

SILVER SMITH ^{his} X [L. s.]
mark.

BUTTON GEORGE ^{his} X [L. s.]
mark.

CAPTAIN CROW ^{his} X [L. s.]
mark.

The Chiefs signed in presence of—In }
the 18th line the words "Fort Schuyler }
formerly called" are inserted before }
execution }

HENRY E DAVIS

RICHARD SEARS.

STATE OF NEW YORK, }
ERIE COUNTY, } ss :

Be it remembered that on the Eleventh day of March in the year one thousand Eight hundred and twenty nine personally appeared before me Hezekiah A. Salisbury duly authorized to take the acknowledgment of Deeds in the County of Erie Henry E. Davies one of the witnesses to the above articles of agreement who being duly sworn deposed that he saw the four Indians whose names are subscribed as parties thereto Execute the same that the Deponent subscribed his name as a witness thereto and also that he saw Richard Sears subscribe his name as a witness and I having inspected it and finding therein no erasures or interlineations Except those noted Do allow it to be recorded

H. A. SALISBURY.

STATE OF NEW YORK, }
 ERIE COUNTY CLERK'S OFFICE. }

I Elijah Leech Clerk of the County of Erie Do hereby certify that Hezekiah A. Salisbury whose name is subscribed to the above certificate of the acknowledgment of the annexed Instrument of Writing was at the date of the same a Commissioner duly authorized to take the proof and acknowledgment of Deeds &c. in and for the said County of Erie. and further that I am acquainted with the hand writing of the said Commissioner and very believe that the signature of H. A. Salisbury subscribed to the said Certificate is the proper handwriting of the said Commissioner

In Testimony Whereof I have hereunto set my hand and affixed the seal of said County the 11th day of March A. D. 1829.

ELIJAH LEECH,
Clerk.

STATE OF NEW YORK, }
 CITY OF ALBANY. } ss.

On this 25th day of March 1829 personally appeared before me Isaac Denniston one of the subscribing witnesses to the preceding Treaty to me known who being duly sworn did depose and say that he saw Enos T. Throop, Lieutenant Governor of this State Execute the said Treaty on the 24th instant and that he acknowledged to have executed the same for the uses and purposes therein mentioned as acting Governor of this State and further that he the deponent and Charles Butler subscribed their names as witnesses to such Execution.

All which I hereby Certify.

ARCHD CAMPBELL
Commissioner &c.

Examined & Compared with the Original March 31. 1829.

ARCHD CAMPBELL
Dep. Secretary.

FROM VOLUME II, ORIGINAL TREATIES, PAGE 179.

“Treaty, entered into, this 12th day of September, in the year 1815 at Buffalo in the county of Niagara and State of New York, between the Chiefs, Sachems and Warriors of the Seneca Nation of Indians of the first part, and the people of the State of New York of the second part, witnesseth:

“1st. The said Chiefs, Sachems and Warriors of the Seneca Nation in consideration of the sum of \$1,000.00 in hand paid them by Daniel

D. Tompkins, Governor of the said State of New York, and of the covenants and agreements hereinafter contained, hereby sell, grant, convey and confirm to the people of the State of New York, all the islands in Niagara river between Lake Erie and Lake Ontario and within the jurisdiction of the United States, to have and to hold the same with the appurtenances, unto the said people of the State of New York, free and pure allodium forever. Reserving, however, to the said Chiefs, Sachems and Warriors of the Seneca Nation of Indians, equal rights and privileges with the citizens of the United States in hunting, fishing and fowling in and upon the waters on the Niagara river, and of encamping on the said islands for that purpose, whilst the same shall continue to belong to the people of the State of New York.

“2nd. The people of the State of New York, in addition to the sum of \$1,000.00 already paid to the Chiefs, Sachems and Warriors of the Seneca Nation of Indians, do hereby covenant to pay to them annually, forever, an annuity of \$500.00 to be paid on or before the first day of June each year forever hereafter, at Canandaigua in the county of Ontario; first payment to be made the first day of June, 1816.

“In testimony whereof, the said Chiefs, Sachems and Warriors on the one part, and Daniel D. Tompkins, Governor of the State of New York, Peter B. Porter, Henry Crocheron, Samuel Younge, Rodger Skinner, Esec Cowan, Robert Tillotson and Louis Livingston Commissioners in behalf of said State, have hereunto and to a copy hereof, set their hands and seals at Buffalo in the county of Niagara the day and year first above written.

Witnesses present :

J. C. BROWN,
L. HARRISON,
JASPER PARISH,
HORATIO JONES

RED ^{his} x JACKET,
mark
LITTLE ^{his} x BILLY,
mark
COL. ^{his} x POLLARDS,
mark
YOUNG ^{his} x KINGS,
mark
JOHN ^{his} x SKIES,
mark
WAR ^{his} x CHIEF,
mark

MAJOR ^{his} x BERRYS,
 _{mark}
 ADJUTANTS ^{his} x
 _{mark}
 WHITE ^{his} x CHIEF,
 _{mark}
 LITTLE ^{his} x BEARDS,
 _{mark}
 FALLING ^{his} x BOARDS,
 _{mark}
 CAPTAIN ^{his} x SHONGO,
 _{mark}
 JOHN ^{his} x JIMESON,
 _{mark}
 THOMPSON'S MARK,
 STRAWTOWN, ^{his} x
 _{mark}
 TWENTY ^{his} x CANOES,
 _{mark}
 CORN ^{his} x TASSEL,
 _{mark}
 SHARP ^{his} x SHINS,
 _{mark.}
 BLUE ^{his} x SKIES,
 _{mark.}
 MAN ^{his} x KILLER,
 _{mark.}
 DANIEL D. TOMPKINS,
 PETER B. PORTER,
 HENRY CROCHERON,
 SAMUEL YOUNGE,
 RODGER SKINNER,
 ESEC COWAN,
 ROBERT TILLOTSON,
 LEWIS LIVINGSTON.

"At a treaty held at the Capitol in the city of Albany, State of New York, on the 6th day of March 1820, between Enos Throop, acting Governor and the Chiefs, Sachems and Warriors of the Seneca Nation of Indians, the foregoing treaty was modified to the effect that the annuity therein provided to be paid, instead of being paid at Canandaigua, should be paid by draft drawn upon the Indian Agent for the State of New York for the time being.

"Signed by five of the principal chiefs of said Nation."

VOL. II, INDIAN DEEDS AND TREATIES, PAGE 223.

“At a treaty held at the city of Albany in the State of New York, on the 20th of August, 1802, with the Seneca Nation of Indians, by their Sachems, Chiefs and Warriors, whose names are hereunto subscribed and seals are affixed, duly deputed, authorized and empowered by the said Seneca Nation of Indians, for the purpose.

“*Present.*—John Tayler, Commissioner appointed under the authority of the United States to hold the treaty, and His Excellency George Clinton, Esquire, Governor of the said State of New York.

“The said Seneca Nation of Indians, by their said Sachems, Chiefs and Warriors, agreeably to the authority in them vested by said Nation, for the consideration hereinafter mentioned, do sell, cede, release and quit-claim to the People of the State of New York, all that tract of land one mile wide on the Niagara river, extending from Buffalo to Stedman’s Farm, including Black Rock, and bounded Westward by the shore or waters of said river. And said Seneca Nation of Indians reserving to themselves nevertheless, the right and privilege of encamping their fishing parties on the beach of said river for the purpose of fishing, which is the common right of both parties, and to be enjoyed without hindrance or interruption from either; and while there encamped to use the drift wood for fuel but not to trespass on or injure the proprietor or proprietors of the adjacent lands. The said Seneca Nation of Indians reserving also to itself the right (which they now enjoy) of passing the ferry across said Niagara river, at or near Black Rock or at such other place in the vicinity where such ferry may hereafter be established, and kept, free of ferriage or toll at all seasonable times when the boats are crossing with other passengers or freight. And the said George Clinton, Governor, aforesaid, doth for the People of the said State of New York pay to the said Seneca Nation of Indians the sum of \$200.00; and doth grant to the said Indians that the People of the said State of New York shall pay to them or their order at the city of Albany the further sum of \$5,800.00; and also to the value of \$500.00 of chintz, calico and other goods suitable for their women on the 15th day of February now next ensuing, in full of the purchase money for said tract of land.

“And the said Governor doth further grant to the said Indians that the People of the said State of New York, out of the lands above described and hereby ceded to them, shall grant to Jasper Parrish, and his heirs and assigns forever one mile square, to begin at the mouth of a creek known by the name of Scoyguquoides creek, nearly opposite the head of Grand Isle on the easterly side of the waters of the outlet of Lake Erie and to run from thence up the said creek, as it winds

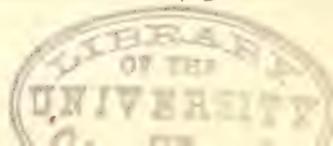
easterly to the line of the Massachusetts pre-emption; thence along the same northerly one mile; thence westerly to the waters of the said outlet, and thence along the same to the place of beginning. And also to Horatio Jones and to his heirs and assigns forever one mile square, to begin at the most easterly corner of the above described lot in the line of the Massachusetts pre-emption and to run from thence along the same northerly one mile; thence westerly to the waters of the outlet of Lake Erie; thence along the same to the northerly corner of the aforesaid lot; and thence along the northerly bounds thereof, to the place of beginning.

“And the said Governor, at the request of said Indians expressed by their Chiefs and Warriors, and from a desire of accommodating them, doth engage that it shall be recommended to the Legislature to provide by law for the passing of said Seneca and other Indians of the said Six Nations on their own proper business on and along any turnpike road which may be hereafter established for the Town of Canadarque to Buffalo Creek or its vicinity, or over any bridge that may be erected between those places, toll free.

“In testimony whereof, the said Commissioner, the said Governor and the said Chiefs and Warriors of said Seneca Nation of Indians, have hereunto and to other acts of the same tenor and date, the one to remain with the United States, another to remain with the State of New York, and another to remain with the said Indians, set their hands and seals at the City of Albany aforesaid, the day and year first above written.”

JOHN TAYLER,
 GEORGE CLINTON,
 FARMERS BROTHER,
 RED JACKET,
 YOUNG KING,
 HEAP OF DOGS,
 GREEN GRASS OR LITTLE BILLY,
 POLLARD,
 STANDING TWIG,
 FIRETOWN,
 LONG HORNS,
 IN THE FIELD.

“Acknowledged before James C. Kent, Justice in the Supreme Court of Judicature.”



STATE TREATY WITH THE CAYUGAS, 1789.

At a treaty held in the City of Albany in the State of New York, by his excellency George Clinton, Esquire, Governor of the said State, the Honorable Pierre Van Cortlandt, Esquire Lieutenant Governor of the said State, Ezra L'Hommidieu, Abram Ten Broeck, John Hathorn, Samuel Jones, Peter Gansevoort Junr., and Egbert Benson, Esquires, commissioners authorized for that purpose by and on behalf of the people of the State of New York with several of the Sachems — Chiefs and Warriors of the Tribe or Nation of Indians called the Cayugas, for and on behalf of the said Nation, it is on the twenty-fifth day of February, in the year of our Lord one thousand seven hundred and eighty-nine, covenanted and concluded as follows :

First. The Cayugas do cede and grant all their lands to the People of the State of New York forever.

Secondly. The Cayugas shall of the ceded lands hold to themselves and to their posterity forever, for their own use and cultivation but not to be sold, leased or in any other manner aliened or disposed of to others, All that tract of land beginning at the Cayuga Salt Spring on the Seneca River and running thence southerly to intersect the middle of a line to be drawn from the outlet of Cayuga to the outlet of Waskongh Lake and from the said place of intersection southerly the general course of the eastern bank of the Cayuga Lake, thence westerly to intersect a line running on the west side of the Cayuga Lake at the mean distance of three miles from the western branch thereof; and from the said point of intersection along the said line so running on the west side of the Cayuga Lake to the Seneca River, thence down the said river to the Cayuga Lake, thence through the said Lake to the outlet thereof, thence farther down the said river to the place of beginning, so as to comprehend within the limits aforesaid and exclusive of the water of Cayuga Lake the quantity one hundred square miles; also the place in the Seneca River at or near a place called Skayes, where the Cayugas have heretofore taken eel, and a competent piece of land on the southern side of the river at the said place sufficient for the said Cayugas to land and encamp on and to cure their eel, excepted nevertheless out the said lands or reserved one mile square at the Cayuga Ferry.

Third. The Cayugas and their posterity forever shall enjoy the free right of hunting in every part of the said ceded lands and of fishing in all the waters within the same.

Fourthly. In consideration of the said Cession and Grant, the People of the State of New York do at this present treaty pay to the Cayugas five hundred dollars in Silver (the receipt whereof the Cayugas do hereby acknowledge) and the people of the State of New York shall pay to the Cayugas on the first day of June next at Fort Schuyler, formerly called Fort Stanwix, the further sum of one thousand six hundred and twenty-five dollars ; and also the people of the State of New York shall annually pay to the Cayugas and their posterity forever on the first day of June in every year thereafter at Fort Schuyler aforesaid, five hundred dollars in silver. But if the Cayugas or their posterity shall at any time hereafter elect that the whole or any part of the said annual payment of five hundred dollars shall be paid in clothing or provisions and give six weeks previous notice thereof to the Governor of the said State for the time being, then so much of the annual payment shall for that time be in clothing or provisions as the Cayugas or their posterity shall elect, and at the price which the same shall cost the people of the State of New York at Fort Schuyler aforesaid ; and as a further consideration to the Cayugas the people of the State of New York shall grant to their adopted child Peter Ryckman, whom they have expressed a desire should reside near them to assist them, and as a benevolence from them the Cayugas to him, and in return for services rendered by him to their Nation, the said tract of one mile square at the Cayuga Ferry, excepted out of the said lands reserved to the Cayugas for their own use and cultivation. That of a tract beginning on the west bank of the Seneca Lake, thence running due west (passing one chain north of an house lately erected and now in the occupation of the said Peter Ryckman) to the line of partition between this State of New York and the Commonwealth of Massachusetts of the lands ceded to each other, thence due south along the said line of partition, thence due east to the Seneca Lake, thence northerly along the bank of the said lake to the place of beginning, so as to contain sixteen thousand acres. The people of the State of New York shall grant three hundred and twenty acres to a white person married to a daughter of a Cayuga named Thanoevas, including the present settlement of the said person on the south of Casionk Creek, and that the people of the State of New York shall grant the residue of the said tract of sixteen thousand acres to the said Peter Ryckman.

Fifthly. The people of the State of New York may at all times hereafter in such manner and by such means as they shall deem proper prevent any persons except the Cayugas and their adopted

brethren the Pawnesse from residing or settling on the lands to be held by the Cayugas and their posterity for their own use and cultivation, and if any persons shall without the consent of the people of the State of New York come to reside or settle on the said lands or any other of the lands so ceded as aforesaid, the Cayugas and their posterity shall forthwith give notice of such intrusion to the Governor of the said State for the time being. And further the Cayugas and their posterity forever shall at the request of the Governor of the said State be aiding to the people of the State of New York in removing all such intruders and apprehending not only such intruders, but also all felons and other offenders who may happen to be on the said ceded lands, to the end that such intruders, felons and other offenders may be brought to justice. Notwithstanding the said reservation herein above specified, to the Cayugas, it is declared to be the intent of the parties that the Cayuga called the Fish Carrier, shall have a mile square of the said reserved lands for the separate use of himself and for the separate use of his family forever.

In testimony whereof as well the Sachems, Chiefs, Warriors, Governesses and other of the Cayugas in behalf of their tribe or Nation as the said Governor and other Commissioners in behalf of the people of the State of New York have hereunto interchangeably set their hands and affixed their seals the day and year first above written.

PIERE VAN CORTLANDT,

EZRA L'HOMMEDIEU,

ABM. TEN BROECK,

JOHN HATHORN,

SAMUEL JONES,

PETER GANSVOORT, JUNR.,

EGBT. BENSON.

JOGHHIGNEY

AGOTTYONGOS

HAONGHYENTHA

TOWAKAMETHA

YOWEANSE

KANIGH SAYENDE

KAWEUNESSON
 SWATTEAA
 KAGHNAWIYO
 KAJO, ONKUKEAGH
 KANOGHTSIYATHA
 TEYOWEANDAGKONGH

N. B. The above four signed by their Chief Steel Trap.

TEWETHUHASE
 AHAGUENDYAK
 TYOTYEANENTHA
 TEYGAWAKHONGH

N. B. The above four persons signed by Steel Trap as their deputy.

THANKAGHTYAGON
 TEKENEAGHAGE
 HANANJAC
 GOGHGE
 KOWAYADOWAYADOWEAGHSLA
 THAHONGHLYE
 ATTWOANEAMNI
 JADENON
 NEGGONDE
 KANISTAGIA (his mark a steel trap)
 GEO. CLINTON.

Sealed and delivered in the presence of The words (quantity of) (in the Seneca River at or near a place) (thereafter) (the) and (a) being first interlined, and the words (of a) and (fifthly, the people of the State of New York may at all times hereafter in such manner and by such means as they may deem prevent any persons) being first wrote on Razures — Before sealing and delivery hereof, it was for the greater certainty declared to be the intent of the parties that this grant and cession is only of the lands eastward of the partition line above mentioned between this State of New York and the

Commonwealth of Massachusetts, and that with respect to such part of their as is to the westward of the said partition line the right and property of the Cayugas to be the same as if this grant and cession had not been made, and the Cayuga Salt Spring and the land to the extent of one mile around the same to remain for the common use and benefit of the people of the State of New York and of the Cayugas and their posterity forever. And the land to be reserved at the fishing place near Skayes shall be of the extent of one mile on each side of the river, the above reservation of land on the southern side of the river only notwithstanding.

SAML. KIRKLAND,

Miss'y.

JOHN I. BLEECKER,

GERARD BANCKER,

ONEYANHA,

KAKIKTOTEN,

QUEDEL AG WITONTONG WAS,

SKENONDONGH,

HAGHYCANDE,

WY A DE AGH KALONGWEA *alias* LEWIS COOK,

TOWANIAGHHALEFE *alias* DANIEL,

GILBERT LIVINGSTON,

JOHN TAYLER,

PH: V. CORTLANDT.

At a Treaty held at Fort Stanwix in the State of New York by his Excellency George Clinton Esquire Governor of the said State, Pierre Van Cortlandt Esquire Lieutenant Governor of the said State, Ezra L'Hommedieu, Abraham Ten Broeck, Peter Gansevoot Junior and Richard Varick Esquire Commissioners Authorized for that purpose by and on Behalf of the People of the State of New York with the Sachems Chiefs and Warriors of the tribe or nation of Indians called the Cayugas on the twenty second day of June in the year one thousand seven hundred and ninety.

¶ We the said Cayugas do hereby acknowledge to have received from the People of the State of New York the sum of five hundred dollars in Silver being the annual payment Stipulated to be made to us the said Cayugas on the first day of June instant in and by certain articles

of Agreement or Deeds of Cession hereunto annexed and executed at the City of Albany by and between the People of the said State by their Commissioners authorized for that purpose and several of the said Cayugas for and in behalf of the said Tribe or Nation and bearing date the twenty fifth day of February in the year one thousand seven hundred and eighty nine. And also the further sum of one thousand dollars as a Benevolence: And We the said Cayugas in Consideration thereof Do by these presents fully freely and absolutely ratify and confirm the said agreement and cession and all and singular the Articles Covenants Matters and things therein expressed and contained on the part of us the said Cayugas done or to be done executed or performed and We the said Cayugas do further hereby Grant and release to the people of the State of New York all our Right Interest and Claim in and to all lands lying East of the Line of Cession by the State of New York to the Commonwealth of Massachusetts, except the Lands mentioned in the said Deed of Cession hereunto annexed to be reserved to us the Cayugas and our Posterity.

In Testimony whereof as well the Sachems, Chiefs and Warriors of the Cayugas as the said Governor and other Commissioners on behalf of the People of the State of New York have hereunto interchangeably set their hands and affixed their Seals the day and year first above written—

OJAGEGHT alias FISHCARRIER ^{his}
X [L. S.]
mark

SHAGOYEGHWATHA ^{his}
X [L. S.]
mark

OGONGHSANIYONTE ^{his}
X [L. S.]
mark

KARONGHYAGETEN ^{his}
X [L. S.]
mark

TEYONTHOZEGHQOUGH ^{his}
X [L. S.]
mark

KARENHODON ^{his}
X [L. S.]
mark

OGHNIOK WENTON ^{his}
X [L. S.]
mark

(Signed by the Fishcarrier in the absence
of the above.)

TEYORONGHYONGOGH ^{his}
X [L. S.]
mark

TEYORENHAGWENTE	his X mark	[L. s.]
TEHAGHSHARENEGEAGH	his X mark	[L. s.]
TEYOYAGHYAGONGH	his X mark	[L. s.]
KANENTAGONRA	his X mark	[L. s.]
SHOGEDES	his X mark	[L. s.]
TEHAGEASEREGHTHA	his X mark	[L. s.]
TEHAGHYOGHSAYEN	his X mark	[L. s.]
THODEAGHARES	his X mark	[L. s.]
ATSIAOKTATYE	his X mark	[L. s.]
ONGWEGHGWEGH	his X mark	[L. s.]
OGHSHADAONGH	his X mark	[L. s.]
TEKARAGHKO	his X mark	[L. s.]
TEWAGHTAGHGOTE	his X mark	[L. s.]
SHONONGHSOWAN	his X mark	[L. s.]
KANONGHSAYONTON	her X mark	[L. s.]
KAGHNOWIYOO	her X mark	[L. s.]
GEO : CLINTON		[L. s.]
PIERRE VAN CORTLANDT		[L. s.]
EZRA L'HOMMEDIEU		[L. s.]
AB'M TEN BROECK		[L. s.]
PETER GANSEVOORT JUN'R		[L. s.]
RICH'D VARICK		[L. s.]

Sealed and delivered in the presence of,
 the word (state) was interlined before
 the ensealing and delivery — Also was
 interlined the word (Instant) before
 the Ensealing & delivery.

SAM KIRKLAND

Miss'ry

JOS. BRANT,

AB'M HARDENBERGH,

SAM'L GALEJERS,

GEO. TAPPEN,

CH., NUHURK,

ELISHA KANE,

PETER OTSIOQUETTE,

AGHWISTONIS ^{his} X
 mark

ONEYANHA ^{his} X
 mark

GAGH JEWETA ^{his} X
 mark

Oneida Chiefs

Be it remembered that on the twenty fifth day of November in the year one thousand seven hundred and ninety one before me John Sloss Hobart one of the Justices of the Supreme Court of the State of New York came Samuel Kirkland Clerk, Missionary and Interpreter to the six nations of Indians who made oath that he was present and did see the twenty four Sachems Chiefs and Warriors of the Cayuga Nation of Indians whose names are set opposite to their respective Seals severally seal and deliver the within written ratification as their Voluntary Act and deed for the purpose and uses therein mentioned he having previously thereto faithfully and truly interpreted the contents of the same from the English into the Indian Language unto the said Sachems Chiefs and Warriors in such a manner as that it was fully understood by them, and that he also saw the Commissioners on the part of the State of New York in the said ratification named severall seal and deliver the same as their voluntary act and deed for the purposes and uses therein mentioned, and that Jos. Brant and the other nine persons whose names are signed as Witnesses were present and did see the said parties seal and deliver the said Ratification and

I having Examined the same and found no alterations therein other than those noted to have been made previous to the Execution thereof do allow it to be recorded Jno. Sloss Hobart.

The preceding Instrument is a true Copy of the Original Examined and Compared therewith this 4th day of April 1793 By me

ROBT HARPUR

D Secy

At a Treaty held at the Cayuga Ferry in the State of New York by Philip Schuyler, John Cantine, David Brooks and John Richardson Agents authorized for that purpose by and on behalf of the People of the State of New York with the tribe or nation of Indians called the Cayugas, it is on this twenty seventh day of July one thousand seven hundred and ninety five covenanted concluded and agreed upon as follows,

WHEREAS there was reserved to the Cayuga Nation by the articles of agreement made at Albany on the twenty fifth day of February one thousand seven hundred and eighty-eight and confirmed by subsequent articles made at Fort Stanwix on the twenty second day of June one thousand seven hundred and ninety sundry lands in the said Articles particularly specified and described

Now Know all Men that in order to render the said reservations more productive of annual income to the said Cayuga nation, (it is Covenanted, stipulated and agreed by the said Cayuga Nation that they will sell and they do by these presents sell to the People of the State of New York all and singular the Lands reserved to the use of the said Cayuga Nation) in and by the hereinbefore mentioned articles of Agreement that is to say as well the Lands bordering on and adjacent to the Cayuga Lake Commonly called the Cayuga reservation as the Lands at Secawyace and elsewhere heretofore or now appertaining to the said Nation (except the Lands hereinafter particularly excepted and still to be reserved to the said Nation or the individual Sachem Fish Carrier) to have and to hold the same to the People of the State of New York and to their Successors forever,—

Secondly it is Covenanted and agreed by and on the part of the People of the State of New York that for the Lands now sold as specified in the preceding first Article the State of New York shall pay and do now pay to the said Cayuga Nation in presence of the witnesses who have Subscribed their names hereunto the sum of Eighteen hundred Dollars and do further promise and engage to pay to the said Cayuga Nation in manner hereinafter specified the further sum of Eighteen hundred Dollars on the first day of June next ensu-

ing the date hereof and annually forever thereafter on the first day of June in each year the sum of Eighteen hundred Dollars.

Thirdly that as well the said Eighteen hundred Dollars to be paid as mentioned in the Second Article as the five hundred Dollars to which the said Cayuga Nation are annually entitled by virtue of the Treaty and articles of agreement first above mentioned shall in future be annually paid on the first day of June in each year forever hereafter at Canadaghque in the County of Ontario to the Agent for Indian affairs under the United States for the time being residing within this State and in case no such Agent shall be appointed on the part of the United States then by such person as the Governor of the State of New York shall thereunto appoint to be by the said Agent or person so to be appointed paid to the said Cayuga Nation taking their receipt therefor on the back of the Counterpart of this instrument in the possession of the said Indians in the words following to wit " We the Cayuga Nation do acknowledge to have received from the People of the State of New York the sum of two thousand and three hundred Dollars in full for the several Annuities within mentioned as Witness our hands at Canadaghque this day of 179 " which money shall be paid in the presence of at least one of the Magistrates of the County of Ontario and in the presence of at least two more reputable Inhabitants of the said County and which Magistrate and other persons in whose presence the same shall be paid shall subscribe their names as witnesses to the said Receipt and the said Agent or other person so to be appointed shall also take a duplicate receipt for the said Money witnessed by the said Witnesses and which duplicate shall as soon as Conveniently may be be acknowledged and recorded in the records of the said County of Ontario and the Original duplicate transmitted to the Governor of this State for the time being.

Fourthly the People of the State of New York reserve to the Cayuga Nation and to their posterity forever for their own use and Occupation but not to be Sold Leased or in any other manner aliened or disposed of to others unless by the express Consent of the Legislature of the said State A Certain Tract of Land part of the reservation aforesaid of two miles square at such place as the same shall be run out and marked by a Surveyor appointed by the said Agents on the part of the People of this State together with such of the said Indians as shall attend for that purpose and also one other piece of land of one mile square part of the reservation aforesaid and the Mine within the same if any there be under the same restrictions and to be run out and marked in manner aforesaid, and also one other piece of

Land one mile square at Cannogai for the use of an Indian Sachem of the said Nation called Fish Carrier and for the use of his posterity forever under the restrictions aforesaid which said last piece of land shall be leased by the People of the State of New York for such term and on such Conditions as the Legislature thereof shall direct and the money annually arising therefrom shall be paid unto the said Fish Carrier or his posterity at Canadaghque by the said Agent or by such person as the Governor of this State shall thereunto appoint and unto such person as shall produce a Certain Writing Subscribed by the said Agents and Sealed with their Seals taking and recording the receipts therefor in the manner aforesaid—

Fifthly the People of the State of New York may in such manner as they shall deem proper prevent any persons except the Cayugas from residing or settling on the Lands so to be held by the Cayugas and their posterity for their own use and Cultivation and if any person shall without the Consent of the People of the State of New York come to reside or settle on the said Lands or any other of the Lands so reserved as aforesaid the Cayugas and their posterity shall forthwith give notice of such intrusion to the Governor of the said State for the time being And further the Cayugas and their posterity forever shall at the request of the Governor of the said State be aiding to the People of the State of New York in removing all such intruders and in apprehending not only such intruders but also Felons and other offenders who may happen to be on the said reserved Lands to the end that such intruders, felons and other offenders may be brought to Justice

In Testimony whereof as well the Sachems, Chief Warriors and others of the said Cayugas in behalf of their tribe or Nation as the said Agents on behalf of the People of the State of New York have hereunto interchangeably set their hands and affixed their Seals the day and year first above written,

PH : SCHUYLER [L. s.]

JOHN CANTINE [L. s.]

D BROOKS [L. s.]

JOHN RICHARDSON [L. s.]

OJAGEGHTI OR FISH CARRIER ^{his}
x [L. s.]
mark.

DSINONTAWERHON	his X mark.	[L. S.]
TEKAEYON BY THAWEYAGENRAT	his X mark.	[L. S.]
SAGOYEGHWATHA	his X mark.	[L. S.]
OGONGHSANIYONDE OR HANGING FACE	his X mark.	[L. S.]
ONGWEGHKOWA	his X mark.	[L. S.]
THWEYA GEARAT	his X mark.	[L. S.]
KAYENTATIRHON	his X mark.	[L. S.]
THORONGHYONGO	his X mark.	[L. S.]
SAGOYATENGHHAWE	his X mark.	[L. S.]
SHAGHNEGHTATI	his X mark.	[L. S.]
SHONEGHSOWANE	his X mark.	[L. S.]
SHATENGHHARIA	his X mark.	[L. S.]
KANEATAGONRA	his X mark.	[L. S.]
AIJANATE	his X mark.	[L. S.]
KANAGHTOGEA	his X mark.	[L. S.]

Delivered in the presence of the word
 (thereunto) being first interlined
 between the sixteenth and seven-
 teenth lines and the words (at least)
 between the nineteenth and twentieth
 lines and the words (part of the
 reservation aforesaid and the mine
 within the same if any there be under
 the same restrictions and to be run
 out and marked in manner aforesaid
 and also one other piece of Land of
 one mile square) between the twenty
 sixth and twenty seventh lines

ISRAEL CHAPIN

JAMES DEAN

Interpreter,

JASPER PARRISH

Interpreter,

HENRY AARON HILL,

AARON HILL JU'R

BEN: LEDYARD,

JOHN HARRIS,

WILLIAM WESTON,

JNO. B. SCHUYLER,

RENSSELAER WESTERLO,

STATE OF NEW YORK ss:

Be it remembered that on the twenty sixth day of March in the year one thousand seven hundred and ninety six, personally appeared before me Egbert Benson one of the Judges of the Supreme Court of the said State Israel Chapin one of the Subscribing Witnesses to the within Articles of Agreement who being duly sworn deposed that he saw Philip Schuyler, John Cantine, David Brooks and John Richardson the Agents therein named and the Sixteen Indians whose names are subscribed as parties thereto execute the same that he saw the other nine persons also subscribe as witnesses and I having inspected it and not finding therein any Erasures or interlineations other than such as are noted to have been made before Execution do allow it to be recorded

EGBT BENSON —

The preceding Instrument is a true Copy of the Original Com-
 pared therewith this 29th day of March 1796 By Me —

LEWIS A: SCOTT

Secretary

To all People to whom these presents shall come Greeting ; Know Ye that on the twenty seventh day of July in the year One thousand seven hundred and Ninety five The People of the State of New York did reserve to the Cayuga Nation of Indians, and to their own use and occupation but not to be sold leased or in any other manner aliened or disposed of to others unless by the express consent of the Legislature of the said State a certain Tract of Land part of the reservation theretofore reserved to them of Two Miles Square at such place as the same shall be run out and marked by a Surveyor appointed by agents on the part of the people of this State together with such of the said Indians as shall attend for that purpose. And also one other piece of land of one mile square part of the reservation aforesaid and the mine within the same if any there be under the same restrictions and to be run out and marked in manner aforesaid. And

WHEREAS The said two tracts of land have been laid out and surveyed in manner aforesaid and occupied by the said Cayuga Nation. And

WHEREAS The said Cayuga Nation of Indians have signified their desire to remove from the said lands and to dispose of their Interest therein to the people of this State for the sum of four thousand eight hundred dollars which sum the Legislature have agreed to pay the said Cayuga Nation for their interest in the said two Reservations of Land.

Now know ye that the said Cayuga Nation for and in consideration of the sum of Four thousand eight hundred dollars to them in hand by the People of the State of New York at Canadarqua have sold and released and by these presents Do sell and release to the people of the State aforesaid all their right title Interest possession property claim and demand whatsoever of in and to the said two tracts of Land laid out and Surveyed as aforesaid on the east side of Cayuga Lake commonly called the Cayuga Reservations the said tract being two miles square and the other Tract being One mile square — which two reservations contain all the land the said Cayuga Nation claim or have any interest in in this State To have and to hold the said Two tracts of Land as above described unto the People of the State of New York and their Successors forever.

In Witness whereof the Chief Sachems and Warriors of the said Cayuga Nation have hereunto set their hands and Seals this thirtieth day of May in the year of our Lord One thousand eight hundred and Seven

TA-KI-HA-YO ^{his}
x
mk [L. S.]

CHE-NON-DA-YO ^{his}
x
mark [L. S.]

SO-YO-YES	his X mark	[L. S.]
TAH-NO-HAI-AN-DOS	his X mk	[L. S.]
DOU-THO-WA-TOE	his X mk	[L. S.]
HO-WAU-NAN-DA	his X mark	[L. S.]
SO-GO-YO-WA-TAU	his X mark	[L. S.]
O-STAR-HAU-GOE	his X mk	[L. S.]
HO-JAW-GA-TA	his X mark	[L. S.]

Sealed and Delivered in }
the presence of }

RED JACKET,
LITTLE BILLY,
COFFEE HOUSE
W JOHNSTON
JOHN JOHNSTON —
THOMAS BEALS —

Recorded December 10, 1818 and agrees with the Original Compared with the Original by

ARCH'D CAMPBELL

Dep. Secretary

At a Treaty held at Albany in the State New York on the twenty eighth day of February 1829 Between His Excellency Martin Van Buren Governor of the State of New York of the one part and the Chiefs or Sachems of the tribe or Nation of Indians called the Cayuga residing at Sandusky in the State of Ohio of the other part

WHEREAS at a Treaty held at the Cayuga Ferry in the State of New York by Philip Schuyler, John Cantine David Brooks and John Richardson agents duly authorized by and on behalf of the People of said State with the said Tribe or Nation of Indians called the Cayugas bearing date the 27th day of July 1795 it was among other things covenanted and agreed by and between the said agents on the part of the People of the State of New York and the aforesaid

nation of Indians that they the said People should pay annually to the said Indians on the first day of June for ever thereafter the sum of \$1800 — and also the further sum of \$500, which the said Cayuga Nation of Indians are annually entitled to receive by virtue of a Treaty or articles of agreement made and entered into between George Clinton Governor of the State of New York and others and the said Cayuga Nation of Indians held at the city of Albany on the 25th day of February 1789 — and

WHEREAS By the Treaty made by the People of the State of New York with the said Nation of Indians on the 27th day of July 1795 it was covenanted and agreed that annually thereafter the aforesaid sum of \$1800 and \$500 should be paid on the first day of June in each year for ever thereafter at Canandaigua in the county of Ontario to the agent of Indian affairs appointed by the United States for the time being residing within this State and in case no agent should be appointed on the part of the United States then by such person as the Governor of the State of New York should thereunto appoint to be by the said Agent or person so to be appointed paid to the said Cayuga Nation of Indians and their receipt taken therefor in the manner specified in said Treaty as by reference thereto will more fully appear — and

WHEREAS It has been represented to the Governor of the State of New York by said Nation of Indians that the payment of the said sums of \$1800 and \$500 agreed by said Treaty of 27th July 1795 to be paid to the agent of Indian affairs appointed by the United States residing at Canandaigua is attended with considerable expense and inconvenience to said Nation of Indians and who are now desirous and do hereby request the said People of the State aforesaid to pay to them the said annuities amounting together to the sum of \$2300 on the draft or bill of Exchange to be drawn by at least four of the principal chiefs of said Cayuga Nation & executed in the presence of at least two respectable witnesses and acknowledged or proved before an officer authorised to take the acknowledgment of Deeds whose appointment is to be duly authenticated by the Clerk of Erie County

Now therefore I the said Martin Van Buren Governor of said State do hereby covenant and agree to and with the said Cayuga Nation of Indians to cause to be annually paid to the said Nation on the Draft or Bill of Exchange of at least four of the principal chiefs of said Nation to be made and drawn on the agent of Indian affairs residing at Albany appointed by the said State on or after the first day of

June in each and every year and authenticated in the manner aforesaid for the aforesaid sum of \$2300 and specifying the Treaties under which the same are payable and that the following shall in all cases be the form of said Draft or bill of Exchange—

To Indian Agent at the City of Albany—

SIR — At sight you will please to pay to the order of
\$2300 and charge the same to our account for annuities under the
several Treaties of 25th of Feb'y 1789 and 27th of July 1795 and
oblige
Yours &c

witness present

And the said Cayuga Nation of Indians do hereby for ever release and discharge the said People of the State of New York from the payment of the monies payable by said Treaties to the said agent of the United States residing at Canandaigua.

In testimony whereof the said Governor on the part of the People of the State of New York and the Subscribers chiefs or Sachems of the Cayuga Nation of Indians have hereunto set their hands and seals the day and year first above written.

M. V. BUREN [L. S.]

ISAAC DENNISTON [L. S.]

MARTIN LANE [L. S.]

TALL CHIEF ^{his}
X
mark [L. S.]

GEORGE CURLEY EYE ^{his}
X
mark [L. S.]

CAPTAIN SMITH ^{his}
X
mark [L. S.]

CAPTAIN GOODHUNT ^{his}
X
mark [L. S.]

WILLIAM KING ^{his}
X
mark [L. S.]

CAYUGA GEORGE ^{his}
X
mark [L. S.]

The Chiefs signed in presence of

RICHARD SEARS

HENRY E. DAVIES —

STATE OF NEW YORK, }
 ERIE COUNTY. } ss. :

Be it remembered that on the Eleventh day of March in the year One thousand Eight hundred and twenty nine personally appeared before me Hezekiah A. Salisbury a Commissioner duly authorized to take the acknowledgment of Deeds in the County of Erie Henry E. Davies one of the witnesses to the within articles of agreement who being duly sworn deposed that he saw the six Indians whose names are subscribed as parties thereto Execute the same that the deponent subscribed his name as a witness thereto and also that he saw Richard Sears subscribe his name as a witness and I having inspected it and finding no Erasures or interlineations Do allow it to be recorded.

HEZEKIAH A. SALISBURY.

STATE OF NEW YORK, }
 ERIE COUNTY CLERK'S OFFICE. } ss. :

I Elijah Leech clerk of the county of Erie Do hereby certify that Hezekiah A. Salisbury whose name is subscribed to the certificate of the proof or acknowledged of the annexed instrument of writing and Endorsed thereon was on the day of the date of the said certificate a commissioner duly authorized by Law to take the proof and acknowledgment of deeds &c, in and for said county of Erie and further that I am acquainted with the handwriting of the said Commissioner and verily believe that the signature of Hezekiah A. Salisbury subscribed to the said Certificate is the proper handwriting of the said Commissioner

In testimony whereof I have hereunto set my hand and affixed the Seal of said county the 11th day of March A. D. 1829.

ELIJAH LEECH,
Clerk—

STATE OF NEW YORK, }
 CITY OF ALBANY. } ss. :

On this 25th day of March 1829 personally appeared before me Isaac Denniston one of the subscribing witnesses to the Execution of the preceding Treaty to me known who being duly sworn did depose and say that he saw Martin Van Buren then Governor of this State Execute the preceding Treaty and he acknowledged that he executed the same for the uses and purposes therein mentioned — and further that he the deponent and Martin Lane subscribed their names as witnesses to the Execution thereof by the said Governor all which I hereby certify

ARCH^D CAMPBELL
Commissioner &c.

Examined and compared with the original March 31, 1829.

ARCH^D CAMPBELL
Dep. Secretary

To all to whom these presents shall come or may concern: Know Ye, that we Peter Ojistarare, Johan Jury Tewahangaraghkon, Rawhistoni, Paul Tewasgwadeghkow; John Shanondonagh of the Wolf Tribe, Peter Oneyanha, Joseph Kanaghsaterhon, Cornelius Okonyota, John Onontiyo, Nicholas Sagoyatohare of the Turtle Tribe, Lodowick Kagsaweta, Paul Kanyatashayea and Peter Agwirontongwas of the Bear Tribe — Sachems and Chief Warriors of the Oneyda and Tuscarora Nations by and with the Advice and Consent and in the Presence of the said Nations at a Public Treaty held at Fort Herkimer in the County of Montgomery with his Excellency George Clinton Esquire Governor of the State of New York and the other Commissioners of Indian affairs of the said State for the Consideration of the sum of Eleven Thousand five hundred Dollars in Goods & Money to us in hand paid at and before the Ensealing and delivery of these presents, the Receipt whereof We Do hereby acknowledge Have Given, Granted, Bargained and sold and by these presents Do fully freely and absolutely Grant, Bargain and sell unto the People of the State of New York all that certain Tract of Land situated in the said State and on the West Side of the Line commonly called the Line of Property established at a Treaty held at Fort Stanwix in 1760, and on the North Side of the Pensylvania Line Beginning at the Mouth of the Unadilla or Fianaderha River where the same empties into the Susquehanna River thence up the said Unadilla or Fianaderha River ten miles measured on a streight Line, thence due West to the Chenango River, thence Southerly down the said Chenango River to where it empties into the said Susquehanna River & to the said Line called the Line of Property, thence along the said Line to the place of Beginning so as to comprehend all the Lands belonging to us the said Oneyda and Tuscarora Nations lying South of the said Line to be run from the said Unadilla or Fianaderha River to the Chenango River, and North of the Division Line between this State and the State of Pensylvania, together with all Ways, Waters, Water Courses, Rivers, Rivulets, Creeks and Streams of Water and also all Mines and Minerals which are or may be found thereon with the Rights Liberties, Priviledges, Heriditaments and Appurtenances thereto belonging or in any wise appertaining and the Revision and Revisions, Remainder and Remainders and profits thereof, and also all the Estate Right Title Interest Possession Claim and Demand whatsoever which we have or can claim of in and to the same with the Appurtenances: To Have and to Hold the said Tract of Land and Premises above mentioned with the Appurtenances unto the said People of the State of New York to their only proper Use Benefit and

Behoof for ever, so that neither We nor any of Us, nor any of our Heirs or Successors, or any others Claiming by from or under us shall can or may make any Claim Challenge or Demand of in and to the same, but that our own immediate Brethren the White People of the State of New York shall and may for ever hereafter peaceably and quietly have hold possess and enjoy the same :

In Testimony whereof we have here unto set our Hands and Seals in public Council at Fort Herkimer aforesaid, the twenty eighth day of June in the year of our Lord one thousand seven hundred and eighty five, and in the ninth year of the Independence of the said State.

PETER ^{his}
X OJISTARARE [L. S.]
mark

JOHAN JURY ^{his}
X TEWAHANGATAGHKOU [L. S.]
mark

RAWHISTONI ^{his}
X [L. S.]
mark

PAUL ^{his}
X TEWASGWADEGHKOU [L. S.]
mark

JOHN ^{his}
X SKANONDONAGH [L. S.]
mark

PETER ^{his}
X ONEYANHA [L. S.]
mark

JOSEPH ^{his}
X KANAGHSATERHON [L. S.]
mark

CORNELIUS ^{his}
X OKONYOTA [L. S.]
mark

JOHN ^{his}
X ONONTIYO [L. S.]
mark

NICHOLAS ^{his}
X SAGOYATCHARE [L. S.]
mark

LODOWICK ^{his}
X KAGHSAWETA [L. S.]
mark

PAUL ^{his}
X KANYATASHAYEA [L. S.]
mark

PETER ^{his}
X AGWIRONTONGWAS [L. S.]
mark

Sealed and Delivered, NB the word *own* }
 between the fourteenth & fifteenth }
 Lines was enterlined before Sealing }
 and Delivery, In the Presence of us, }

SAM'L KIRKLAND,
 PETER RYCKMAN,
 JAMES DEAN,
 SIMEON DEWITT,
 HENDRICK AUPAUMUT,
 PETER PAHGUONNOPPAT,
 DAVID FOWLER,
 JAMES ^{his} X _{mark} ROOT.

Be it Remembered that on the first day of July in the year of our Lord one thousand seven hundred and eighty five personally appeared before me Jeremiah Lansingh one of the Masters of Chancery for the State of New York Peter Ryckman and Simeon DeWitt two of the subscribing Witnesses who being duly sworn on the Holy Evangelists of Almighty God declared that the names of Peter Ryckman and Simeon DeWitt hereto subscribed as Witnesses are of their respective Hand writing, that they were present and saw the Indians, parties to this Deed, and who are Sachems and Chief Warriors of the Oneyda and Tuscarora Nations, sign seal execute and deliver this Instrument as and for their Voluntary Act and for the Uses and purposes therein mentioned (Excepting Cornelius Ohoniota and Paul Tewasgwadeghkon) and that they also saw the other Witnesses sign their names as Witnesses, And I have examined the same and finding no Erasures Obliterations or Interlineations (except such as are noted do allow the same to be Recorded

JER'H LANSINGH.

The foregoing Indian Deed is a true Copy of the Original Examined and Compared with the said Original this 7th day of July 1785 By Me (in page 148 between the fourteenth and fifteenth lines the word "and" being interlined, and in this page 150 in line the Ninth the word "and" next before and after the word *Seal* is obliterated)

ROBT HARPUR

D. Secr'y

STATE TREATY WITH THE ONEIDA INDIANS, 1788.

At a treaty held at Fort Schuyler, formerly called Fort Stanwix, in the State of New York, by his Excellency George Clinton, Governor of the said State, and William Floyd, Ezra L'Hommedieu, Richard Varick, Samuel Jones, Egbert Benson and Peter Gansevoort, Junr. (Commissioners authorized for that purpose by and on behalf of the People of the State of New York) with the Tribe or Nation of Indians called the Oneidas — it is on the twenty-second day of September, in the year one thousand seven hundred and eighty-eight, covenanted and concluded as follows:

First, The Oneidas do cede and grant all their lands to the people of the State of New York forever.

Secondly. Of the said ceded lands the following tract to wit: Beginning at the Wood Creek opposite to the mouth of the Canada Creek, and where the line of property comes to the said Wood Creek, and runs thence southerly to the north-west corner of the tract to be granted to John Francis Perache, thence along the westerly bounds of the said tract to the south-west corner thereof, thence to the north-west corner of a tract granted to James Dean; thence along the westerly bounds thereof to the south-west corner of the last mentioned tract; thence due south until it intersects a due west line from the head of the Tianaderha or Unadilla River; thence from the said point of intercession due west until the Deep Spring bears due North; thence due North to the Deep Spring, thence the nearest course to the Caneserage Creek, and thence along the said Creek the Oneida Lake and the Wood Creek to the place of beginning, shall be reserved for the following several uses. That is to say, the lands lying to the northward on a line parallel to the southern line of the said reserved lands, and four miles distant from the said Southern line, the Oneidas shall hold to themselves and their posterity forever for their own use and cultivation, but not to be sold, leased or in any other manner aliened or disposed of to others. The Oneidas may from time to time forever make leases of the lands between the said parallel line (being the residue of the said reserved lands) to such persons and on such rents reserved as they shall deem proper; but no lease shall for a longer term than twenty-one years from the making thereof; and no new lease shall be made until the former lease of the same lands shall have expired. The rents shall be to the use of the Oneidas and their posterity forever; and the people of the State of New York shall from time to time make provision by law to compel the lessees to pay the rents, and in every other respect to enable the Oneidas and their posterity to have the full benefit of their rights so to make leases and to prevent

frauds on them respecting the same; and the Oneidas and their posterity forever shall enjoy the free right of hunting in every part of the said ceded lands, and of fishing in all the waters within the same, and especially there shall forever remain ungranted by the people of the State of New York one half mile square at the distance of every six miles of the lands along the northern banks of the Oneida Lake, one half mile in breadth of the lands on each side of the Fish Creek, and a convenient piece of land at the fishing place in the Onondaga River about three miles from where it issues out of the Oneida Lake, and to remain as well for the Oneidas and their posterity as for the inhabitants of the said State to land and encamp on. But notwithstanding any reservation to the Oneidas, the people of the State of New York may erect public works and edifices as they shall think proper at such place and places at or near the confluence of the Wood Creek and the Oneida Lake as they shall elect and may take and appropriate for such works or buildings lands to the extent of one square mile at each place; and further notwithstanding any reservations of lands to the Oneidas for their own use, the New England Indians (now settled at Brothertown under the pastoral care of the Rev. Samson Occom) and their posterity forever, and the Stockbridge indians and their posterity forever are to enjoy their settlements on the lands heretofore given to them by the Oneidas for that purpose, that is to say, a tract of two miles in breadth and three miles in length for the New England Indians, and a tract of six miles square for the Stockbridge Indians.

Thirdly. In consideration of the said Cession and Grant, the People of the State of New York do at this treaty pay to the Oneidas two thousand dollars in money, two thousand dollars in clothing and other goods, and one thousand dollars in provisions; and also five hundred dollars in money to be applied towards building a grist mill and saw mill at their village (the receipt of which moneys, clothing and goods and provisions the Oneidas do now acknowledge), and the People of the State of New York shall annually pay to the Oneidas and their posterity forever on the first day of June in every year at Fort Schuyler aforesaid six hundred dollars in silver; but if the Oneidas or their posterity shall at any time hereafter elect that the whole or any part of the said six hundred dollars shall be paid in clothing or provisions, and give six weeks previous notice thereof to the Governor of the said State for the time being, then so much of the annual payment shall for that time be in clothing or provisions as the Oneidas and their posterity shall elect, and at the price which the same shall cost the people of the State of New York at Fort Schuyler aforesaid; and as a

further consideration to the Oneidas the people of the State of New York shall grant to the said John Francis Perache a tract of land, Beginning in the line of property at a certain cedar tree near the road leading to Oneida and runs from the said cedar tree southerly along the line of property two miles; thence westerly at right angles to the said line of property two miles; thence northerly at right angles to the last course two miles, and thence to the place of beginning; which the said John Francis Perache hath consented to accept from the Oneidas in satisfaction for an injury done to him by one of their Nation. And further, the lands intended by the Oneidas for John T. Kirkland and for George W. Kirkland, being now appropriated to the use of the Oneidas, the people of the State of New York shall therefore, by a grant of other lands make compensation to the said John T. Kirkland and George W. Kirkland. And further, that the people of the State of New York shall as a benevolence from the Oneidas to Peter Penet and in return for services rendered by him to their Nation, grant to the said Peter Penet of the said ceded lands lying to the northward of the Oneida Lake a tract of ten miles square, wherever he shall elect the same.

Fourthly. The people of the State of New York may in such manner as they shall deem proper, prevent any persons except the Oneidas, from residing or settling on the lands so to be held by the Oneidas and their posterity for their use and cultivation. and if any person shall without the consent of the People of the State of New York come to reside or settle on the said lands or any other of the lands so ceded as aforesaid, except the lands whereof the Oneidas may make leases as aforesaid, the Oneidas and their posterity shall forthwith give notice of such intrusions to the Governor of the said State for the time being. And further, the Oneidas and their posterity forever shall at the request of the Governor of the said State be aiding to the people of the State of New York in removing all such intruders, and in apprehending not only such intruders but also felons, and other offenders who may happen to be on the said ceded lands, to the end that such intruders, felons and other offenders may be brought to justice.

In testimony thereof as well the sachems, chiefs, warriors and others of the said Oneidas in behalf of their tribe or Nation, as the said Governor and other commissioners of the People of the State of New York, have hereunto interchangeably set their hands and affixed their seals the day and year first above written.

ODAGHSEGHTE
KANAGHGWEYA

PETER OTSIQUETTE
 THAGHNIYONGO
 THONIGWEAGHSHALE
 TEHEAND' YAKHON
 OGISTALALE *alias* HANYURRY
 OTSETOGON
 TEYOHAGWEANDA
 ONEYANHA *alias* BEECH TREE
 THAGHNEGHTOLIS *alias* HENDRICK
 S' HONOUGHLEYO *alias* ANTGONY
 THAGTAGHGUISEA
 HANAGHSALILGH
 GAGHSAWEDA
 TYAGHSWEANGALOLIS *alias* DOMINE PETER
 JOHEGHSLISHEA *alias* DANIEL
 THANIGEANDAGAYON
 ALAWISTONIS *alias* BLACKSMITH
 KEANYAKO *alias* DAVID
 KAKIKTOTON
 SAGOYONTHA
 HANNAH SODOLK
 TEHOUGHNIHALK HANWAGALET
 KASKONGHGWEA KANWAGALET
 HONONWAYELE
 SKENONDONGH
 GEORGE CLINTON
 WM. FLOYD
 EZRA L'HOMMEDIEU
 RICHARD VARICK
 SAMUEL JONES
 EGBERT BENSON
 PETER GANSEVOORT, JUNR.

(The Indians all signed this instrument by making their mark, a cross, at the end of their names, which had been written for them.)

Witnesses present.

The words (and the Stockbridge indians and their posterity forever) after the third word in the last line of the second article, and also the words (for the New England Indians and a tract of six miles square for the Stockbridge Indians) at the end of the same line and also the words (two thousand dollars in money) in the first line of the third article, and the words (except the lands whereof the Oneidas may make leases as aforesaid) in the third line of the fourth article being first interlined.

Before the execution hereof the Oneidas in Public Council declared to the Commissioners that they had in return for his frequent good offices to them given to John I. Bleecker of the lands reserved for their own use, one mile Square adjoining to the lands of James Dean and requested that the same might be granted and confirmed to him by the State.

SAML. KIRKLAND,

Miss'y & Interpreter.

J. B. CHRS. DEST,

Trys.

ABM. ROSEKRANTZ,

SIMEON DEWITT,

Surv. Genl.,

SAMUEL LATHAM MITHCELL,

JOHN TAYLER,

WM. COLBRATH.

Know all Men by these presents that We the Sachems Warriors and Women of the Oneida Nation of Indians in full Council assembled Have nominated constituted and appointed and by these presents Do nominate constitute and appoint Our Brothers of the said nation Peter Hanoughgwinya John Shawondo, Martinus Atshinha, Paul Otshetogon of the Wolf Clan, Anthony Shononghriyo William Taghtaghgivijere John Onontiyio Thomas Tehohearitha of the Turtle Clan and Joseph Ogeaghratarighahea Nicholas Sagovakarongo Nicholas Tehotskarion and Kamyoton of the Bear Clan Our lawful deputies and attornies for us and in Our name and in our behalf to treat with the Commissioners appointed by an act of the Legislature of the State of New York entitled "an act for the better support of the Oneida Onondago and Cayuga Indians and other purposes therein mentioned" and to bargain sell release and confirm unto the People of the said State all our right title interest Claim and demand whatsoever of in and to such part or parts of the lands within said State

commonly called the Oneida reservation on such Terms and for such Sum or Sums of money or for such yearly Rents or annuities as our said deputies and attorney shall deem proper and in our names to execute and deliver such Deeds conveyances or other instruments of writing, as shall be necessary for the absolute sale and disposal of such of Our said Lands or reservation as Our said attornies shall think fit to dispose of to the said People as aforesaid with such clauses or covenants therein contained as they may think proper, and also to receive such monies or other considerations as shall be bargained to be paid to Us on the Execution of such conveyances as aforesaid Hereby ratifying and confirming what our said attornies shall do touching the premises

In Witness whereof We have hereunto set our hands and Seals at our Castle at Oneida the first day of September in the year One thousand seven hundred and ninety five.—

JACOB REED [L. s.]

PETER ^{his} X BREAD [L. L.]
mark

THOMAS ^{his} X WHITEBEANS [L. s.]
mark

JOHANNIS ^{his} X PHAWEYAYEA [L. s.]
mark

MOSES ^{his} X OHAGHHAGIGHTI [L. s.]
mark

JOHN ^{his} X KANEATAGON [L. s.]
mark

PAUL ^{his} X ONREGWARAGIGHTI [L. s.]
mark

DANIEL ^{his} X KANONIAGON [L. s.]
mark

CORNELIUS ^{his} X SAGORATHEM [L. s.]
mark

CORNELIUS ^{his} X TAWINE [L. s.]
mark

WILLIAM ^{his} X TEPOWAGWINTE [L. s.]
mark

ANN ^{her} X KAGIGWAT [L. s.]
mark

LEAH ^{his} X OTARIYO [L. s.]
mark

ELIZEBETH	^{her} X _{mark}	GWAGONSHA	[L. S.]
MARGRET	^{her} X _{mark}	THONWANONGHOITI	[L. S.]
MARGARET	^{her} X _{mark}	OWENNOGON	[L. S.]
DINAH	^{her} X _{mark}	THAGHJINNAT	[L. S.]
MARGARET	^{her} X _{mark}	TEYONGHINTIELHA	[L. S.]
CHRISTINA	^{her} X _{mark}	TEKAUEAGHTIARIGAKS	[L. S.]
ANN	^{her} X _{mark}	SOTIR	[L. S.]
MARGARET	^{her} X _{mark}	OJENGHTIONTI	[L. S.]

Sealed and delivered in the presence of

JAMES DEAN,
 ABRAHAM VAN EPS,
 PHILO TROWBRIDGE,
 DANIEL MUN.

STATE OF NEW YORK ss

Be it Remembered that on the sixteenth day of September in the year one thousand seven hundred and ninety five personally appeared before me Egbert Benson one of the Judges of the Supreme Court of said State, James Dean one of the within subscribing Witnesses who being duly sworn did depose that he saw the twenty one Indians whose names are subscribed thereto seal and deliver the same that he the deponent subscribed his name as a witness thereto, and also saw Abraham Van Eps Philo Trowbridge and Daniel Munn the other Witnesses also subscribe their names and I having inspected the same and not finding therein any Erasures or interlineations do allow it to recorded

EGB'T : BENSON.

The preceding Letter of Attorney is a true Copy of the Original (line 7 word "*Clan*" and line 51 the letter "*n*" in the word sworn wrote on Erasures, and page 172 in the margin thereof, the signature "*Margaret*^{her} X *Thonwanonghoiti* [L. S.] is written, and is to be read before the name "*Margaret*" on the 32d line of said page) Examined and Compared therewith this 26th day of March 1796 By Me ("*Egbt:*" last line partly wrote on rasure)

JASPER HOPPER

D. Secr:

This Indenture made the fifteenth day of September One thousand seven hundred and ninety five Between the Sachems, Warriors and Women of the Oneida Nation of Indians by Jacob Reed, Peter Bread, Thomas Whitebeans & others whose names are hereunto subscribed as Deputies and attornies authorized and empowered for that purpose by a certain Instrument in writing under the hands and seals of said Sachems, Warriors and Women of the said Nation bearing date the first day of September instant of the first part and Philip Schuyler, John Cantine and David Brooks Agents in behalf of the people of the State of New York duly authorized and empowered by an act of the Legislature of the said State passed the 9th day of April, 1795 of the second part :

WHEREAS at a Treaty held at Fort Schuyler in the County of Herkimer on the twenty second day of September One thousand seven hundred and eighty eight between the said parties of the first part and certain commissioners duly authorized and empowered in behalf of the State aforesaid, certain Tracts of Land in the said Treaty particularly specified and described were appropriated and set apart for the use, benefit and behoof of the aforesaid Tribe or Nation of Indians, and

WHEREAS the said Tribe or Nation of Indians have requested of the Legislature of the said State to render a part of the Lands so appropriated and set apart productive of an annual income to them. Now Therefore this Indenture Witnesseth That the said parties of the first part for and in consideration of the sums of money and other stipulations hereinafter mentioned to be paid done and performed by and on the part of the said people of the State aforesaid Have granted, bargained, sold, aliened, remisod, transferred, set over, released and confirmed and by these presents Do grant bargain, sell, alien, remise, transfer, set over, release & confirm unto the said people of the State aforesaid so much of the Lands and set apart in manner aforesaid as is contained within the limits and bounds following to wit: Beginning at a place on the East Bank of the Oneida Lake which place is a bisection of the distance between the mouth of Wood Creek and the mouth of the Oneida Creek, and runs from the said place of bisection Northerly along the Waters of the Oneida Lake to Wood Creek, thence up along Wood Creek until opposite Canada Creek being the North East corner of the Lands appropriated to the use of the said Tribe or Nation of Indians in the Treaty aforesaid Thence along the Eastern Boundary lines of the Lands so appropriated to the South East corner thereof, thence West along the Southern Boundary thereof to the South West corner

thereof, thence North along the Western Boundary thereof to the Deep Spring, thence Easterly by the boundary expressed in the said Treaty to the Chittilingo Branch of Canassaderaga Creek thence Southerly along the said Branch so far as to be One mile distant from the Northern Boundary of the Tract of Land leased by the said Tribe or Nation to Peter Smith, thence East by a Line parallel to the said Northern Boundary so far as to a point four miles distant from the Eastern boundary of the Tract so appropriated as aforesaid thence Northerly by strait lines parallel to the Eastern boundary lines of the Lands so appropriated and Keeping four miles distant therefrom until it reaches a place four miles distant from Wood Creek, thence with a strait line to the place of beginning. Excepting thereout so much of the Lands granted to the Stockbridge Indians as is included within the bounds aforesaid; and also Excepting thereout one mile square to include a small settlement of the said Tribe or Nation on the East side of the Lands granted to the Stockbridge Indians; and also all the Lands lying on the North side of the Oneida Lake appropriated and set apart to the use benefit and behoof of the said Nation of Indians at the Treaty aforesaid, and also the Land at the fishing place in the Onondaga River mentioned in the Treaty aforesaid. To have and to hold all and singular the Lands aforesaid to the people of the State of New York aforesaid for Ever. On condition nevertheless That the said people aforesaid shall immediately on the Execution and Delivery of this Indenture by the said parties of the first part pay to the said Indians the sum of Two thousand nine hundred and Fifty two dollars and annually forever thereafter on the first day of June in each year the like sum of Two thousand nine hundred & fifty two Dollars, at Oneida in the county of Herkimer together with the sum of Six hundred Dollars stipulated by the Treaty aforesaid to be paid to the said Indians; and

WHEREAS Doubts have arisen whether the Tract of Land lying between the Streams known by the name of the Chellingo and the Canaseraga Creeks was intended by the Treaty aforesaid to be included within the limits of the Lands so appropriated and set apart for the aforesaid Indians or not; The parties aforesaid Do by these presents mutually agree That if the Legislature of the State aforesaid shall Quit-claim to the said Indian Tribe or Nation the Lands between the said Streams as far South as an Easterly line from the Deep Spring to the Easternmost of the said Streams, to be drawn by the shortest distance between the said Spring and the said Easternmost Stream, and as far North as the junction of the said two

Streams, That then and in that case the said tribe or Nation of Indians shall and they Do by these presents grant, bargain, sell, alien and release to the people of the State of New York aforesaid All that certain Tract of Land within the limits and bounds following Viz: Beginning at the East end of the Oak ridge in the great Road leading from the Oneida Village to the Deep Spring, and runs thence South to the North Bounds of this Tract herein before described as released to the people of this State, thence East along the said North bounds two miles, thence North to the East side of the said Road, thence North one half Mile thence with a strait line parallel to the General course of that part of the said Road between the East and West Bounds of this Tract until the place of beginning bears South thence South to the place of beginning. Provided always and it is the true intent of these presents that the said Tract shall be surveyed at the expence of the people of the said State, and the quantity of acres contained therein determined, and that for every hundred acres contained therein there shall be annually paid by the people of the State of New York the the sum of three Dollars the first payment to be made on the said first day of June next, and a like Sum annually forever thereafter on the first day of June in each Year at Oneida aforesaid; but in case the Legislature of the said State shall not Quit claim the Lands between the said Streams as last aforesaid that then and in that case the Lands described in this article as ceded to the said people shall be and remain to the said Tribe or Nation of Indians; as if this article had never been made and concluded upon anything herein contained to the contrary notwithstanding ; and

WHEREAS there was appropriated and set apart to the use, benefit and behoof of the said Tribe or Nation of Indians by the Treaty aforesaid one half mile of Land on each side of Fish Creek ; and

WHEREAS the said tribe or Nation of Indians incline to sell so much of the said Lands as lay to the Northward of a certain Creek falling into the said fish Creek, and coming from towards Fort Schuyler ; and

WHEREAS it is not possible without a previous Survey to determine the quantity of Lands which they so incline to sell nor the junction of the Creek beyond which the said Tribe or Nation of Indians incline to sell The parties aforesaid Do therefore further mutually agree by these presents, That whenever the quantity of Land comprized within the last mentioned bounds shall be ascertained and the Legislature of the said State shall determine to purchase the same and pass an act for that purpose that then and in that case the said Tribe or Nation of Indians shall be and hereby are bound to

convey and release the same to the people of the State of New York aforesaid; provided that the said people shall annually forever thereafter pay unto the said Tribe or Nation of Indians at and after the rate of three Dollars per annum for every hundred acres contained in the said last mentioned Tract of Land provided always and it is the true intent and meaning of these presents that the said parties of the first part shall when thereunto required assign, transfer, and set over to the aforesaid people the Lease by them heretofore given to Peter Smith of part of the Lands herein first above mentioned.

In Witness Whereof the parties to these presents have hereunto interchangeably set their hands and seals the day and year first herein before first above written

JOHN	^{his} X	SKANONDO	[L. S.]
	mark		
WILLIAM	^{his} X	TAGHTAGHGIVESIRE	[L. S.]
	mark		
ANTHONY	^{his} X	SHONONGHIYO	[L. S.]
	mark		
JACOB REED			[L. S.]
MARTINUS	^{his} X	ALSHINSHA	[L. S.]
	mark		
PETER	^{his} X	BREAD	[L. S.]
	mark		
JACOB	^{his} X	DOXTADER	[L. S.]
	mark		
THOMAS	^{his} X	TEHOHEARIETHA	[L. S.]
	mark		
CHRISTIAN	^{his} X	KANYARODON	[L. S.]
	mark		
JOHN	^{his} X	DENNY	[L. S.]
	mark		
JOSEPH	^{his} X	HOT ASHES	[L. S.]
	mark		
THANJOTON	^{his} X		[L. S.]
	mark		
NICHOLAS	X	JEHOTSKARIAON	[L. S.]
MOSES	^{his} X	CHAHAGIGHTE	[L. S.]
	mark		
PETER	^{his} X	TEKAWIGATIGHRON	[L. S.]
	mark		

EZEKIEL	^{his} x mark	SHAWSTAGOWA	[L. s.]
JOHN JOURDAN			[L. s.]
ELEAZAR	^{his} x mark	SHANEWIS	[L. s.]
PAUL	^{his} x mark	TEHONEVATASE	[L. s.]
ABRAHAM	^{his} x mark	ONEGERENGHTE	[L. s.]
PH. SCHUYLER			[L. s.]
JOHN CANTINE			[L. s.]
D. BROOKS			[L. s.]

Sealed and delivered in the presence of.

NOTE. The words "four miles distant from the Eastern Boundary of the Tract so appropriated as aforesaid, thence Northerly by strait lines parallel to the Eastern boundary "lines of the Lands so appropriated and and keeping four miles distant therefrom until it reaches a place," were interlined before Execution—interlined between the twelfth & thirteenth Lines, between the words *Point* and *four*—the words *appropriated* throughout the whole of the above Instrument written on Erasures before the Execution thereof.

EPH^M VAN VEGHTEN,
JAMES DEAN.

STATE OF NEW YORK

Be it remembered that on the Sixteenth day of September One thousand seven hundred and ninety five personally appeared before me Egbert Benson Esquire one of the Judges of the Supreme Court of the said State James Deane one of the within subscribing Wittnesses who being duly sworn did depose that he saw Philip Schuyler, John Cantine and David Brooks the agents therein named and the twenty Indians whose names are thereto subscribed seal &

deliver the within Indenture, and that he the deponent subscribed his name as a Wittness thereto, and saw Ephraim Van Vechten the other Wittness also subscribe his name thereto, and I having Inspected the same and not finding any erasures or Interlineations therein other than those noted to have been made before Execution do allow it to be Recorded.

EGBT. BENSON—

The preceding Instrument is a true Copy of the Original words *first above written* last line page 177 and words "*Ph: Schuyler (L S) John*" 10th line page 178 written on Erasures and word *said* at 11th line page 174 interlined Compared therewith this 28th day of March 1796 By Me

LEWIS A. SCOTT,
Secretary

At a Treaty held with the Oneida Nation or Tribe of Indians at their Village in the State of New York on the first Day of June in the Year One Thousand Seven Hundred and Ninety Eight.

PRESENT, Joseph Hopkinson Commissioner appointed under the authority of the United States to hold the Treaty Egbert Benson Ezra L'Hommedieu and John Tayler Agents for the State of New York.....

The said Indians having in the month of March last Proposed to the Governor of the said State to cede the Lands herein after described, for the compensation herein after mentioned — and the said Governor having acceded to the said Proposal, and advanced to the said Indians, at their desire in part Payment of the said Compensation Three Hundred Dollars to answer their then immediate occasions the said cession is thereupon in the presence and with the approbation of the said Commissioner carried into effect at this Treaty, which hath on the request of the said Governor been appointed to be held for the purpose as follows, that is to say, the said Indians do cede release and quit claim to the People of the State of New York forever All the Lands within their Reservation to the Westward and South-westward of a Line from the Northeastern corner of Lot No. 54 in the last purchase from them running northerly to a button wood tree marked on the east side Oneida R 1798 On the West side FP. S. 1798. and on the South side with three Notches and a blaze standing on the bank of the Oneida Lake in the Southern part of a Bay called Newagehkoo Also a Mile on each side of the Main Genesee Road for the distance of one mile and an half westward to commence at the Eastern boundary of their said Reservation—And also the same

Breadth for the distance of three miles on the south side and of one mile on the north side of the said Road Eastward to commence at the Eastern Boundary of the said Lot No. 54, Provided and excepted nevertheless that the following Indian Families Viz: Sarah Docksteder, Jacob Docksteder, Cornelius Docksteder Lewis Denny John Denny, Jan Joost and Nicholas shall be suffered to possess of the Tract First above mentioned. The Grounds cultivated by them respectively and their improvements not exceeding Fifty Acres to each Family so long as they shall reside there — And in consideration of this Proviso and Exception the said Indians do further Cede that a tract of Twelve Hundred and Eighty Acres, as Follows — that is to say Beginning in the South east Corner of Lot No. 59, in the said last Purchase and running thence East one Mile, thence North two Miles thence West One Mile and thence South Two Miles shall be considered as set Apart by the said Nation or Tribe for the use of the said Families whenever they shall remove from where they now reside, The Said Agents do for the People of the said State pay to the said Indians in addition to the said sum of Three Hundred dollars already advanced to them as above mentioned the further sum of Two Hundred Dollars, And do grant to the said Indians that the People of the said State shall pay to the said Indians at their said Village on the First day of June next and on the first day of June Yearly thereafter the Annual Sum of Seven Hundred Dollars

In Testimony whereof the said Commissioner, the said Agents and the said Indians have hereunto and to other Acts of the same Tenor and date the One to remain with the United States another to remain with the State of New York and another to remain with the said Indians set their hands and Seals at the Village Aforesaid the Day and Year first above written.

JOSEPH HOPKINSON [L. s.]

EGBT BENSON [L. s.]

EZRA L HOMMEDIU [L. s.]

JOHN TAYLER [L. s.]

CHRISTIAN ^{his}
X THOMGWENGHSOHARE [L. s.]
mk

PETER ^{his}
X KANONGHIVENGA [L. s.]
mk

JOHN SKANANDO ^{his}
X [L. s.]
mk

CORNELIUS	his X mk	AGHYÓNGO	[L. S.]
JACOB		REED	[L. S.]
WILLIAM	his X mk	POPHAGHTI	[L. S.]
MARTINUS	his X mk.	ROTSHINHA	[L. S.]
CORNELIUS	his X mk	KANGATTARYS	[L. S.]
PETER	his X mk	ATYATONENTHA	[L. S.]
ANTHONY	his X mk	SHONONGHUYO	[L. S.]
PETER	his X mk	BREAD	[L. S.]
PETER	his X mk	SUMMER	[L. S.]
CHRISTEAN	his X mk	KANYARODON	[L. S.]
NICHOLAS	his X mk	SAGOYATOHARE	[L. S.]
PAUL	his X mk	THASWENGAROUS	[L. S.]
CHRISTIAN	his X mk	ONWATSHATENTS	[L. S.]
ANTHONY	his X mk	ATTAHONGHTEN	[L. S.]
NICHOLAS	his X mk	THONATEN	[L. S.]
JOHN	his X mk	JOHNSON	[L. S.]
JOHN		JOURDAN	[L. S.]
PETER	his X mk	ONWASSENNAYER	[L. S.]
CORNELIUS		KAHEREYENT	[L. S.]
PETER		SATATHOVENG IS	[L. S.]

CYRUS ^{his}
X ANONGHSENGHTA [L. L.]
mk

THOMAS ^{his}
X WHITEBEANS [L. S.]
mk

MOSES ^{his}
X OHAHAGENHTI [L. S.]
mk

Witness.

JAMES DEAN,

Interpreter.

RICH'D VARICK,

H. P. SCHUYLER.

PETER SMITH.

ROBERT BENSON JUNR —

Recorded December 10, 1818 and agrees with the original compared therewith by

ARCH'D CAMPBELL

Dep. Secretary.

An Agreement made and entered into provisionally this fifth day of March, in the Year of our Lord One Thousand eight Hundred and Two By and Between his Excellency George Clinton Esquire Governor of the State of New York. Simeon DeWitt Esquire Surveyor General of the said State and Ezra L' Hommedieu Esquire Agents on the part and behalf of the people of the said State of New York on the one part and the Sachems Chief and Warriors of the Oneida Nation of Indians of the other part —

WHEREAS the Said Oneida Nation have thro their Sachems Chiefs and Warriors represented to the Legislature of the Said State their desire and willingness to cede grant and release to the People of the State of New York certain parts and portions of the Lands heretofore reserved to them. And

WHEREAS the Senate and Assembly of this State did on the 23rd & 24th day of February last adopt the following Resolution To Wit.

Resolved that his Excellency The Governor be and he is hereby authorized and requested together with the Surveyor General, and such other Person as his Excellency may for that purpose appoint to treat with the Indians now in this City for the purchase of such part of the Land in their Reservation as they may be inclined to Sell, which Treaty when ratified by the Agent on the part of the United States shall be binding and conclusive on this State, and that the Legislature will make provision by Law for carrying the stipulations of such Treaty on the part of this State into effect And

WHEREAS by virtue of the said Resolution, His Excellency the said George Clinton hath appointed and authorised the said Ezra L'Homedieu to act together with himself and the said Simeon DeWitt Esquire in the premises And

WHEREAS the said Agents on the part of the said State, have conferred with the Sachems, Chiefs and Warriors relative to the ceding granting and releasing to the people of the said State certain parts and portions of the said Lands reserved to them, and have come to the following agreement To wit, The said Oneida Nation of Indians by their Sachems Chiefs and Warriors hereby firmly Covenant and agree to and with the People of the State of New York to Cede grant and release to them by Deed executed in due and ample form of Law, the several tracts or parcels of Land hereinafter described, being parts of the Lands heretofore reserved to the said Oneida Nation of Indians as aforesaid, to wit, All that certain Tract of Land Beginning at the southwest corner of the Land lying along the Genessee road and which was ceded in the year One Thousand Seven Hundred and ninety eight by the said Oneida Indians to the people of the State of New York, and running thence along the last mentioned tract easterly to the southeast corner thereof, thence southerly in the direction of the continuation of the east bounds of said last mentioned tract to other lands heretofore ceded by the said Oneida Nation of Indians to the people of the State of New York, then along the same westwardly to a part of said last mentioned Land called the Two mile Strip and then along the same Northerly to the place of beginning.

Also another tract of land bounded on the South by the Genesee road, on the north by a line drawn paralel to said Road, and at the distance on an average of half a mile to the northward thereof and extending from the west bounds of a Tract of One hundred Acres, now ceded and including Myndert VanEpsWemple's house Westerly to the Lands heretofore ceded as aforesaid, provided that the north bounds of the last described tract shall be run with such rightangular offsets, as to leave the Indian houses near the northwesterly corner of the said Tract twenty chains distant from the same, Also One Hundred Acres to be laid out in a Square and to extend each way from the House of said Myndert Van Eps Wemple along the said Genessee road fifteen chains, and northerly from said Road fourteen chains, and Southerly from said Road Twenty chains Also, all that part of the Land, heretofore reserved by the said Oneida Nation of Indians along the Fish Creek which lies to the northward of the Bridge over said creek, commonly

called and known by the name of Bloomfields bridge which said deed of cession, grant and release shall be made and executed by the said Sachems, Chiefs and Warriors of the said Oneida Nation as soon as a treaty can be held in the presence of a commissioner to be appointed under the authority of the United States, and the assent of such commissioner can be obtained to the said cession, grant and release. And on the Part of the said State of New York it is hereby agreed and stipulated as follows, to wit, That in case the said deed of cession shall be executed as aforesaid by the said Sachems Chiefs and Warriors of the said Oneida Nation, It is agreed that the said State of New York shall in addition to the Three Hundred Dollars now paid the receipt whereof is hereby acknowledged, On the first day of June next, pay to the said Oneida Nation of Indians the further sum of six Hundred dollars and annually forever thereafter on such days as are or shall be appointed for the payment of other annuities to the said Indians the sum of three Hundred dollars — And it is expressly understood that this agreement shall be considered as provisional until a Treaty be held as aforesaid but thereafter the faith of the said State of New York on the one part and of the Oneida Nation of Indians of the other part is hereby pledged to execute and perform the same according to the true intent and meaning thereof And it is further agreed by and between the said Parties, that out of the Land above described and hereby ceded to the people of the State of New York, there shall be granted to Sarah Docksteder, One hundred Acres to be laid out in a square adjoining the two-mile tract, on the road commonly called Klocks Road, as the said One Hundred Acres shall be laid out by order of the Surveyor General with the approbation of the said Sarah, to be held to her during her natural life, and thereafter to her heirs in Fee And Also to Michael Kern One hundred & Fifty Acres so as to include the House in which he now resides with the other improvements made by him around the same

In Witness whereof the said Agents on the part of the State of New York and the said Sachems chiefs and Warriors of the said Oneida Nation, have hereunto set their hands and Seals, the day and year first above written

GEO: CLINTON [L. s.]

SIMEON DEWITT [L. s.]

EZRA L HOMMEDIEU [L. s.]

KRENIS ^{his}
X KANGHET . [L. s.]
mark

BAR	^{his} X mk	HURYATAJH	[L. S.]
TSIRN	^{his} X mk	SKEUROTS	[L. S.]
RUTENIS		ROTSWIN	[L. S.]
GRITEL	^{his} X mk	KANAHROK	[L. S.]
TOWNIS	HIS X MK	SKEUNQNTON	[L. S.]
YAGWEK	^{his} X mk	OMERHAL	[L. S.]
M 'K	^{his} X mk	TEOTSKURSWER	[L. S.]
KRENIS	not marked	THAYENKENTE	[L. S.]
HUNES	^{his} X mk	TYAGOTHARE	[L. S.]
TRUNGH	^{his} X mk	KUNYEGO	[L. S.]
MIRON	^{his} X mk	THOYATATHE	[L. S.]
HUTONI	^{his} X mk	KENTURONTYE	[L. S.]
TUWET	^{his} X mk	NIKENTSIAGO	[L. S.]
HUNERONK	^{his} X mk	SHUGOYUTORTHIS	[L. S.]
JOHN		JOURDAN	[L. S.]

Sealed and delivered in the presence of }
 (the word *forever* first interlined on }
 the 30th line)

B. DEWITT
 JOS. ANNIN.
 JASPER PARRISH *Interpreter.*

Recorded December 10, 1818 and agrees with the Original Com-
 pared therewith by

ARCH'D CAMPBELL
Dep. Secretary.

At a Treaty held with the Oneida Nation or Tribe of Indians at their Village in the State of New York, on the fourth day of June in the year of our Lord One Thousand eight Hundred and Two

Present John Tayler Agent appointed under the authority of the United States to hold the Treaty, and Ezra L Hommedieu and Simeon DeWitt Agents for the State of New York

The said Indians having by their Sachems Chiefs and Warriors in the month of March last proposed to the Governór of the said State to cede the Lands hereinafter described for the compensation hereinafter mentioned And the said Governor together with the Surveyor General of the said State and Ezra L'Hommedieu Esquire an Agent appointed by the said Governor pursuant to concurrent resolutions of the Senate and Assembly of the said State bearing date the 23d and 24 days of February last, having acceded to the proposal of the said Sachems Chiefs and Warriors, and on the fifth day of the said month of March executed a provisional agreement with them for the cession and purchase of the same, and advanced to them at their desire in part payment of the said Compensation three Hundred dollars, to answer the immediate Occasions of the said Indians — The said Cession is thereupon in the presence and with the approbation of the said Commissioner carried into effect at this Treaty which hath on the request of the said Governor been appointed to be held for the purpose, as follows, that is to say, The said Indians do Cede release and quit claim to the people of the State of New York forever the several Tracts or parcels of Land hereinafter described, being parts of the lands heretofore reserved to the said Oneida Nation of Indians To wit, All that certain Tract of Land beginning at the Southwest corner of the Land lying along the Genesee Road, and which was ceded in the year One thousand Seven hundred and Ninety eight by the said Oneida Indians to the people of the State of New York, and running thence along the last mentioned Tract, easterly to the southeast corner thereof thence southerly in the direction of the continuation of the east bounds of said last mentioned tract, to other lands heretofore ceded by the said Oneida Nation of Indians to the people of the State of New York then along the same westerly to a part of said last mentioned Land called the Two-mile strip, and then along the same northerly to the place of Beginning — Also, another Tract of Land bounded on the south by the Genesee Road, on the North by a Line drawn parallel to said Road — and at the Distance on an average of half a mile to the northward thereof, and extending from the West bounds of a tract of One hundred Acres now ceded and including Myndert Van Eps Wemples

house westerly to the Lands heretofore ceded as aforesaid. Provided that the north bounds of the last described tract shall be run with such right Angular offsets as to leave the Indian Houses near the northwesterly corner of said Tract, Twenty chains distant from the same — Also, One Hundred Acres to be laid out in a square and to extend each way from the house of said Myndert Van Eps Wemple along the said Genesee Road fifteen chains and northerly from said Road fourteen chains and Southerly from said road twenty chains Also all that part of the land heretofore reserved by the said Oneida nation of Indians along the Fish Creek which lies to the northward of the Bridge over said Creek commonly called and known by the name of Bloomfields Bridge. The said Agents do for the people of the State of New York in conformity to the said provisional agreement pay to the said Indians in addition to the said sum of Three Hundred Dollars already advanced to them as above mentioned the further sum of Six Hundred Dollars, and do grant to the said Indians that the People of the said State shall annually forever hereafter on such day and place as are or shall be appointed for the Payment of other Annuities to the said Indians pay to the said Indians the sum of Three hundred Dollars. And the said Agents do further grant to the said Indians that the People of the State of New York, out of the lands above described and hereby ceded to them shall grant to Sarah Docksteder One Hundred Acres to be laid out in a square adjoining the Two-Mile Tract, on the Road commonly called Klocks, Road, as the said One Hundred Acres shall be laid out by order of the Surveyor General with the approbation of the said Sarah, to be held to her during her natural life and thereafter to her heirs in fee. And ALSO to Michael Kern One Hundred and fifty Acres, so as to include the House in which he now resides with the other improvements made by him around the Same.

In Testimony whereof the said commissioner the said Agents and the said Indians have hereunto and to other Acts of the same tenor and date the one to remain with the United States another to remain with the State of New York and another to remain with the said Indians, set their hands and seals at the Village aforesaid the day and year first above written.

JOHN TAYLER [L. s.]

EZRA L HOMMEDIEU [L. s.]

SIMEON DE WITT [L. s.]

CORNELIUS	his X mark	OTATSHEGHTE	[L. s.]
JOSEPH	his X mark	KANONGHWENGA	[L. s.]
WILLIAM	his X mk	TEYOHAGWENTE	[L. s.]
MOSES	his X mark	SHONONGHSIS	[L. s.]
PETER	his X mk	TONAROGAAGH	[L. s.]
PETER	his X mark	OTYATONENGHTI	[L. s.]
ANTHONY	his X mark	THATAHONGTEN	[L. s.]
PAUL	his X mark	KAYATASHAGEN	[L. s.]
CHRISTIAN	his X mark	ONWATSHATEN	[L. s.]
NICHOLS		TEOTSKARAWEN	[L. s.]
HENDEAICK	his X mark	THAHEGENTAKYON	[L. s.]
CHRISTIAN	his X mark	KANEATA	[L. s.]
JOHN	his X mark	SKANONDO	[L. s.]
PAUL	his X mark	OTSHETOGON	[L. s.]
ANTHONY	his X mark	KARAGHWAN	[L. s.]
ANTHONY	his X mark	SHONONGHNYO	[L. s.]
DANIEL	his X mark	KAGHSAWETA	[L. s.]
TANIS	his X mark	TAGOYAROMSERE	[L. s.]
RUTENES		ROTSHIN	[L. s.]
CORNELIUS	his X mark	KANYATAREGO	[L. s.]
CORNELIUS	his X mark	KAHERAGENT	[L. s.]

JACOB ^{his} X RAWISTONN [L. s.]
mark

HANGOST ^{his} X ONONGHSONGETHA [L. s.]
mark

THOMAS ^{his} X SKANONDO [L. s.]
mark

JACOB ^{his} X DOCKSTEDER [L. s.]
mark

Sealed and Delivered in }
 the presence of }

JAMES DEAN
 CHAS, D. COPER
 ABR'M VAN EPS
 NATH'L G. INGRAHAM, JR.

Recorded December 10, 1818 and agrees with the Original Compared therewith by

ARCH'D CAMPBELL
Dep. Secretary.

This Indenture made the twenty-first day of March in the year of our Lord one thousand eight hundred and five Between Cornelius Dockstader Henry Platiup Krems Shugoyontha, Nikyes Showgwaneu Rut hatoni Kuragwase Wirongh thayuterthe gwitel Sara Saratsian Sheuter Showane Moses Sheutasowane on behalf of themselves and others part of the Oneida Nation of Indians distinguished by the name of Cornelius's (or the Pagan) party of the first part and Tsiium Skimonton, Gwuores huneutshontye Mutenis Sotshin Barthustreukurorens Nikink Tehotskurawen Sowistighnighyo set Kuronyoutze huriyo Shoneuhes in behalf of themselves and others of the same nation of Indians distinguished by the name of the Skaneudo (or Christian party) of the second part

WHEREAS the the said parties of the first and second parts are seized in fee as tenants in common of the lands known and distinguished by the name of the Oneida Reservation and have mutually agreed to make a division and partition thereof in manner following that is to say that all that part of the said reservation lying on the East side of the Oneida Creek and beginning at the mouth of the first creek that empties into the Oneida Creek from the east south of the Genesee Turnpike road thence up along the said Creek emptying into the Oneida Creek till where it intersects the west bounds of the Land along the said road heretofore ceded to the people of the State of New York then Northerly two miles along the said west bounds

and the continuation thereof then westerly on a straight line parallel to the General course of the said creek emptying into the Oneida Creek two miles and then with a straight line two miles to the place of beginning (excepting the tract of land hereinafter particularly described and set apart for the above named Cornelius Dockstader) and also that all the remainder of the Oneida Reservation west of the Oneida Creek not hereinafter allotted to the said parties of the first part and all the lands belonging to the Oneida Nation along the Fish Creek which empties itself into Wood Creek shall be allotted to and conveyed to the said parties of the second part their heirs and assigns forever as tenants in common To hold the same in Severalty in full of their share of the lands comprehended in the said Oneida Reservation; and that all the land in the same reservation west of the Oneida Creek and south of a straight line commencing on the said Creek at a point equally distant from where the Genesee turnpike road crosses the said creek and the North bounds of New Stockbridge and running thence westwardly parallel to the general course of the said Turnpike road to the lands heretofore ceded to the people of the state of New York, and also that all the land within the said reservation lying on the East side of the said Oneida Creek and not hereinbefore allotted to the said parties of the second part shall be allotted to and conveyed to the said parties of the first part their heirs and assigns forever as Tenants in Common to hold the same in severalty in full of their share of the lands comprehended in the said Oneida Reservation And

WHEREAS the said Cornelius Dockstader has agreed to convey unto the said parties of the second part their heirs and assigns forever as tenants in common his house and barn at the Oneida Castle and in consideration thereof the said parties of the first part and of the second part have agreed to convey unto the said Cornelius Dockstader his heirs and assigns forever in Severalty the following tract of land comprehended in the tract first above mentioned and agreed to be allotted to the said parties of the second part and especially excepted thereout bounded on the north by the said turnpike road on the East by land belonging to Frederick Young on the South by the aforesaid creek emptying into the Oneida creek and extending so far west as to contain one hundred acres of land: Now therefore this Indenture witnesseth that the said parties of the first part for the purpose of carrying the above recited agreement into effect and in consideration of the sum of one dollar to them in hand paid by the said parties of the second part at or before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged have granted bargained sold released and confirmed and by these presents Do grant bargain sell

release and confirm unto the said parties of the second part their heirs and assigns all the share in the lands in the Oneida Reservation and along the Fish Creek allotted to and agreed to be conveyed as aforesaid unto the said parties of the second part together with the hereditaments and appurtenances to the premises belonging or appertaining and the reversions remainders rents issues and profits thereof and also all the Estate and title both at Law and in equity of them the said parties of the first part in or to the same : To have and to hold the premises unto the said parties of the second part their heirs and assigns to the sole use of the said parties of the second part their heirs and assigns forever as tenants in common : And this Indenture farther Witnesseth that the said parties of the second part for the purpose of carrying the above recited agreement into effect and in consideration of the sum of one dollar to them in hand paid by the said parties of the first part at or before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged have granted bargained sold released and confirmed and by these presents Do grant bargain sell and release and confirm unto the said parties of the first part their heirs and assigns All the share in the lands in the Oneida Reservation allotted to and agreed to be conveyed as aforesaid unto the said parties of the first part together with the hereditaments and appurtenances to the premises belonging or appertaining and the reversions remainders rents issues and profits thereof and also all the Estate and title both at Law and in equity of them the said parties of the second part in or to the same To have and to hold the premises unto the said parties of the first part their heirs and assigns to the sole use of the said parties of the first part their heirs and assigns forever as tenants in common; And this Indenture farther witnesseth that the said Cornelius Dockstader in pursuance of the agreement above recited and for and in consideration of the release hereinafter made to him and of one dollar to him in hand paid by the said parties of the second part at or before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged hath granted bargained sold released and confirmed and by these presents doth grant bargain sell release and confirm unto the said parties of the second part their heirs and assigns the house and barn of him the said Cornelius Dockstader at the Oneida Castle together with the hereditaments and appurtenances thereto belonging or appertaining and also all his Estate and title both at Law and in equity in and to the same To have and to hold the premises unto the said parties of the second part their heirs and assigns to the sole use of the said parties of the second part their heirs and assigns

forever as tenants in common. And this Indenture farther witnesseth that the said parties of the first part excepting the said Cornelius Dockstader and the said parties of the second part in pursuance of the agreement above recited and for and in consideration of the Release made as aforesaid by the said Cornelius Dockstader and of one dollar to them in hand paid by the said Cornelius Dockstader at or before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged have granted bargained sold released and confirmed and by these presents do grant bargain sell release and confirm unto the said Cornelius Dockstader his heirs and assigns the tract of one hundred acres of land above described together with the hereditaments and appurtenances thereto belonging and the reversions remainders rents issues and profits thereof and also all their Estate and title both at Law and in equity in and to the same To have and to hold the premises unto the said Cornelius Dockstader his heirs and assigns to his and their sole use forever

In Witness whereof the parties to these presents have hereunto interchangeably set their hands and seals the day and year above written,

HENRY x PLATIUP	[L. s.]
KRENIS x SHUGOYOUTH	[L. s.]
NIKRAS x SKAGOYNTOARR	[L. s.]
HUTONI x KURAGWASE	[L. s.]
WIGH x THOYUTATHE	[L. s.]
GWITEL x SARA SURU	[L. s.]
TSIAN x SHEUTASOWARE	[L. s.]
MOSES x THOREURISH	[L. s.]
CORNELUS x DOXTADER	[L. s.]
WIGHROW x THOYUTUTHE	[L. s.]
LEWIS x COOK	[L. s.]
PETER x SATAGAONESS	[L. s.]
PETER x ARUNGHSOKTA	[L. s.]
TSIAN x SKANEATON	[L. s.]
GWAORES x ANEUTSHOUT	[L. s.]
MUTENIS SROTSKIN	[L. s.]
BUR x THASWEN VURORA	
NIK x TEHOTSKURAW	[L. s.]
ROWIS x TINIGH	[L. s.]
YOSET x KUROYOUT	[L. s.]
KANYOST x SHONUWENS	[L. s.]
GWITEL KUNATUROK	[L. s.]

HUTON HASHEGWARIS	[L. s.]
BETER x TETASONYOREN	[L. s.]
DANIEL x THOWAJAUHE	[L. s.]

Sealed and delivered in }
the presence of }

ANGEL DEPERRIEE
ZACHEUS P. GILLET.

ONEIDA COUNTY ss.

Be it remembered that on the twenty sixth day of Feby in the year of our Lord eighteen hundred & seven before me James Dean one of the Judges of the Court of Common pleas in & for s^d county personally appeared Martinus Thotshin ha Lewis Deuny, Peter Kanatarok Henry Plathrop Nicholas Sagayoutho, William Thogatathe, Peter Sarasare, Cornelius Dockstader, Peter Satekareuhhin, Peter Tekashonyoron, Peter Atogengowa, Daniel Thomijanhe and Peter Anoughsokta, Chiefs and warriors of the Oneida and Tuscarora Tribes of Indians who are personally known to me and acknowledged the execution of the foregoing Instrument in writing to be their free and voluntary act for the uses & purposes therein specified and did then further severally declare that they would freely & cheerfully ratify the contract should the other section of their nation or Tribe at any time hereafter sell & convey to the people of the State of New York any part or the whole of the Land assigned by the foregoing Instrument to such section or party of the nation — Having examined s^d Instrument & finding therein no material rasures or interlineations I do allow the same to be Recorded.

JAMES DEAN

The preceding Indenture was. recorded at the request of the Surveyor General the 10th day of March 1807. Examined and Compared with the Original by

BEN. FORD
Dep. Sec'ry

At a Treaty held at the City of Albany on the thirteenth day of March in the year of our Lord One thousand eight Hundred and seven By his Excellency Morgan Lewis Governor of the State of New York, with the Deputies of the Christian Party of the Oneida Nation of Indians fully empowered for that purpose. It is agreed and covenanted as follows to wit,

The said Indians sell and forever Quit claim unto the People of the said State, All their right and title in and to the following Lands

being that part of the Tract called the Oneida Reservation which belongs to the said Christian Party. By virtue of an Agreement or deed of partition of the said Nation recorded in the office of the Secretary of said State that is to say Beginning at the northeast corner of the lands belonging to the said people of the State of New York and lying adjoining to the west side of the Farm granted to Myndert Wemple and running from said place of beginning with a straight line to the mouth of a certain Creek called Crooked Creek where it empties into the Oneida Lake, then along said Lake westerly to the land heretofore sold and conveyed by the said Indians to the said people, & and then along the same south easterly and easterly to the place of beginning—Also all that certain tract bounded on the north and west by lands heretofore sold and conveyed by the said Indians to the said people On the East by a line running from the South East corner of said Farm of Myndert Wemple Southerly parallel to the East bounds of the land south of the Seneca Turnpike Road—sold and conveyed to the said People as aforesaid And on the South by the Line of partition between the lands of the Christian and Pagan parties established by the aforesaid agreement of said Nation. In consideration of which Sale the said Governor now pays to the said Deputies for the use of the said Christian Party the sum of Six Hundred dollars the receipt whereof is hereby acknowledged by the said Deputies. And further it is covenanted and agreed on the part of the said people that the lands hereinbefore described shall be surveyed and the number of acres therein contained (deducting from the same twenty acres to be granted to Zacheus P. Gillett) shall be certified to the said Indians by the Surveyor General of this State together with the sum to which the same will amount at the rate of Seventy five cents per acre, and that the said people shall annually forever hereafter pay unto the said Christian party such annuity as shall be equal to an Interest of Six per cent calculated on the residue of such sum after deducting therefrom the sum of Six Hundred dollars now paid as aforesaid, which annuity shall be paid at such times and places as are or shall be agreed or appointed for the payment of the other annuities due from the said People to the said Oneida Nation of Indians. And the said Christian Party in consideration of the services done them by Angel De Ferrier further sell and quit claim to the said people for the benefit of the said Angel De Ferrier the following tract of Land bounded on the North by the Seneca Turnpike road from the East bounds of the farm of said Myndert Wemple to the top of a

knoll east of a pine tree standing near said road on the brow of the hill rising from the East side of the Cawarselon creek, On the East by a line drawn from said Knoll southerly parellel to the east bounds of the land sold to the said people as aforesaid on the South side of said Turnpike road, on the west by the said lands and on the South by the aforesaid partition Line between the lands of the said Christian and pagan parties. And on the part of the said People it is covenanted and agreed that they will convey in addition thereto to the said Angel De Ferrier four Hundred acres of the Land purchased by this Treaty and adjoining to the land last above described. And it is further Covenanted and agreed on the part of the said people that the Indian Families having made improvements and residing on the Land on the north side of the half mile strip along said Seneca Turnpike road — heretofore sold to the said People shall have Liberty to continue to reside on and enjoy their improvements respectively and that the said lands shall not be sold until the said families shall remove from the same

In Testimony whereof the said Governor on the part of the People of the State of New York and the said Deputies on the part of the said Christian party of the Oneida Nation of Indians have hereunto set their hands and Seals the day and year above mentioned

THOMAS x TAGOTHOSATRE	[L. S.]
CESEY x WHELOCK	[L. S.]
DAVIT x ORONTATEGHA	[L. S.]
ADAM x SKANONDO	[L. S.]
ISACC WEBSTER	[L. S.]
RUTENIS ROTSHIN	[L. S.]
JACOB x DOCKSATER	[L. S.]
BETER x BREAT	[L. S.]
DENIS x DENNA	[L. S.]
NICKOLAS x SHARP	[L. S.]
JOHN REED	[L. S.]
ELIJAH x RAED	[L. S.]
MORGAN LEWIS	[L. S.]
NETEGS x SKENNONTO	[L. S.]
GWITEL x OTYATOMNENTHA	[L. S.]
BALL x THOSNENGARORENS	[L. S.]
CRANIS x NEKUMONTA	[L. S.]
ANONSENT x	[L. S.]

Signed Sealed and Delivered In Presence of—NOTE, the word Four in two several places first erased and the word, Six, inserted in its stead, the words, *the top of a knoll East of*, first interlined and the words *pine tree* erased and the word *knoll* inserted in its stead.

CHAS. D. COOPER,
ZACHEUS GILLET,
S. VISSCHER.

STATE OF NEW YORK ss.:

On this thirteenth day of March Eighteen Hundred and Seven before me Came his Excellency Morgan Lewis Governor of the State of New York to me known as such and the seventeen persons who have subscribed the within Treaty as Deputies of the Christian Party of the Oneida Nation of Indians and severally acknowledged to have duly executed the said Treaty for the purposes therein expressed. Also before me came Zacheus P. Gillet, a subscribing Witness thereto to me known as such, who after being duly sworn said that the seventeen persons who so as aforesaid executed the said Treaty as Deputies of the Christian party of the Oneida Nation of Indians were known to him as such, from all which I am satisfied of its due Execution and the alterations noted having been made before its Execution, I allow it to be Recorded

SEBASTIAN VISSCHER—

Master in Chancery—

Recorded December 10, 1818 and agrees with the Original Compared therewith by

ARCH^D CAMPBELL

Dep. Secretary

At a Treaty held in the City of Albany on the sixteenth day of February in the year of our Lord one thousand eight hundred and nine by his Excellency Daniel D Tompkins Governor of the State of New York with the Deputies of the Christian part of the Oneida Nation of Indians fully empowered for that purpose. It is agreed and covenanted as follows to wit—

The said Indians sell and forever quit claim unto the people of the said State. All their lands still belonging to the said christian party of the Oneida Nation of Indians on both sides of the Fish Creek which empties itself into the Wood creek near near the head of

the Oneida Lake Containing Seven thousand five hundred acres be the same more or less reserving therefrom three hundred Acres to be laid out by the direction of the Commissioners of the Land Office in such manner as shall be least injurious to the residue of the said Tract for the benefit of Abraham Van Eps being in full for all his demands against the said Christian party and of every individual belonging to the same to this day And also reserving to themselves the right of taking fish in the said river with spears and with hooks and lines and not otherwise. In consideration of which Sale the said Governor now pays to the said Deputies for the use of the said Christian party the sum of Six hundred Dollars the receipt whereof is hereby acknowledged and covenants to pay to the said christian party at their Castle in Oneida the further sum of One thousand dollars on the first day of June next. And that the said People shall annually forever thereafter pay unto the said christian party such annuity as shall be equal to an interest of six per cent on two thousand dollars being the residue of the purchase money for the said tract of Land. And it is further covenanted and agreed on the part of the said people that the Indian families having made improvements and residing on the said Land on the East side of the said Creek above sold to the People of the State shall have liberty to continue and reside on and enjoy their improvements respectively with such quantity of Land including their improvements as shall make six hundred and Forty Acres to be designated by the Surveyor General and that the said Land shall not be sold until the said Families shall remove from the same. And the said Christian Party in consideration of the Services done them by Angel Deferrier further sell and Quit claim unto the said people for the Benefit of the said Angel De Ferrier a tract of Land in their reservation containing four hundred acres to be laid out on the east side of and adjoining to the lands of the said Angel DeFerrier and extending easterly until it makes the said Four hundred Acres.

In testimony whereof the said Governor on the part of the People of the State of New York and the said Deputies on the part of the said christian party of the Oneida Nation of Indians have hereunto set their hands and seals the day and year above mentioned, the words (*& forty*) and *to be designated by the Surveyor General*) interlined 18th line

DANIEL D TOMPKINS

[L. s.]

JOHN REED

[L. s.]

JONATHAN DINNEY

[L. s.]

MARTIN	^{his} x mark.	DINNEY	[L. S.]
RTENIS		ROTSEIN	[L. S.]
ABRAHAM		DINNEY	[L. S.]
PAUL	^{his} x mark	ONYATASHAYEN	[L. S.]
NIK	^{his} x mark	YAGOSATENS	[L. S.]
HATON	^{his} x mark	KUYUTADAWI	[L. S.]
AIESAK	^{his} x mark	SKRONYAB	[L. S.]
ANEREA	^{his} x mark	THAONWENTIN	[L. S.]
TSIAN	^{his} x mark	SMOKE	[L. S.]
YAGWEK	^{his} x mark	ONLERAKEL	[L. S.]
DONWIS	^{his} x mk	TSIEARCSEN	[L. S.]
ROWIS	^{his} x mk	ROWISTUNYAR	[L. S.]
NATENIS	^{his} x mk	TEKRONGRO	[L. S.]
AGWIRONT	x	SHANETOROS	[L. S.]
HUDOM	^{his} x mark	TSIOT AONTEANON	[L. S.]
TSIUM	^{his} x mark	SKANONTOA	[L. S.]
TSIAN	^{his} x mark	KANYEGO	[L. S.]
NIKURONTA	^{his} x mk		[L. S.]
QWITEL	^{his} x mark	HATYADONNONTHA	[L. S.]
HUTOM	^{his} x mk	SONONRIGO	[L. S.]
GWITEL	^{his} x mark	KANATAROK	[L. S.]

Signed Sealed and delivered in the presence of (The words "to be designated by the Surveyor General" first interlined also the words (& forty)

SIMEON DEWITT

JOHN TAYLER

EZRA L HOMMEDIU

ANGEL DEFERRIERE.

STATE OF NEW YORK ss

Be it remembered that on the sixteenth day of February in the year of our Lord one thousand eight Hundred and nine Before me John V. N. Yates one of the Masters of the Court of Chancery in and for the State of New York personally appeared Angel Deferriere and being duly sworn on the Holy Evangelists of the Almighty God did depose and say that he Simeon DeWitt John Tayler and Ezra L Hommedieu were present and saw the within Treaty or Instrument duly Executed by the Governor of this State Daniel D. Tompkins and the several other persons being deputies of the christian party of the Oneida Nation of Indians therein specified and whose names and Seals are thereunto affixed And the alterations therein being duly noted I Allow the said Treaty or Instrument to be Recorded

JOHN V. N. YATES

Master in Chancery.

Recorded December 10, 1818 and agrees with the Original compared therewith by

ARCH'D CAMPBELL

Dep. Secretary.

At A Treaty held at the City of Albany on the twenty first day of February in the year of our Lord One thousand eight hundred and nine by His Excellency Daniel D. Tompkins Esquire Governor of the State of New York with the Chiefs or Sachems of the pagan Party of the Oneida Nation of Indians It is Agreed and Covenanted as follows to wit. The said Indians sell and forever quit claim unto the People of the said State All their Right and Title in and to the following lands being part of the tract called the Oneida Reservation which belongs to the said Pagan party by virtue of an Agreement or deed of Partition of the said Nation Recorded in the Office of the Secretary of said State that is to say, All the Land belonging to the said Pagan Party as aforesaid East of the Oneida Creek and extending from the Oneida Lake to Mud Creek which empties into said Oneida Creek to the southward of the Seneca Turnpike Road Reserving out of the same for Logan Cook son of Colonel Louis Cook and

for his posterity unalienable One Hundred Acres as nearly in a square as may be on the East side of the said Creek and to comprehend the improvements made by the said Colonel Louis, Reserving also for Dolly, Widow of John Denney deceased for her and her posterity unalienable two hundred Acres to be laid out as nearly in a square as may be on the North Side of the Skanando Creek at or near the place where the Old Mill Stood. Reserving also fifty Acres for John son of Cornelius Sagoyountha for said John and his posterity unalienable to be laid out as nearly in a square as may be on the south side of the said Skanando Creek opposite to the last described reserve And Reserving also for Cornelius Doxstadder, William Grant and Zacheus P. Gillet as tenants in common in fee simple. All that Triangular piece of Land bounded on the South by Lots number Seventeen Eighteen Nineteen and Twenty of the Lands along the Seneca Turnpike road ceded to the people of this State in the year One thousand Seven hundred and Ninety eight on the West by the Northern continuation of the West bounds of said Lot number Seventeen and on the North east by the Lands formerly ceded by the said Oneida Indians to the People of this State, In consideration of which the said Governor now pays to the said Chiefs or Sachems for the use of the said Pagan party the sum of One thousand Dollars the receipt whereof is hereby acknowledged by the said Chiefs or Sachems — and further it is covenanted and agreed on the part of the said People that the Lands herein before described shall be Surveyed and the number of Acres therein contained (deducting therefrom the several Tracts of land hereinbefore mentioned and reserved) shall be certified to the said Indians by the Surveyor General of this State together with the sum to which the same will amount at the rate of fifty six cents per acre and that the said People shall annually forever hereafter pay unto the said pagan party such annuity as shall be equal to the Interest of six per cent calculated on the residue of such sum after deducting therefrom the sum of One thousand Dollars now paid as aforesaid which annuity shall be paid at such times and places as are or shall be agreed or stipulated for the payment of the other annuities due from the said People to the said Oneida Nation of Indians.

In Testimony whereof the said Governor on the part of the People of the State of New York and the said Chiefs or Sachems on the part of the said Pagan Party of the Oneida Nation of Indians have hereunto set their hands and seals the day and year above mentioned

DANIEL D TOMPKINS

[L. S.]

QUETER ^{his}
x OWAGHROGHO

[L. S.]

mark

HENRY	^{his} X _{mark}	PLATCOP	[L. s.]
QUETER	^{his} X _{mark}	TONOLAGOIAH	[L. s.]
WILLIAM	^{his} X _{mk}	TONWANGONK	[L. s.]
PETER	^{his} X _{mark}	DOCKSTEDER	[L. s.]
CAPTAIN	^{his} X _{mark}	PETER	[L. s.]
CORNELIUS	^{his} X _{mark}	SAGUAYONTHA	[L. s.]
HANYOST	^{his} X _{mark}	TOLOGHYONHA	[L. s.]
DANIEL	^{his} X _{mark}	TONAYANTHA	[L. s.]
RORAN	^{his} X _{mark}	COOK	[L. s.]
ABRAHAM		DINNEY	[L. s.]
JOHN	^{his} X _{mark}	TAGEHLITONTO	[L. s.]
JACOB	^{his} X _{mark}	SKANONDO	[L. s.]
JOHN	^{his} X _{mark}	FOSTEANDO	[L. s.]
THOMAS	^{his} X _{mark}	SKANONDO JUN'R	[L. s.]
DOLLY	^{her} X _{mark}	DENNEY	[L. s.]
CORNELIUS	^{his} X _{mark}	DOCKSTEDER	[L. s.]

Signed Sealed and Delivered in the presence of (the words "Nation" on the third line from the top and "Pagan" on the seventh line from the bottom written on a rasure and "paid at" obliterated on the fifth line from the bottom.

EZRA L'HOMMEDIEU
 JOHN TAYLER
 ISAAC DENNISTON
 ZACHEUS P GILLET
 WM. GRANT
 MEDAD CANDO.

STATE OF NEW YORK, ss.

Be it Remembered that on this twenty first day of February in the Year of our Lord One thousand Eight Hundred and Nine.

Before me John V. N. Yates A Master in Chancery for the State of New York personally appeared Zacheus P Gillet and being duly sworn he did Depose and say that he John Tayler Extra L Hommedieu Isaac Denniston William Grant and Medad Cande were present and saw the within Treaty or Instrument duly Executed by Daniel D Tompkins Governor of the State of New York And also the Chiefs and Sachems of the Pagan Party of the Oneida Nation of Indians whose names are subscribed and Seals affixed to the said Treaty or Instrument, I therefore allow it to be Recorded.

JOHN V. N. YATES

Master in Chancery.

Recorded Dec^r 10, 1818 and agrees with the Original Compared therewith by

ARCH'D CAMPBELL

Dep. Secretary.

At a Treaty held at the City of Albany on the third day of March in the year of our Lord One thousand eight Hundred and ten by his Excellency Daniel D. Tompkins Esquire Governor of the State of New York with the Chiefs or Sachems of the Christian Party of the Oneida Nation of Indians. It is Agreed and Covenanted as follows to wit,

The said Indians sell and forever Quit claim unto the People of the said State all their Right and Title in and to the following Lands being part of the Tract called the Oneida Reservation which belongs to the said Christian Party by virtue of an agreement or deed of Partition of the said Nation Recorded in the Office of the Secretary of said State that is to say a Tract of land bounded as follows Beginning at a point which is one Mile and a half North of the twenty fourth mile Stone on the Seneca Turnpike Road between the Oneida and Cowosselon Creeks and running thence with a straight line to a point on the shore of the Oneida Lake which is half a mile on a straight line Westerly from the mouth of the Oneida Creek thence along the shore of said Oneida Lake Westerly to the lands belonging to the people of the said State—then along the same South easterly and Southerly to the land of Myndert Wemple then along the same Easterly to the Northeast corner thereof—then north to the distance of one mile and a half from said Turnpike road and then Easterly to the place of Beginning—Also another tract of Land bounded as follows

Beginning on the West side of the Oneida Creek opposite to the mouth of the Mud Creek which empties into it near the Oneida Castle, and running thence South to the line of the lands belonging to the Pagan Party of said Indians — then along the same Easterly to the said Oneida Creek and then down along the middle thereof to the place of beginning In consideration of which the said Governor on the part and in behalfe of the People of the said State now pays to the said Chiefs or Sachems for the use of the said Christian Party the sum of five hundred Dollars and covenants promises and agrees to and with the said christian party that the further sum of Three hundred Dollars shall be paid to them at Oneida on the first day of June next and also forever thereafter annually a sum which shall equal to an Interest at the rate of six per cent on a sum which shall be equal to the value of said Lands calculated at the rate of half a dollar per Acre after deducting from the same the said Two payments amounting to

Dollars and also one hundred Dollars for the Land herein after directed to be granted to Angel DeFerriere according to the Certificate thereof which the Surveyor General shall give after causing a Survey of said Lands to be made which said annual payment shall be made at such times and places as are or shall be agreed or stipulated for the Payment of the other Annuities from the said People to the said Oneida Nation of Indians — And it is further covenanted by and between the said Parties that there shall be granted out of to the said first described Tract to Angel DeFerriere two hundred acres to be bounded on the north by the said Oneida Lake and on the East by the east bounds of said Tract to be twenty chains in Breadth East and West and to extend Southerly so far as to comprehend said two Hundred Acres

In Testimony whereof the said Governor on the Part of the State of New York and the said Chiefs or Sachems on the part of the said Christian Party of the Oneida Nation of Indians have hereunto set their hands and seals the day and year above mentioned

DANIEL D TOMPKINS	[L. S.]
PETER SCHERMERHORN x	[L. S.]
ELEAZER WHEELLOCK	[L. S.]
JOCOBUS TAWAYAEB x	[L. S.]
WILLIAM TCHENONATATEA	[L. S.]
ABRAHAM OHEANTEA x	[L. S.]
PAULUS LAWRENCE	[L. S.]
MATHIAS LAWRENCE x	[L. S.]
MARTINUS DOCKSTEDER	[L. S.]

LAWRENCE COOK	[L. S.]
THOMAS SCHONONDO	[L. S.]
AARON SMITH x	[L. S.]
PETER PAULUS x	[L. S.]
LOUIS TIOGANGHWA x	[L. S.]
PETER DOCKSTADER x	[L. S.]
ABRAHAM DOCKSTADER x	[L. S.]
ONEIDA JOHN x	[L. S.]
JOSEPH MARTIN x	[L. S.]
JACOB WASTINE x	[L. S.]
BAPTIST DENNEY x	[L. S.]
JOHN HANYOST x	[L. S.]
JACOB SKANANDO x	[L. S.]
MOSES ROTSHIN x	[L. S.]
MARTINUS ROTSHIN	[L. S.]
ATONY SHONONRIGO x	[L. S.]
MOSES SKEANONDO x	[L. S.]
PETER WILLOY x	[L. S.]
JOSEPH KARONYEATYE x	[L. S.]
ISAAC SKARONYAT x	[L. S.]
JOHN SKEANONDO x	[L. S.]
JOHN AUGUST x	[L. S.]
JACOB DOCKTETER x	[L. S.]
DAVID ORONTADEKHA x	[L. S.]
JONATHAN DINNEY	[L. S.]
ISAAC WEBSTER	[L. S.]
PETER AUGUST x	[L. S.]
JOHN JOURDAN x	[L. S.]
JOHN HILL	[L. S.]
JOHN DONA	[L. S.]

Sealed and Delivered in the Presence
of (The words "and also one Hun-
dred dollars for the land herein
after directed to be granted to Angel
DeFerriere" being first interlined—)

SIMEON DEWITT —

JOHN TAYLER —

JAMES BURT —

NICHOLAS CUSICK —

CORNELIUS ^{his} x DOCKSTADER
mark

ANGEL DEFERRIERE

Be it Remembered that on the third Day of March in the year of our Lord One thousand eight hundred and Ten before me Ambrose Spencer one of the Justices of the Supreme Court of Judicature of the State of New York came John Tayler, Nicholas Cusick and Cornelius Dockstader the said John Tayler being to me personally known, and they the said John Tayler — Nicholas Cusick & Cornelius Dockstader being duly sworn severally made oath and said & first the said John Taylor saith that he subscribed the within Deed as a witness to the execution thereof and that he saw the said Nicholas Cusick & Cornelius Dockstader whom he personally knows also subscribe the same as Witnesses thereto : and the said Nicholas Cusick and Cornelius Dockstader say that they know the several persons mentioned in the within deed as Grantors to be the persons described therein & saw the said persons described therein respectively sign seal and deliver the within deed as their free and voluntary acts and that they subscribed the same as witnesses to the execution thereof which proof being to me satisfactory evidence that the said Nicholas Cusick & Cornelius Dockstader are subscribing witnesses to the within deed and that they know the persons who executed the same. I do allow the same to be recorded—

AMBROSE SPENCER.

Recorded December, 10, 1818 and agrees with the Original compared therewith by

ARCH'D CAMPBELL

Dep. Secretary.

At a treaty held at the City of Albany on the Twenty seventh day of February in the year of our Lord one thousand eight Hundred and eleven by His Excellency Daniel D Tompkins Esquire Governor of the State of New York with the Chiefs or Sachems of the Christian Party of the Oneida Nation of Indians. It is agreed and covenanted as follows to Wit —

The said Indians sell and forever Quit claim unto the People of the said State All their right and title in and to the following tract of Lands being part of the tract called the Oneida — Reservation which belongs to the said Christian party and Bounded as follows to Wit Beginning at a point which is one mile and one half north from the twenty fourth Mile Stone on the Seneca Turnpike Road between the Oneida and Co wasslon Creeks and running thence East in continuation of the line forming the South bounds of the lands last purchased from said Indians to the Oneida Creek thence along and including the said Creek northerly to the Oneida Lake thence along the same Westerly to the Lands belonging to the People of this State and then

along the same southerly to the place of beginning. In Consideration of which the said Governor now pays to the said Chiefs or Sachems for the use of the said Christian Party the sum of Two Hundred dollars the receipt whereof is hereby acknowledged by the said Chiefs or Sachems. And further it is covenanted and agreed on the part of the said People that the lands hereinbefore described shall be surveyed and the number of Acres therein contained shall be certified to the said Indians by the Surveyor General of this State, together with the sum to which the same will amount at the rate of fifty cents per Acre after deducting the said Sum of Two Hundred Dollars now paid together with the sum of *Four hundred dollars* which the said Governor promises to be paid to the said Indians on the first day of June next And the said Governor on the Part and in behalf of the People of the State of New York Warrants promises and agrees to and with the said Christian party that there shall forever hereafter annually be paid to the said Indians a sum which shall be equal to an Interest at the rate of six per cent on the sum to be Certified by the Surveyor General as aforesaid which said annual payments shall be made at such times and places as are or shall be agreed or stipulated for the payment of other annuities from the said people to the said Indians.

In testimony whereof the said Governor on the part of the people of the State of New York and the said Chiefs or Sachems on the part of the said Christian party of the Oneida Nation of Indians have hereunto set their hands and Seals the day and year above mentioned.

It is further agreed by the said Indians that two hundred Acres of their lands to be laid out at the discretion of the Surveyor General adjoining the Southerly bounds of the Tract above ceded to the State shall be patented by the State to Zachesis P Gillet and Abraham B Young—

DANIEL D TOMKINS		[L. s.]
WILLIAM TCHENONDADIO	x	[L. s.]
JOHN SCHONONDOS	Mark x	[L. s.]
JOHN TEAGOTHALES	mark	[L. s.]
ABRAM TOCHNIGHTOTIS	mark x	[L. s.]
SOSE OLIDIAS	Mark x	[L. s.]
THOMAS SCHONONDOS	Mk x	[L. s.]
LAWRENCE NIKANAWAHS	mark x	[L. s.]

JOHN HILLS x	[L. s.]
PETER KANADRACH Mark x	[L. s.]
BAPTIST DENNYS Mark B	[L. s.]
ANTHONY SAUAGLENE mark x	[L. s.]
PAULIS TASWANGARORAS mark x	[L. s.]
CORNELIUS CANEADALEO Mark x	[L. s.]
LODOWYCK SASTACHLAETYIS mark x	[L. s.]
MOSES LOTOLIESS Mark x	[L. s.]
ELEAZER SANNWISS Mark x	[L. s.]
GEORGE DOXTADER	[L. s.]
JACOB DOXTADERS Mark x	[L. s.]
THOMAS OTAAWECHTONS mark x	[L. s.]
RUTENIS ROTSHIN	[L. s.]
LEWIS DENNYS mk x	[L. s.]
PETER DOXTEDERS mark x	[L. s.]
MOSES OTSEQUAS mark x	[L. s.]

Sealed and delivered in }
the presence of }

SIMEON DEWITT
JOHN TAYLER
ISAAC DENNISTON
EPHRIAM YOUNGS—

STATE OF NEW YORK ss

On this twenty seventh day of February One thousand eight hundred and Eleven Came before me Ephriam Youngs and being duly sworn saith that he saw the within named Daniel D Tompkins— Baptist Dennis S mark x Anthony Saugleno S Mark x Paulis Tawangaroras S mark x Peter Kanadarak S Mark x Lodowyck Lastaghlectche S Mark x Thomas Otaawighton S Mark x Lawrence Nicanawahar S Mark x Moses Lodelies S. Mark x Eleazer Sanewis S Mark x George Doxstader Peter Doxstader S mark x Moses Otsequa S Mark x Martinus Rotshin Cornelius Canedealeo S Mark x William Tchenondadeo S Mark x Abraham Tagh-nichtotis S Mark x Lose Olidia S Mark x Jacob Doxstader S Mark x Thomas Schanando S mark x Lewis Denny S mk x John Hills Mark x to him known as the same persons described in and who Executed the within Indenture of Release duly execute the same and that he together with Isaac Denniston Subscribed their

names as Witnesses thereto. And the said Isaac Denniston to me known being also by me duly sworn saith that he knows the same Ephriam Youngs & that he is the same person now present and who has Identified the several persons above Named Sworn which proof being satisfied of its due Execution I Allow the same to be Recorded

I F CANSEN

Master in Chancery

Recorded December 10. 1818 and agrees with the Original compared therewith by

ARCH'D CAMPBELL

Dep. Secretary

At a Treaty held at Oneida by Daniel D Tompkins Governor of the State of New York the Honorable John Tayler and Samuel Russell Esq'r with the Tribe or Nation of Indians called the Oneidas this Twentieth day of July One thousand eight hundred and eleven pursuant to an "Act of the Legislature of the State of New York entitled An Act for the benefit of the Onondaga Tribe of Indians and for other purposes passed 29th March 1811 It is agreed and Covenanted as follows

In consideration of the sum of Two hundred dollars now in hand paid to the said Tribe or Nation of Indians and of the sum of One thousand dollars to be paid to the said tribe or Nation of Indians at the Ondeida Castle on the first Monday of November next by the State of New York, the said Nation or Tribe of Indians do grant remise and forever Quit claim unto the People of the State of New York All the right title interest reversion claim or demand which the said Nation or tribe of Oneida Indians have and claim or can or may have or claim in law or equity to the Lands occupied by the Stockbridge and Brother town Indians in the State of New York which lands are described in the Certificate of Guy Johnson Esquire Superintendent of Indian Affairs for the Northern Department the fourth day of October one thousand seven hundred and Seventy four, which certificate is recorded in the Secretarys Office of the State of Connecticut as follows Beginning at the West end of the Scaniadoris or the Long Lake which is at the head of one of the branches of Ovirka Creek from thence about twelve miles Northerly or so far that an East course from a certain point in the first mentioned cause shall intersets the road or pathway leading from Old Oneida to the German Flatts where the said pathway crosses Scanendowa Creek running into the Oneida Lake then the same course continued to the line settled as the limits between the Province of New York and the Indians at

COMES

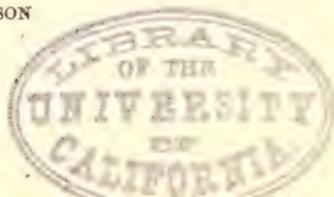
the Treaty of Fort Stanwix in one thousand seven hundred sixty eight thence southerly along the said line about thirteen miles or so far that a Westerly line from thence Keeping one line south of the most southerly bend of Orisca Creek shall reach the place of beginning so as to comprehend the Lake first mentioned

In Testimony whereof as well the Sachems Chiefs and Warriors of the Oneidas as the said Daniel D Tompkins John Tayler and Samuel Russell in behalf of the People of the State of New York hereunto interexchangeably set their hands and Seals the day and year first above written.

JOHN SCHONONDO	his x mark	[L. S.]
ANTHONY	his x mark	SENOGHLEEA [L. S.]
CHRISTIAN	his x mark	KAGHNANTOGH [L. S.]
CORNELIUS	his x mark	OTAGHSIGHTE [L. S.]
QUETER	his x mark	TIGAGHSOMEO [L. S.]
WILLIAM	his x mark	TAGHYONGONGA [L. S.]
JACOB	his x mark	DOCKSTEDER [L. S.]
JOB	his x mark	ANTONY [L. S.]
MOSES	his x mark	SCHONONDO [L. S.]
CORNELIUS	his x mark	DOCKSTEDER [L. S.]
ISAAC WEBSTER		[L. S.]
PETER	his x mark	WHEELOCK [L. S.]
JOHN JOURDAN		[L. S.]
DANIEL D TOMPKINS		[L. S.]
JOHN TAYLER		[L. S.]
SAM'L RUSSELL		[L. S.]

Signed Sealed and Delivered }
in the presence of }

ECAULKING P STEVENSON
JOHN W JACOB—



STATE OF NEW YORK ss

Be it Remembered that on the Twenty second day of July in the year of our Lord One thousand eight hundred and eleven Before me Caleb Atwater One of the Masters in Chancery in & for the State of New York personally appeared John L. Stevenson who being duly sworn did depose and say that he saw the within Treaty duly executed by Daniel D. Tompkins John Tayler Samuel Russell and the Chiefs and Warriors of the Oneida Indians whose names are affixed thereto and that he knows the persons subscribing the same to be the persons described in the said Treaty & that he and Ebenezer Caulking and John W Jacob subscribed as Witnesses thereto and the said John L Stevenson being personally known to me to be the subscribing witness of that Name. I do allow the said Treaty to be Recorded

CALEB ATWATER

Master in Chancery—

Recorded Dec'r 10, 1818 and agrees with the Original Compared therewith by

ARCH'D CAMPBELL

Dep. Secretary.

At A Treaty held at the City of Albany on the third day of March in the year of our Lord One thousand Eight hundred and fifteen by his Excellency Daniel D Tompkins Esquire Governor of the State of New York with the Chiefs or Sachems of the Christian party of the Oneida Nation of Indians It is agreed and covenanted as follows to Wit —

The said Indians Sell and forever Quit claim unto the People of the said State all their right and Title in and to the following tracts of Land being part of the Tract called the Oneida Reservation which belongs to the said Christian party and Bounded as follows to wit,

The first Beginning at the Seneca turnpike Road where it intersects the East bounds of the farm of Myndert Wemple, and running thence easterly along said road to a Blacksmiths shop standing between the bridge over the Cowasselon Creek & the North east corner of the tract of land Granted to Angel Deferrier then northerly parel to the West bounds of the land belonging to said Indians to the North bounds thereof — then along the Same Westerly to the North West corner thereof then Southerly along the West bounds thereof to the Place of beginning excepting out of the same the land improved and Occupied by Martinus Dennie not exceeding Twenty Acres.

The Second Begins at the Seneca Turnpike Road where the easterly bounds of the said land granted to Angel DeFerriere strikes it and

runs thence easterly along said road to a Spring on the Southerly side of said road about two chains Westerly from the Turnpike Gate Thence Southerly parallel to the easterly bounds of said land granted to Angel Deferriere to the land belonging to the Pagan Party then along the same Westerly to said lands of Angel Deferriere and then along the same Northerly to the place of Beginning.

The third Beginning on the Westerly side of the Oneida Creek opposite the Mouth of Mud Creek and running thence down the said Oneida Creek following the middle thereof to a deep hole in said creek near an Old Brick Yard then on a line parralel to the West bounds of the land to the Eastward hereof heretofore purchased of said christian party Southerly to the lands belonging to said pagan party. Then along the same Easterly to said land heretofore purchased of said Christian Party and then northerly along the West bounds thereof to the place of Beginning.

The Fourth being a triangular piece of land bounded southerly by two hundred acres of land granted to Dolly Dennie and Northerly and Westerly by lands belonging to the State. In Consideration of which the said Governor now pays to said Chiefs or Sachems for the use of the said christian party the sum of five hundred and sixty two dollars the receipt of which is hereby acknowledged by the said Chiefs or Sachems. And further it is covenanted and agreed on the part of the the said people that the lands hereinbefore sold and Quit claimed to the said people shall be surveyed and the number of acres therein contained shall be certified to the said Indians by the Surveyor General of this State together with the sum to which the same will amount at the rate of one hundred cents per acre after deducting the said Sum of five hundred and sixty two dollars now paid And the said Governor on the part and in behalf of the people of the State of New York warrants promises and agrees to and with the said Christian Party that the sum to be certified by the Surveyor General as aforesaid shall on the first day of June next be paid to the said Indians. It is agreed by and between the parties to these presents that if the State shall at any time hereafter extinguish the claim of Martinus Dennie to the land improved and occupied by him and which is excepted out of the first mentioned Tract the same shall be considered vested in the people of this State and it is also agreed that fifty Acres to be laid out by the direction of the Surveyor General on the Cowaselon Creek North of and adjoining to the Seneca Turnpike Road shall be granted to Angel DeFerriere, Also that the Ten Acres to be in like manner laid out at the Turnpike Gate be granted to Joshua Sherwin. Also that in like manner *one hundred acres* be laid out in a

parallelogram to be bounded on the East by the easternmost bounds of the land called the two mile square belonging to said christian party and southerly by the Seneca Turnpike Road and to extend Twenty five chains along the same shall be granted to George Helmer—And it is further stipulated and agreed by the parties to these presents that such Individual Indians as may have improvement to the value of Twenty dollars on the lands hereby ceded to the People of this State shall not be dispossessed without being first paid the value of such improvements to be ascertained by an equitable appraisement,

In Testimony whereof the said Governor on the part of the said People of the State of New York and the said Chiefs or Sachems on the part of the said Christian party of the Oneida Nation of Indians have hereunto set their hands and seals the day and year above mentioned.

DANIEL D TOMPKINS	[L. s.]
CORNELIUS BEECH TREE his x mark	[L. s.]
AKUS SICKLE x his mark	[L. s.]
PETER CANADARACH J ^R his x mark	[L. s.]
JOHN ATOCHSLONGE his x mark	[L. s.]
LEWIS DENNY his x mark	[L. s.]
MARTINUS TAWASLONTE his x mark	[L. s.]
ADAM TAANEEATAGH his x mark	[L. s.]
JOHN TAWAESTAWA his x mark	[L. s.]
MOSES SAGHLAAGES his x mark	[L. s.]
JOHN CANAGHTAGOWAH his x mark	[L. s.]
LODEWICK ONEEGLECH his x mark	[L. s.]
JACOB WOOSTYNE his x mark	[L. s.]
JACOB DOCKSTADER his x mark	[L. s.]
MARTINUS ROTCHIN his x mark	[L. s.]
PAUL PAULUS his x mark	[L. s.]
PETER WHEELOCK his x mark	[L. s.]
PETER CANADARACK his x mark	[L. s.]
ABRAHAM CANARAGH his x mark	[L. s.]
ADAM SKANANDO his x mark	[L. s.]
WILLIAM MACONGE his x mark	[L. s.]
JOHN ANTONEE his x mark	[L. s.]

PETER JOHN his x mark	[L. s.]
PETER SKANANDO his x mark	[L. s.]
GEORGE DOCKSTADER his x mark	[L. s.]
THOMAS CHENAGAGOETH his x mark	[L. s.]
JACOBUS BEECHTREE his x mark	[L. s.]
ISAAC CONSTACHWELA his x mark	[L. s.]
PETER SOYEBOOWAH his x mark	[L. s.]

Sealed and Delivered in the }
 Presence of }

JOHN TAYLER
 S. DEWITT
 ISAAC DENNISTON
 ANGEL DEFERRIERE

STATE OF NEW YORK ss.....

Be it Remembered that on the fourth day of March in the year One thousand eight hundred & fifteen Before me came Angel Deferriere to me known and being sworn said that he. John Tayler Simeion De Witt and Isaac Denniston were present and saw the within treaty duly Executed by his Excellency Daniel D Tompkins Governor of the State of New York Martinus Rotchin Paul Paulus Peter Wheelock Peter Canadarack Abraham Canurah Adam Skanando, William Macouge John Antonie Peter John, Peter Skanando George Dockstader Thomas Chenangaguth Jacobus Beechtree Isaac Constachwela, Peter Soyeloo-wak, Cornelius Beachtree Akins Sickle Peter Canadarack Jun'r John Atochslong Lewis Denny Martinus Tawaslonti, Adam Taameeutagh John Taweestawa, Moses Saaghlaages John Canaghtagowah, Lode-wick Oneegleck Jacob Woostyne and Jacob Dockstader — that this deponent knows all the parties aforesaid to the said Treaty being Agent for the Indians within named and that they are the same parties described in and who executed the said Treaty. I allow the said Treaty to be Recorded.

I. V. N. YATES,
Recorder of Albany.

Recorded December 10, 1818 and agrees with the Original Com-pared therewith by

ARCH'D CAMPBELL,
Dep. Secretary.

At a Treaty held at the City of Albany on the twenty seventh day of March in the year of our Lord one thousand eight hundred and seventeen, Between his Honor John Tayler Lieutenant Governor of the State of New York administering the government thereof with the Chiefs or Sachems of the Tribe or Nation of Indians called the Second Christian Party of the Oneida Indians heretofore called the Pagan Party of the said Oneida Nation of Indians. It is covenanted agreed and concluded as follows. To Wit.

The said second christian party of the Oneida Indians Sell and convey to the People of the State of New York to be held by them forever. All that certain Tract of Land being part of the lands reserved to the Oneida Nation of Indians in former cessions made by them to the said People and of that part thereof which belongs to the said Second Christian party which tract hereby intended to be conveyed Begins at the North West corner of the Tract of Land called New Stockbridge and runs thence West in continuation of the North bounds thereof to the middle of the Cowasselon Creek then down along the middle thereof to the North bounds of the said lands belonging to the said Second Christian Party. then along the same west to the North West corner thereof then along the West bounds thereof south to the South West corner thereof then along the South bounds thereof East to New Stockbridge aforesaid and then along the west bounds thereof north to the place of Beginning -- Provided and it is hereby Covenanted and agreed between the said parties that the said people of the State of New York shall out of the tract hereby conveyed make the following grants to wit to Dolly Denny her heirs and assigns Two hundred acres of land to be laid out in the North West corner of the said tract in a paralelogram extending forty chains along the north bounds and fifty chains along the west bounds thereof To Abraham Denny his heirs and assigns one hundred acres to be laid out in a paralelogram along the south bounds of the land so to be granted to the said Dolly Denny. To John Denny his heirs and Assigns one hundred acres to be laid out in a paralelogram along the south bounds of the land so to be granted to the said Abraham Denny. To Sally Denny wife of John Garlock her heirs and assigns fifty Acres to be laid out in a paralelogram along the South bounds of the land so to be granted to the said John Denny. To Azor Brown his heirs and assigns fifty acres to be laid out in a paralelogram along the south bounds of the land so to be granted to the said Sally Denny. To Rufus Pettibone his heirs and assigns Fifty acres to be laid out in a paralelogram along the south bounds of the

land so to be granted to the said Azor Brown and to the Reverend Eleazer Williams his heirs, and Assigns One hundred and fifty acres to be laid out along the North bounds of said tract hereby conveyed to the said people to extend with an equal breadth from the east bounds of the said Land so to be granted to Dolly Denny to the middle of the said Cowasselon Creek, It being understood that the said grants to be made as aforesaid to the said Dolly Denny Abraham Denny. John Denny and Sally Denny are in consideration of a relinquishment on their part of all right or claim they may have in and to any and all annuities that now are or hereafter may become due and payable to the said Second Christian party from the said people of the State of New York and in and to any of the lands now or hereafter owned or to be owned by the said Second Christian party. And it is further covenanted and agreed by and between the said parties that out of the tract hereby conveyed the people of the said State shall sell six hundred Acres of Land for such price as can be obtained from the same and on such conditions as the Governor of the said State shall direct and the Monies arising from such Sale shall be appropriated in such manner as the said Governor shall judge most expedient for the building of a Church for the said Second Christian party in such a place on their lands as they shall Select for its site. And as the consideration for one thousand three hundred and fifty six Acres of the tract hereby conveyed the People of the State of New York do hereby release to the said Second Christian party six hundred and seventy eight acres of land being the lands bounded on the west side of the Oneida Creek south by the Seneca Turnpike road which the first christian party of the Oneida Indians have heretofore sold and conveyed to the said people, said land to be held by the said second Christian Party by the same tenure by which they hold the other lands to them belonging in common — and in consideration for the remainder of the land hereby conveyed to the said people exclusive of the land stipulated to be granted to the said Dolly Denny, Abraham Denny John Denny, Sally Denny Azor Brown Rufus Pettibone and the Reverend Eleazer Williams and the six hundred acres appropriated as aforesaid for building a Church. The people of the said State allow to the Said Second Christian Party a sum of Money calculated at the rate of two dollars per acre Twelve hundred dollars of which sum is now paid to them the receipt whereof they do hereby acknowledge and for the remainder thereof the said People of the State of New York covenant promise and agree to pay to them an annuity of Six per Cent per

Annun to be paid them in every year hereafter forever in the manner in which the other annuities from the said people are payable to them.

In Testimony whereof the said Lieutenant Governor on the part of the People of the State of New York and the said chiefs or Sachems of the said Second Christian party of the Oneida Nation of Indians have hereunto set their hands and Seals the day and year above mentioned

JOHN TAYLER	[L. s.]
PETER SATEGARENHES ^{his} x _{mark}	[L. s.]
HENDRICK SCHUYLER x his mark	[L. s.]
PETER SUMMER x his mark	[L. s.]
ATONI TCHOWENGARARAGWEN x his mark	[L. s.]
ANIIES TORONIONGO x his mark	[L. s.]
MOSES SCHUYLER x his Mk	[L. s.]
PETER GANENTO x his mark	[L. s.]
JOHN DANA	[L. s.]
ABRAHAM DANA	[L. s.]

Sealed and Delivered in the presence
of (the words *sell and* in the 4th line
& the word *six* in the 23 line being
first Interlined. Azor before Brown
Written on a Razure in three places)

SIMEON DeWITT

ISSAC DENNISTON—

ELEAZER WILLIAMS—

STATE OF NEW YORK, ss.:

On this 28th day of March 1817. personally appeared before me Archibald Campbell one of the Masters in Chancery for the Said State the Reverend Eleazer Williams one of the Subscribing Witnesses to the within Treaty to me known who being duly sworn says that he saw John Tayler Lieutenant Governor of the said State & Peter Sategarenhes Hendrick Schuyler Peter Summer, Atoni Tchowengaragwen, Anios Toroniongo. Moses Schuyler Peter Ganento. John Dana and Abraham Dana of the Second Christian party of the Oneida Indians Sign Seal and Deliver the within Treaty and that they acknowledged severally to have Executed the same for the uses and purposes therein mentioned. that he the Deponent is well acquainted with each of the said parties and that Simeon DeWitt Isaac Denniston and himself

Signed their names as Witnesses thereto. All which to me is satisfactory proof of the due Execution of the within Treaty there being no material alterations therein except those noted before Signing. I allow it to be Recorded..

ARCH'D CAMPBELL

Recorded Dec'r 10. 1818 and agrees with the Original Compared therewith by

ARCH'D CAMPBELL

Dep. Secretary

At a Treaty held in the City of Albany on the twenty sixth day of August in the year of our Lord one thousand Eight hundred and twenty four by his Excellency Joseph C Yates Governor of the State of New York with the Chiefs or Sachems of the First Christian party of the Oneida Nation of Indians, it is agreed and Covenanted as follows to Wit

The said Indians Sell and forever quit claim unto the people of the said State all their right and title in and to all those two certain Tracts of land being parts of the Tract called the Oneida Reservation — The first of which comprehends all the land belonging to the said Indians which lies East of the Tract on which the Village of Oneida Castleton is laid out south of the Tract called the First Pagan purchase North of the Mud Creek which empties into the Oneida Creek at the South East Corner of the said Tract on which the Village of Oneida Castleton is laid out and west of the lands in the town of Vernon heretofore ceded by the Oneida Indians to the said People — The Second of the said Tracts being bounded on the West by the first tract ceded by the said Indians to the said People on the third day of March in the year one thousand eight hundred and fifteen on the North by the North bounds of the lands there remaining as reserved to said Indians on the South by the Seneca Turnpike road and to Extend so far East as to comprehend of the said reserved lands by a line parallel to said first mentioned bounds the quantity of Seven hundred acres And it is further agreed that the widow Hanyoost, John Cornelius Jacob Paulis, Christian Beechtree and Isaac Silas shall be permitted to remain in the peaceable enjoyment of the improvements in their possession at their respective places of residence on the said first Tract for the term of five years — and that Cornelis John shall have the same privilege at his place of residence for six years computed from the first day of last April — and to each of said places shall be allotted sufficient of Woodland not Exceeding ten acres to serve the said Indians with firewood for their respective

families to be taken (without committing unnecessary waste) for that purpose and no other And Whereas the said Indians have on the said first tract permitted Erastus Willard to possess and improve about sixty acres of land with an understanding that he should remain in the enjoyment thereof until the first day of May in the year One thousand Eight hundred and twenty nine It is therefore agreed on the part of the said people that he shall so remain in the possession and enjoyment of the same and that he shall at the end of said term peaceably surrender the premises to the State — And it is further Covenanted and agreed by and between the parties to these presents that in consideration of monies advanced to and services performed for the said Indians by Joseph L. Williams the said People shall grant to him in fee simple one hundred acres of land in a parallelogram to be bounded on the south by the Seneca Turnpike road and on the East by one hundred acres of land heretofore granted to George F Helmer and to have the same Extent therewith to the North — And also that the said People shall in like manner grant to Eleazer Williams in consideration of his pastoral services One hundred acres of the said first Tract to be bounded on the West by a North and South line run through the south East corner of Cornelis John's improvement as the same is enclosed on the South by the Skanandoa Creek on the East by a North and South line twenty five chains East of the first described bounds and to extend North so far as to Contain one hundred acres and Whereas Abraham Denny one of the said Indians resides with his family on the West part of the said Second tract and has made valuable improvements thereon; it is therefore agreed that he shall be secured in the enjoyment thereof by a grant to him and his heirs of One hundred acres to be laid out in a parellogram along the west bounds of said tract so as to comprehend said improvements — And Whereas Martin Denny another of said Indians has exclusively devoted his life to the business of Agriculture and purposes to continue the same on the land of his Fathers, it is therefore further agreed that there shall be laid out and granted to him and his heirs One hundred acres the centre of which shall be Eighty five chains and ninety links East from the West bounds of the said Second Tract and to be bounded on the South by the Seneca Turnpike road with a front of twenty chains and to extend thence with the same breadth Northerly parallel with the west bounds of said Tract so far as to comprehend one hundred acres — And it is further covenanted and agreed by and between the said parties that a fair valuation shall as soon as may be (by persons to be appointed by the Commissioners of the Land office) be made of the several improvements made and

claimed by the individuals of the said Indians on the lands hereby ceded to the people of this State Excepting such as are to be specially granted to the persons herein before named and thereupon the amount of such appraisements shall be severally paid to the owners of such improvements according to the report that shall be made thereof by the appraisers to be appointed as aforesaid Provided that the payments for improvements which are herein before Stipulated to be occupied for four five or six years shall not be made until such occupancies shall cease or be Surrendered to the State.....

In Consideration of the premises the said Governor Covenants and agrees on the part of the people of this State that for the said first described tract there shall on the Execution of this Treaty be paid to the said Indians the Sum of three hundred and fifty three Dollars and forever hereafter an annuity or annual payment of Two hundred and forty Dollars—and for the said Second Tract on the Execution of this Treaty the sum of eight hundred Dollars and forever hereafter an annuity or annual payment of Sixty dollars which annuities shall be paid at the times and places stipulated by Treaties for the payment of other annuities due from the people of the State to the said Indians—And it is further agreed by the said Indians That all the payments to be made for the said first described tract shall be to and for the benefit of Daniel Bread, John August Neddy Otsequette, Thomas Christian and others of said Indians associated under the name of the Green Bay party and that all the payments to be made for the said second Tract shall be to and for the benefit of Jacob Duxtader, William Hill, Martinus Rotchin and others of said Indians associated with them under the name of the Detroit party—The said two parties constituting the whole of the aforesaid First christian party of Oneida Indians—

In Testimony whereof the said Governor as well as the said Chiefs or Sachems have hereunto set their hands and seals the day and year first above mentioned—

JOSEPH C YATES [L. s.]

JOHN ^{his}
x ANTOINE [L. s.]
mark

GEORGE ^{His}
x HILL [L. s.]
mark

LIOUS ^{his}
x DENNY [L. s.]
mark

PAUL ^{his}
x POWLIS [L. s.]
mark

NEDDY	^{his} x _{mark}	ATSIQUET	[L. s.]
DANIEL	^{his} x _{mark}	BREAD	[L. s.]
HENRY	^{his} x _{mark}	POWLES	[L. s.]
THOMAS	^{his} x _{mark}	CHRISTIAN	[L. s.]
HENRY	^{his} x _{mark}	CHRISTIAN	[L. s.]
GEORGE	^{his} x _{mark}	DOXTATER	[L. s.]
JOHN	^{his} x _{mark}	CORNELIUS	[L. s.]
JACOB	^{his} x _{mark}	DOXTATER	[L. s.]
WILLIAM	^{his} x _{mark}	HILL	[L. s.]
MARTINUS	^{his} x _{mark}	WHITE	[L. s.]
THOMAS	^{his} x _{mark}	DOXTATER	[L. s.]
JOHN	^{his} x _{mark}	AUGUST	[L. s.]
MARTINUS	^{his} x _{mark}	DENNY	[L. s.]

Sealed and Delivered in }
the presence of ^{COMMISSIONERS} }

JOHN HADCOCK,
CHESTER MAY JUN'R
ISAAC DENNISTON

STATE OF NEW YORK }
ALBANY COUNTY } ss —

on the twenty sixth day of August in the year One thousand Eight hundred and twenty four came before me John Hadcock one of the subscribing witnesses to the Execution of the within Deed to me known who on his oath says that he saw Joseph C Yates, Paul Powlis, Neddy Atsiquet Daniel Bread, Henry Powis, Thomas Christian Henry Christian John Antoine, George Hill, Leois Denny, George Doxtater, John Cornelius Jacob Doxtader, William Hill, Martinus White, Thomas Daxtater John August and Martinus Denny who were

all well known to said Witness Execute and deliver the preceding deed for the uses and purposes therein mentioned and that he together with Chester May Junior and Isaac Denniston subscribed their names thereto as Witnesses at the time of the Execution thereof I allow it to be recorded

GARRIT V DENNISTON

Commissioner &c

STATE OF NEW YORK }
CITY AND COUNTY OF ALBANY, } ss
Clerk's Office

I DO Certify that Garret V S Denniston Esquire whose name is subscribed to the Certificate of the acknowledgement or proof of the annexed Instrument was a Commissioner at the time of taking the said acknowledgement or proof and duly authorised to take the same that I am acquainted with his handwriting and verily believe the signature to the Certificate of Acknowledgment to be his proper hand Writing —

In testimony whereof I have hereunto set my hand and affixed the Seal of said County this twenty seventh day of August in the year of Our Lord One thousand Eight hundred and twenty four

SAM S V KLEECK

Clk

Recorded October 20. 1824 and agrees with the Original compared therewith by

ARCH'D CAMPBELL

Dep. Secretary

At a Treaty held in the City of Albany on the thirteenth day of february in the year of our Lord One thousand Eight hundred and twenty nine by His Excellency Martin Van Buren Governor of the State of New York with the Chiefs or Sachems of the first christian party of the Oneida Nation of Indians it is agreed and Covenanted as follows to Wit

The said Indians sell and forever quit claim to the people of the said State all their right and title in and to as much of the lands heretofore reserved to them and not ceded to said people as lies west of the Oneida Creek and North of the Seneca Turnpike Road. In consideration of which the said Governor now pays to the said Indians the sum of fifteen hundred Dollars and promises to make to them further payments in manner following that is to say. The said

lands shall be surveyed allotted and appraised by such persons as the Commissioner of the Land Office shall appoint in the manner directed by the Act Entitled "An Act relating to the purchase of lands from the first Christian and Orchard parties of the Oneida Indians passed february Eleventh Eighteen hundred and twenty-nine and the amount of such appraisement above the sum of fifteen hundred Dollars now paid as aforesaid shall be paid to the said Indians in the manner directed by the said Act and according to the Stipulations Contained in the following Article in this Treaty: And it is hereby further Covenanted and agreed between the parties aforesaid that the value of Two hundred acres of the land herein Conveyed as aforesaid shall remain a fund with the People of said State for the benefit of the said Indians the interest of which at the rate of six per cent per annum shall annually be paid by the State to the said first Christian party for the support of a Teacher at Green Bay which fund shall remain as aforesaid until the said Indians Shall represent to the satisfaction of the persons administering the government of this State that it shall be proper to appropriate the said fund to some other purpose: when the person administering the government of this State if he shall deem it proper may pay over the said Fund to the said First Christian party to be appropriated to such purpose as shall have been represented as aforesaid And it is further Covenanted by the parties aforesaid that the State of New York shall grant to Timothy Jenkins in fee one hundred acres of the land hereinbefore described to be bounded as follows Beginning on the west side of the Oneida Creek where it is crossed by the Seneca Turnpike road and running thence along the north side of said road west One hundred and thirty rods then north so far as that a line drawn thence East to said Creek and following the same southerly to the place of beginning shall Comprehend said one hundred acres Provided that said Jenkins shall pay into the Treasury of this State the sum at which the improvements on the premises shall be appraised in manner aforesaid and the said one hundred acres shall not be included in the quantity of land for which the said Indians shall be entitled to payment in the manner herein before Stipulated:

In testimony whereof the said Governor as well as the said Chiefs or Sachems have hereunto set their hands and Seals the day and year first above written

M V BUREN [L. S.]

DANIEL BREAD [L. S.]

HENRY ^{his}
X POWLES [L. S.]
mark

CHRISTIAN ^{his} X BEECH TREE [L. S.]
mark

JOHN ^{his} X CORNELIUS [L. S.]
mark

ANTHONY ^{his} X ANTHONY [L. S.]
mark

CORNELIUS ^{his} X STEVENS [L. S.]
mark

Sealed and Delivered in }
 the presence of }

S DE WITT
 ISAAC DENNISTON,
 TIMOTHY JENKINS

STATE OF NEW YORK } SS
 CITY OF ALBANY }

On this 14th day of February 1829 personally appeared before me Timothy Jenkins one of the subscribing witnesses to the preceding Instrument and being by me duly sworn did depose and say that he saw Martin Van Buren (Governor of the State of New York) and Daniel Bread, Henry Powles, Christian Beechtree John Cornelius, Anthony Anthony and Cornelius Stevens Execute the said Instrument that he knows the said persons respectively and that they are the persons described in and who Executed the preceding Treaty and further that they severally acknowledged that they executed the same for the uses and purposes therein mentioned (the said Daniel Bread, Henry Powles Christian Beechtree and John Cornelius being the authorised attornies of the Indians within named) and that he the Deponent together with Simeon De Witt and Isaac Denniston Subscribed their names as witnesses to the Execution Of the said Treaty — All which I hereby certify Arch'd Campbell Commissioner to take the acknowledgement of Deeds &c

Examined and compared with the Original

ARCH'D CAMPBELL

Dep. Secretary

At a Treaty held at the City of Albany on the eighth day of October in the year of our Lord One thousand eight hundred and twenty nine by His Honor Enos T. Throop Lieutenant Governor of the State of New York with the Chiefs or Sachems of the First Christian Party of the Oneida Nation of Indians it is agreed and Covenanted as follows to wit

The said Indians sell and forever quit Claim to the People of the said State all their right and title in and to so much of the lands

heretofore reserved to them and not ceded to said people as lies South of the Seneca Turnpike road — In consideration of which the said Lieutenant Governor now pays to the said Indians the sum of one thousand Dollars and promises to make to them further payments in manner following that is to say The said lands shall be surveyed allotted and appraised by such persons as the Commissioners of the Land office shall appoint in the manner directed by the Act Entitled “An act relating to the purchase of Lands from the first Christian and Orchard parties of the Oneida Indians passed February Eleventh Eighteen hundred and twenty nine and the amount of such appraisement of six hundred acres on the West part of the lands hereby sold to said people above the sum of One thousand dollars now paid as aforesaid shall thereupon be paid to the said Indians in the manner directed by the said Act and immediate possession of said six hundred acres shall then be given to said People and for the residue of said lands (excepting for the sixty acres hereinafter Stipulated to be granted to Peter Augustine and John Denny) payment shall in like manner be made whenever Christian Beechtree Anthony Bigknife Elijah Scandanda, Jacob Anthony Baptist Paulus and Cornelius Beard Chiefs of said Indians or a Majority of them shall signify to the Person administering the Government of this State their readiness to remove to Green Bay and thereupon immediate possession of said residue shall be given to said people : and it is further Covenanted and agreed between the parties aforesaid that the People of the State of New York shall grant to Peter Agustine fifty acres of land as nearly in a square as may be : Bounded East by the Creek next west of the Oneida Creek and North by the Seneca Turnpike road and to John Denny Ten acres bounded on the East by said fifty acres and North by said road provided that the said Peter Augustine shall first pay to the owner of the improvements on said fifty acres the appraised value thereof and that the Said John Denny shall first pay the owner of the improvements on said Ten Acres the appraised value thereof

In Testimony whereof the Parties to these presents have hereunto set their hands and seals the day and year first above written

E T THROOP	[L. s.]
JACOB W DOXSTADER	[L. s.]
JOHN DENNY	[L. s.]
GEORGE DOXSTADER his mark	[L. s.]
BAPTISTE PAULIS his mark	[L. s.]

JOHN AUGUST his mark	[L. s.]
DANIEL DOXSTADER his mark	[L. s.]
CHRISTIAN BEECHTREE his mark	[L. s.]
CORNELIUS BEARD his mark	[L. s.]
ANTHONY BIGKNIFE his mark	[L. s.]
CORNELIUS STEVENS his mark	[L. s.]
JOHN CORNELIUS his mark	[L. s.]
ELIJAH SCANANDOA his mark	[L. s.]

In the presence of—it is further agreed by the parties to this Treaty that a grant of one hundred acres of land out of the residue of the lands therein mentioned shall be made to Solomon Davis on his paying for the Same the amount at which it shall be appraised by the person to be appointed pursuant to Law for making appraisements of said lands which one hundred acres shall be located by the Commissioners of the Land Office at such place as they shall deem proper.

ISAAC DENNISTON

JOHN HADCOCKS

BERNARD S. VAN RENSSELAER—

STATE OF NEW YORK }
ALBANY COUNTY } SS.

on the eighth day of October A D Eighteen hundred and twenty nine Came before me Enos T. Throop Acting Governor of the State of New York to me known and also John Hadcock One of the Subscribing witnesses to the Execution of the Within Deed to me known and the said E T. Throop duly acknowledged to have Executed the within Deed for the uses and purposes therein mentioned and the said John Hadcock being duly sworn Saith that he saw Jacob W. Doxtader John Denny George Doxtader Baptist Paulus Christian Beechtree Cornelius Bread Anthony Bigknife Cornelius Stevens John Cornelius Elijah Schenandoa who were severally known to deponent Execute the Preceding Deed for the uses and purposes therein mentioned and that the note or addition thereto was duly made before Execution and that he together with Isaac Denniston and Barnard Van Rensselaer subscribed their names thereto as witnesses at the time of the Execution thereof

and that he knows aforesaid persons and parties of the Second part to be Chiefs and Members of the first Christian party of Oneida Indians — All which I do accordingly Certify.

G. O. DENNISTON

Commissioner &c

Recorded the 1st day of December 1829 and agrees with the Original compared therewith by

ARCH'D CAMPBELL

Dep Secretary.

Whereas by a treaty executed, the eighth day of October in the year of our Lord one thousand eight hundred and twenty nine, between the acting Governor of the State, and the first Christian party of the Oneida Indians, whereby they ceded to the people of this State all their right and title in and to so much of the lands heretofore reserved to them and not ceded to said people as lies south of the Seneca turnpike road, by which treaty six hundred acres of said land were then put into the possession of said people, and with respect to the residue of said lands it was stipulated that payment should in like manner be made whenever Christian Beechtree Anthony Bigknife Elijah Scanmandoa, Jacob Anthony Baptist Paulus and Cornelius Beard Chiefs of said Indians or a majority of them shall signify to the person administering the Government of this State. their readiness to remove to Green Bay, and thereupon immediate possession of said residue shall be given to said people. Now the undersigned being a majority of the said Chiefs do hereby signify to the Governor of the State of New York, that we are ready to remove from the lands ceded by the said treaty and the possession of which has not yet been surrendered to the people of the said State, And to surrender the possession of the said Lands to the said people, And we do hereby according to the stipulations of the said treaty demand the payment of the monies remaining due and unpaid under the said treaty the said money to be paid when we shall have satisfied the Governor of our determination to remove to Green Bay, and that we need the said money to make preparations for the journey and to bear the expenses of the same, or the payments to be made in proportion to the number which shall emigrate during the coming Summer, or as the Governor shall think proper.

And, we do hereby surrender and deliver up to the people of the State of New York the whole of the lands ceded by the said treaty and the possession of which has not already been surrendered only reserving to ourselves, the right to cut and use our necessary firewood,

until we shall remove this reservation not to continue in any event beyond the first day of November next, and the further right to ourselves or our grantees to harvest and carry off the Crops now upon any of the said lands, but not to put in any other Crops whatsoever except Crops which are to be harvested this year.

In Testimony, whereof the parties to these presents have hereunto set their hands and seals, this Second day of April in the Year One thousand Eight hundred and thirty three

CHRISTIAN ^{his}
x BEECHTREE [L. s.]
mark

ANTHONY ^{his}
x BIGKNIFE [L. s.]
mark

ELIJAH ^{his}
x SCHENANDOAH [L. s.]
mark

JACOB ^{his}
x ANTHONY [L. s.]
mark

BAPTIST ^{his}
x PAULUS [L. s.]
mark

JOHN ^{his}
x CORNELIUS [L. s.]
mark

agent for Cornelius Beard

In presence of before the execution of
this instrument the words "Crops
which are to be harvested," are inter-
lined in the ninth line the word
November is inserted at the end of
the fifth line in the place of Septem-
ber which was erased "Second"
written on an erasure before execu-
tion

ISAAC DENNISTON
HENRY H MARTIN.

STATE OF NEW YORK. }
CITY AND COUNTY OF ALBANY } SS.

I. James McKowen, Recorder of the City of Albany do certify that on the fourth day of April 1833 appeared before me Isaac Denniston the subscribing Witness to the within instrument who is well known to me, who having been duly sworn deposed, that he resides in the City of Albany in this State, that he saw Christian Beechtree Anthony Bigknife Elijah Scannandoa Jacob Anthony Baptist Paulus and Cor-

nelius Beard by John Cornelius his agent, the parties named in the within instrument execute and deliver the same as their respective Act and Deed for the uses and purposes therein mentioned, that he knows them to be the same persons therein mentioned and described and who executed the same, and he subscribed his name as a Witness at the time of the execution thereof. I am satisfied of the due execution of the said instrument, and there being no other material alterations except as noted I do allow the same to be recorded.

JAMES McKOWN,

Recorder of Albany.

Recorded April 4, 1833 and Agrees with the Original Compared therewith by

ARCH'D CAMPBELL

Dep Secretary.

At a Treaty held in the City of Albany on the first day of February in the year of our Lord one thousand eight hundred and twenty six, Between his Excellency DeWitt Clinton Governor of the State of New York and the Chiefs or Sachems of the Tribe or Nation of Indians called the Second Christian party of the Oneida Indians heretofore called the Pagan party of the said Oneida nation of Indians It is covenanted agreed and concluded as follows to wit —

The said second Christian party of the Oneida Indians sell and convey to the people of the State of New York to be held by them forever — All that certain tract of Land being part of the lands reserved to the Oneida Nation of Indians in former cessions made by them to the said people and of that part thereof which belongs to the said second Christian party which tract hereby intended to be conveyed contains all that part of the lands belonging to the said second Christian party which is bounded east by a line running north from the North west corner of the tract of land called New Stockbridge on the north by the north bounds of the lands belonging to the said Second Christian party and on the West and south by the lands heretofore ceded by them to the people of this State — In Consideration of which the said Governor shall pay to the said Indians at the rate of three dollars per acre for the lands contained in the Tract hereby conveyed to the People of the State of New York as aforesaid in manner following that is to say on the Execution of this Treaty the sum of one thousand dollars and the remainder of the consideration on the first day of next June — Or when the said Governor shall be satisfied that said Indians are about to remove to Green

Bay—And it is further covenanted and agreed that the said Governor shall pay to Lewis Denny thirty dollars as a full indemnity for the improvements he has made on the premises and which are hereby ceded to the said people—And it is further covenanted by and between the said parties that the said Governor shall appoint some proper person as agent to take evidence of the manner in which the consideration monies herein before mentioned shall be paid over to the individuals of the said Tribe or Nation and to do such other acts as shall be required of him by them for the purpose of ascertaining what proportion of the lands remaining unceded shall be set off exclusively for the benefit of those Indians who do not assent to this treaty in proportion to the number of Souls who dissent and who do not therefore participate in the consideration monies to be paid for the lands ceded by this treaty of all which such agent shall make a report, one copy of which shall be delivered to the said Governor and one copy to the said Tribe or Nation and the said Governor shall set out of the consideration monies aforesaid pay to the said agent a reasonable reward for his Services—And it is further covenanted and agreed by and between the said parties that in consideration of the services rendered to the said Tribe of Indians by Nathan Davis, the people of the State of New York shall grant unto him out of the tract hereby ceded two hundred acres to be laid out in a square in the South East corner thereof It being understood by the said parties that the said two hundred acres shall not be considered as part of the Land for which payment is to be made as aforesaid—

In testimony whereof the said Governor as well as the said Chiefs or Sachems have hereunto set their Hands and Seals the day and year first above mentioned—

DE WITT CLINTON [L. s.]

JACOB CORNELIUS [L. s.]

JOHN ^{his} x ANTONIO [L. s.]
mark

WILLIAM ^{his} x CORNELIUS [L. s.]
mark

WILLIAM ^{his} x DAY [L. s.]
mark

HONYOST ^{his} x JOHN [L. s.]
mark

JACOB	^{his} x	SMITH	[L. 8.]
	mark		
MOSSES	^{his} x	CORNELIUS	[L. 8.]
	mark		
DANIEL		BREAD	[L. 8.]
THOMAS		CHRISTIAN	[L. 8.]
HENRY	^{his} x	POWLIS	[L. 8.]
	mark		
CORNELIUS	^{his} x	BEARD	[L. 8.]
	mark		
JOHN	^{his} x	ANGUS	[L. 8.]
	mark		

Sealed and Delivered in the presence
of — Tenth line 1st page the words
*which belongs to the said Second Christian
party*, interlined. Isaac Denniston, S.
DeWitt, N. Davis. The words begin-
ning with *ascertaining* and ending with
the words, *this treaty* on the two last
lines of the preceding page on the two
first lines of this page being first
written on razures.

S. DEWITT.
ISAAC DENNISTON.
N. YATES.—

STATE OF NEW YORK }
ALBANY COUNTY } 88

Be it Remembered that on the second day of February A. D. one thousand eight hundred and twenty six Came Nathan Davis one of the Subscribing Witnesses to the execution of the within Deed, to me known, who on his oath says that he saw, DeWitt Clinton Governor of Said State, Jacob Cornelius, John Antonio, William Cornelius, William Day, Honyost John, Jacob Smith, Moses Cornelius, Daniel Bread, Thomas Christian, Henry Powlis, Cornelius Bread, and John Angus who were all well known to Witness, severally acknowlege to have executed the within deed for the uses and purposes therein mentioned, and that he together with Simeon DeWitt and Isaac Denniston Stbscribed their names thereto as Witnesses at the time of the execution of said Deed And I finding no material erasures, alterations or interlineations except those noted to

have been made before the Execution of this Deed, to which re execution the said Witnesses have all Subscribed their names — I allow the same to be Recorded.

GARRIT N. DENNISON

Commissioner &c.

Recorded February 7, 1826 and agrees with the Original compared therewith by

ARCH'D CAMPBELL

Dep. Secretary.

At a Treaty held in the City of Albany the second day of February in the year of our Lord one thousand eight hundred and twenty seven Between his Excellency DeWitt Clinton Governor of the State of New York and the Chiefs and Warriors of that part of the Oneida Nation of Indians called the Orchard party — It is covenanted agreed and concluded as follows to wit :

The said Orchard party sell and convey to the people of the State of New York to be held by them forever All that certain piece or parcel of land within that part of the lands belonging to the Oneida Indians which by a late agreement among themselves has been assigned to the said Orchard party and bounded as follows to Wit : Northwesterly by the Smithfield Turnpike road, South by the North bounds of New Stockbridge and East by the Oneida Creek reserving out of the same sixty acres to be bounded Northwesterly by the said turnpike road Easterly by the said Oneida Creek South by a line drawn parallel to the north bounds of New Stockbridge at a distance of twenty-eight chains north from the same and on the west by a north and south line so drawn as to contain the said sixty acres. And the said Indians do also sell in manner aforesaid fifty acres to be bounded south by the North bounds of New Stockbridge and West by the Oneida Creek and to be surveyed in such a manner as to be as nearly in a square as may be. And it is further covenanted and agreed by and between the said parties that a grant shall be made to John Hadcock his heirs and assigns of the said sixty acres reserved as aforesaid reserving out of the same for the said Orchard party Ten acres now in the occupation of Elizabeth Doxstader bounded north Westerly by the said Turnpike road Southwesterly by a line drawn at right angles to the same along the west side of her improvement Easterly by said Oneida Creek and Southerly by a line drawn parallel to said Turnpike road. Provided that such grant shall not be made to the said John Hadcock until he shall have paid the full value of Indian improvements on the premises to such person or persons as may be

entitled thereto. And in consideration of the premises the said Governor shall pay to the said Indians at the rate of three and a half dollars per acre exclusive of the sixty acres reserved as aforesaid in manner following that is to say seven hundred dollars on the execution of this Treaty and the remainder as soon as the contents of the above described land shall be ascertained by actual Survey.

In Testimony whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

DEWITT CLINTON [L. s.]

JACOB CORNELIUS [L. s.]

WILLIAM ^{his} X CORNELIUS [L. s.]
mark

ANTHONY ^{his} X JOHN [L. s.]
mark.

WILLIAM ^{HIS} X DAY [L. s.]
mark.

MOSES ^{his} X CORNELIUS [L. s.]
mark.

JACOB ^{his} X SMITH [L. s.]
mark.

HENDRICK ^{his} X SMITH, JUN'R [L. s.]
mark.

HANYOST ^{his} X SMITH [L. s.]
mark.

DAVID ^{his} X STURGEON [L. s.]
mark.

JOHN ^{his} X ANTHONY [L. s.]
mark.

Sealed and Delivered in the presence of

S. DEWITT

JOHN HADCOCKS

ISAAC DENNISTON.

STATE OF NEW YORK }
ALBANY COUNTY }

Be it remembered that on the third day of February A. D. One thousand eight hundred and twenty-seven came before me John Hadcock one of the subscribing Witnesses to the Execution of the preceding deed to me known who being duly sworn says that he

saw DeWitt Clinton Governor &c Jacob Cornelius William Cornelius, Anthony John, William Day, Moses Cornelius, Jacob Smith, Hendrick Smith Junior, Hanyost Smith David Sturgeon and John Anthony who were all known to Witness severally Execute and Deliver the said deed for the uses and purposes therein mentioned and that he and Simeon DeWitt and Isaac Denniston subscribed their names thereto as witnesses — I allow the same to be recorded —

G. V. DENNISTON

Commissioner &c

Examined and compared with the Original

ARCH'D CAMPBELL

Dep. Secretary

At a Treaty held in the City of Albany on the third day of April in the year of our Lord One Thousand Eight hundred and thirty by His Honor Enos. T. Throop Lieutenant Governor of the State of New York with Antony John, Jacob Smith, Lodowick Thomas and Jacob Cornelius Chiefs of the Orchard party of the Oneida Nation of Indians it is agreed and covenanted as follows to wit:

The said Indians sell and forever quit claim to the people of the said State all their right and title in and to So much of their lands as is comprehended within the following bounds to Wit: Beginning at the southeast Corner of the lands of the said Orchard Party in the North bounds of New Stockbridge and running thence along the same West to a point due North from the house occupied by Josiah Hewit thence northerly on a line which will strike the house occupied by Jacob Smith and a Running Stream or Creek Situated to the westward of said house thence from said Creek westwardly on a line run in such a direction to the westerly bounds of the lands of said Orchard Party as shall by following the bounds of said lands northerly easterly and southerly to the place of beginning Contain One thousand Acres and running from the termination of said line along said westerly bounds north fifty four degrees and fifteen minutes East to the north bound of said lands then along the same and along the Easterly bounds thereof South Eighty three degrees and twenty five minutes East ninety two Chains and eighty links south twenty six degrees and thirty minutes East ninety five chains and fifty links and south thirty three minutes west thirty seven chains and thirty six links to the place of beginning Containing one thousand acres: In consideration of which the said Lieutenant Governor now pays to the said Indians the sum of Twelve hundred dollars and promises

to make to them further payments in manner following that is to say: The said lands shall be surveyed allotted and appraised by such persons as the Commissioners of the land Office shall appoint in the manner directed by the Act Entitled "an act relating to the purchase of lands from the first Christian and Orchard parties of the Oneida Indians" passed February Eleventh Eighteen hundred and twenty nine and the amount of such appraisement of the said lands hereby sold to said People above the sum of twelve hundred dollars now paid as aforesaid shall thereupon be paid to the order of the said Chiefs or a majority of them in the manner directed by the said act.

In Testimony whereof the parties to these presents have hereunto set their hands and seals the day and year first above written — It is further agreed by the parties to this Treaty before the Ensealing thereof that the Orders which are therein authorised to draw for the monies hereafter payable for the Lands now sold shall be drawn in favor of the agent appointed to Superintend their Emigration to Green Bay and that he shall apply to the benefit of the Emigrating Indians such a sum including the Twelve hundred dollars now paid as shall be in the same proportion to the value of the whole Tract of land belonging to said Orchard Party as the number of persons Emigrating shall bear to the whole number of persons constituting said party and for that purpose the land remaining unsold shall be Considered to be of the same value per acre in the aggregate with the lands now sold as the same shall be appraised by the persons to be appointed for that purpose according to Law and thereafter the persons so Emigrating shall have no right in the lands remaining unsold nor interfere with the same in any manner whatever.

E. T. THROOP [L. S.]

JACOB CORNELIUS [L. S.]

ANTONY (his x mark) JOHN [L. S.]

JACOB (his x mark) SMITH [L. S.]

LODOWICK (his x mark) THOMAS [L. S.]

WILLIAM (his x mark) CORNELIUS [L. S.]

Signed and Sealed in }
presence of }

ISAAC DENNISTON
SOLOMON DAVIS

STATE OF NEW YORK }
 ONEIDA COUNTY } ss

On the fifth day of April in the year of our Lord Eighteen hundred and thirty before me the within named Jacob Cornelius, Anthony John, Jacob Smith, Lodowick Thomas, & William Cornelius known to me to be the persons described in and who have Executed the within Treaty and acknowledged that they severally Executed the said Treaty for the uses and purposes therein mentioned And also Isaac Dennison to me known being duly sworn says that he saw the within named Enos T. Throop to him known execute the said Treaty and that he at the same time subscribed his name thereto as a witness.

A LAWRENCE FOSTER

Comm'r—

STATE OF NEW YORK }
 CLERK'S OFFICE, ONEIDA COUNTY } ss

I John H. Ostrom Clerk of the County of Oneida do hereby Certify that A Lawrence Foster was on the first day of April A: D 1830 and now is a Commissioner in and for said County Commissioned and sworn and duly authorised by Law to take the proof and acknowledgement of deeds and discharges of mortgages &c.

In Testimony whereof I have hereunto set my hand and affixed the seal of the said County this 15 day of April A: D 1830.

J. H. OSTROM, *Clerk*

Recorded June 12, 1830 and agrees with the Original Compared therewith by

ARCH'D CAMPBELL

Dep Secretary.

At a Treaty held in the City of Albany on the twenty sixth day of February in the year of our Lord One thousand eight hundred and thirty four by his Excellency William L. Marcy Governor of the State of New York with William Cornelius, William Johnson, Cornelius Matoxen and other Chiefs of the Orchard Party of the Oneida Indians it is agreed and covenanted as follows to wit :

The said Indians sell and for ever quit claim to the people of the said State. All their right and title in and to so much of their lands as is bounded as follows to wit. North easterly and easterly by the one thousand acres of land ceded to the State by the said Orchard Party by Treaty dated the third day of April one thousand eight hundred and thirty — South by New Stockbridge West and Northwest

by the fifty acres on the east side of the Oneida Creek ceded by the Treaty of the Second day of February One thousand eight hundred and twenty-seven and a line drawn from the Northeast corner of said fifty acres, Northeasterly in such a manner as to comprehend nine hundred acres between it and the one thousand Acres ceded by the said Treaty in 1830. — Also one hundred acres bounded northerly by the division line between the lands of the said Orchard Party and the lands of the Schuyler party, Westerly by the Oneida Creek, Southerly by the aforesaid fifty acres and easterly by a line drawn from the Northeast corner thereof to the Northwesterly bounds of the lands of said Orchard party in such a direction as to contain between it and the oneida Creek One hundred Acres, Twenty five acres of which next to the said fifty acres to enure to the benefit of Elizabeth Doxstader and the remaining seventy five acres to the benefit of Lewis Dana in manner following that is that whenever either the said Lewis Dana or Elizabeth Doxstader shall produce satisfactory proof that the amount of the appraisement of the soil and improvements on his or her part has been paid to the Treasurer of the State then the State will cause Letters Patent to be issued to the persons having produced such proof.—And if any improvement owned by any other Indian shall fall within the premises it shall be further required that proof be made of the value of such improvement having been paid to such Indian by the person within whose part of said One hundred acres such improvement may be found — And the said Chiefs do hereby cede in like manner to the people of this State the Ten acres which was reserved by the aforesaid Treaty of one thousand eight hundred and twenty seven — Which ten acres shall be granted by Letters Patent to John Hadcock And it is further covenanted that there shall be reserved for the use of the Methodist Association one acre of ground to be laid out so as to comprehend the Church and Missionary house erected by them within the bounds of the before described nine hundred acres.— In consideration of which the said Governor now pays to the said Indians the sum of Fourteen hundred dollars and promises to make to them further payments in manner following, that is to say, The said lands excepting the ten acres reserved in the treaty of one thousand eight hundred and twenty seven shall be surveyed, allotted and appraised by such persons as the Commissioners of the Land Office shall appoint in the manner directed by the Act entitled “An Act relating to the purchase of lands from the First Christian and Orchard Parties of the Oneida Indians” passed February Eleventh Eighteen hundred and twenty nine and the amount of such appraisement of the said lands hereby

sold to said people above the sum of Fourteen hundred dollars now paid as aforesaid shall thereupon be paid to the order of the said Chiefs first named or a majority of them in the manner directed by the said Act.—

In testimony whereof the parties to these presents have hereunto set their hands and seals the day and year first above written —

W. L. MARCY	[L. s.]
WILLIAM x CORNELIUS	[L. s.]
WILLIAM x JOHNSON	[L. s.]
CORNELIUS x MATOXEN	[L. s.]
JACOB CORNELIUS	[L. s.]
WILLIAM x DAY	[L. s.]
JOHN x COOPER	[L. s.]
ISAAC x JOHNSON	[L. s.]

Signed and Sealed in the presense of —

The words "and improvements" on the fourth line and fifth line the words "Treasurer of the State" first interlined, and the words "said Chiefs" obliterated on the fifth line of the second page — Also the words "deducting that of the One hundred acres along the Oneida Creek" on the 3d. and 2d. lines from the bottom of the second page first obliterated — 3d. page and third line "first named" interlined — And it is further stipulated and agreed by the parties to these presents before the execution thereof that the payments to be made by Lewis Dana and Elizabeth Doxstader shall be made within twelve months from the date hereof to entitle them to the benefits of the stipulations made in their favor contained in this Treaty —

ISAAC DENNISTON
 CHESTER MAY JR
 BERNARD S. VAN RENSSELAER

STATE OF NEW YORK }
ALBANY } ss:

I, James McKown Recorder of the City of Albany do certify that on this twenty sixth day of February Eighteen hundred and thirty four personally appeared before me Isaac Denniston and Chester May Junior who having been duly sworn before me, the said Chester May Junior testified that he resides in the town of Vernon Oneida and is a farmer, That he saw William L. Marcy, William Cornelius, William Johnson, Cornelius Matoxen, Jacob Cornelius, William Day, John Cooper and Isaac Johnson execute and deliver the within instrument as their respective Act and deed for the uses and purposes therein mentioned. He knows them respectively to be the same persons therein mentioned and described and who executed the same and he subscribed his name as a witness at the time of the execution thereof; and the said Isaac Denniston testified that he saw the said instrument executed and subscribed his name as a witness to the said instrument at the time of the said execution and resides in the said City of Albany and knows the said Chester May Junior the said witness.— The said Isaac Denniston being well known to me I am satisfied by the proof aforesaid of the due execution of the said instrument and do allow the same to be Recorded —

JAMES MCKOWN,
Recorder of Albany.

Examined and Compared with the Original Feb. 26. 1834. by

ARCHD. CAMPBELL,
Dep. Secretary

At a Treaty held in the city of Albany on the twenty fourth day of February in the year of our Lord one thousand eight hundred and thirty seven by his Excellency William L. Marcy Governor of the State of New York, with William Day, William Cornelius and Henry Jordan, Chiefs of the Orchard Party of Oneida Indians it is agreed and convenanted as follows, to wit :

The said Indians sell and forever quit claim to the people of the said State one acre of land reserved by the treaty of twenty sixth day of February one thousand eight hundred and thirty four, being the land on which the church or School house stands and is described in a survey made by Peleg Gifford in the year one thousand eight hundred and thirty four as follows. Beginning at a point in the road, seventy seven links on a course South fifty two degrees and thirty minutes West from the South West corner of the

meeting house, thence south fifty five degrees East four chains and twenty five Links, thence North thirty five degrees East two chains and thirty five and an half links North fifty five degrees, West four chains and twenty five links south thirty five degrees West two chains and thirty five links to the place of beginning. In consideration of which the said Governor agrees hereafter to pay to the said Indians such sum as may be obtained for the same on the sale thereof by the State after deducting therefrom the costs and expenses of such sale.

In Testimony Whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

W. L. MARCY	[L. s.]
WILLIAM DAY x his mark	[L. s.]
WILLIAM CORNELIUS x his mark	[L. s.]
HENRY JORDAN x his mark	[L. s.]

Signed, Sealed and delivered in }
the presence of }

ISAAC DENNISTON
R. J. HILTON.

STATE OF NEW YORK }
ALBANY } ss

On This Twenty fourth day of February 1837, before me personally came William L. Marcy Governor of the State of New York and William Day William Cornelius and Henry Jordan Chiefs of the Orchard Party of the Oneida Indians to me severally known to be the same persons described in and who executed the foregoing Indenture and severally and duly acknowledged to me that they had executed the same as their act and deed for the uses and purposes therein mentioned. Let it be recorded.

R. J. HILTON

Judge Albany County Courts Counsellor &c.

Examined and Compared with the Original February 24, 1837 by

ARCH'D CAMPBELL

Dep. Secretary.

A Treaty between the First and Second Christian parties of Oneida Indians residing in the State of New York of the one part, and the People of the said State of the other part:

WHEREAS many members of the First and Second Christian parties of Oneida indians residing in the Counties of Madison or Oneida or

elsewhere in the State of New York, are disposed to migrate to Upper Canada or elsewhere beyond the limits of said State, and therefore desire to sell to the People of the said State, a part of the lands situated in said Counties and still belonging to the said Parties collectively, proportioned to the numbers so desiring to Emigrate.

And whereas other members of the said two Parties of the Oneida Indians, though not at present disposed to sell their own proportion of the lands so belonging to the said two parties collectively are nevertheless willing that all those members of said two parties, who are disposed so to migrate as aforesaid, should do so, and receive an equivalent in money for the portion of lands so proposed to be sold and are also willing to cooperate and unite in the negotiation and execution of a Treaty for such purpose.

And whereas propositions on behalf of all the members of the said two parties of Oneida Indians residing in the Counties aforesaid or elsewhere in said State, have been made to the Commissioners of the Land office of said State for the negotiation and execution of a Treaty for the sale and cession to the People of said State of the said proportion of the lands aforesaid, and for the reservation, location and description of the residue of said lands to be reserved to such members of the said parties of the Oneida Indians residing in this State, as are not at present disposed to emigrate, but prefer to remain in the occupation of their proportion of said lands.

And whereas in and by an act of the Legislature of the said State of New York entitled "An act relating to the Oneida Tribe of Indians" passed March 8, 1839 the Commissioners of the Land Office of said State are authorised and empowered to purchase of the said Oneida Indians or any party or portion thereof, their lands or any part thereof, situate in the Counties of Oneida and Madison from time to time as the Commissioners or a majority of them may deem proper and to make such Treaties contracts and arrangements with the said Indians or with any party or portion of them in relation to the lands of the said Indians in this State as the said Commissioners or a majority of them may deem just and proper but no act of the said Commissioners can have any force or effect, until the same shall be approved by the Governor of the said State.

And whereas the whole quantity of land situate in said Counties, and collectively possessed by all the members of the aforesaid two parties of Oneida Indians is supposed to amount to 4509 85/100 acres in which the estate or interest of the said Indians according to their usage, as recognised and acted on in former Treaties with the same tribe and in conformity with their present understanding and

consent, in Common, undivided, and individually equal, so that the quantity of said land to be sold and ceded, by virtue of the present Treaty must bear the same proportion to the whole quantity of said land as the number of Indian souls intending to emigrate bears to the whole number of souls included in the said two parties possessing the whole of said lands.

And whereas the whole number of souls included in the said two parties of Oneida Indians residing in the said two Counties aforesaid or elsewhere in said State, is ascertained to be 578 souls so that if the aforesaid whole quantity of 4509 $\frac{85}{100}$ acres of land were equally divided per capita among the whole number of souls, the quantity to each individual would be 7 $\frac{802}{1000}$ acres, and a minute indefinite fraction over.

And whereas in order to ascertain the quantity of land possessed by the said Tribe which should be ceded and conveyed in order to carry into effect the objects of this Treaty the names and numbers of the said Tribe intending to migrate beyond the limits of this State and also the names and numbers of the members of the said tribe intending to remain in the occupation of their lands, have been carefully ascertained by Nathan Burchard the Attorney of the said Indians and Sands Higginbotham, Agents in behalf of the said Tribe and by Salmon Case and Timothy Jenkins Agents of the Commissioners of the Land office; and lists of the said two parties respectively have been made and attested by the said Agents which are hereto annexed as Schedules 1 and 2 and form a part of this Treaty; in which lists the several parties constituting the said emigrating party are designated as hereinafter provided

And whereas according to the usage of the said Indians and the provisions of former treaties with the same tribe, although their land is possessed by them collectively and their interest in it is common and undivided, yet the improvements made thereon or upon any parts thereof are considered as the property of the individuals or families who make such improvements.

And whereas the following articles of a Treaty and cession have been submitted to his Excellency William H. Seward Governor of the said State of New York whose approbation thereof is hereinafter expressed. Now Therefore This Indenture made this nineteenth day of June in the Year of our Lord one thousand eight hundred and forty between the said First and Second Christian Parties of Oneida Indians constituting the party of the first part and the People of the State of New York, acting by their Agents the Commissioners of the Land

Office aforesaid, constituting the party of the second part. Witnesseth as follows to wit:

Article I. The above named party of the first part, in consideration of the agreements hereinafter contained on the part of the said party of the second part, and of the receipt of the sums of money hereinafter specified as being paid at the execution and conclusion of this Treaty Do hereby grant, bargain, sell, cede and surrender to the People of the State of New York all the right, title, estate and interest of the said party of the first part in and to so much of all the lands whatsoever reserved to and occupied by the said party of the first part situate in the Counties of Madison and Oneida in this State, as shall upon actual survey of the said lands as hereinafter provided, be found to be in proportion according to the ratio hereinbefore recited, of the said Indian members of the said tribe enrolled on the said attested list for migration beyond the limits of this State, such proportion of all the lands aforesaid being now supposed to be about Fifteen hundred acres: to have and to hold the same to the said People forever.

Article II. In order to ascertain and determine the true quantity and precise location and description of the lands hereby ceded and conveyed, and also to determine the quantity and locate the portion of land to be reserved for those Indians who do not intend to migrate, it is hereby stipulated and agreed by and between the parties to this treaty that the Commissioners of the Land office of the State of New York shall appoint a practical and experienced Surveyor on the part of the said State with such associations as may be necessary, and that such Surveyor and Sands Higginbotham on the part of the said Indians, shall as soon as it can be conveniently done, measure and survey the whole of the lands occupied and possessed by the said party of the first part in the Counties of Madison and Oneida, and in which they have any right or interest, and ascertain the full and entire quantity thereof; and they shall partition and lay off in a single parcel or tract in a form as compact and convenient as may be found practicable, the portion of the said lands which shall be the just proportion for those Indians enrolled on the aforesaid attested list as intending not to emigrate and to remain on their lands which apportionment and partition is to be made so as to give to the said party so remaining a quantity of land bearing the same proportion to the whole quantity of land so ascertained to belong to the party of the first part, as the number appearing on the said attested list, of souls belonging to the said remaining party, bears to the whole number of souls appearing on the said attested list to belong to the said first and

second Christian parties without reference to the quality of the said land, or to any other consideration than quantity: and the said portion shall be located as near as may be within the following limits and boundaries: Beginning at the South line of the Indian Reservation at a point where Mud Creek intersects the same, thence North to a point where a line drawn in a straight direction shall meet the North bounds of a tract of 1524 $\frac{73}{100}$ acres mentioned in Peleg Gifford's map thence West along the North line of the said tract so far that a line drawn parallel with the West line of the said portion, and extending to the South line thereof, shall contain the quantity so ascertained to be the proportion to be reserved for the said Indians intending to remain; and shall make and subscribe a separate map and description thereof: and the said Surveyor so to be appointed and the said Sands Higginbotham shall also make and subscribe a separate full and correct map and description of all the residue of the lands to which the party of the first part have any right or title, or of which they are in possession in the Counties of Madison and Oneida remaining after the aforesaid apportionment and partition. Before entering on the discharge of their duties, they shall be sworn before some Justice of the Peace or Judge of a Court of Record, faithfully to perform the duties assigned them by this Treaty.

The aforesaid maps and descriptions shall state the exact quantity in each portion of the said lands shall be acknowledged by the persons making the same in the manner to entitle deeds to be recorded and shall be annexed to a duplicate of this Treaty and filed in the office of the Secretary of State, there to remain of record and shall constitute a part of this Treaty as fully as if the same were herein incorporated at length. The said portion of land so described and set apart for the said Indians intending to remain shall be and remain for the exclusive use occupation and possession of the said Indians so enrolled on the aforesaid list as intending not to emigrate at present, and to remain, and shall be held, had and enjoyed by them and those Indians who shall succeed to their rights in the same manner and to the same extent as the said lands are now held and occupied by the party of the first part to this Treaty subject however to the modifications hereinafter contained: and such of the said first and second christian parties of Oneida Indians who are enrolled on the said list attested as aforesaid, as intending to emigrate hereby release quit claim & forever renounce to the said Indians who are so enrolled as intending to remain and to those who may succeed them in their rights, all right, title, claim and

emand whatsoever in and to the said portion of land so set apart, described and reserved for the said Indians who do not intend to emigrate. It is further mutually stipulated and agreed that the map and description so to be made and filed as aforesaid of the lands remaining, after the said reservation made as aforesaid for the use of the Indians intending to remain, shall be deemed and taken as the designation and particular description of the lands and premises ceded and conveyed in and by the first article of this Treaty to the People of the State of New York. In case the said Sands Higginbotham shall decline or omit or be unable to perform the duties herein assigned to him the Chiefs Warriors and Head men of the said Oneida Indians may appoint another in his place who shall possess the same powers in all respects. The expenses of the said surveys maps and descriptions including an allowance of three dollars per day to the Surveyor and the said Sands Higginbotham respectively or whoever may be appointed in his place, shall be advanced by the State of New York, and shall be reimbursed out of the proceeds of the sales of the lands hereby ceded to the said State.

Article III. And whereas the persons and souls enrolled on the said attested list as intending to emigrate consist of three parties: First:— A party headed by Moses Schuyler and Abraham W. Sickles, amounting to 242 who are designated on the said list as the first emigrating party. Second: A party intending to migrate to some place not yet definitely settled but who desire to receive an advance on account of their interest in the Indian lands in order to enable them to find a proper place and prepare for their removal there: These are designated on the same migrating list as the second emigrating party. Third: A party also intending to migrate ultimately but who do not require any advance at this time on account of their lands: These are designated on the same list as the third emigrating party. Now it is hereby stipulated and agreed by and between the parties to this Treaty, that the People of the State of New York will advance and pay as hereinafter specified as part of the consideration for the purchase and cession of the lands hereby ceded and conveyed to the said People the following sums that is to say.

1. On the final conclusion of this Treaty the said People will pay to Salmon Case, Ira S. Hitchcock and Nathan Burchard who have been nominated by the whole of the said migrating parties as Trustees and Agents for the purpose, the sum of Fifteen thousand dollars to be expended under the direction of the said trustees and the chiefs and Head men of the said first migrating party above specified as follows: nine thousand dollars thereof to be paid for the purchase

of a tract of land in Canada for which the said party has contracted and the residue six thousand dollars is to be applied in the payment of the expenses of the delegates to Canada to complete the purchase of the said tract, to the payment of such debts of the said party as their Chiefs and Head men shall certify to be fair and just, and as shall appear to the said Trustees to be of that character, and the balance to be distributed among the individuals of the said party in such manner and proportions as their Chiefs and Head men and the said Trustees shall deem just and equitable in order to enable the said individuals to procure the articles which it may be necessary or convenient for them to take upon their emigration.

2. After the final conclusion of this Treaty the said People of the State of New York, will pay the said Salmon Case, Ira S. Hitchcock and Nathan Burchard who have in like manner, been nominated by the emigrating Indians Trustees and Agents for the purpose the sum of six thousand dollars, to be expended under the direction of the said Trustees and the Chiefs and Head men of the said second migrating party above specified, in defraying the expenses of the delegates to Canada to explore land for the purpose of purchasing the same for the use of the said party and of the necessary arrangements to remove them when they shall determine on such removal and to the payment of such debts of the said second migrating party as their chiefs and head men and the said Trustees shall deem to be fair and just, but no more is to be advanced in the first instance to the said Trustees or paid out by them than shall be necessary to defray the expenses of delegates to Canada to explore lands until the said party have made a contract for the purchase or received a gift of land and determined on removal; and upon those facts being certified by the said Trustees, the balance of the said six thousand dollars shall be advanced to them for the other purposes herein specified. The said Trustees shall render to the Commissioners of the Land Office an account of the disbursement of the monies that may be advanced to them under this Article with proper vouchers therefor. They shall be entitled collectively to retain one per cent of the monies received and paid out by them as a compensation for their Services.

Article IV. The Commissioners of the Land office will cause the lands hereby ceded to the People of the State of New York to be measured and subdivided into parcels or lots of convenient and suitable dimensions for occupation as farms and for the advantageous sale thereof, and will cause the same to be sold in the manner provided for the sale of the unappropriated lands of the State, from time to time as rapidly as the removal of the said Indians will permit and

as will secure the best price for the same and will cause a regular account of the expenses of such survey and sale and of all expenses incurred in the negotiation, conclusion and execution of this Treaty to be kept : and it is hereby stipulated and agreed that the People of the said State will hold and retain the avails of all such sales, in trust to be applied to the following purposes.

First : to the repayment of all expenses in the survey description and partition of the lands which are the subject of this Treaty and of all expenses in the negotiation conclusion and execution of the same.

Second : to the repayment of all advances made by the said People on account of the cession of the said lands with interest thereon at the rate of six per cent per annum

Third : to pay the residue of the said avails, with all interest that may accrue thereon to the several migrating parties specified in the last preceeding Article in the proportions herein specified. And it is hereby stipulated and agreed that all the avails of the sale of the said ceded lands are to be distributed, apportioned and paid to the said several migrating parties in the proportions which they respectively bear to the whole number of souls enrolled on the said attested list as intending to emigrate, and no further variations in the number of the said parties are in any manner to affect the proportions as they shall exist and appear on the said attested list when the same shall be completed.

Article V. The present value of the lands ceded and conveyed to the People of the State of New York by this Treaty, with all the improvements thereon, shall be appraised and estimated by the persons hereinbefore designated to make a survey, map and description thereof, which appraisal shall state the value of the improvements separately, and shall be subscribed and sworn to by them and filed in the office of the Secretary of State. And in case the said ceded lands shall not have been sold prior to the first day of May 1841, so as to ascertain the exact proportionate sum that will be due and payable to the first emigrating party specified in Article III. then it is hereby agreed that the said People of the State of New York, will, on that day advance and pay to the said first emigrating party such sum in addition to the fifteen thousand dollars hereinbefore agreed to be advanced, and the interest thereon at six per cent as shall be the just and fair proportion of the said migrating party according to their numbers as stated in the said attested list, of the said appraised value of the lands so ceded and conveyed exclusive of improvements after deducting the expenses hereinbefore mentioned and when the sales of the said ceded lands shall be completed the People of the said State

will pay the said emigrating party their just proportion in the ratio aforesaid of the surplus of such actual sales of the said lands exclusive of improvements, over and above the said estimated value, after deducting the expenses aforesaid. The advance and payments to be made to such Chiefs and Head men of the said party as shall be duly authorized by the members thereof to receive the same.

Article VI. It is hereby stipulated and agreed that the second and third emigrating parties specified in the preceding third article, shall finally migrate and remove out of this State within three years from the date of this Treaty and that during the said three years, such of them as remain in this State, may occupy and possess a tract of not more than five hundred acres of the land ceded and conveyed by this Treaty to be located in one parcel by the persons hereinbefore designated to survey and describe the said ceded lands, and which tract shall be particularly bounded & described by them, in an instrument under their hands to be duly acknowledged in the manner to entitle deeds to be recorded and filed in the office of the Secretary of State; the said location to be made so as not to interfere with the sales of the residue of the said ceded lands: and at the expiration of the said three years, the Indians so occupying the said tract shall peaceably and quietly yield up the possession of the same to the agents of the state, or to the persons who may have purchased the same from the State. And it is further stipulated that the Indians occupying the said tract shall not commit, nor permit the commission of any waste by the destruction of any timber growing on the said tract, and that for all such waste a deduction according to the amount of the injury, shall be made from any sums which they would be entitled to receive according to this Treaty.

Article VII. When the said second migrating party specified in the third article of this Treaty shall finally emigrate out of and from the limits of this State, provided such migration be made within three years as aforesaid, the People of the said State will pay to the said party such sum in addition to the advances which may have been made pursuant to the stipulations of this Treaty with interest thereon as hereinbefore specified, as will be the just proportion of the said party according to their numbers as stated in the attested lists aforesaid, of the avails of the sales of the lands exclusive of improvements, ceded by this Treaty, with the interest after deducting the expenses hereinbefore mentioned; or if such lands shall not then be sold, the People will advance to the said party their just proportion according to the ratio aforesaid, of the value of the said ceded lands, as the same shall have been appraised and estimated as hereinbefore

provided exclusive of improvements: And the said People shall in like manner pay to the said third emigrating party when they shall finally emigrate out of and from the limits of this State within the three years aforesaid, their just proportion according to their numbers stated in the said attested lists of the avails of the sales of the lands hereby ceded, exclusive of improvements or in case the said lands shall not then be sold their just proportion of the value thereof, estimated and appraised as aforesaid exclusive of improvements. And in case payments shall be made according to such appraised value to the said second or third emigrating parties or either of them, then after the said lands shall be sold, the People of the said State will pay to the said parties respectively their just proportions, according to the ratio aforesaid of the surplus of the sales of the said lands, exclusive of improvements over and above the said appraised value. And in case the said third migrating party shall at any time within the said three years desire an advance on account of their interest in the proceeds of the said ceded lands, to enable them to explore and seek a new home, the said people will make such advances to the Trustees to be named by said third migrating party as shall be reasonable for that purpose. The payments stipulated to be made in this Article, are to be made to such Trustees Chiefs and Head men of the said second and third emigrating parties, as shall be duly authorised by the members of the said respective parties to receive the same.

Article VIII. The buildings and other improvements upon any part of the lands by this Treaty ceded and conveyed to the People of the State of New York shall be appraised, and the value thereof estimated by the persons hereinbefore authorised to survey and describe the said ceded lands, who shall make a detailed statement of the name of the person entitled to such improvements the nature and extent thereof generally and their fair value which shall be subscribed by them and sworn before some Justice of the Peace, to be just and fair, according to the best of their judgement and which shall be filed in the office of the Secretary of this State: and when the persons entitled to the said improvements shall finally migrate out of this state, the said people shall pay to them respectively, the said appraised value thereof: and the value of the said improvements shall not be estimated in the amounts hereinbefore agreed to be paid to any portion or party of the said Oneida Indians, as their proportion of the avails of the said ceded lands.

Article IX. The buildings and other improvements on the tract called the Mission House Lot and the School House and the

improvements on the School House Lot are not included in the last preceding article; but the said buildings and improvements together with the lots on which they are erected are the common property of the Second christian Party of Oneida Indians, and are included in the lands and premises by this Treaty ceded to the People of the State of New York and shall be sold by the Commissioners of the Land office in such manner and on such terms as shall be calculated to obtain the highest price therefor; and when sold the proceeds thereof shall be apportioned among and paid to the members of the said second christian party belonging to the several migrating parties and the party remaining in this State according to their numbers as stated in the said attested lists.

Article X. The meeting house of the party of the first part, and the lot on which the same is situated with the improvements thereon are included in the lands and premises hereby ceded to the People of the State of New York: And the same shall be sold by the Commissioners of the Land office and the proceeds of such sale shall be apportioned among the members of the first and second christian parties of the Oneida Indians according to their respective numbers as stated in the said attested lists, and shall be paid to the aforesaid emigrating parties and to the party intending to remain in proportion to their numbers respectively as stated in the said attested lists: such payments to the said emigrating parties to be made in the manner hereinbefore stipulated in regard to the ceded lands generally, and the payment to the party remaining in this State to be made to such Trustees for their use as the members of that party shall duly authorise to receive the same.

Article XI. The portion of the said lands of the party of the first part hereinbefore reserved for such of the members of the first and second Christian parties of the Oneida Indians as intend to remain in this State is to be had held enjoyed and occupied by them collectively in the same manner and with the same rights title and interest therein as appertain to the said party of the first part before the execution of this Treaty with the following modifications: When any family desirous of having their lands divided off to them or any two or more families agreeing to unite in the separate ownership of any portion of the said reserved lands, shall be composed of such numbers as would entitle them to at least fifty acres according to the ratio hereinbefore stated, they may make application to Nathan Burchard Salmon Case and Timothy Jenkins or to such other persons as may hereafter be appointed by the Commissioners of the Land office and upon the said persons cer-

tifying that the heads of the families so applying are prudent industrious and capable of managing and taking care of such lands and that the remaining members of the said party generally assent to the setting apart to such applicants the said quantity of land to which they may be entitled, the Commissioners of the Land office will direct such quantity to be surveyed measured and described in one convenient parcel, and will thereupon grant a certificate to the persons so applying to the effect that they are entitled to hold and occupy in severalty the quantity of land so described in lieu of all claim and interest of such applicants in and to the Common lands and property of the said party so remaining; and such certificate shall operate as a Partition between the said applicants and the residue of the said party, in respect to all the lands held by them collectively. But the lands so set apart and held in severalty shall not be liable to any sale or transfer absolute or conditional or to any lease or mortgage to any person or body other than the People of the State of New York. The expense of such survey and partition, is in all cases to be defrayed by the applicants.

Article XII. This Treaty shall be executed in duplicate in the first instance by the Chiefs Warriors and Head men of the said first and second christian parties of Oneida Indians, with the advice and assistance of Nathan Burchard the Attorney of the said Indians, and of Sands Higginbotham their agent and Counsellor, and in the presence of Salmon Case and Timothy Jenkins agents of the Commissioners of the Land office, who will certify that the same has been carefully explained to and fully understood by the said Indians: Such execution to take effect when the same shall also be executed by the Commissioners of the Land office of the State of New York or a majority of them and when it shall be approved by the Governor of the said State to be signified by his approbation endorsed thereon.

In Testimony whereof Moses Schuyler Abraham W. Sickles, Baptist Powlis, Peter Elm Martin Denny and William Schuyler Chiefs Warriors and Headmen of the said First and Second Christian Parties and chosen and appointed by the said different parties of the said Oneida Indians as their Attorneys and Agents to negotiate and conclude this Treaty have hereunto set their hands and seals and sundry other Chiefs Warriors and Headmen of the said Indians have also hereto set their hands and seals in token of the consent to this Treaty of the whole tribe composed of the said First and Second Christian Parties: And the Commissioners of

the Land office of the said State of New York have also hereto subscribed their names in behalf of the People of the said State, and by the direction of the Governor they have caused the Great Seal of the said State to be hereto affixed. Thus done and executed in duplicate on the day and year above mentioned

MOSES (his mark) SCHUYLER	[L. s.]
ABRAM W. SICKLES	[L. s.]
BAPTIST POWLIS	[L. s.]
PETER (his mark) ELM	[L. s.]
MARTIN DENNY	[L. s.]
WILLIAM (his mark) SCHUYLER	[L. s.]
AUGUSTE (his mark) CORNELIUS	[L. s.]
CORNELIUS (his mark) JOLOND	[L. s.]
ELIJAH (his mark) WILLIAMS	[D. s.]
AARON (his mark) COOPER	[L. s.]
HENRY (his mark) ANTON	[L. s.]
HENRY MINHAM	[L. s.]
LEWIS (his mark) DENNY	[L. s.]
WILLIAM WOODMAN	[L. s.]
NICKOLAS SWANTO	[L. s.]
PETER DENNY	[L. s.]
WILLIAM T. (his mark) DOCKSTADER	[L. s.]
ABRAM WEBSTER	[L. s.]
JACOB PONTIS	[L. s.]
TALL (his mark) NICKOLAS	[L. s.]
WILLIAM (his mark) SCHUYLER JUN	[L. s.]
JACOB (his mark) ANTONE	[L. s.]
ANTHONY (his mark) BIGKNIFE	[L. s.]
DANIEL (his mark) SCHENADOAH	[L. s.]
JOHN (his mark) THOMPSON	[L. s.]
PETER (his mark) DOCKSTADER	[L. s.]
ABRAHAM (his mark) HILL	[K. s.]
ANTHONY (his mark) SUMMER	[L. s.]
THOMAS (his mark) SUMMER	[L. s.]
ISAAC (his mark) ABRAHAM	[L. s.]
WILLIAM (his mark) CORNELIUS	[L. s.]
MOSES (his mark) CHARLES	[L. s.]
PETER (his mark) ISAAC	[L. s.]
JOHN (his mark) HOMAN	[L. s.]
MOSES (his mark) SCHUYLER JUNR	[L. s.]
HENRY (his mark) BROWN	[L. s.]

PETER (his mark) POWLIS	[L. s.]
HENRY (his mark) ANTONE	[L. s.]
CORNELIUS (his mark) ANTONE	[L. s.]
JACOB (his mark) ANTONE	[L. s.]
PETER (his mark) NICKOLAS	[L. s.]
ABRAHAM (his mark) SCHUYLER JUN	[L. s.]
MARTINUS (his mark) DOCKSTADER	[L. s.]
DANIEL (his mark) CANADA	[L. s.]
PETER (his mark) CORNELIUS	[L. s.]
HENRY (his mark) BREAD	[L. s.]
JOHN (his mark) CORNELIUS	[L. s.]
ABRAHAM (his mark) WILLIAMS	[L. s.]

Signed and sealed by the Agents and Chiefs of the First and Second Christian Parties of Oneida Indians, whose names are subscribed in our presence and we certify that the contents of the preceding Treaty were carefully explained to them and the other members of the said Indian parties in full council and were fully understood by them. The word "attested" on the 4th & the words "or received a gift" on the 7th pages interlined before execution and the three first lines on the 8th page written on erasure before Signature.

SALMON CASE,
TIMOTHY JENKINS,
SANDS HIGGINBOTHAM,
NATHAN BURCHARD.

Executed by the Commissioners of the Land office.

JOHN C. SPENCER
Secretary of State.
BATES COOM
Comptroller.
JACOB HAIGHT
Treas'r
O L HOLLEY
Surveyor General.

In presence of N. Burchard Atty for Oneida Indians.

I hereby approve the within and foregoing treaty, and in testimony thereof and of the execution of the said Treaty by and in behalf of

the People of the State of New York I have here caused the great seal of the said State to be hereto affixed at the City of Albany this twenty second day of June in the year one thousand eight hundred and forty.

WILLIAM H. SEWARD [L. s.]

STATE OF NEW YORK }
ONEIDA COUNTY } ss:

On this 20th June 1840 personally appeared before me Salmon Case Sands Higginbotham Nathan Burchard and Timothy Jenkins to me personally known as the subscribing witnesses to the execution of the above treaty and being duly sworn before me each for himself says that he is personally acquainted with Moses Schuyler Abraham W. Sickles, Baptist Powlis, Peter Elm Martin Denny and William Schuyler and each of them and that they are all of them Chiefs or Principal men belonging to the First and Second Christian Parties of Oneida Tribe of Indians and that they were chosen and appointed delegates by the members of the said first and second Christian parties for the purpose of making and executing the said Treaty. That the said six delegates are the persons described in and who executed the said Treaty That he personally knows the other Chiefs, Warriors and Headmen who signed the said Treaty to be the persons also described in and who executed the said treaty and that the said delegates and the said Chiefs, Warriors and Headmen severally executed the said Treaty in the presence of each of the said witnesses, for the uses and purposes in the said Treaty mentioned and each of the said deponents became subscribing witnesses thereto that said Higginbotham resides in the town of Lenox County of Madison and that said Case Burchard and Jenkins reside in the town of Vernon and County of Oneida.

HUET H. BRONSON

Justice of the Peace.

Schedule No. 1 of all the members of the 1st and 2nd Christian parties of Oneida Indians intending to emigrate out of the limits of the State referred to in the annexed Treaty and which lists consists of three distinct parties numbered 1, 2 and 3 as follows. The following is a list of Oneida Indians composed of the first and second christian parties desiring to migrate to Canada with Moses Schuyler their principal Chief being the first emigrating party referred to in the annexed Treaty. Those belonging to the first Christian party are first mentioned in the list. First Christian Party

Henry Antone	Elizabeth Silver	Sally Smith
Hannah Antone	Caty Silver—4	Baptist Smith
Jacob Antone—3	Jacob Antone—2	Margaret Smith

Cobus Silver	Jacob Antone Jun — 2	Elisabeth Smith — 4
Mary Oliver	Layann Doxtater — 1	
Nicholas Schenandoah	Mary Cornelius	Betsey Schuyler
Mary Schenandoah	Margaret Cornelius — 9	.Thomas Schuyler
Eve Schenandoah	.Henry Schuyler	.Goene Schuyler — 5
Susy Schenandoah	.Betsey Schuyler	.Elisabeth Isaac
Christine Schenandoah	.Mary Schuyler	.Jenny Isaac
Martinus Schenandoah — 6	.Sally Schuyler	.Moses Isaac
John Littleman — 1	Margaret Schuyler	.Daniel Canada
Mary Kick	.Moses Schuyler	.one male inf no name — 5
Betsey Kick — 2/23	.Lathrop Schuyler	.Jenny Elijah
Second Christian Party	.Joseph Schuyler	.Jenny Elijah Junr
Abraham Sickles	.Martinus Schuyler	.Betsey Elijah
Goene Sickles	.John Schuyler	.Daniel Elijah — 4
John Sickles	.Jenny Schuyler	.Lewis Thomas
Hannah Sickles	.Goene Schuyler	.Betsey Thomas
One male infant without name — 5	.one infant not named	.Mary Thomas
William Peter	.Daniel Hill	.Margaret Thomas
Jenny Peter	.Moses Schuyler — 15	.Jacob Thomas
Susa Peter	.Christopher Schuyler	.Caty Thomas — 6
Margaret Peter	.Mary Schuyler	.Margaret David
Lewis Peter	.Thomas Schuyler	.David David
Sally Peter		
Jacob Peter	.Henry Schuyler	.Sally David
Abraham Peter	.Elisabeth Schuyler	.Caty David — 4
Peter Peter — 9	.Margaret Schuyler — 6	.Isaac Abraham
Cornelius Island	.Caty Powlis	.Peter Abraham
Baptist Island	.Cornelius Powlis — 2	.Margaret Abraham
Sally Island		
Mary Island	.Eliasur Cornelius	.Sally Abraham — 4
Soun Island	.Sally Cornelius	.Elijah William
Moses Island	.William Cornelius	.Mary William
	.Cornelius Cornelius — 4	.Goene William
Moses Schanandoah alias	Sally Sickles	.Caty William
Betsey Island — 7	.Eliazbeth Sickles	.Abraham William
August Cornelius	.Edward Sickles	.John William
Mary Cornelius	.Peter Sickles	.Mary William
John Cornelius	.Isaac Sickles	.Ebenezer William
Caty Cornelius	.Margaret Sickles	.Eve William — 9
Hannah Cornelius	.Mary Sickles — 7	
Thomas Cornelius	.Abraham Schuyler	
Martinus Cornelius	.Mary Schuyler	
.Goene Williams	.Peter Nicholas	.Margaret Schuyler
.Caty Williams	.Jarusha Nicholas	.Hannah Schuyler — 9
.Bigvoice Williams	.Elizabeth Nicholas	.Old City
.James Williams	.Bread Nicholas	.John Fish
.Caty Williams jun — 5	.Abraham Nicholas	.and eight others living .at Tonawanda all re-10
.William Nickolas	.Betsey Nicholas	.lations of Old City

.Cornelius Nickolas	.Moses Nicholas — 15	.Peter Schuyler
.Margaret Nicholas	.Goene Day	.Elizabeth Schuyler
.Jonathan Nickolas	.Caty Day	.Abraham Schuyler
.Baptist Nicholas	.Adam Thompson	.Mary Ann Schuyler
.Elizabeth Nicholas — 6	.Jacob Thompson — 4	.Betsey Schuyler — 5
.Caty William	.Jacob Antone	.Jerusha Williams
.John William	.Margaret Antone	.Susa Williams
.one infant		
not named — 3	.Mary Antone — 3	.Eavy Williams — 3
.Henry Antone — 2	.William Dockstader	.Margaret White
.Margaret Antone	.Margaret Dockstader	.Lewis White — 2
.Goene Antone	.Elizabeth Dockstader	.Goene George
.Elizabeth Antone	.Baptist Dockstader	.Baptist George — 2
.Jonathan Antone	.Goene Dockstader	.Caty Aaron
.Moses Antone	.Rachel Dockstader	.Antone Aaron
.Elizabeth Antone Jun — 7	.Susy Dockstader	.Mary Yarn
.Job Antone	.Daniel Dockstader	.Cretia Aaron — 4
.Sally Antone	.Elizabeth Brown	.Hannah Brown
.Elizabeth Antone	.Betsey Dockstader	.Dolly Brown
.Baptist Antone	.Cornelius Dockstader — 11	.John Brown
.Caty Antone	.Eve Honyost — 1	.Jenney Brown
.Moses Antone	.Peter Nocholas — 1	.Rachel Brown — 5
.John Antone	.Cretia Island	.John Stephens — 1
.Mary Antone — 8	.James Island	.Jacob Stephens — 1
.Peter Honyost — 1	.Mary Island — 3	.John Brown
.Big Nicholas	.Cobus Hamer — 1	.Betsey Brown
.Susa Nicholas	.Moses Schuyler	.Susa Brown — 3
William Nicholas	.Dolly Schuyler	.John Cornelius — 1
.John Nicholas	.Elizabeth Sickles	.William White
		.Caty White
.Cornelius Nicholas	.Thomas Schuyler	.John White — 3
.Nicholas Nicholas	.John Schuyler	.2d Christian P — 219
.Henry Nicholas	.Jenny Schuyler	.1st " Party — 23
.Jacob Nicholas	.Thomas Schuyler 2d	Total 242

The following is a list of Oneida Indians composed of the first and second Christian parties desirous of migrating to some place not fully settled upon and for whose benefit or such of them as choose to remain, the five hundred acres are proposed to be reserved in part and who desire to receive the six thousand dollars named in the Treaty and being the second emigrating party referred to in the annexed Treaty. Those belonging to the first christian party are named first in this list

First Christian Party	.Maria Bread	.Sally Adams
.Anthony Bigknife	.Mary Bread — 2	.David Sherwin
.Honyost Bigknife	.Betsey Shunk — 1	.Mary Hiss — 3
.Margaret Bigknife	.Betsey Powlis	.Anthoney Summer
.Elizabeth Bigknife — 4	.Caty Powlis	.Elizabeth Summer — 2
.Elizabeth Wheelock	.Baptist Powlis 2d — 1	.Sally Abraham

.Nicholas Wheelock — 2	.Martin Powlis — 1	.Betsey Abraham
.Mary Hill — 1	.Joseph Dockstader	.Sally Abraham Jr — 3
.Mary Shenadoah — 1	.son of Thomas Dock-	.Hnanah Summer
	stader — 1	
.Sally Kick	.Moses Dockstader — $\frac{1}{36}$.Joseph Summer — 2
.Hannah Kick	Second Christian Party	.Caty Nicholas
.David Kick — 3	.Abraham Stephens	.Antone Nicholas — 2
.Thomas Bear	.Sally Stephens — 2	.Sally Stephens
.Cretia Bear	.Peter Powlis — 1	.Jerusha Stephens
.Mary Bear — 3	.Caty Sherwen — 1	.Hannah Stephens
.Isaac Dockstader — 1	.Caty Hill	.Abraham Antone.
.Henry Farmer — 1	.Peter Hill	.Melinda Stephen
.Lucy David	.Thomas Hill	.Susa Antone — 6
.Fish David — 2	.John Hill	.Peter Antone
.Cornelius Summer — 1	.Margaret Hill	.William Antone — 2
.Elizabeth Doctar — 1	.Cornelius Hill	.Jacob Abraham
.Abraham Schuyler Jr — 1.	.Baptist Hill	.Abraham Isaac — 1
.Peter Denny	.Honyost Hill — 8	.Lewis Denny — 1
.Margaret Denny	.Susa John	.Peter Elm
.Caty Denny	.Thomas John	.Abraham Elm — 2
.Honyost Stephens	.James John — 3	.William Woodman — 1
.Jacob Denny — 5	.Elizabeth Thomas	.Henry Abraham
.Mary Denny	.Mary Ann Thomas	.Goene Abraham
.Susa Abraham	.Baptist Thomas	.Thomas Onondaga — 1
.Jerusha Abraham — 4	.Jenny Thomas	2d Christian Party .. 53
.Hannah Thomas	.Mary Thomas — 7	1st " " .. 36
.Hannah Thomas, 2d		Total..... 89

The following is a list of Oneida Indians composed also of the first and second Christian parties desirous also of migrating to some place not yet fully settled upon and for whose benefit or such of them as shall choose to remain the five hundred acres is proposed to be reserved in part but not desire to receive any part of the \$6,000, nor any part of the money arising from the sale of their lands until they are ready to migrate being the third Emigrating referred in the annexed Treaty those belonging to the first Christian party are named first on the list.

First Christian Party

.Jacob Powlis	.Baptist Powlis	.Solomon David
.Sally Powlis	.Mary Powlis	.Cornelius David
.Jenny Powlis	.Henry Powlis	.Anthony David — 8
.Peter Powlis	.John Powlis	.Jenny Thompson
.John Powlis	.James Powlis	.Elizabeth Thompson
.Thomas Powlis	.Moses Powlis	.Martinus Thompson
.Mary Powlis	.Martinus Powlis	.Joseph Thompson — 4
.Sally Powlis	.Abraham Powlis	.Henry Bread
.Souner Powlis	.Cornelius Powlis	.Caty Bread — 2

.Sally Bigknife	.Besey Powlis—10	.William Shunk
.Thomas Bigknife	.Susa Hill	.Margaret Shunk
.Mary Bigknife	.William Hill	.one infant not named—3
.Jerusha Bigknife	.Jacob Hill—3	56
.Peter Bigknife	.Martinus Elijah	Second Christian Party
.Betsey Bigknife	.Daniel Elijah—2	.Hannah Sherwin—1
.Edward Bigknife	.Margaret Wheelock	.William Thomas
.Cretia Bigknife	.Joseph Wheelock—2	.Cornelius Thomas
.Henry Bigknife	.Esther David	.Sally Thomas
.William Bigknife	.Henry David	.John Thomas
.Caty Bigknife	.Thomas David	.Lucy Thomas
.Anthony Bigknife 2d-12	.John David	.Caty Thomas—6
.Isaac Wheelock	.William David	
.Jenny Powlis—1	.Cornelius Martinus	
.Moses Martinus	.Betsey Martinus—4	
.Abraham Martinus	.Anthony Nicholas—1	
	2d Christian Party... 13	
	1 " " ... 56	
	Total	Total Schedule... 1,400

SCHEDULE No. 2.

The following is a list of the Oneida Indians composed of the First and Second Christian parties desirous of remaining on their lands and not selling the same and to whom is appropriated the 1500 acres mentioned in the proposition for a Treaty. This list embraces all the Indians interested in the lands of said parties not named in the foregoing list.

First Christian Party	.Elizabeth Schenandoah—5	.Thomas Schenandoah
.Mary Antone		24 .John Powlis—5
.Dolly Antone	Second Christian Party	.Peter Isaac
.William Antone	.Thos Cornelius Famely	.Sally Isaac
.Jacob Antone	.Elizabeth Cornelius	.Elizabeth Isaac—3
.Hannh Antone—5	.John Cornelius	.Caty Jordan
.Henry Nimham	.William Cornelius	.David Charles
.Elizabeth Nimham	.David Cornelius	.Jerusha Jordan
.Abraham Nimham	.John Adams	.Solomon Jordan
.Daniel Nimham	.Susan'h Cornelius—6	.Elizabeth Jordan
.Caty Nimham	.Martin Denny	.Elis Jordan—6
.Elijah Nimham	.Elizabeth Denny	.Peter Summer
.Thomas Nimham—7	.Martin Denny Jr	.Caty Summer
.Peter Dockstader	.David Powlis	.Dolly Summer
.Lucretia Dockstader	.Hanyost Powlis	.Sally Summer
.Mary Dockstader	.Susanna Powlis—6	.Abraham Summer
.Cornelius Dockstader	.Abraham Webster	.Abraham Sumner Jr—6
.Elizabeth Dockstader	.Hannah Webster	.Hannah Charles
.Caty Dockstader	.Isaac Webster	.Moses Charles
.Jenny Dockstader—7	.Caty Webster	.Abraham Charles
.Dolly Schenandoah	.Betsey Webster—5	.Caty Charles

.Margaret Schenandoah	.Sally Schenandoah	.Thomas Charles—5
.Baptist Schenandoah	.Dolly Schenandoah	.Lucy Horner
.Jacob Schenandoah	.Abraham Schenandoah	.Thomas Horner
.John Horner	.Jenny Cooper	.John Thompson
.Elizabeth Horner—4	.Caty Cooper	.Coe Thompson
.Elizabeth Lefort	.Betsey Cooper	.Antone Thompson
	.Moses Cooper—9	
.Cloat Lefort	.William Charles	.Thomas Thompson
.Abraham Lefort	.Sally Charles	.Nicholas Thompson—5
.Goene Lefort	.Elizabeth Charles	.Jacob Antone—1
.Fatus Lefort—5	.Goene Charles—4	.Joseph Honyost
.Thomas Summer	.Caty Charles	.Martinus Honyost
.Mary Summer	.Margaret Charles	.Elijah Honyost—3
.John Summer	.Susa Charles	.Martinus Williams—1
.Baptist Summer	.Mary Charles	.Baptist Elm
.Hannah Summer	.Daniel Charles—5	.Caty Elm
.William Summer	.Mary Antone	.Mary Elm—3
.Dolly Summer—7	.Anthony Antone	.William Schuyler 2d
.Elizabeth Hill	.Susa Antone	.Elizabeth Schuyler
.Sally Hill	.Mary Antone	.Baptist Schuyler
.Peter Hill	.Thomas Antone	.Thomas Schuyler
.Cornelius Hill—4	.Fage Antone	.Nelly Schuyler—5
.Peter Webster	.Elizabeth Antone	.Elizabeth Abraham
.Mary Webster	.Cornelius Antone	.Jenny Abraham—2
.Abraham Webster—3	.Caty Antone—9	.Elizabeth Brown
.William Schuyler	.Isaac Judah—1	.Moses Brown—2
.Mary Schuyler	.Elizabeth Schuyler	.Rachel Island
.William Cornelius	.Betsey Schuyler	.Abr Island
.Margaret Schuyler	.James Schuyler	.Susa Island
		.Cornelius Island
.Caty Schuyler	.William Schuyler	.Thomas Island
.Eve Schuyler	.Peter Schuyler	.Margaren Island - 6
.Rachel Schuyler—7	.Susanna Schuyler—6	.Joseph Island alias
.Jacob Schuyler	.Abraham Schuyler—1	.Joseph Onondaga
.Elizabeth Schuyler	.Peter Webster	.Betsey Island
.Louis Schuyler	.Jenny Webster	.Elizabeth Island
.Cornelius Schuyler	.Mary Ann Webster	.Jenny Island
.William Schuyler 2d—5	.Daniel Webster	.Antone Island—5
.Aaron Cooper	.Thomas Webster	2d Christian Party.. 154
.Hannah Cooper	.Hannah Webster	1st “ “ .. 24
.Dolly Cooper	.Mary Webster	—
.Margaret Cooper	.Henry Webster	Schedule No. 2 Total 178
.Susa Cooper	.Dolly Webster—9	Schedule No. 1. 400

We Nathan Burchard Attorney for the Oneida Indians Sands Higginbotham Agent for the First and Second Christian parties of the said Indians and Salmon Case and Timothy Jenkins appointed by

the Commissioners of Land Office of the State of New York Do hereby certify that the foregoing list of members of the 1st and 2d Christian Parties of Oneida Indians intending to emigrate out of this State, contained in the preceding Schedule No. 1 and the foregoing list of members of the said parties intending not to emigrate and to remain contained in the preceding Schedule No. 2 have been carefully made out from personal examination and from authentic information derived from the said Indians and have been read and assented to by them in full counsel and the said lists are therefore hereby attested by us as being in all respects accurate and correct.

Dated June 20th 1840

NATHAN BURCHARD,
SANDS HIGGINBOTHAM
SALMON CASE,
TIMOTHY JENKINS.

Examined and compared with the original September 4, 1840 by

ARCH'D CAMPBELL

Dep. Secretary.

A Treaty between the First & Second Christian parties of Oneida Indians that reside on the Oneida Reservation of June 19th in the year 1840 & residing in the State of New York constituting party of the first part & the People of the State of New York being party of the second part.

Whereas many members of the said party of the first part residing on said Reservation are disposed to migrate to Upper Canada or elsewhere beyond the limits of said State; and therefore desire to cede to the said People of the said State aforesaid a part of the lands so reserved by the Treaty made June 19th 1840 by & between said First & Second Christian parties of the Oneida Indians of the one part & the said People of the other part & still belonging to the said party of the first part collectively as tenants in common proportioned to the numbers so desiring to emigrate.

And Whereas the other members of the said party of the First part though not at present disposed to sell their own proportion of the lands so belonging to the said party of the first part collectively are nevertheless willing that all those members of said party of the first part who are disposed so to migrate as aforesaid, should do so & receive an equivalent in money to cooperate & unite in the negotiation & execution of a Treaty for such purpose

And Whereas an attested list had been made out of all the members remaining of the party of the first part & the whole number has been ascertained to be 182 souls of which number thirty six souls are enrolled on the attested list for migration beyond the limits of said State & the Chiefs warriors and headmen of said party of the first part consenting & agreeing in relation to the quantity & location of the lands to be conveyed & ceded to the said State.

And Whereas in & by and act of the Legislature of the Said State of New York entitled "An act relating to the Oneida Tribe of Indians passed March 8, 1839 the Commissioners of the land office are authorized & empowered to purchase of any party or portion of the party of the first part their lands or any part thereof situate in the Counties of Madison & Oneida from time to time as the Commissioners or a majority of them may deem proper, according to the form of the Statute so made & provided.

And Whereas the whole quantity of land situate lying and being in the town of Lenox in the County of Madison and collectively possessed by all the members of the aforesaid two parties of Oneida Indians is ascertained to be 1388 75/100 acres in which the estate or interest of the said Indians according to their usage as recognized & acted on in former treaties with the same tribe is undivided and individually equal and in case the whole quantity of 1388 75/100 acres of land were equally divided per capita among the whole number of souls the quantity to each individual would be 7 63/100 acres and a minute indefinite fraction over

And Whereas Lists of the said two parties respectively have been made & attested by the said party of the first part & the said people party of the second part which are hereto annexed as Schedules 1 & 2 and form a part of this treaty in which lists the several parties constituting the said party intending "to migrate & the party hereinafter designated as the "Home party" are more particularly enrolled & described."

And Whereas the following Articles of a Treaty and cession have been submitted to his Excellency William H. Seward governor of said State of New York whose approbation thereof is hereinafter expressed.

Now Therefore This Indenture made this 8th day of March in the Year of our Lord one thousand eight hundred & forty one Between the said Remaining parties of the first and Second Christian parties of Oneida Indians constituting the party of the first part and the People of the State of New York acting by their Agents and Commissioners

of the Land office aforesaid constituting the party of the Second part Witnesseth as follows to wit:

Article I. The above named party of the first part in consideration of the agreement hereinafter contained on the part of the said party of the second part and of the receipt of the sums of money hereinafter specified as to be paid at the execution & conclusion of this Treaty. Do hereby grant, bargain, sell cede and surrender to the People of the State of New York all the right, title, estate and interest of the said party of the first part in & to all that part of the said reservation of June 19th 1840 Bounded & described as follows to wit.

Beginning at the South east corner of the said reservation as established by the Treaty of June 19th 1840 in the centre of the Oneida Turnpike at South Mud Creek, a Stone monument standing on the westerly line of said Turnpike, links north from the centre of said creek & Turnpike and from thence running south fifty four degrees & thirty minutes west in the centre of the said Turnpike eleven chains & eighty links a Stake North links, thence North one hundred & five chains ten links to stake thence north eighty nine chains & seventy five links to a stake standing on the west line of said Reserve: Thence north one degree & fifteen minutes east on the said west line fourteen chains and eighty two links to the north west corner thereof; A stone monument marked N. W. C. R. No. 2: Thence South eighty nine degrees & thirty minutes east on the north line of said Reserve one hundred & eleven chains & fifty links to the north east corner thereof: A stone monument marked N. E. C. R. No. 24. 30. Thence South one degree & fifteen minutes west on the east line of said reserve one hundred & thirteen chains & eight links to the place of Beginning: Containing Two hundred Seventy four $\frac{75}{100}$ acres of land (274.75 acres)

Article 2nd. The Commissioners of the Land office will cause the lands hereby ceded to the People of the State of New York to be measured & subdivided into parcels or lots of convenient and suitable dimensions for occupation as farms & for the advantageous sale thereof: and will cause the same to be sold in the manner provided for the sale of unappropriated lands of the State from time to time as rapidly as the removal of the said Indians will permit, and as will secure the best price for the same and will cause regular accounts of the expenses of such survey and of all expenses incurred in the negotiation, conclusion & execution of this treaty to be kept, and it is hereby stipulated & agreed that the People of the said State will hold & retain the avails of all such sales in trust to be applied to the following purposes.

First, To the repayment of all advances made by the said People on account of the cession of the said lands with interest thereon at the rate of six per cent per annum.

Second, to the Repayment of all expenses in the survey description and partition of the lands which are the subject of this treaty and of all expenses in the negotiation conclusion and execution of the same.

Third, to pay the residue of the said avails with all interest that may accrue thereon to the chiefs headmen & individuals of the said emigrating party whenever they shall be ready to migrate & depart beyond the limits of this State.

Article 3. And whereas the persons & souls enrolled on the said attested list as intending to migrate beyond the limits of said States amount to 36 souls.

1. On the final conclusion of this Treaty the said People will pay to Nathan Burchard Salmon Case & Ira S. Hitchcock of the town of Vernon in the County of Oneida who have been nominated by the whole of the said migrating party as Trustees and agents for the purpose the sum of nine hundred dollars to be expended under the direction of said Trustees and the Chiefs & Headmen of the said emigrating party & to be applied in the payment of such debts of the said party as their chiefs and Headmen shall certify to be fair & just and as shall appear to the said Trustees to be of that character & the balance to be distributed among the individuals of the said party in such manner & proportions as their chiefs & headmen and the said Trustees shall deem just & equitable in order to enable the said individuals to procure the articles which it may be necessary or convenient for them to take upon their emigration.

The said Trustees shall render to the Commissioners of the land office an account of the disbursement of the moneys that may be advanced to them under this article with proper vouchers thereof. They shall be entitled collectively to retain one per cent of the moneys received & paid out by them as a compensation for their services.

Article 4. The present value of the above described lands ceded to the People of the State of New York by this Treaty with all the improvements thereon shall be appraised and estimated by a Surveyor appointed on the part of the Commissioners of the Land office of the State of New York and Sands Higginbotham a commissioner chosen on the part & behalf of the said Oneida Indians which appraisal shall state the value of the improvements separately and shall be subscribed & sworn to by them & filed in the office of the Secretary of State & in case the said ceded lands shall not have been sold prior to the first day of May next so as to ascertain the exact proportionate sum due

& payable to each person of said party so enrolled as intending to migrate: Then it is hereby agreed that the said People of the State of New York will on or before that day advance and pay the said emigrating party the full amount of said appraised value of said ceded lands exclusive of improvements after deducting the expenses hereinbefore mentioned, and when the sales of said ceded lands shall be completed: The People of the said State will pay to the said emigrating party the surplus of such actual sales of the said lands exclusive of improvements over & above the said estimated value after deducting the expenses aforesaid.

The said advances & payments to be made to such chiefs & headmen of the said emigrating party, as shall be duly authorized by the members thereof to receive the same. "but such payments not to be made until possession of the lands hereby ceded be surrendered."

Article 5. The buildings & other improvements upon any part of the lands by this treaty ceded & conveyed to the people of the State of New York shall be appraised and the value thereof estimated by the persons hereinbefore authorized to appraise the said ceded lands who shall make a detailed statement of the names of the persons entitled to such improvements the nature & extent thereof generally and their fair value, which shall be subscribed by them & sworn before a justice of the peace to be just & fair according to the best of their judgment and which shall be filed in the office of the Secretary of State which appraised value shall be paid to each & every individual respectively to whom the appraised improvements may belong when they shall finally migrate out of said State and the value of the said improvements shall not be estimated in the amounts hereinbefore agreed to be paid to any party or portion of the said Oneida Indians as their proportion of the avails of the said ceded lands.

Article 6. It is hereby further stipulated & agreed that such of the said First & Second Christian parties of the Oneida Indians who are enrolled on the said list attested as aforesaid as intending to emigrate here by release quit claim & forever renounce to the said Indians who are so enrolled as intending to remain and to those who may succeed them in their rights, all right title claim & demand whatsoever in & to the said portion of lands so set apart described and reserved for the said Indians who do not intend to emigrate: Bounded & described as follows to wit :

Beginning at a stone monument placed on the South West corner of said Reservation of June 19th in the year 1840 marked S. W. C. R & No 12 & from thence running north one degree & fifteen minutes east along the west line of the same one hundred & nine

chains & fifty eight links to stake: thence south eighty nine degrees and thirty minutes east ninety nine chains and seventy five links to a stake: thence South one hundred & five chains & ten links to the centre of Oneida Turnpike Then South fifty four degrees & thirty minutes west along the centre of said Turnpike eleven chains a stone monument on the west line of the same No. 88° 15' N links marked S. G. R. W line of Turnpike & thence north eighty eight degrees & fifteen minutes west ninety three chains & twenty six links to the place of beginning containing Eleven hundred and fourteen acres of land which land so reserved for such of the members of the first & second christian parties of the Oneida Indians as intend to remain in this State is to be had held enjoyed & occupied by them collectively in the same manner & with the same right title & interest therein as appertained to the said party of the First part before the execution of this Treaty with the following modifications.

When any family desirous of having their lands divided off to them or any two or more families agreeing to unite in the separate ownership of any portion of the said reserved lands shall be composed of such numbers as would entitle them to at least Fifty acres according to the ratio hereinbefore stated, they may make application to Nathan Burchard, Salmon Case & Ira S. Hitchcock or to such other persons as may hereafter be appointed by the Commissioners of the Land office and upon the said persons certifying that the heads of the families so applying are prudent, industrious & capable of managing & taking care of such lands & that the remaining members of the said party generally assent to the setting apart to such applicants the said quantity of land to which they may be entitled, the Commissioners of the Land office will direct such quantity to be measured & described in one convenient parcel & will thereupon grant a certificate to the persons so applying to the effect that they are entitled to hold & occupy the same in severalty & the quantity of land so described shall be in lieu of all claim & interest of such applicants in & to the common lands & property of the party so remaining and such certificate shall operate as a partition between the said applicants & the residue of said party so remaining in respect to all the lands held by them collectively. But the lands so set apart & held in severalty shall not be liable to any sale or transfer absolute or conditional or to any lease or mortgage to any person or body other than the People of the State of New York. The expense of such survey and partition is in all cases to be defrayed by the applicants.

Article 7. It is hereby further stipulated & agreed by & between the respective parties to this treaty that the whole number of souls

enrolled on said attested lists shall not be affected by any future variations by reason of births deaths or otherwise from what they now appear "on the attested lists annexed to this Treaty."

And it is further stipulated & agreed by & between the said parties, that the map & the certificates of survey endorsed thereon & duly authenticated & sworn to, by Nathan Burchard Deputy surveyor & appended to this Treaty shall be forever deemed the metes bounds & descriptions of said ceded lands & the lands so reserved.

And it is hereby further stipulated & agreed by & between the respective parties to this Treaty that the party of the second part shall pay to the chiefs & headmen of the said migrating party to be applied under the direction & superintendence of Nathan Burchard Attorney for the said Oneida Indians the sum of eighteen hundred & fifty dollars out of the avails of the sale of said ceded lands in payment for a Tract of land purchased by the said Attorney for the said emigrating party in the township of Delemore London District in the province of Upper Canada.

Article 8. This Treaty shall be executed in duplicate in the first instance by the chiefs, warriors, headmen of the party of the first part with the advice & assistance of Nathan Burchard, Attorney for said Indians, and of John P. Sherwood, a justice of the peace of the County of Oneida who will certify that the same has been carefully explained to & understood by them the said Indians: such execution to take effect when the same shall also be executed by the Commissioners of the Land office of the State of New York or a majority of them and when the same shall be approved by the Governor of the said State to be signified by his approbation endorsed hereon.

In testimony whereof the said chiefs warriors & head men of the party of the first part have hereunto set their hands and seals in token of the consent to this Treaty of the whole tribe of said Oneida Indians constituting the party of the first part.

And the Commissioners of the Land office of the said State of New York have also hereto subscribed their names in behalf of the people of the said State & by the direction of the governor they have caused the great seal of the said state to be hereto affixed this done & executed in duplicate on the year & day above mentioned

PETER ^{his}
X ^{mark} SUMMERS chief [L. s.]

JOHN ^{his}
C X ^{mark} THOMPSON [L. s.]

ABRAM	x	CHARLES	[L. S.]
ABRAM	x	SUMMERS	[L. S.]
WILLIAM	^{his} x _{mark}	SCHUYLER 2d	[L. S.]
MARTIN	x	WILLIAMS	[L. S.]
THOMAS	^{his} x _{mark}	CHARLES	[L. S.]
HENRY NIMHAM	JR		[L. S.]
THOMAS	^{his} x _{mark}	SUMMERS	[L. S.]
ABRAM	^{his} x _{mark}	SCHUYLER	[L. S.]
AARON	^{his} x _{mark}	COOPER chief	[L. S.]
ABRAM WEBSTER	x		[L. S.]
MARTIN DENNEY	x		[L. S.]
PETER	x	DOXTADER	[L. S.]
HENRY NIMHAM			[L. S.]
DANIEL	x	SCHENDOAH	[L. S.]
DANIEL	x	POWLIS	[L. S.]
PETER	x	ISAAC	[L. S.]
DAVID	x	CHARLES	[L. S.]
WILIAM	x	SUMMERS	[L. S.]

Signed and sealed by the warriors and chiefs of the first & second christian parties of the Oneida Indians constituting party of the first part whose names are subscribed in our presence and we certify that the contents of the preceding Treaty were carefully explained to them and the other members of the said Indian parties in full council and were fully understood by them.

NATHAN BURCHARD

Attorney for Oneida Indians.

JOHN P. SHERWOOD

Justice Peace.

JOHN C. SPENCER

Secretary of State.

JOHN A. COLLIER
Comptroller

O. L. HOLLEY
Surveyor General

WILLIS HALL
Atty Genl
Commissioners of the Land office

The foregoing Treaty is hereby approved by me this 3d day of April 1841

WILLIAM H. SEWARD [L. S.]

Schedule No. 1. consists of a list of all those of the first & second christian parties of Oneida Indians who intend to migrate to the township of Delaware London District U. C.

Henry Nimham	1	John Thompsons family	
David Powlis	1	John Thompson	
Sally Isaac	1	Eve Thompson	
		Antonie Thompson	
Peter Summers family		Nicholas Thompson	4
Peter Summers			
Caty Summers		William Schuyler 2d family	
Dolly Summers		Elizabeth Schuyler	
Sally Summers		Baptist Schuyler	
Abram Summers		Thomas Schuyler	
Abram Summers Jr	6	Nelly Schuyler	
		Dolly Schuyler	
Hannah Charles family		William Schuyler 2d	6
Hannah Charles			
Abram Charles		Elizabeth Browns family	
Caty Charles		Elizabeth Brown	
Thomas Charles	4	Moses Brown	2
Susy Horners family		Martinus Williams	1
Susy Horner		Caty Elm	1
Thomas Horner			
John Horner		Total No. Souls	36
Elizabeth Horner		4	
Thomas Summers family			
Thomas Summers			
Baptist Summers	2		
Margaret Antonie	1		
Elizabeth Schuyler	1		
Abram Schuyler	1		

STATE OF NEW YORK }
 COUNTY OF ONEIDA } ss:

We do hereby certify at a full council of the residue of the 1st & 2d christian parties of the Oneida Indians held at their council house Mar 8? 1841 the above attested list was approved & conceded to be correct by the Chiefs & Warriors thereof.

Dated Mar 8, 1841

NATHAN BURCHARD

Attorney for Oneida Indians

JOHN P. SHERWOOD

Justice of Peace

Examined and compared with the original by

ARCH'D CAMPBELL

Dep. Secretary

Schedule No. 2 consists of a list of all the first & second Christian parties of Oneida Indians commonly called the "home party" who do not at present intend to sell but to remain on their Reservation situate in the town of Lenox in the county of Madison

Mary Antones family		Thomas Cornelius family	
Mary Antonie		Elizabeth Cornelius	
Dolly Antonie		John Cornelius	
William Antonie			
Jacob Antonie		William Cornelius	
Hannah Antonie	5	David Cornelius	
		John Adams	
Henry Nimhams family		Susanna Cornelius	6
Henry Nimham		Martin Denneys family	
Elizabeth Nimham		Elizabeth Denney	
Abraham Nimham		Martin Denney Jr	
David Nimham		Martin Denney	
Caty Nimham		David Powlis	
Elijah Nimham		Honyost Powlis	
Thomas Nimham	7	Susanna Powlis	6
		Abram Websters family	
Peter Doxtaders family		Abram Webster	
Peter Doxtader		Hannah Webster	
Lucretia Doxtader		Isaac Webster	
Mary Doxtader		Caty Webster	
Cornelius Doxtader		Betsey Webster	
Elizabeth Doxtader		Infant child	6
Caty Doxtader			

Jenney Doxtader	7	Sally Schenandoahs family	
		Sally Schenandoah	
Dolly Schenandoahs family		Dolly Schenandoah	
Dolly Schenandoah		Abram Schenandoah	
Margaret Schenandoah		Thomas Schenandoah	
Baptist Schenandoah		John Powlis	
Jacob Schenandoah		Peter Isaac	
Elizabeth Schenandoah		Elizabeth Isaac	2
Infant Child	6	Moses Charles	1
Caty Jordan's family		William Schuylers family	
Caty Jordan		William Schuyler	
David Charles		Mary Schuyler	
Jerusha Jordan		William Cornelius	
Solomon Jordan		Margaret Cornelius	
Elizabeth Jordan		Caty Schuyler	
Elias Jordan	6	Eve Schuyler	
Elizabeth La Fort		Rachel Schuyler	7
Claude La Fort		Jacob Schuylers family	
Abraham La Fort		Jacob Schuyler	
Goene La Fort		Elizabeth Schuyler	
Fatus La Fort	5	Lewis Schuyler	
		Cornelius Schuyler	
Mary Summers family		William Schuyler 3d	5
Mary Summer			
Hannah Summer		Aaron Coopers family	
William Summer		Aaron Cooper	
John Summer		Hannah Cooper	
Dolly Summer	5	Dolly Cooper	
		Margaret Cooper	
Elizabeth Hills family		Susa Cooper	
Elizabeth Hill		Jenny Cooper	
Sally Hill		Caty Cooper	
Peter Hill		Betsey Cooper	
Cornelius Hill	4	Moses Cooper	9
Peter Websters family		William Charles	
Peter Webster		Sally Charles	
Mary Webster		Elizabeth Charles	
Abram Webster	3	Goene Charles	4
Baptist Elm		Isaac Judah	1
Mary Elm	2	Jacob Antone	1
Joseph Honeyost		Elizabeth Abram	
Martinus Honeyost		Jenney Abram	2

Elijah Honeyost	3	Thomas Thompson	1
Caty Charles family		Thomas Island	
Caty Charles		Mary Ann Island	6
Margaret Charles			
Susa Charles		Joseph Island alias	
Mary Charles		Joseph Onondaga	
David Charles	5	Betsey Island	
		Elizabeth Island	
Mary Antonies family		Jenny Island	
Mary Antonie		Antonie Island	5
Anthony Antonie		whole number home party	146
Susa Antonie			
Mary Antonie			
Thomas Antonie			
Page Antonie			
Cornelius Antonie			
Caty Antonie	8		
James Schuyler			
William Schuyler			
Peter Schuyler			
Susannah Schuyler	4		
Peter Websters family			
Peter Webster			
Jenny Webster			
Mary Webster			
David Webster			
Thomas Webster			
Hannah Webster			
Mary Webster			
Henry Webster			
Dolly Webster	9		
Rachel Islands Family			
Rachel Island			
Abram Island			
Cornelius Island			
Susa Island			

STATE OF NEW YORK }
 ONEIDA COUNTY } ss. :

We do hereby certify at a full council of the Residue of the 1st & 2d christian parties of the Oneida Indians held at their council home Mar 8, 1841 the above attested List was approved & conceded to be correct by the chiefs & warriors thereof. Dated Mar 8 1841.

NATHAN BURCHARD

Attorney for Oneida Indians

JOHN P. SHERWOOD

Justice peace

Examined & compared with the original by

ARCH'D CAMPBELL

Dep. Secretary

STATE OF NEW YORK }
 ONEIDA COUNTY } ss. :

We the undersigned chiefs of the first & second christian parties of the Oneida Indians named in the foregoing Treaty do hereby assent

to & concur in the amendments & corrections made by the party of the second part to the above Treaty & they shall have the like force & solemnity as if the same were contained in the original indenture.

In witness whereof we have hereto set our hands & seals in token of consent to this Treaty of all the members of the Party of the first part this first day of April in the year one thousand eight hundred & forty one.

JOHN	^{his} x	THOMPSON	[L. s.]
	mark		
ABRAM	^{his} x	WEBSTER	[L. s.]
	mark		
WILLIAM	^{his} x	SCHUYLER 2d	[L. s.]
	mark.		
ABRAM	^{his} x	SUMMER	[L. s.]
	mark.		
MOSES	^{his} x	CHARLES	[L. s.]
	mark.		
MARTIN	^{his} x	DENNEY	[L. s.]
	mark.		
MARTINAS	^{his} x	WILLIAMS	[L. s.]
	mark.		
DANIEL	^{his} x	SCHENANDOAH	[L. s.]
	mark.		

Signed & sealed by the chiefs Headmen & Warriors of the 1st & 2d christian parties of the Oneida Indians after the above amendments & corrections in the foregoing Treaty had been read & fully explained to them and to which the said chiefs gave their assent & signatures in our presence at the date above written in full council

NATHAN BURCHARD
Attorney for the Oneida Indians
 CHARLES GRANGER
Justice of the Peace.

STATE OF NEW YORK } ss.
 ONEIDA COUNTY

We the undersigned chiefs headmen & Warriors of the First & second christian parties of the Oneida Indians known & distinguished

in & by the attested List annexed to the foregoing Treaty as the emigrating party of the said Indians in consideration of the agreements & payments of the sums of money mentioned to be made by the party of the second part & for divers other goods causes & considerations as thereunto moving. Having bargained & agreed & by these presents do bargain & agree with the said party of the second part to leave & surrender our lands ceded by the said Treaty on the 4th day of May next unto the said party of the second part & do stipulate & further agree with the said party of the second part to emigrate & leave the State of New York on the 10th day of May next.

And we the Chiefs Headmen & Warriors of the said first & Second christian parties of the Oneida Indians Known and distinguished by the attested lists annexed to the above treaty as the "Home Party" of said Indians do hereby stipulate & agree with the said party of the second part to said Treaty to leave and surrender our Lands ceded by the same unto the said party of the second part on the said 4th day of May next any clause or stipulation in the foregoing Treaty to the contrary notwithstanding.

In witness whereof we have hereto set our hands & seals this first day of April 1841.

MARTIN ^{his} x DENNEY chief [L. s.]
mark

WILLIAM ^{his} x SCHUYLER 2d chief [L. s.]
mark

JOHN ^{his} x THOMPSON [L. s.]
mark

MARTINAS ^{his} x WILLIAMS [L. s.]
mark

ABRAM ^{his} x WEBSTER chief [L. s.]
mark

DANIEL ^{his} x SCHENANDOAH [L. s.]
mark

ABRAM ^{his} x SUMMERS [L. s.]
mark

MOSES ^{his} x CHARLES [L. s.]
mark

HENRY ^{his} x MINHAM chief [L. s.]
mark

Signed & sealed by the Chiefs Headmen
& Warriors of the 1st & 2d christian
parties of the Oneida Indians consti-
tuting party of the first part whose
names are subscribed in our presence
& we certify that the contents of the
above stipulation were carefully ex-
plained to them & the other members
of the said Indian parties in full coun-
cil & were fully understood by them
and unanimously signed by them.

NATHAN BURCHARD

Attorney for Oneida Indians.

CHARLES GRANGER

Justice of the Peace.

Examined & compared with the original by

ARCH'D CAMPBELL

Dep. Secretary.

A Treaty between the Orchard Party of the Oneida Indians residing in the State of New York constituting party of the first part and the People of the State of New York being party of the second part.

Whereas several members of the said party of the first part residing on the Reservation not released to the party of the second part by the party of the first part by the Treaty of February 26, 1834 are disposed to migrate to Upper Canada or elsewhere beyond the limits of this State and therefore desire to cede to the said People of the State aforesaid a part of the lands so reserved by the Treaty aforesaid and still belonging to the said party of the first part collectively as tenants in common, proportioned to the numbers so desiring to emigrate.

And whereas the other members of the said party of the first part though not at present desirous of selling their own proportion of the lands so belonging to the said party of the first part collectively are nevertheless willing that all those members of said party of the first part who are disposed so to migrate as aforesaid should do so, & receive an equivalent in money and are also willing to coöperate & unite in the negotiation and execution of a Treaty for such purpose.

And whereas an attested list has been made out of all the members remaining of the said party of the first part and the whole number

has been ascertained to be ninety eight, out of which numbers forty four, are enrolled on the attested list for migration & removal beyond the limits of said state ; and the Chiefs headmen and warriors of the said party of the first part do consent & agree in relation to the quantity & location of the lands to be conveyed & ceded to the said State.

And whereas in & by an act of the Legislature of the State of New York Entitled "An Act relating to the Oneida Indians passed March 8, 1839" the Commissioners of the Land office are authorized & empowered to purchase of any party or portion of the said party of the first part, their lands or any part thereof situate in the Counties of Oneida & Madison from time to time as the Commissioners or a majority of them may deem proper according to the form & provisions of the Statute so made & provided.

And whereas the whole quantity of land situate lying & being in the town of Vernon in the County of Oneida and collectively possessed by all the members of the said party of the first part is ascertained to be 484 $\frac{32}{100}$ acres in which the estate or interest of the said party of the first part according to their usages as recognized & acted on in former treaties with the said Tribe is undivided & individually equal and in case the whole quantity of 484 $\frac{32}{100}$ acres of land were equally divided per capita among the whole number of souls, the quantity to each individual would be 4 $\frac{94}{100}$ acres & a minute indefinite fraction over.

And whereas lists of the said two parties respectively have been made & attested by the said party of the first part & the said People party of the second part which are hereunto annexed as Schedules 1 & 2 & form a part of this Treaty in which lists the several parties constituting the said party intending to emigrate & the party hereinafter designated as the "Home party" are more particularly enrolled & described.

And whereas according to the usage of said Indians and the provisions of former treaties with the same tribe, although their lands is possessed by them collectively and their interest in it is common & undivided, yet the improvements made thereon or upon any parts thereof are considered as the property of the individuals or families who make such improvements.

And whereas the following articles of a Treaty of cession have been submitted to his Excellency William H. Seward Governor of the State of New York whose approbation thereof is hereinafter expressed.

Now therefore : This Indenture made this thirteenth day of March in the year of our Lord one thousand eight hundred and forty one.

Between the said Orchard Party of the Oneida Indians constituting the party of the first part and the People of the State of New York acting by their agents the Commissioners of the Land office aforesaid constituting the party of the second part witnesseth as follows to wit.

Article 1. The above named party of the first part for & in consideration of the agreements hereinafter contained on the part of the party of the second & of the receipt of the sums of money hereinafter specified to be paid at the execution of this Treaty Do hereby grant bargain sell cede & surrender to the People of the State of New York all the right title estate & interest of the said party of the first part in & to all that part of the said Reserved lands not released by the said party of the first part to the said party of the second part in & by the said Treaty of February 26, 1834, Bounded & described as follows to wit. Beginning at the South west corner of said reserved lands at a stake and from thence running north seven degrees & forty five minutes east along the westerly line of the same fifty five chains to a stake on the South easterly line of the Oneida purchase of June 19, 1840 Thence north fifty five degrees east along the same thirty one chains & sixty links to stake. Thence south twenty eight degrees east forty eight chains and fifty links to the south line of said reserved lands, and thence south sixty two degrees west along the South line thereof sixty three chains & fifty four links to the place of beginning and containing Two hundred and seventeen $\frac{44}{100}$ acres of land.

Article 2. The Commissioners of the Land office will cause the lands hereby conveyed & ceded to the People of the State of New York to be measured and subdivided into parcels or lots of convenient & suitable dimensions for occupation as farms, and the advantageous sale thereof and will cause the same to be sold in the manner provided for the sale of unappropriated lands of the state from time to time as rapidly as will secure the best price for the same, and will cause regular account of the expenses of such survey & of all expenses incurred in the negotiation conclusion & execution of this Treaty to be kept and it is hereby stipulated & agreed that the People of said State will hold & retain the avails of all such sales in trust to be applied to the following purposes.

First. To the repayment of all advances made by the said People on account of the cession of the said lands with interest thereon at the rate of six per cent per annum.

Second. To the repayment of all expenses in the survey description & partition of the lands which are the subject of this Treaty and all the expenses in the negotiation conclusion & execution of the same.

Third. To pay the residue of the said avails with all interest that may accrue thereon to the Chiefs Headmen & individuals of the said emigrating Party whenever they shall be ready so to migrate & depart beyond the limits of this state.

Article 3. And whereas the persons & souls enrolled on the said attested list as intending to migrate beyond the limits of said State amount to 44 souls.

1. On the final conclusion of this Treaty the said People will pay to Nathan Burchard & Salmon Case of Vernon who have been nominated by the whole of the said migrating party as Trustees & agents for the purpose the sum of eight hundred & eighty dollars to be expended under the direction of said Trustees the Chiefs & Headmen of the said emigrating party & be applied in the payment of such debts of the said party as their chiefs & headmen shall certify to be fair and just and as shall appear to the said Trustees to be of that character & the balance to be distributed among the individuals of the said party in such manner and proportions as their chiefs & Headmen & the said Trustees shall deem just & equitable in order to enable the said individuals to procure the articles which it may be necessary or convenient for them to take upon their emigration. The said Trustees shall render to the Commissioners of the Land office and account of the disbursements of the moneys that may be advanced to them under this article with proper vouchers therefor. They shall be entitled collectively to retain one per cent of the moneys received & paid out by them as a compensation for their services.

Article 4. The present value of the above described lands ceded to the People of the State of New York by this Treaty with all the improvements thereon shall be appraised & estimated by a Surveyor appointed by the Commissioners of the Land office of the State of New York and John P. Sherwood a commissioner chosen on the part & behalf of the said Oneida Indians which appraisal shall state the value of the improvements separately & shall be subscribed & sworn to by them & filed in the office of the Secretary of State & in case the said ceded lands shall not have been sold prior to the first day of May next so as to ascertain the exact proportionate sum due & payable to each person of said party so enrolled as intending to emigrate. Then it is hereby agreed that the said people of the State of New York will on or before that day advance and pay the said emigrating party the full amount of said appraisal of said lands ceded as aforesaid exclusive of improvements after deducting the expenses hereinbefore mentioned and when the sales of said ceded

lands shall be completed then the people of the State of New York will pay to the said emigrating party the surplus of such actual sales of the said Lands exclusive of improvements over & above the said estimated value after deducting the expenses aforesaid.

The said advances & payments to be made to such chiefs & Headmen of the said emigrating party as shall be duly authorized by the members thereof to receive the same, but such payments not to be made until possession of the lands hereby ceded is surrendered.

Article 5. The buildings & improvements upon any part of the lands by this Treaty ceded & conveyed to the People of the State of New York shall be appraised and the value thereof estimated by the persons hereinbefore authorized to appraise the said ceded lands, who shall make a detailed statement of the names of the persons entitled to such improvements the nature & extent thereof generally and their fair value which shall be subscribed by them & sworn before a justice of the peace to be just & fair according to the best of their judgment and which shall be filed in the office of the Secretary of State which appraised value shall be paid to each & every individual respectively to which the appraised improvements may belong when they shall finally migrate out of said State, and the value of said improvements shall not be estimated in the amount hereinbefore agreed to be paid to any party or portion of the said Oneida Indians as their proportion of the avails of the said ceded Lands.

Article 6. It is hereby stipulated & agreed that such of the said Orchard Party as are enrolled on the said Attested list as intending to emigrate, hereby release, quit claim & forever renounce to the said Indians who are so enrolled as intending to remain and to those who may succeed them in their right all right title claim and demand whatsoever in & to said portion of Lands so set apart described & Reserved for the said Indians who do not intend to emigrate, Bounded & described as follows to wit, Beginning at the North East corner of the Tract of land reserved & occupied by the said Orchard party of Oneida Indians on the South easterly line of the Oneida purchase of June 19, 1840 at a stake, and from thence running South fifty one degrees & thirty minutes East on the East line of said first mentioned tract fifty eight chains & thirty links to the south east corner thereof a stake, Thence South sixty two degrees west along the South line of said tract sixty three chains & twelve links to a stake Thence North twenty eight degrees west along the easterly line of the lands intended to be ceded to the State forty eight chains & fifty links to a stake on the South easterly line of said purchase of June 19, 1840 and thence North fifty five degrees east

along the said line forty chains & forty links to the place of Beginning, Containing Two hundred & sixty six $88/100$ acres of land (266.88 acres) which lands so reserved for such of the said Orchard Party of the Oneida Indians as intend to remain in this state is to be had held enjoyed & occupied by them collectively in the same manner & with the same right title & interest therein as appertained to the said party of the first part before the execution of this Treaty with the following modification.

When any family desirous of having their lands divided off to them or any two or more families agreeing to unite in the separate ownership of any portion of the said Reserved lands shall be composed of such members as would entitle them to at least fifty acres according to the ratio hereinbefore stated, they may make application to Nathan Burchard, Salmon Case & Ira S. Hitchcock or to such other persons as may be hereafter appointed by the Commissioners of the Land Office upon the said Persons certifying that the heads of the families so applying are prudent industrious & capable of managing & taking care of such lands & that the remaining members of the said party generally assent to the setting apart to such applicants the said quantity of land to which they may be entitled the Commissioners of the Land Office will direct such quantity to be measured & described in one convenient parcel & will thereupon grant a Certificate to the persons so applying to the effect that they are entitled to hold & occupy the same in severalty & the quantity of land so described shall be in lieu of all claim & interest of such applicants in & to the common lands & property of the party so remaining and such Certificate shall operate as a partition between the said applicants & the residue of the said party so remaining in respect to all lands held by them collectively.

But the lands so set apart & held in severalty shall not be liable to any sale or transfer absolute or conditional or to any Lease or Mortgage to any person other than the People of the State of New York. The expense of such survey & partition is in all cases to be defrayed by said applicant.

Article 7. It is hereby further stipulated & agreed by & between the respective parties to this Treaty that the whole number of souls enrolled on attested list shall not be affected by any future variations by reason of births, deaths or otherwise from what they now appear on the attested lists annexed to this Treaty.

It is hereby further stipulated & agreed by & between the said party of the first part & the said party of the second part That the map & Certificates of survey endorsed thereon & duly sworn to &

authenticated by Nathan Burchard Deputy Surveyor & appended to said Treaty shall be forever deemed the metes & bounds & descriptions of the lands intended to be ceded to the said party of the second part & the lands reserved by the said party of the first part.

And it is further stipulated & the same is hereby agreed by & between the said parties to this Treaty that whenever said ceded lands shall be sold by the party of the second part then & in every such case the said party of the first part shall yield immediate & quiet possession to purchasers under such sale excepting & Reserving therefrom unto the said Indians a temporary occupancy of their houses until the first day of June next.

Article 8. This Treaty shall be executed in duplicate in the first instance by the Chiefs Headmen & Warriors of the party of the first part with the advice & assistance of Nathan Burchard Attorney for the said Indians & of Charles Granger a Justice of the Peace of the County of Oneida who will certify that the same has been carefully explained & understood by them the said Indians such execution to take effect when the same shall also be executed by the Commissioners of the Land Office of the State of New York or a majority of them and when the same shall be approved by the Governor of the said State to be signified by his approbation endorsed thereon.

In Testimony Whereof the said Chiefs Headmen & Warriors of the party of the first part have hereunto set their hands & seals in token of their cinsent to this Treaty of the whole Tribe of said Oneida Indians constituting the party of the first part.

And the Commissioners of the Land Office of the State of New York have also hereto subscribed their names in behalf of the People of said State & by direction of the Governor they have caused the Great Seal of the State of New York to be hereto affixed.

This done & executed in duplicate on the day & year above mentioned.

HENRY	^{his} x mark	CHRISTIAN	[L. s.]
MOSES	^{his} x mark	CORNELIUS	[L. s.]
WILLIAM	^{his} x mark	JOHNSON	[L. s.]
MOSES	^{his} x mark	DAY	[L. s.]
HENRY	x	ANTONE	[L. s.]
CORNELIUS	^{his} x mark	MATOXEN	[L. s.]

ABRAM	^{his} X	CORNELIUS	[L. s.]
	mark		
WILLIAM	^{his} X	GREEN	[L. s.]
	mark		
JOHN	^{his} X	HONEYOST	[L. s.]
	mark		
LEWIS	^{his} X	JOHNSON	[L. s.]
	mark		
ANTHONY	X	WILLIAMS	[L. s.]
WILLIAM	^{his} X	DAY Chief	[L. s.]
	mark		
WILLIAM	^{his} X	CORNELIUS Chief	[L. s.]
	mark		
ABRAM	^{his} X	ANTONE	[L. s.]
	mark		
JAMES	^{his} X	JOHNSON	[L. s.]
	mark		
JAMES	^{his} X	CHRISTIAN	[L. s.]
	mark		

Signed & Sealed by the Chiefs Headmen & Warriors of the Orchard Party of Oneida Indians constituting party of the first part whose names are subscribed in our presence and we certify that the contents of the preceding Treaty were carefully explained to them and the other members of the said Indian parties in full council & were fully understood by them & unanimously signed by them.

NATHAN BURCHARD

Attorney for Oneida Indians.

CHARLES GRANGER

Justice of the Peace.

JOHN C. SPENCER

Secretary of State

JOHN A. COLLIER

Comptroller

[L. s.]

O. L. HOLLEY,

Surveyor General

WILLIS HALL

Atty Genl.

Commissioners of the Land Office.

The foregoing Treaty is hereby approved by me this third day of April 1841.

WILLIAM H. SEWARD.

STATE OF NEW YORK }
 ONEIDA COUNTY } SS.

We the undersigned Chiefs Headmen and Warriors of the Orchard Party of the Oneida Indians known and distinguished in and by the "Attested List" annexed to the foregoing Treaty as the emigrating party of the said Indians in consideration of the agreements & payments of the sums of money mentioned to be made by the party of the second part & for divers other good causes & considerations, us thereunto moving have bargained & agreed & by these presents do bargain & agree with the said party of the second part to leave & surrender our Lands ceded by said Treaty on the fourth day of May next unto the said party of the second part & do stipulate & further agree with the said party of the second part to emigrate & leave the State of New York on the 10th day of May next.

And we the Chiefs Headmen & Warriors of the said Orchard Party of the Oneida Indians Known & distinguished in & by the attested list annexed to the above Treaty as the "Home Party" of said Indians do hereby stipulate & agree with the said Party of the Second part to said Treaty to leave & surrender our lands ceded by the same unto the said party of the second part on the said 4th day of May next any clause or stipulation in the foregoing Treaty to the contrart notwithstanding:

In Witness Whereof we have hereto set our hands & seals this first day of April 1841.

WILLIAM	^{his} x	CORNELIUS	[L. S.]
	mark		
WILLIAM	^{his} x	DAY	[L. S.]
	mark		
WILLIAM	^{his} x	JOHNSON	[L. S.]
	mark		
CORNELIUS	^{his} x	MATOXEN	[L. S.]
	mark		
LEWIS	^{his} x	JOHNSON	[L. S.]
	mark		
ABRAM	^{his} x	ANTONE	[L. S.]
	mark		
WILLIAM	^{his} x	GRESSE	[L. S.]
	mark		
MOSES	^{his} x	CORNELIUS	[L. S.]
	mark		
ABRAM	^{his} x	MATOXEN	[L. S.]
	mark		
HENRY	^{his} x	CHRISTIAN	[L. S.]
	mark		
ABRAM	^{his} x	CORNELIUS	[L. S.]
	mark		

Signed & Sealed by the Chiefs of
 the Orchard Party and also the
 Headmen & Warriors of the said
 Indians in our presence after
 the contents of the above stipu-
 lation had been fully explained
 to them in full council.

N. BURCHARD

Atty for Oneida Indians

C. GRANGER

Justice of the Peace.

Schedule No. 1 consists of a List of all those of the Orchard party of Oneida Indians who intend to migrate to the township of Delaware London District Upper Canada or elsewhere.

William Day Chief		John Honeyost	8
Mary Day his wife	2		
		Mary Sickles	
Jenny Antone		Elizabeth Sickles	2
Caty Antone			
Aaron Antone		Dolly Williams	1
Mary Antone	4	Cornelius Matoxen Chief	
		Jenny Matoxen	
Elizabeth Williams		Catharine Matoxen	
Susannah Williams		Margaret Matoxen	
Dolly Williams	3	Abram Matoxen	
		Thomas Matoxen	
Abram Antone	1	Electa Matoxen	
Electa Nicholas		Sally Matoxen	
Thomas Nicholas		John Matoxen	
Margaret Nicholas		Margaret Matoxen	
Sally Nicholas		Nelly Matoxen	
Elizabeth Nicholas		Anthony Williams	12
Lewis Nicholas alias			
Lewis Johnson	6	William Green	
Abram Cornelius		Hannah Green	
Margaret Cornelius		John Green	
Ester Cornelius		Henry Green	
Martin Cornelius		Electa Green	5
Nicholas Cornelius			
Jenny Cornelius		Total No of Emigrants	44
Jacob Cornelius			

STATE OF NEW YORK, } SS.
 ONEIDA COUNTY }

We the Undersigned Chiefs & headmen of the said Orchard Indians being sworn do depose & say that the above attested list is true and correct.

M. ^{his} x DAY
mark

WM. ^{his} x CORNELIUS
mark

CORNELIUS ^{his} x MATOXEN
mark

WILLIAM ^{his} x JOHNSON
mark

Sworn & subscribed before }
 me Mar 1841 }

CHARLES GRANGER

Justice of the Peace.

Schedule No. 2 consists of a list of all the Orchard Party of Oneida Indians who intend not at present to sell but to remain on their Reservation situate in the town of Vernon Oneida County & State of New York commonly called the "Home Party" of the Orchard Indians.

William Cornelius Chief	Elizabeth Johnson	
Electa Cornelius	Hannah Johnson	
Moses Cornelius	Jenny Johnson	
Elizabeth Cornelius	Caty Johnson	
Mary Cornelius	Sally Johnson	5
Susannah Cornelius		
Dolly Cornelius	Electa Antone	
Goene Cornelius	Henry Johnson	2
Nelly Cornelius		
Dolly Cornelius	William Johnson	1
Baptist Cornelius		
Elizabeth Cornelius	William Williams	
Jenney Gornelius	Dolly Williams	
Nicholas Cornelius	John Williams	
Mary Cornelius	Joseph Williams	
Henry Cornelius	Jonathan Williams	5

James Christian		David John	
Mary Christian	2	Mary Williams	2
James Johnson		Anthony Abram	
Margaret Johnson		Esther Abram	
Hannah Johnson		Elizabeth Abram	
Peter Johnson		Hannah Abram	
Thomas Johnson		Henry Abram	5
Jacob Johnson	6		
Moses Day		Margaret John	
Susan Day		Dolly John	
Margaret Day		Thomas John	
Sally Day		Caty John	
Mary Day	5	Eve John	5
		Total No. Emigrants	54

STATE OF NEW YORK }
 ONEIDA COUNTY } ss.

The undersigned Chiefs Headmen of the Orchard Party of the Oneida Indians being sworn do say that the above attested list is correct & further say not.

Wm. ^{his}
 x JOHNSON Chief
 mark

WILLIAM ^{his}
 x CORNELIUS Chief
 mark

WILLIAM ^{his}
 x DAY Chief
 mark

CORNELIUS ^{his}
 x MATOXEN Chief
 mark

Sworn & subscribed in full Council the
 oath being distinctly put to them
 and interpreted, before me March
 13, 1841.

CHARLES GRANGER

Justice of the Peace.

JOHN C. SPENCER

Secretary of State

JOHN A. COLLIER

Comptroller

O. S. HOLLEY

Surv General

WILLIS HALL

Atty Genl

STATE OF NEW YORK }
 ONEIDA COUNTY }

We the undersigned Chiefs of the Orchard Party of the Oneida Indians named in the foregoing Treaty do hereby assent to & concur in the amendments & corrections made by the party of the second part to the above treaty & they shall have the like force and solemnity as if the same were contained in the Original Indenture.

In Witness Whereof we Have hereunto set our hand & seals in token of the consent to this Treaty of the whole Orchard Party of said Indians this first day of April in the year of our Lord one thousand eight hundred & forty one.

WILLIAM	^{his} X mark	CORNELIUS Chief	[L. s.]
WILLIAM	^{his} X mark	DAY Chief	[L. s.]
WILLIAM	^{his} X mark	JOHNSON Chief	[L. s.]
CORNELIUS	^{his} X mark	MATOXEN Chief	[L. s.]
ABRAM	^{his} X mark	CORNELIUS Chief	[L. s.]
ABRAM	^{his} X mark	ANTONE Chief	[L. s.]
MOSES	^{his} X mark	CORNELIUS Chief	[L. s.]
HENRY	^{his} X mark	CHRISTIAN Chief	[L. s.]

Signed and Sealed by the Chiefs
 of the Orchard Party of Oneida
 Indians after the above amend-
 ments & corrections in the fore-
 going Treaty had been read &
 fully explained to them & to
 which the said Chiefs gave their
 assent & signatures in our pres-
 ence at the date above written
 in full council.

NATHAN BURCHARD
Attorney for Oneida Indians

CHARLES GRANGER
Justice of the Peace.

Examined & Compared with the Originals by
 ARCHD. CAMPBELL

Dep. Secretary.

A treaty made May 23d in the year of our Lord one thousand eight hundred and forty two Between the Orchard Party of the Oneida Indians residing in the town of Vernon County of Oneida and State of New York constituting party of the first part and the People of the State of New York acting by their agents the Commissioners of the Land Office constituting party of the Second part Witnesseth as follows to wit:

Article 1. The above named party of the first part for and in consideration of the agreement hereinafter contained on the part of the people of the second part and of the receipt of the sums of money hereinafter specified to be paid at the execution and conclusion of this Traety Do hereby grant, bargain, sell, cede, and Surrender to the people of the State of New York all the right, title, estate and interest of the said party of the first part in and to all that part of the reserved Lands not heretofore released by the said party of the first part to the party of the second part, Bounded and described as follows to wit: Beginning at the North East corner of lot Number Three at a stake marked 3, and thence runs south sixty two degrees west sixty two chains and twelve links to a stone monument numbered 3, 4, thence North twenty seven degrees and forty five minutes west, eleven chains and forty five links to a stake marked I, an apple tree North sixty nine degrees west forty five links marked I, thence North fifty nine degrees East thirty five chains and twenty four links to stake marked 2, 3, thence north fifty five degrees East nineteen chains and seventy six links to stake marked 3, N. W. C. a Beach south fifty one degrees west sixteen links marked 3, and thence south fifty two degrees East eighteen chains to the place of beginning Containing seventy six $\frac{18}{100}$, 76.18, acres of land.

Article 2d. And whereas, the said ceded lands have been measured and subdivided into parcels or lots of convenient and suitable dimensions for occupation as farms and the advantageous sale thereof, and the Commissioners of the Land Office shall cause the same to be sold with all possible dispatch in the manner prescribed for the sale of unappropriated lands of the State, and will cause a regular account of the expenses of said survey and of all such other expenses incurred in the negotiation and conclusion and execution of this Treaty to be kept and it is hereby stipulated and agreed that the people of said State will hold and retain the avails of all such sales in trust to be applied to the following purposes.

First, to the repayment of all advances made by the said People on account of the cession of the said lands with interest at the rate of six per cent per annum.

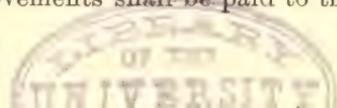
Second, To the repayment of all expenses of the survey description and partition of the land which are the subject of this Treaty and of all the expenses in the negotiation and execution of the same, and the repayment of individual improvements thereon.

Third, To pay the residue of one half of the avails of the said ceded lands arising from the sale thereof when the funds shall be paid into the Treasury, and the remainder thereof when the party of the Second part shall realize the same from the purchasers of the ceded lands, so that the party of the first part shall not be paid any faster than the party of the second part shall realize funds from the sale of the ceded lots of land to the Chiefs, headmen and warriors such payment shall be made.

Article 3d. The party of the second part shall pay unto the party of the first part after the payment of all Expenses of the survey, description and partition of the lands which are the subject of this Treaty and of all the expenses in the negotiation and execution of the same and the payment of individuals improvements on the said ceded lands the residue of one half of the avails of said ceded lands arising from the sale thereof whenever the funds shall be paid into the Treasury of the State and the remainder thereof whenever the said party of the second part shall realize funds from the purchasers or otherwise of the ceded lands; such payments are to be made to the Chiefs, Headmen and individuals belonging to Schedule A, to be applied in the payment of their just debts and the balance to be distributed among the several individuals of the said Emigrating party in such sums and in such manner as the said Chiefs headmen and warriors shall deem just proper in order to enable the said individuals to procure articles that may be necessary or convenient for them to take upon their emigration and to defray the expenses of such emigration.

Article 4th. The above described ceded lands have been surveyed and appraised by the above named Nathan Burchard and the aggregate amount concurred in by Sands Higinbotham and Timothy Jenkins which appraisal states the value of each lot of said ceded lands and all the improvements thereon separately and when Subscribed & sworn to by the said Nathan Burchard copies thereof shall be filed in the offices of the Secretary of State and Surveyor General.

Article 5th. The buildings and improvements on Said ceded lands have been appraised by the said Nathan Burchard and the value thereof has been estimated by him and a statement thereof shall be duly authenticated by him and copies thereof shall be filed in the offices last above mentioned, which improvements shall be paid to the



individuals to whom they respectively belong; if they belong to persons included in Schedule A if the ceded lands are sold when they migrate, if to individuals included in Schedule B when the party of the Second part shall have realized funds from the sale of said lands, and the value of said improvements shall not be estimated in the amount hereinbefore agreed to be paid to any party or portion of the said Oneida Indians as their proportion of the avails of the said ceded lands.

Article 6th. It is hereby stipulated and agreed that such of the said Orchard party as are named in Schedule A hereby release, quit claim and forever renounce to the said Indians named in Schedule B, and to those who may succeed them in their right, all right, title and interest, claim and demand whatsoever in and to the said portion of lands so set apart, described and reserved for the said indians who do not intend to emigrate bounded and described as follows to wit: Beginning at a stone monument placed in a gulf marked N. W. C. & 3. and thence runs North fifty five degrees East forty chains and forty links to a stone monument thence South fifty two degrees East forty chains and forty links to a Stake marked 3. N. W. C. a beach south fifty one degrees North Sixteen links marked 3, thence south fifty five degrees West nineteen chains and Seventy six links to a Stake marked 2, 3, thence south fifty nine degrees West thirty five chains and twenty four links to a stake marked 1, an apple Tree North Sixty nine degrees West forty five links marked 1, and thence north twenty seven degrees and forty five minutes West thirty five chains and five links to the place of beginning Containing One hundred and ninety $70/100$ acres.

Article 7th. It is further agreed and stipulated that the said party of the first part shall leave and surrender the lands hereinbefore ceded on the day of in the year 1842 and to migrate and go beyond the jurisdiction of this State.

And it is hereby further stipulated and agreed by and between the respective parties to this Treaty that the whole number of souls enrolled on said attested list annexed to this Treaty as Schedule A. shall not be affected by any further variations by reason of deaths, births or otherwise from what they now appear on the last mentioned Schedule.

And it is hereby further Stipulated and agreed that the owners of improvements that have sown crops on the ceded lands shall be and the same are authorized to have and harvest all crops that have not been appraised if sown previous to the execution of this Treaty.

It is further stipulated and agreed that Nathan Burchard Attorney for the Oneida Indians is hereby authorized and empowered to modify or change the Stipulations of this treaty on the part and behalf of said Indians or any or either of them in respect to any measure proposed by or suggested by the Commissioners of the Land Office.

And it is further Stipulated and agreed that the Burial ground on Lot No. 3 is reserved and not ceded by this Treaty any cause to the Contrary notwithstanding.

Article 8th. This Treaty shall be executed in duplicate or a certified copy thereof shall be made by the Secretary of State and transmitted to Nathan Burchard Attorney for the Oneida Indians for the use of said Indians in the first instance by the Chiefs, Headmen and warriors of the party of the first part with the advice and assistance of Nathan Nathan Burchard Attorney for said Indians and Sands Higinbotham and Timothy Jenkins Commissioners appointed on the part of the State who shall certify that the same has been carefully explained and understood by them the said Indians, such execution to take effect when the same shall also be executed by the Commissioners of the Land office of the State of New York or a majority of them and when the same shall be appraised by the governor of the State of New York to be signified by his approbation endorsed thereon. In Testimony whereof the said Chiefs and Headmen and Warriors of the party of the first part have hereunto set their hands and seals in token of their assent to this Treaty of the whole tribe of said Oneida Indians constituting party of the first part.

And the Commissioners of the Land office of the State of New York have hereto subscribed their names in behalf of the People of said State and by direction of the governor they have caused the great seal of the State of New York to be hereunto affixed. This done on the day and year above mentioned.

MOSES	his x mark	CORNELIUS	[L. s.]
WILLIAM	his x mark	CORNELIUS	[L. s.]
WILLIAM	his x mark	JOHNSON	[L. s.]
DAVID	his x mark	JOHNSON	[L. s.]
MOSES	his x mark	DAY	[L. s.]

HENRY	^{his} x mark	CHRISTIAN	[L. s.]
ANTHONY	^{his} x mark	ABRAM	[L. s.]
HENRY	^{his} x mark	ABRAM	[L. s.]
DAVID	^{his} x mark	JOHN	[L. s.]
JAMES	^{his} x mark	CHRISTIAN	[L. s.]

Signed and Sealed by the Chiefs and
Headmen and Warriors of the Orch-
ard party of the Oneida Indians con-
stituting party of the first part whose
names are subscribed in our presence
and we certify that the contents of
the preceding treaty were carefully
explained to them and the other mem-
bers of the said Indians parties in full
council and were fully understood by
them and unanimously signed by
them — Article 2d Line 26 the words
“or otherwise” being obliterated.

NATHAN BURCHARD

Attorney for the Oneida Indians.

SANDS HIGINBOTHAM,

TIMOTHY JENKINS,

NATHAN BURCHARD.

S. YOUNG

Sec. of State

NATHANIEL JONES

Surveyor Gen'l

Comm's of the Land Office.

Signed by the Commissioners A. C. Flagg Comptroller of the Land
Office in the presence of Arch'd Campbell.

This Treaty is hereby approved and ratified this eighth day of June
One thousand eight hundred and forty two

WILLIAM H. SEWARD Great [L. s.] seal

Examined & compared with the original by

ARCH'D CAMPBELL

Dep. Sec. of State.

SCHEDULE A.

Referred to in the above treaty consists of an attested list of all those of the Orchard Party of the Oneida Indians who intend to migrate to the township of Delawre, London District in the British Province of Upper Canada or elsewhere without the jurisdiction of the State of New York called the Emigrating party.

Mary Day	1	Anthony Abram	
		Esther Abram	
Electa Antone		Elizabeth Abram	
Henry Antone	2	Hannah Abram	
		Henry Abram	5
William Williams			<hr/>
John Williams			16 souls
Jonathan Williams			
Joseph Williams			
Dolly Williams			
One Infant	6		
David John	} 2		
Mary Williams			
	<hr/>		
	11		
STATE OF NEW YORK	} ss.		
ONEIDA COUNTY			

We the undersigned chiefs, headmen and Warriors of the Orchard Party of the Oneida Indians being duly sworn do depose and say that the above Schedule A. is in all respects true and correct and accurately shews the names and number of the said Orchard Party who intend to migrate.

WILLIAM ^{his} x CORNELIUS
mark

MOSES ^{his} x CORNELIUS
mark

HENRY ^{his} x CHRISTIAN
mark

Sworn and Subscribed before me }
 May 23d in the year 1842. }

TIMOTHY JENKINS
Com of Deeds.

SCHEDULE B.

Referred to in the foregoing treaty consists of a list of all the Orchard Party of the Oneida Indians who do not at present intend to cede their lands but to remain on the same and their situate in the

town of Vernon County of Oneida and State of New York commonly called the Home Party of the Orchard Indians. 19

William Cornelius		Margaret John	5
Electa Cornelius		Dolly John	
Moses Cornelius		Thomas John	
Elizabeth Cornelius		Caty John	
Mary Cornelius		Eve John	
Nelly Cornelius			
Susannah Cornelius		Moses Day	
Dolly Cornelius		Susa Day	
Goene Cornelius		Margaret Day	
Dolly Cornelius		Sally Day	
Baptist Cornelius		an infant	5
Elizabeth Cornelius			
Jenny Cornelius		James Johnson	
Nicholas Cornelius		Margaret Johnson	
Mary Cornelius		Hannah Johnson	
Henry Cornelius		Peter Johnson	
Solomon Schenendach	17	Jacob Johnson	5
		Elizabeth Johnson	
		Hannah Johnson	
		Jenny Johnson	
James Christian		Caty Johnson	
Mary Christian	2	Sally Johnson	5
	<hr/>		
	19	William Johnson chief	1
			<hr/>
			40 souls

STATE OF NEW YORK }
 ONEIDA COUNTY } ss:

We the undersigned Chiefs, headmen of the Orchard Party of the Oneida Indians being duly sworn do depose & say that the above Schedule B is in all respects true and correct and accurately shows the names and number of the Orchard party who intend to remain on their reservation and not cede their lands.

DAVID ^{his}
 x
 mark JOHNSON

WILLIAM ^{his}
 x
 mark CORNELIUS

MOSES ^{his}
 x
 mark CORNELIUS

WILLIAM ^{his}
 x CORNELIUS
 mark
 WILLIAM ^{his}
 x JOHNSON
 mark

Sworn and subscribed before me }
 May 23d in the year 1842 }

TIMOTHY JENKINS
Com of Deeds.

Examined & compared with the original by

ARCH'D CAMPBELL
Dep. Sec. of State.

At a Treaty made and concluded at the city of Albany in the State of New York on the 25th Day of February in the year of our Lord one thousand eight hundred and forty six Between the Tribe or Nation of Indians called the Oneida Indians viz: that part or portion of said Tribe residing at Duck Creek in the Territory of Wisconsin; also that part or portion of the said Tribe residing in Canada West, and also that part or portion of the said Tribe residing in the State of New York, whether belonging to the First Christian Party, The Second Christian Party, or the Orchard Party of said Indians, by their Agents or Attornies duly appointed and hereinafter named of the first part and and the People of the State of New York by their commissioners of the Land Office of the Second part:

Whereas by the act entitled "An Act authorizing the commissioners of the Land Office to sell the Missionary Lot (so called) in Westmoreland Oneida county" Passed April 25, 1833. The commissioners of the Land Office were authorized to sell to Andrew I. Bell, Israel F. Goodwin, Abraham Hall, Gershom Wood, Joseph P. Cushman, Hart Gates and Dorothy Markham according to the respective shares and proportions then owned or possessed by them of the Missionary Lot aforesaid estimated to contain 325 acres which said lot was granted by the State by an act passed May 5, 1786 to Samuel Kirkland then a Missionary among the Oneida Tribe of Indians, in trust for any Minister of the Gospel who might thereafter for the time being be employed by the said Oneida Indians to preach the Gospel among them, and which in pursuance of an act passed February 4, 1822 was leased to the said Andrew I. Bell and others, upon such terms as the said commissioners should think proper, but not for a less sum than the interest of which should amount to at least the rents of said lot as

then leased: And whereas it appears by a Statement entered on the minutes of the commissioners of the Land Office on the 10th day of February 1834, that the said Missionary Lot by actual survey was found to contain $331\frac{25}{100}$ acres of land, and the value thereof calculating at the rate mentioned in the said act was found to be $\$1656\frac{25}{100}$, and the lot was accordingly sold to the occupants according to the number of acres thereof possessed by each on their Surrendering their Leases and producing proof of the payment of all the rent due up to February 1st 1834, and on paying into the Treasury the one fourth part of the value of their respective parts and giving bonds for the Remainder; all which was complied with by the said occupants respectively, Excepting Abraham Hall who occupied $22\frac{50}{100}$ acres valued at $\$112\frac{50}{100}$ & who neglected to Surrender his Lease and produce proof of the payment of his rent, therefore no sale of the said part occupied by him was made and it still remains unsold by the State; And whereas the said Indians are desirous of receiving the price of the said Missionary Lot in order to divide the same among the different parties entitled to the same, and have therefore appointed and constituted the following named persons as their agents or attornies to receive the avails of the said Lot and to do and transact on their behalf whatever may be necessary in the premises viz: Adam Swamp and John Cornelius on behalf the part of said Tribe residing at Duck Creek in the Territory of Wisconsin; Abraham W. Sickels and Moses Schuyler on behalf of the part of said Tribe residing in Canada West; and Daniel Sconooda, David Johnson and Henry Jordan on behalf of the part of said Tribe residing in the State of New York. Now therefore it is hereby agreed by and between the persons above named parties to these presents of the first part on behalf of the said Indians and the Commissioners of the Land Office aforesaid on behalf of the People of the State of New York of the second part that the said sum of One thousand six hundred and fifty six dollars and twenty-five cents the price of the said Missionary Lot be now paid to the said parties of the first part by the Treasurer of this State on the warrant of the Comptroller in such parts or portions as the respective parties of the said Tribe or Nation of the Oneida Indians may be entitled to: and the said parties of the first part hereby release unto the people of the said State any claim or demand that the said Indians may have to the $22\frac{50}{100}$ acres of said lot occupied by the said Abraham Hall and also to the lease executed by him or any rent that may be due on said piece of land, and they the said parties of the first part authorize

the said People of the said State to sell and dispose of the said piece of land in such manner as to them may appear proper.

In witness whereof the said Adam Swamp, John Cornelius, Abraham W. Sickles, Moses Schuyler, Daniel Sconondua, David Johnson and Henry Jordan on behalf of the said Indians have hereunto subscribed their names and affixed their seals and the said Commissioners of the Land Office on behalf of the said People have also hereunto Subscribed their names the day and year aforesaid.

In presence of
S. S. RANDALL.

ADAM	^{his} x	SWAMP	[L. s.]
	mark		
JOHN CORNELIUS			[L. s.]
ABRAHAM W. SICKLES			[L. s.]
MOSES	^{his} x	SCHUYLER	[L. s.]
	mark		
DANIEL	^{his} x	SCONONDOA	[L. s.]
	mark		
DAVID JOHNSON			[L. s.]
HENRY	^{his} x	JORDAN	[L. s.]
	mark		
N. S. BENTON			
		<i>Secretary of State</i>	
H. HALSEY			
		<i>Surveyor-General</i>	
A. C. FLAGG			
		<i>Comptroller</i>	
THOS. FARRINGTON			
		<i>Treasurer</i>	
J. VAN BUREN			
		<i>Atty-Genl</i>	
		<i>Commissioners of the Land Office.</i>	

I approve the preceding Treaty Albany February 25, 1846.
SILAS WRIGHT.

Examined and compared with the original March 4, 1846, by
ARCH'D CAMPBELL
Dep. Sec. of State.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE. } ss.:

I have compared the preceding copies of Treaties and Agreements between the People of the State of New York and the Oneida,

St. Regis, Onondaga and Cayuga Tribes of Indians, with the records thereof remaining in this office and I do hereby certify the same to be a correct transcript therefrom and of the whole thereof.

Witness my hand and the Seal of office of the Secretary of State at the city of Albany this 30th day of *January*, one thousand eight hundred and eighty-nine.

[L. s.]

FREDERICK COOK,

Secretary of State.

At a Treaty held in the City of New York, with the Nations or Tribes of Indians denominating themselves the seven Nations of Canada Abraham Ogden Commissioner appointed under the authority of the United States to hold the Treaty Ohnaweo alies Good Stream, Tehargwanegen alies Thomas Williams two Chiefs of the Caghnawgas Atiatoharongwan alies Colonel Lewis Cook a Chief of the St. Regis Indians And William Gray Deputies Authorized to represent these seven Nations or Tribes of Indians at the Treaty and Mr. Gray serving also as interpreter Egbert Benson, Richard Varick and James Watson Agents for the State of New York, William Constable and Daniel McCormick purchasers under Alexander Macomb.

The Agents for the State having in the presence and with the approbation of the Commissioner proposed to the Deputies for the Indians the compensation herein after mentioned for the extinguishment of their claim to all lands within the State and the said Deputies being willing to accept the same It is thereupon granted agreed and concluded between the said Deputies and the said Agents as follows, The said Deputies do for and in the Name of the said Seven Nations or Tribes of Indians cede release and quit claim to the People of the State of New York forever All the Claim Right or Title of them the said Seven Nations or Tribes of Indians to Lands within the said State Provided nevertheless that the Tract equal to six miles Square reserved in the Sale made by the Commissioners of the Land Office of the said State to Alexander Macomb to be applied to the use of the Indians of the Village of St. Regis shall still remain so reserved, The said Agents do for and in the name of the People of State of New York grant to the seven Nations or Tribes of Indians that the People of the State of New York shall pay to them at the Mouth of the River Chasy on Lake Champlain on the third Monday in August next the Sun of One thousand two hundred and thirty three pounds six shillings and eight pence and the further

sum of two hundred and thirteen pounds six shillings and eight pence lawful money of the said State. And on the third Monday in August yearly forever thereafter the like Sum of two hundred and thirteen pounds six shillings and eight pence Provided nevertheless that the People of the State of New York shall not be held to pay the said sums unless in respect to the two Sums to be paid on the third Manday in August next at least twenty and in respect to the said yearly sum to be paid thereafter at least five of the principal Men of the said Seven Nations or Tribes of Indians shall attend as Deputies to receive and to give receipts for the same the said Deputies having suggested that the Indians of the Village of St. Regis have Built a Mill on Salmon River and another on Grass River and that the Meadows on Grass River are necessary to them for hay in order therefore to secure to the Indians of the said village the use of the said mills and Meadows in case they should hereafter appear not to be included within the above tract so to remain reserved It is therefore also agreed and concluded between the said Deputies the said Agents and the said William Constable and Daniel McCormick for themselves and their Associates purchasers under the said Alexander Macomb of the adjacent Lands that there shall be reserved to be applied to the use of the Indians of the said Village of St. Regis in like manner as the said Tract is to remain reserved a Tract of One Mile Square at each of the said Mills and the meadows on both sides of the said Grass River from the said Mill thereon to its Confluence with the River St. Lawrence:

In Testimony whereof the said Commissioner the said Deputies the said Agents, and the said William Constable and Daniel McCormick have hereunto and to two other acts of the same tenor and date one to remain with the United States another to remain with the State of New York and another to remain with the said Seven Nations or Tribes of Indians, set their Hands and Seals in the city of New York the thirty-first day of May in the twentieth year of the Independence of the United States one thousand seven hundred and ninety six

ABRM. OGDEN [L. S.]

OHNAWEIO, alias ^{his} x GOOD STREAM [L. S.]
mark

OTIATOHARONG WAN ^{his} x alias COLONEL LEWIS COOK [L. S.]
mark

WILLIAM GRAY [L. S.]

TEHARAGWANEGEN alias	^{his} X	THOMAS WILLIAMS	[L. s.]
EGBT. BENSON	mark		[L. s.]
RICHD. VARICK			[L. s.]
JAMES WATSON			[L. s.]
WM. CONSTABLE			[L. s.]
DANIEL McCORMICK			[L. s.]

Signed Sealed and Delivered }
 in the Presence of }

SAMUEL JONES

Recorder of the City of New York.

JOHN TAYLER

Recorder of the City of Albany,

JOS. OGDEN HOFFMAN

Attorney General of the State of New York.

Be it Remembered that on the Thirtieth day of May in the Year of our Lord one thousand seven hundred and ninety seven personally appeared before me John Sloss Hobart one of the Justices of the Supreme Court of Judicature in and for the State of New York Josiah Ogden Hoffman one of the subscribing witnesses to the within Treaty or Instrument of writing who being duly sworn doth depose and say that he saw the several parties to the said Treaty or Instrument of writing and whose names or marks are signed or made thereto Seal and Deliver the same as their and each of their Act and Deed for the Uses and purposes therein mentioned and that he this deponent together with John Tayler Recorder of the City of Albany and Samuel Jones Recorder of the City of New York the other subscribing witnesses thereto signed their names as evidences thereof. And there not appearing any material Erasures or Interlineations in the same Instrument of Writing I do allow the same to be recorded.

JNO. SLOSS HOBART.

I am of the opinion that the foregoing proof is sufficient for the purpose of Authorizing the Secretary to Record the within Instrument of Writing.

Nov: 29, 1797.

JOS: OGDEN HOFFMAN

Atty-Genl.

The preceding Instrument is a true Copy of the Original (word "next" at 25th line page 189 interlined) Compared therewith this 1st. day of December 1797. By Me

LEWIS A. SCOTT

Secretary.

A Treaty made and Executed between Daniel D. Tompkins Governor of the State of New York in behalf of the People of the Said State of the one part, and Peter Turbell Jacob Francis and Thomas Williams for and in behalf of the Nation or Tribe of Indians, known and called the "St. Regis Indians", of the second part (at the City of Albany, this fifteenth day of March in the Year of Our Lord One thousand eight hundred and sixteen) Witnesseth.

Article 1st. The said Tribe or Nation of St. Regis Indians, do hereby sell and convey to the People of the State of New York, for the Consideration hereinafter mentioned, a certain piece or parcel of their reservation, called the one mile square, Situated in the County of Franklin on Salmon River, to have and to hold the same to the said people of the State of New York, and their assigns forever. And Also, a separate and additional tract of Land of their said reservation, Situate in the County aforesaid containing Five Thousand Acres of the Easterly part of their said reservation; adjoining the aforesaid Mile Square of Land within the terretorial limits of the State of New York; to be measured from the East Boundary line of said reservation, so as to make the west boundary line of said five thousand Acres to run due north and south, to have and to hold the said Five thousand Acres of Land to the said People of the State of New York and their assigns forever.

Article 2nd. The said Daniel D. Tompkins Governor as aforesaid for and in behalf of the People of the State of New York covenants and agrees with the St. Regis Nation of Indians that the said People for the said several tracts of one mile square of land and of five thousand Acres of Land herein before granted and Conveyed Shall pay to the said Nation annually forever hereafter the Sum of One thousand three hundred dollars, at French Mills on said premises, the first Payment of the said annuity to be paid on the first Tuesday of August next, and the whole annuity to be paid on the first Tuesday of August in each year thereafter.

Article 3rd. The said St. Regis Tribe or Nation of Indians, Also covenant and agree to depute and Authorize three of the Chiefs or Principal Men of their Tribe to attend at the times and places aforesaid to receive the said annuity, and that the receipt of the said Chiefs or principal Men So deputed shall be considered a full and satisfactory discharge of the People of the State of New York from the Annuities which may be so received.

In Witness Whereof the said Daniel D. Tompkins Governor as aforesaid in behalf of the People of the State of New York, and Peter Turbell, Jacob Francis and Thomas Wil-

liams, Chiefs and Warriors of the said St. Regis Tribe or Nation of Indians for and in behalf of said Tribe or Nation of Indians have hereunto and to a copy hereof Interchangeably Set their Hands And Seals the day and year first above written.

DANIEL D. TOMPKINS [L. s.]

PETER ^{his} **x** TURBELL [L. s.]
mark

JACOB ^{his} **x** FRANCIS [L. s.]
mark

THOMAS ^{his} **x** WILLIAMS [L. s.]
mark

Sealed and Delivered In the Presence of }
(The word "Tuesday" in one place }
and "tues" in two others Interlined }
before Execution also the alterations }
which make the whole amount of the }
Annuity, Payable next August also }
made before Signing)

JOHN TAYLER

SIMEON DEWITT

MICHAEL HOGAN

STATE OF NEW YORK, ss.

I Smith Thompson Chief Justice of the Supreme Court of said State do certify that on the eighteenth day of March 1816 before me appeared Michael Hogan known to me personally who being duly sworn said that he saw Daniel D. Tompkins duly execute the within treaty and that he also saw Peter Turbell Jacob Francis and Thomas Williams known to him to be Chiefs of the St. Regis Nation or Tribe of Indians duly execute the same and that John Tayler Simeon DeWitt and the Deponent Subscribed their names as Witnesses to the Execution of said Treaty and there appearing no material alterations therein except those noted as having been made previous to Execution, I do allow the said Treaty to be recorded.

SMITH THOMPSON.

Recorded December 10, 1818 and agrees with the Original Compared therewith by

ARCHD. CAMPBELL

Dep. Secretary.

Know all men by these presents We the undersigned chief warriors of the Tribe called St. Regis Indians constitute and appoint Thomas Williams Michel Cook Lewis Doublehouse & Peter Turbell as our true and lawful attorneys to go to Albany and sell such a quantity of our Lands to the People of this State as they may think proper and to transact all other business which shall be thought best for the welfare of our Nation and whatsoever our said attorneys shall lawfully act or do we will Ratify and confirme — Done at St. Regis in General Counsel this eight day of March 1824 —

CHARLES ^{his} x SAGOHAWITA
mark

IGNACE ^{his} x GAREWIIS
mark

JOSEPH ^{his} x BERN
mark

EOVER ^{his} x TEGANAGEN
mark

THOMAS ^{his} x TURBLE
mark

BAPTIST ^{his} x SATELEWGUIES
mark

LEWEY ^{his} x SAHONRANE
mark

ELEAZER ^{his} x SKARESTOGOWA
mark

PETER ^{his} x TREWIRTI
mark

LORAN ^{his} x COOK
mark

CHARLES ^{his} x WILLIAMS
mark

In presents off

J. HADCOCKS
ELEAZER WILLIAMS
^{his}
JARVIS x WILLIAMS
mark
^{his}
THOMAS x TARBLE
mark
^{his}
LEWIS x TARBLE
mark

STATE OF NEW YORK, }
 ALBANY COUNTY, } ss.

Be it remembered that on the sixteenth day of March One thousand eight hundred and twenty four came before me Eleazer Williams one of the subscribing witnesses to the execution of the within power of Attorney to me known who on his oath says that he saw Charles Soghowita Ignace Garawiis Joseph Bern, Eover Taganagen Thomas Turbell, Baptist Sateticoquies, Lewey Sahourane, Eleazer Skaustogowa, Peter Thwate, Loren Cook, Charles Williams, Jarvis Williams, Thomas Tarble & Lewis Tarble Severally execute the within power of Attorney for the uses and purposes therein mentioned and that they are all personally known to him and that he together with J. Hadcocks have subscribed their names to the said power as witnesses all which I do accordingly certify

GARRIT V. DENNISTON—

Commissioner &c.

At a Treaty held at the City of Albany on the sixteenth day of March in the year of our Lord one thousand eight hundred and twenty four Between his Excellency Joseph C. Yates Governor of the State of New York and the Tribe of Indians called St. Regis Indians by their duly authorized deputies and agents Thomas Williams, Michel Cook, Lewis Doublehouse and Peter Turbel— It is covenanted and agreed as follows to wit —

The said Tribe Indians sell and do hereby convey to the people of the State of New York all their right title and interest claim and demand whatsoever of in and to All that certain tract of land in the town of Massena in the County of St. Lawrence known and distinguished as the Mile Square reserved to the aforesaid Indians with their Mill on Grass River in and by a Treaty executed on the thirty first day of May in the year of our Lord One thousand seven hundred and ninety six between the said Indians and Abram Ogden commissioner appointed under the authority of the United States and Egbert Bensen, Richard Varick and James Watson Agents of the State of New York and William Constable and Daniel McCormick purchasers under Alexander McComb together with the Mills thereon and all other appurtenances thereunto belonging—In consideration of which premises the said Governor of the State of New York now pays to the said Tribe of St. Regis Indians the Sum of One thousand nine hundred and twenty Dollars as the Consideration in full for the said tract of land with the appurtenances as aforesaid the receipt

whereof the said Thomas Williams Michel Cook, Lewis Doublehouse and Peter Turbel the Deputies and Agents of the said Tribe of St. Regis Indians do hereby acknowledge—

In Testimony Whereof the parties to these presents have hereunto set their hands and seals the day and year first above written

JOSEPH C. YATES [L. s.]

THOMAS ^{his} X WILLIAMS [L. s.]
mark

MICHEL ^{his} X COOK [L. s.]
mark

LEWIS ^{his} X DOUBLEHOUSE [L. s.]
mark

PETER ^{his} X TURBEL [L. s.]
mark

Sealed and delivered in }
the presence of }

ELEAZER WILLIAMS
JOHN HADCOCKS

STATE OF NEW YORK, }
ALBANY COUNTY, } ss.

Be it remembered that on the seventeenth day of March in the year one thousand eight hundred and twenty four, came before me Joseph C. Yates Governor of the State of New York to me known and also Eleazer Williams a subscribing witness to the execution of the within Deed to me also known and thereupon the said Joseph C. Yates duly acknowledged to have executed the within Deed for the uses and purposes therein mentioned and the said Eleazer Williams on his oath says that he saw Thomas Williams Michel Cook Lewis Doublehouse and Peter Turbel who are well known to witness execute the within Deed by making their respective marks and that they severally acknowledged to have executed the same for the uses and purposes therein mentioned and that he together with John Hadcock subscribed their names thereto as witnesses at the time of the execution thereof and finding no material alterations or interlineations therein do allow the same to be recorded—

GARRIT V. DENNISTON,
Commissioner &c.

Recorded October 20, 1824 and agrees with the Original Compared therewith by

ARCHD. CAMPBELL
Dep. Secretary.

At a Treaty held in the City of Albany the twelfth day of June in the year of our Lord One thousand Eight hundred and twenty four Between his Excellency Joseph C. Yates Governor of the State of New York and Thomas Williams, Mitchel Cook, Lewis Doublehouse, Peter Turbell and Charles Cook, Chiefs and Trustees of the Tribe of Indians called the St. Regis Indians, It is covenanted and agreed as follows to wit :

The said Indians sell and hereby convey to the People of the State of New York One thousand acres of land out of the lands reserved by the said Indians to be bounded as follows, On the North East by a line commencing on the Easterly side of the St. Regis River at the termination of the Roll way so called about four or five chains North-erly from the mast road and running thence southeast to the south bounds of the said reserved lands on the south by the said south bounds on the North west by the said St. Regis river and the land leased by the said Indians to Mickael Hogan and on the southwest by a line to be run southeast from the said St. Regis river to the south bounds of said reserved lands so as to comprehend one thousand acres. In consideration whereof the said Governor now pays to the said Chiefs and Trustees one thousand seven hundred and fifty Dollars and covenants on the part of the said People that there shall be further annually paid forever hereafter to the said Indians an annuity of sixty dollars on the first Tuesday of August in each year at the village of Plattsburgh which payments shall be made to the said Chiefs and Trustees and their successors in office duly appointed by the said Indians.

In Testimony Whereof the parties to these presents have here-
unto set their hands and seals the day and year first above
written

JOSEPH C. YATES [L. s.]

THOMAS ^{his}
x WILLIAMS [L. s.]

MITCHEL ^{mark}
x ^{his}
COOK [L. s.]

LEWIS ^{his}
x DOUBLEHOUSE [L. s.]

PETER ^{mark}
x ^{his}
TURBELL [L. s.]

CHARLES ^{his}
x COOK [L. s.]

Sealed and delivered in }
the presence of }

ISAAC DENNISTON,

ELEAZER WILLIAMS

Interpreter —

STATE OF NEW YORK }
 ALBANY COUNTY } ss.

On the twelfth day of June one thousand eight hundred and twenty-four came before me Joseph C. Yates one of the parties within named to me known and also Eleazer Williams a subscribing witness to me known and thereupon the said Joseph C. Yates duly acknowledged to have executed the within Deed for the uses *and within* mentioned and the said Eleazer Williams on his oath says that he saw Thomas Williams, Mitchel Cook Lewis Doublehouse, Peter Turbell and Charles Cook severally execute and deliver the within Deed for the uses and purposes within mentioned and that they were all well known to him and that he together with Isaac Denniston subscribed their names thereto as witnesses at the time of the execution thereof—I allow the same to be recorded

GARRET V. DENNISTON

Commissioner &c.

Recorded October 20. 1824 and agrees with the Original — Compared therewith by

ARCHD CAMPBELL

Dep. Secretary

Know all men by these presents that We Thomas Williams Mitchell Cook, Lewis Doublehouse Peter Tarbell, and Charles Cook Principal Chiefs and head men of the St. Regis tribe of Indians recognized as such by the Governor of the State of New York in the Treaties severally made on the 16th March and 12th June 1824. In Consideration of the sum of One dollar to us in hand paid the receipt whereof we do hereby acknowledge and for and in the further Consideration of the enacting within six months from the date hereof by the Legislature of the State of New York a law providing for the payment annually to us or our successors in office of the sum of three hundred and five dollars have quit claimed granted assigned transferred and set over, and by these presents do in behalf of the said Tribe of St. Regis Indians Quit claim grant assign transfer and set over unto the people of the state of New York forever, all our right title and interest claim and demand soever and to all and singular the premises heretofore granted by our predecessors in office on behalf of our said Tribe to Michael Hogan which premises are fully and at large described in two certain Indentures of lease or Instruments in writing under seal, bearing date respectively on the twentieth & twenty third days of October in the year of our Lord One thousand eight hundred and seventeen, & made and executed by and between our predecessors in office and the said Michael Hogan, and subsequently confirmed by an Act of the Legis-

lature, to which said indentures or Instruments in writing under seal reference is hereby had, to have and to hold the said premises free and discharged of any claim or demand soever of our said Tribe of St. Regis Indians on whose behalf we hereby convey the same forever.

In Witness Whereof We have have hereto set our hands and affixed our Seals the fourteenth day of December in the Year of Our Lord one thousand eight hundred and twenty four

THOMAS	^{his} X	WILLIAMS	[L. s.]
	mark		
MITCHELL	^{his} X	COOK	[L. s.]
	mark		
LEWIS	^{his} X	DOUBLEHOUSE	[L. s.]
	mark		
PETER	^{his} X	TARBELL	[L. s.]
	mark		
CHARLES	^{his} X	COOK	[L. s.]
	mark		

Sealed and delivered in the presence of,
 the name "Peter Tarbell" interlined
 1st. page between the second & third
 lines before execution.

W. L. GRAY JUR.

JOHN S. ELDRIDGE.—

STATE OF NEW YORK. }
 FRANKLIN CO. } ss.

Be it remembered that on the third day of January in the year of our Lord one thousand eight hundred and twenty five came before me Thomas Williams, Mitchell Cook, Lewis Doublehouse, Peter Tarbell, Charles Cook to me well known, and executed the within deed as of the date therein mentioned in my prsence by making their respective marks and being duly questioned thro their Interpreter Wm. L. Gray severally acknowledged that they execute the same for the uses and purposes therein mentioned, and the said Wm. L. Gray to me also known being duly sworn, on his Oath says, that the purport of said deed was by him fully explained to and understood by said parties executing the same and is in accordance with their request—that having inperpreted the same to them, he subscribed his name thereto as Witness to the execution thereof & finding no material interlineations therein I do allow the same to be recorded.

JOHN S. ELDRIDGE,

Comr.—

STATE OF NEW YORK, }
FRANKLIN COUNTY, } ss.

I Asa Wheeler Clerk of the County & Clerk of the Court of Common Pleas do hereby certify that John S. Eldridge whose name is subscribed to the certificate of the acknowledgment of the annexed Instrument & endorsed thereon was on the day of the date thereof a Commissioner in and for the County aforesaid dwelling in the said County commissioned and sworn and duly authorized by law to take the proof and acknowledgment of Deeds &c and further that I am acquainted with the hand writing & verily believe that the signature of John S. Eldridge subscribed to the said Certificate is the proper hand writing of the said Commissioner.—

In Testimony Whereof I have hereunto set my hand and & affixed the seal of the said County this 8th. day of October 1825.

ASA WHEELER.

Recorded December 30, 1825 and agrees with the original compared therewith by

ARCHD CAMPBELL

Dep. Secretary.

At a Treaty held in the City of Albany the twenty third day of September in the Year of Our Lord One thousand Eight hundred and twenty five Between his Excellency DeWitt Clinton Governor of the State of New York and Thomas Williams Mitchel Cook Lewis Doublehouse, Peter Tarbell, Charles Cook Thomas Tarbell Mitchel Tarbell, Louis Tarbell Bettice Tarbell Jarvis Williams and William L. Gray Chiefs and Trustees of the Tribe of Indians called the St. Regis Indians. It is covenanted and agreed as follows to wit:

The said Indians sell and hereby convey to the People of the State of New York out of the lands reserved to the said Indians a Tract bounded as follows to wit: Beginning on the Easterly side of the St. Regis River at the most westerly corner of the lands ceded by said Indians to the People of said State on the twelfth day of June in the year One thousand eight hundred and twenty four and running thence along the last mentioned land south forty five degrees East to the south bounds of the said reserved lands then along the same Westerly to the said St. Regis River and then down along the same to the place of beginning, estimated to Contain Eight hundred and

forty acres—In consideration whereof the said Governor now pays to the said Chiefs and Trustees the sum of Two thousand one hundred dollars in full for the same—In Testimony Whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

DEWITT CLINTON	[L. S.]
his	
THOMAS x WILLIAMS	[L. S.]
mark	
his	
MITCHEL x COOK	[L. S.]
mark	
his	
LEWIS x DOUBLEHOUSE	[L. S.]
mark	
his	
PETER x TURBELL	[L. S.]
mark	
his	
CHARLES x COOK	[L. S.]
mark	
his	
THOMAS x TARBELL	[L. S.]
mark	
his	
MITCHEL x TARBELL	[L. S.]
mark	
his	
LOUIS x TARBELL	[L. S.]
mark	
his	
BETTICE x TARBELL	[L. S.]
mark	
his	
JARVIS x WILLIAMS	[L. S.]
mark	
his	
WILLIAM L. x GRAY	[L. S.]
mark	

Sealed and delivered in the presence of

S. DEWITT
ISAAC DENNISTON
ISAAC SEYMOUR.

STATE OF NEW YORK }
ALBANY COUNTY } ss.

Be it remembered that on the twenty third day of September in the year of our Lord One thousand eight hundred and twenty five before me Garrit V. Denniston one of the Commissioners of the State of New York duly authorized to take the acknowledgment of Deeds &c came

DeWitt Clinton Governor of the State of New York to me known and duly acknowledged to have executed the within Deed for the uses and purposes within mentioned and on the same day also came before me Isaac Seymour One of the subscribing witnesses to the execution of the within Deed and who has been identified to my satisfaction by the oath of Isaac Denniston to me Known and thereupon the said Isaac Seymour upon his oath says that he saw Thomas Williams, Mitchel Cook Louis Doublehouse Peter Tarbell Charles Cook Thomas Tarbell Mitchel Tarbell Louis Tarbell Bettice Tarbell Jarvis Williams and William L. Gray who are all known to witness Execute and deliver the within Deed for the uses and purposes within mentioned and that he together with Simeon DeWitt and Isaac Denniston subscribed their names as witnesses to the execution thereof—I allow the same to be recorded—

GARRIT V. DENNISTON *Commissioner &c.*

Recorded October 25. 1825 and agrees with the original Compared therewith by

ARCHD. CAMPBELL

Dep. Secretary.

At a Treaty held at the City of Albany on the twenty-first day of February in the year of our Lord one thousand eight hundred and forty five Between the tribe or nation of Indians known by the name of the St. Regis Indians, by their Chiefs and Trustees hereinafter named of the first part and the Commissioners of the Land Office on behalf of the People of the State of New York of the Second part:

Whereas by the act entitled “An Act in relation to certain tribes of Indians” passed May 25, 1841 the Commissioners of the Land Office are authorized to make such treaties contracts and arrangements with any tribe or Nation of Indians or with any parry or portion of them or with any Individual Indian or Indians who have any claim upon any lands in this State for the purchase of any portion of such lands as the said Commissioners may deem just and proper: And Whereas the said St. Regis Indians own certain lands in the County of St. Lawrence known and distinguished as the Indian Meadows or Grass River, on both sides of the said river or as Islands in the said river, which meadows were reserved in and by the Treaty made with the said Indians on the 31st day of May 1796: And Whereas the said Indians are now desirous of ceding and conveying the said Meadows and Islands to the people of the State of New York— It is covenanted and agreed by the said parties as follows to wit:

1. The said Indians hereby cede and convey to the people of the State of New York all their right title and interest of in and to

the said Indian Meadows on both sides of the said Grass River or any Islands in the said river in the county aforesaid forever hereafter :

2. In consideration of the cession and conveyance aforesaid the said Commissioners covenant and agree to cause to be paid to the said Indians at and after the rate of three dollars per acre for the said Meadows and Islands as soon as a correct survey thereof can be made in order to ascertain the number of acres therein contained.

3. The said Commissioners covenant and agree to cause the said Meadows and Islands to be accurately Surveyed under the direction of the Surveyor General with as little delay as possible.

4. It appearing by a map made by Amos Lay in the year 1801 now on file in the Surveyor Generals Office that the said Indian Meadows and Islands contain in the whole the quantity of Two hundred and ten acres and four tenths of an acre: It is therefore agreed that the sum of four hundred dollars be now paid to the said Indians and when the Survey aforesaid shall be made and returned to the Surveyor General the remainder of the consideration money at the rate aforesaid shall be paid to them in full.

In Witness Whereof Mitchell Tarbell John Swamp and Thomas Tarbell Chiefs and Trustees and Michael Gaurealt Clerk and Peter Gray Interpreter of the said Tribe or Nation and on behalf thereof have hereunto set their hands and Seals the day and year aforesaid: And the Commissioners of the Land Office of the said State on behalf of the said People have also hereunto subscribed their names on the same day.

MITCHELL ^{his} x TARBELL [L. s.]
mark

JOHN ^{his} x SWAMP [L. s.]
mark

THOMAS ^{his} x TARBELL [L. s.]
mark

MICHAEL GAREAULT [L. s.]

PETER GRAY [L. s.]

Signed and Sealed in the }
presence of

ISAAC DENNISTON.

A. GARDINER *Lt. Governor*

N. S. BENTON *Secy of State*

A. C. FLAGG *Comptroller*

NATHL JONES *Surveyor Genl.*

BENJAMIN ENOS *Treasurer*

Comm'rs of the Land Office.

The foregoing is approved of and ratified by me this twenty first day of February in the year of our Lord One thousand eight hundred and forty five:

In Testimony whereof I have hereunto affixed the Great
 [GREAT SEAL] Seal of the State of State of New York: Witness my
 hand at the City of Albany on the day aforesaid.

SILAS WRIGHT.

Examined and Compared with the Original by

ARCHD. CAMPBELL

Dep. Sec. of State.

RELINQUISHMENT TO NEW YORK, BY THE MOHAWK NATION OF INDIANS
 UNDER THE SANCTION OF THE UNITED STATES OF AMERICA, OF ALL
 CLAIM TO LANDS IN THAT STATE.

At a treaty held under the authority of the United States with the Mohawk Nation of Indians, residing in the province of Upper Canada, within the dominions of the King of Great Britain, Present, the Honorable Isaac Smith, commissioner appointed by the United States to hold this treaty; Abram Ten Broeck, Egbert Benson, and Ezra L. Hommedieu, agents for the State of New York; Captain Joseph Brandt, and Captain Deserontyon, two of the said Indians and deputies, to represent the said Nation at this treaty.

The said agents having, in the presence and with the approbation of the said commissioner, proposed to and adjusted with the said deputies the compensation as hereinafter mentioned to be made to the said Nation for their claim, to be extinguished by this treaty to all lands within the said State: it is thereupon finally agreed and done, between the said agents and the said deputies as follows, that is to say: the said agents do agree to pay to the said deputies the sum of one thousand dollars for the use of said Nation, to be by the said deputies paid over to and distributed among, the persons and families of the said Nation, according to their usages; the sum of five hundred dollars for the expenses of the said deputies, during the time they have attended this treaty; and the sum of one hundred dollars for their expenses in returning, and for conveying the said Sum of one thousand dollars to where the said Nation resides. And the said agents do accordingly, for and in the name of the people of the State of New York, pay the said three several sums to the said deputies, in the presence of the

said commissioner. And the said deputies do agree to cede and release, and these presents witness, that they accordingly do, for and in the name of the said nation, in consideration of the said compensation, cede and release to the people of the State of New York forever all the right or title of the said nation to lands within the said State; and the claim of the said nation to lands within the said State is hereby wholly and finally extinguished.

Proclaimed *April 27, 1798.*

APPENDIX "E."

MISCELLANEOUS PAPERS.

The committee met at Buffalo, N. Y., December 12, 1880, at 9 o'clock, and the following documentary evidence was taken in the office of the county clerk of Erie county.

Opinion by DANIELS, J. Filed in the office of the county clerk of Erie county, August 7, 1888.

SUPREME COURT.

THE SENECA NATION OF INDIANS,

against

CHAUNCY C. JIMESON.

Erie Special Term.

Hudson Ansley for plaintiff,

Leroy Andrews for defendant.

DANIELS, J.: This action has been brought to recover the possession of two parcels of land forming a part of the Cattaraugus Indian reservation in the county of Erie. It has been alleged in the complaint that these lands are unlawfully possessed and detained by the defendant from the plaintiff. The action has been submitted to be decided by the court without the intervention of a jury, upon an agreed statement of facts. From this statement it appears that Chauncy C. Jameson was an Indian belonging to the Seneca nation, who died on the reservation on or about the 19th of March, 1885. He was married to Adelaide E. Jameson on or about the 27th day of October, 1858. The defendant, Chauncy C. Jameson, is a son of this marriage. By a custom of the Seneca nation the lineage of the children follows and is governed by that of the mother; and according to that custom this defendant would, in the Seneca nation, be considered to be a white person, and not an Indian, and for that reason, under the custom, incapable either under a will or by descent, of taking the title to any part of the real estate of his deceased parent. (*Goodell v. Smith*, 20 Johnson, 693.)

And as the Seneca nation had authority over this subject and was entitled to regulate it by their customs or laws, this defendant must, under those laws, as to his rights, be considered as a white person, and not as one of the Seneca nation of Indians. This follows from what was decided in the case of *Dole v. Irish* (2 Barber, 639), as to the general authority of the Indian customs and laws. And if that were all the case presented in the way of facts it would follow that the nation would be entitled to recover the possession of these lands, and remove the defendant therefrom; but it is not; for the agreed case has stated the fact to be that the premises in dispute were, during the lifetime of Chauncy C. Jameson, and for more than twenty years before the commencement of this action held in severalty, and were possessed and occupied by him and his ancestors and grantors as members of the tribe of the Seneca nation of Indians, they all being Indians belonging to that nation. And that concession seems to be sufficient to bring it within the power and subject to the control of chapters 228 of the Laws of 1843, and 150 of the Laws of 1845, (2 R. S., 6 ed.), 1051-53. And this section provided for the existence of the Seneca nation of Indians as a distinct community, as they in fact previously had been, authorizing them to maintain actions which might be necessary to protect the rights and interests of the nation. And it was further declared that the chiefs "at any annual or special meeting may determine on the laying out of their lands for separate cultivation, improvement or occupation by an Indian and his family, and that quantity to each. * * * And when any lands shall be set apart for any Indian or family, the peace-makers on the reservation shall lay out the same as shall have been directed, or in case specific instructions have not been given, as they shall judge reasonable and proper, and the said parcels shall be marked out and described by them, and the description thereof in writing shall be entered in a book by the said peace-makers; and every parcel so allotted shall remain in the Indian to whom the same was assigned, and his legal representatives, and without the power of alienating or in any wise disposing of the same, excepting to some other Indian of the said nation." (2 R. S., 6 ed., 1053, sec. 88.)

It has not been specifically stated in the statement of facts agreed upon that the lands were in this manner laid out, under the authority of the chiefs, for separate cultivation, improvement or occupancy, by Chauncy C. Jameson and his family, or his ancestors, but that conclusion is to be plainly inferred from the facts which have been mentioned in the stipulation; for, as Chauncy C. Jameson separately occupied and enjoyed this property, and his ancestors sustained the same relation

to it before his occupancy commenced, it is only reasonable to presume that this right or privilege of occupancy was secured to them under the statute by the action of the accredited authorities of the Indian nation. Even a deed may be presumed to have been executed and delivered from the facts of long continuous possession. (*Jackson v. Russell*, 20 Wendell, 543; *Angell on Limitation*, 3d ed., sec. 380 and note.) And these authorities, therefore, support this presumption; and that setting apart secured not only to Jameson, but also to his family, the land so allotted and set apart to his ancestors, and substantially inherited by himself. This statute has not defined or restricted the family to those persons who should be of unmixed Indian blood, but it has, in the most general manner, secured the enjoyment of property allotted and assigned in this manner to the family, and legal representatives of the deceased Indian, and whether that family may be of the whole blood of the Indian or only of the half blood of the nation who is entitled to be protected in the use and enjoyment of the property under this provision of the statute; for in no other manner can full effect be given to the language of the statute through which the occupancy of the land has been secured to the Indian and his family; and in this family the law in no manner distinguished between Indians of the half blood and Indians of the whole blood. And it follows from these provisions that as the defendant is the son of Chauncey C. Jameson, who received and occupied this property, under an appropriation undoubtedly made of it for the benefit of his ancestors, he is, as a member of his family, entitled to be protected in its possession, and for that reason judgment must be directed in his favor in this action.

UNITED STATES DISTRICT COURT—NORTHERN DISTRICT NEW YORK.

THE UNITED STATES

against

ABRAHAM ELM.

Indian Suffrage.

WALLACE, J. : The defendant, an Oneida Indian, who was born and had always resided within the town of Lenox, Madison county, voted for representative in Congress at the election of 1876, claiming to be a citizen of the United States. He was indicted for illegal voting, tried and convicted in this court. Sentence was suspended by the court, in order that the questions presented on the trial, and which were then formally ruled against the defendant might be

deliberately considered and decided upon a motion for a new trial. That motion has been made, and the question is now presented whether or not the Oneida Indians are citizens of the United States, and as such, entitled to vote.

If the defendant was a citizen of the United States he was entitled to exercise the right of suffrage. The right to vote is conferred by the State, not by the United States, and it has been conferred in New York upon "every male citizen of the age of twenty-one years who shall have been a citizen for ten days and an inhabitant of this State one year next preceding an election, and for the last four months a resident of the county and for the last twenty days a resident of the election district in which he may offer his vote." By the Fourteenth Amendment to the Constitution it is declared that "*all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside,*" and by force of this language, every citizen of the United States is a citizen of the State wherein he resides. It is not enough to confer citizenship on the defendant that he was born in the United States, it must also appear that he was "*subject to the jurisdiction thereof*" within the meaning of the Fourteenth Amendment.

In a general sense, every person born in the United States is within the jurisdiction thereof while he remains in the country. Aliens while residing here, owe a local allegiance and are equally bound with citizens to obey all general laws for the maintenance of peace and order which do not relate specifically to our own citizens, and they are amenable to the ordinary tribunals of the country. But there are classes of residents who, though they may be born here, are not subject to the exercise of those prerogatives of sovereignty which a government has the right to enforce over its own citizens, and over them alone; and it is to these that the language of the amendment applies. Within this sense those persons who, though born here, are born within ligeance of a foreign sovereign, or of another government, are not subject to the jurisdiction of the United States. The children of ambassadors, though in fact born here, are, in the theory of the law, born within the allegiance of the foreign power the parent represents.

Indians who maintain their tribal relations are the subjects of independent governments, and as such not in the jurisdiction of the United States within the meaning of the amendment, because the Indian nations have always been regarded as distinct political communities, between which and our Government, certain international relations were to be maintained. These relations are established

by treaties to the same extent as with foreign powers. They are treated as sovereign communities possessing and exercising the right of free deliberation and action, but in consideration of protection, owing a qualified subjection to the United States. (If defendant's tribe continued to maintain its tribal integrity, and he continued to recognize his tribal relations, his status as a citizen would not be affected by the Fourteenth Amendment.) But such is not the case. His tribe has ceased to maintain its tribal integrity, and he has abandoned his tribal relations, as will hereafter appear, and because of these facts, *and because Indians in this State are subject to taxation, he is a citizen within the meaning of the Fourteenth Amendment.* This conclusion is sanctioned not only by the language of the Fourteenth Amendment, but is *fortified by other legislation by Congress concerning citizenship.*

By the laws of Congress of 1866, chapter 31, commonly known as the Civil Rights Bill, and "all persons born in the United States and not subject to any foreign power, *excluding Indians not taxed,*" are declared to be citizens of the United States.

Native Indians in this State are taxed, by an act of the Legislature passed in 1843, native Indians are authorized to purchase, take, hold and convey real estate; and when they become freeholders to the value of one hundred dollars, "are subject to taxation, and to the civil jurisdiction of the courts of law and equity in the same manner and to the same extent as citizens." When, by the Civil Rights Bill, Indians not taxed were excluded from the classes upon which citizenship was conferred, upon well settled rules of construction, those who were taxed were by implication included in the grant. In other words, those Indians who were taxed were not excepted from the class who were declared to be citizens.

Previous to the adoption of the Fourteenth Amendment it had been held by high authority that Congress might naturalize Indians by special act (7 Opinions Attorney General's 746), and of course if this could be done by special act, it could by a general law, and the act in question would confer citizenship on the defendant. No doubt can be entertained of the power of Congress to declare what persons shall be recognized as citizens of the United States, and when by the Fourteenth Amendment such citizens were declared to be citizens of the several States in which they should reside, the whole subject of citizenship was transferred to the jurisdiction of Congress and the right of the defendant could safely rest upon the act in question. It is not necessary, however, to decide, that the Indians in this State became citizens by force of the Civil Rights Bill. I prefer to regard that act as a contemporaneous construction of the meaning of the Four-

teenth Amendment. The Civil Rights Bill was passed by the same Congress which adopted the resolution to submit the Fourteenth Amendment to the legislatures of the several States. Both the amendment and the Civil Rights Bill dealt with the question of citizenship, and in the declaration defining the class of persons to whom it was extended, language almost identical was used in each. While primarily these measures originated for the protection of natives of African descent, who by the decision of the *Dred Scott v. Sanford* (19 Howard, 393), were held not to be citizens of the United States within the meaning of the Constitution. It is not to be doubted that they were intended to confer the rights of citizenship upon such others as owing to the peculiar condition of our National development were not citizens in legal contemplation, though by birth and by allegiance they were or might become entitled to recognition as such.

The phraseology employed is sufficiently broad to include Indians who have abandoned their tribes and become so far integrated with the general body of citizens that the States in which they reside have subjected them to the duties of citizens and enforced over them the prerogatives of sovereignty. Prior to the adoption of the Fourteenth Amendment many of the Indian tribes had become disintegrated and the members had abandoned their tribal relations, and were distributed among, and assimilated with the general body of citizens of the State in which they lived, conforming to the same usages, and their rights of person and property regulated by the same laws which controlled the rest of the inhabitants of the State. They were natives by birth and they were not aliens in allegiance. Their status had been defined sometimes as that of alien residents, and sometimes as that of domestic subjects. In the case of *Dred Scott v. Sanford* (19 Howard, 404), Chief Justice Taney said: "If an individual Indian should leave his tribe and take up his abode among the white population, he would be entitled to all the rights and privileges which would belong to an emigrant from any foreign people." Accepting this as a correct statement of the law, it would follow that such an Indian was not, and in the absence of special legislation could not become a citizen. He could not be naturalized because the naturalization laws only apply to persons born out of the United States. The remarks of Chief Justice Taney were applicable to that class of Indians who had left their tribes and thus abandoned their tribal relations; but instances were extant in the history of the Indians tribes where the tribal organizations had become defunct, and where the individual Indians had so far been recognized as citizens of the State that they had been authorized to acquire and hold real estate and subjected to taxation

and to the civil jurisdiction of the courts. It had never been authoritatively decided whether or not such Indians were citizens.

In 1822 the Supreme Court of this State decided in *Jackson v. Smith* (20 Johnson, 187) that the Indians resident in this State were citizens, but that decision was reversed by the Court of Errors. Since that decision, however, great changes have taken place in the social and political relations between the Indians and the body of citizens at large, as is well illustrated by the history of the Oneidas. By treaties between the United States and the Six Nations, the Menomonies and Winnebagoes in 1831 and 1838, the Six Nations acquired extensive cessions of lands in Wisconsin, near Green Bay; and about that time the main body of the Oneidas removed to these lands. Since then the tribal government has ceased as to those who remained in this State. It is true, those remaining here have continued to designate one of their number as chief, but his sole authority consists in representing them in the receipt of an annuity which he distributes among the survivors. The twenty families which constituted the remnant of the Oneidas reside in the vicinity of their original reservation. They do not constitute a community by themselves, but their dwellings are interspersed with the habitations of the whites. In religion, in customs, in language, in everything but the color of their skins, they are identified with the rest of the population. In 1843, by an act of the Legislature of this State, they were authorized to hold their lands in severalty according to a partition which had theretofore been made. Reference has already been made to the general law of this State passed in 1843, subjecting them to taxation and to the jurisdiction of the courts in the same manner and to the same extent as other citizens. In view of the changes which have intervened in the social and political relations of the Indians of this State since the decision of *Jackson v. Smith*, there is certainly fair reason to assume that, irrespective of the Fourteenth Amendment, they could now be held to be citizens of the State.

However that might be, those who, like the defendant, have no tribe and are taxed, are, within the language of the Fourteenth Amendment, subject to the jurisdiction of the United States, as that language should be interpreted in the light of the Civil Rights Bill. They are natives; they owe no allegiance other than to the government of the United States, and they have been placed by the State upon an equality with its citizens respecting important rights denied to aliens. As the State and the United States can impose upon them all the duties and obligations of subjects, they are entitled to

the corresponding rights which spring from that relation. These are the rights which a government owes to its citizens.

For these reasons my conclusion is, the defendant was entitled to vote, and was improperly convicted.

The motion for a new trial is granted.

SYRACUSE, *November 20, 1888.*

DEAR SIR.—It has been intimated to me that I might, perhaps, render a service to the Indians on the Onondaga reservation, and to the white community in the neighborhood, and, indeed, indirectly to the State, by communicating to you and your committee such conclusions as I have reached touching the subject-matter before you. These conclusions are the result of a very frequent and varied intercourse with the Onondagas for nearly twenty years. Many opportunities have been afforded me for inquiry into their tribal, social, domestic, industrial and educational condition. I enjoyed a free acquaintance with the ablest pagan chief of this generation among them, known as "Captain George," and conducted the services at his funeral. Both pagans and Christians have made their views known to me in many ways. For the mission of my church among them I have expended many hundred dollars, in services, buildings, a school and otherwise. The missionaries employed and resident there have always made full reports. That there has been considerable improvement in several respects during this period cannot be doubted. The efforts of two religious bodies, of the State school and Mission school, of advice and example in agriculture, and the influence of the present intelligent and faithful agent, have not been wholly in vain. It has, however, become more and more evident, and in my own mind has become a certainty, that beyond a fixed limit this improvement cannot be carried without a radical change in the political status of the nation. The present tribal government is a fatal bar to real progress, and utterly destructive of anything that deserves to be called civilization. I am satisfied that it is a nest of abuses and an instrument of corruption. It discourages industry. It puts a large part, and often the best part of the land, out of the reach of the Indians' husbandry. It fosters a ruinous system of leases to the whites. It lowers self-respect. It shelters laziness. It destroys all wholesome stimulus to strife and economy. It is, at the root, in essential harmony and kinship with barbarism. The relation of the sexes alone, which it fosters and protects, excludes all the sanctities, privities and refinements of household life.

Perhaps, you will permit me to express my deep conviction that the remedy for these wrongs and immoralities is to be sought in an equitable division of the territory into homesteads, the lifting of the Indians to citizenship and such other changes as would naturally accompany these fundamental measures. The measures, themselves, I do not believe to be impracticable. About half of the male adults of the nation desire them. The prejudices of self-interested chiefs and the ignorance of Pagan women, who do not understand the English language, oppose them. By what means the real or supposed existing treaty obligations are to be dealt with and modified, it is not for me to suggest. The State ought to inquire whether the acts and omissions of the nation itself, have not, in part at least, extinguished those obligations and rendered the last treaty itself void. Another question would seem to be, whether the persistent and flagrant mischief of a barbarous population, with its debasing ceremonies and multiform facilities for vice, does not justify the interference of laws and the enforced establishment of institutions necessary for the protection of public virtue and the moral and civil welfare of the people.

I am, with high respect,

Obediently yours,

F. D. HUNTINGTON.

To J. S. WHIPPLE, *Chairman, etc., etc.*

BRANT, *January 5, 1889.*

HON. J. S. WHIPPLE :

DEAR SIR.—A committee was appointed by the last Legislature of the State of New York to investigate Indian affairs. Said committee after conferring with the best class of Indians, find that the Indians here, and on other reservations, are poorly protected, or, more properly speaking, not protected at all in their rights to hold lands. Under the present government their officers do not seek to protect the Indians in any way, but allow the strong to enter the lands of the weaker ones, and cut and remove timber and commit other depredations with impunity.

I have heard some of the Christian Indians say that they would rather have one acre of land and be protected like our white people, than to have forty acres as they now hold it.

I believe the time has now come. I firmly believe that their land should be allotted to them in severalty—it would be for their best interests to do so. There is an element amongst the Indians—those who still hold to the pagan worship—who are opposed, for the reason that they can take from those who are more civilized and rob them of what

they have toiled years for. These older and better class are becoming discouraged and are now asking for redress.

I am writing this to you for the Indians and know what I affirm to be true.

I am well acquainted with the Indians; see them daily, and know that something should be done; at least, their lands should be equally divided amongst them and each should be protected. I do not think that they should become citizens at once; that might not be the best for them, but they should be gradually brought into the full rights of citizenship — protected in their homes.

Now, you are aware that their women are greatly wronged. Marriage is not legalized, nor solemnized, but women are taken to wife, and, after passing through all the troubles of maternity, are then deserted, or rather driven from their own doors by their — what shall I call them — husbands; no — by a younger woman, who seeks her place, and the mother turned out with her children to starve, so far as being provided for by him who should be a husband and protector. These wrongs are seeking for redress. Now, will you help the Indians on to a higher civilization? If so, you will confer a great favor on them, and merit the approval of an enlightened conscience, and thus gain happiness for them and yourself.

Respectfully yours.

ALLEN JIMESON.

BRANT CENTRE, N. Y., *November 19, 1888.*

HON. J. S. WHIPPLE, *Salamanca, N. Y.:*

HONORABLE SIR.—I have been informed that you are a member of the New York State Committee that visited all the Indian reservations in this State, to see whether we Indians (I being one) were not yet fit to become citizens, etc. I desire to call your attention to the younger class of Indians of Cattaraugus reservation. I represent that class, at least a few of them. We are now willing to divide up our lands; many of us are ready to become a citizen in every sense of the word, providing that we can get a deed to our lands. There is not an Indian, I dare say, among the whole Seneca nation, that wants to sell the reservation, and it is of no use of the Ogden Land Company of ever trying again to purchase lands of the Seneca nation of Indians. At this present day many of us Indians are rapidly learning the value of real estate, so much so, that we want a deed to our lands, the same as any white man. There are many reasons why we are now willing to become citizens, or divide up our lands. Among them

are the following reasons: First. The half breed question. Seneca Indians marrying white women, their children are called half breed. They are now trying to claim lands the same as Indians. This cannot be done. But I am in favor of the half breeds holding their father's share. It would not be right for me, being a member of the Nation entitled to twenty acres of land as my share to marry a white woman and raise a family of ten children, and then try to compel the Nation of which I am a member to give my children the same share as the rest of the Indians are entitled to. The law of the land would say, give your children your own property, you cannot ask the Nation to give your children that which don't belong to you; because in the first place a Seneca Indian is only entitled to about twenty acres of land each, consequently one Indian cannot compel the rest of the Indians to share their lands with his half breed family. The second question is what is called the Cayuga Indian question, and in fact they have combined forces and are now agitating the question. On this question I will only say, the law is very plain as will be found in the general statutes of New York. No other Indian or Indians, other than Seneca Indians are entitled to any share of the lands on the Cattaraugus, Allegany and Oil Spring reservation in the State of New York. The Tonawanda band of Senecas are also barred out. Third, and the most important question is the national question. I will not undertake to enlighten your honor upon that great question. I will simply say that the administration of Andrew John, Jr., has been anything but a success, like all the administrations before him, if they can be called such. And it is safe to predict that all of those yet to come in the future, can not be any better. For further particulars on this question I will refer you to the records of the Seneca nation. The fourth question is this, how are we as a nation, or as individual Indians, going to proceed to obtain our rights to our lands and thus prevent the nation from squandering what really belongs to us? I will say, can we not divide up our lands, and if we wish, to become citizens of these glorious United States' and thus be men amongst men. I am satisfied that not until we do so, will we ever amount to anything as a people. No amount of argument will ever convince me that any future administration of the Seneca Nation will ever bring about a better result. The simple fact, that we as Indians are not responsible for our acts in office to such a degree as that of a citizen, while the laws of the State claim to protect us, yet we are not from the simple fact that we pay no taxes, and not until we do will we ever be entitled to any protection at the hands of the law. I will admit that not every Indian

of our nation is qualified to become citizens at present, but I do claim that a great many are now anxious to really own their own. Among them are a few of the older Indians, but a majority of those willing are of the younger class of Indians, those who have ambition to be somebody. I inclose in this letter a draft of a bill, though imperfect in many places, yet I am confident that it can be made to suit a large class of Indians and I am sure the United States government ought to be willing to bring to life such a bill or one similar to it. Thanking you for your kind attention, and believing that we will be mutual friends in the future, I remain,

Yours very respectfully.

LAFAYETTE P. KENNEDY.

SYRACUSE, N. Y., *November* —, 1888.

HON. J. S. WHIPPLE :

DEAR SIR.—Investigation of the affairs of the Onondaga Indians show very clearly that there is some legislation needed in their interest. They occupy a very peculiar position in their relation to the State and to the community that surround them ; a very small part of the land of their reservation is worked by them and the larger portion of tillable land is leased to white men who live in the vicinity, and the uncertainty as to the validity of their leases has a tendency to lower the rental of the same, and, as a result, materially affects the income of the Indians. Owing to their political and social relations to their white neighbors and their constant business intercourse with them, very many complications arise that produce unpleasant situations for both parties ; a large portion of their land is now held by white men under long leases, made by my predecessor, extending over a period of years, and at very low rates of rent, and these leases cannot be disturbed, as long as the Indian is satisfied the agent is powerless to help them, as he cannot insist upon new leases and a higher rent unless the Indians cooperate with him, and that is easily prevented by the lessee, who has only to accede to some trifling demands of the Indians to continue his influence over him.

The agent of the Indians holds a position of great responsibility with very limited power; the constant complaints of four hundred (400) or more people, who are totally unfit to act for themselves, and where their very simplicity and ignorance engender all sorts of complications, renders the position a very trying one, the salary attached would hardly pay his traveling expenses, if he does his duty and

looks after their interests as he should; he is also handicapped by his want of power, every year there is more or less litigation growing out of the Indians' intercourse with the white man and the encroachments by them upon the Indians' rights, and the very fact that the agent has no funds in his hands to pay for counsel to defend or prosecute, and the Indians themselves being helpless so far as funds are concerned, encourages encroachments and invasions of their rights, and I suggest in view of all these facts, if the present tribal relation is to continue, that there should be a law making the leases of Indian lands valid under the sanction and signature of the Indian agent and invalidate all those now existing not having such sanction, and that the salary of the agent be increased to such a sum as would dignify the office and be a reasonable compensation for the amount of labor performed, and that a fund should be set apart to provide for the payment of counsel employed by the agent for the protection of the rights of the Indians.

I would respectfully ask your consideration of this brief statement of my views of needed legislation for the betterment of the Indians of the Onondaga nation, and if the same can have your approval, that you will make proper mention of the same, or embody this writing in your report to the Legislature.

I have the honor to be,

Very respectfully yours.

THOMAS D. GREEN.

December 11, 1888.

Hon. J. S. WHIPPLE.

DEAR SIR:—Inclosed please find extract from my annual report for 1888, which I trust may be of some value to you in your work.

After several years experience among the Indians, I have become fully convinced that the means of education and improvement will never be productive of the highest good as long as their tribal relations are continued. There is nothing to stimulate the young to put forth the best and highest efforts of which they are capable to the improvement of farms, erection of buildings and proper care of this fertile tract of land, for the reason that when all this is done, they have nothing which they can really call their own, no security in the possession of what has cost years of labor and no adequate assurance that they will be unmolested. How very different the moral, mental and physical results of early education would be, were the lands held in severalty, it is impossible to estimate without carefully watching numerous individual cases, and noting the dis-

couragements of the present system. Observation leads me to believe that there are hundreds of Indians, of both sexes, who are shiftless, intemperate and degenerated, who were naturally intelligent and well-disposed, and would have chosen lives of sobriety and usefulness, had there been proper stimulants to industry and educational opportunities placed within their reach at that critical time in life, when they are first thrown upon their own resources for self-support. Then it is that the immoral influences on and about the reservation are brought as personal temptations to each individual youth, and I sometimes wonder, not that so many make miserable failures, but that as many have had strength of character and purity of purpose, gained during training in early childhood, to escape much that the trying ordeals through which they have been called to pass.

With the existing laws but little can be hoped for outside of the institution work. In the district schools among the pagans (who are the predominating party), the work is particularly discouraging, while the tribal relations are continued. Few of them depend upon cultivating land for a livelihood, but roam around from place to place, picking berries, peeling bark, gathering herbs, etc., to gain a mere pittance for support. Consequently the children are so irregular in school that the results must necessarily be most unsatisfying. With a division of the lands a home would not only be secured to the pagans and to their families, but would provide such for the orphans and destitute children who are educated in our institution, giving them a greater incentive to labor for the improvement of those homes, and an interest in the education of their children, as they come into competition with the more educated classes.

It is much to be regretted that the real friends of the Indians do not more thoroughly understand their true condition, in order that steps might be taken for their improvement. It must be indeed humiliating for the intelligent and educated to live under laws established for their uncivilized ancestors of sixty or seventy years ago. The severalty act seems to me to be one of the most important steps toward the elevation of this people supplementary to the present training which they are receiving here. I would most earnestly recommend an adjustment of whatever claims there may be existing against them to the end that the aforesaid might be accomplished.

I feel a special interest in this subject, as our pupils are sent out at such an early age to care for themselves, and while many do well we are convinced that a much larger per cent would meet our expectations if the change in laws could be brought about.

J. H. VAN VALKENBERG.

DEPARTMENT OF JUSTICE,

WASHINGTON, May 13, 1881. }

To the President:

Refers to Treaty of 1826

SIR.—In view of the fact that by convention between the two States, of December 16, 1786, ante-dating the Federal Constitution, New York conceded jurisdiction over the lands within her borders occupied by the Senecas, while Massachusetts was given the right to preëempt them, which right that commonwealth sold for value; that the purchasers have paid the Indians consideration for the land, which consideration is still held as a trust fund for them by the United States, of which they have for over half a century received the interest, while the lands have, during that time, passed into the occupancy of white settlers, who have greatly improved them, I recommend that no action be taken by the President or by the United States upon the accompanying petition of the Senecas.

Very respectfully your obedient servant.

WAYNE MACVEIGH,

Attorney-General.

Amended Constitution of the Seneca Nation of Indians, made and adopted in convention assembled duly called and organized in accordance with the provisions of the constitution of said Nation, convened at the Council House at Cold Springs, on the Alleghany Reservation, on the 22d day of October, A. D. 1868.

We, the people of the Seneca nation of Indians residing at Cattaraugus, Allegany and Oil Spring reservations in the State of New York, grateful to the Almighty God for our National preservation, and freedom and mindful blessings heretofore by us enjoyed in order to perpetuate the same, do make and establish the following constitution.

Section 1. Our government shall have a Legislative, executive and judiciary department.

§ 2. The legislative power shall be vested in a council of sixteen members, who shall be called the Councillors of the Seneca nation of Indians, of whom eight shall be elected annually for the Cattaraugus and eight for the Alleghany reservation, such annual election shall be had on first Tuesday of May, in each and every year, from and after the adoption of this constitution. Ten of whom assembled in session, regularly organized shall constitute a quorum for the transaction of business. In all appropriations of public moneys, an affirmative vote of at least ten of whole number elected shall be necessary. It shall not be lawful for the Council to make appropriation of public money,

exceeding the sum of five hundred dollars in any one year other than what shall be necessary to discharge all debts and liabilities of the nation heretofore made and incurred, unless the required additional appropriation shall first have been submitted to the electors of the nation for their approval, to be determined for or against by a majority vote of the electors voting therein at a meeting called for that purpose by the clerk of the nation, by order of the president.

§ 3. The executive power shall be vested in a president whose duty it shall be at all times to preside over the deliberations of the council having only a casting vote therein, who shall from time to time give to the council information of the state of the nation and recommend to their consideration such measures as he shall judge necessary and expedient, not inconsistent with the true spirit and intent of the laws of the State of New York. He shall take care that the laws applicable to the nation be faithful executed. He shall have power to fill all vacancies by appointment that may occur in the council either by death, resignation or impeachment of any of the members, until such vacancy shall be filled by election. In case of death or absence of the president the council shall choose from among their number a presiding officer *pro tempore*.

§ 4. The judiciary power shall be vested in a court to be known by the name of peacemakers, to be composed of three members and to be two in number, one to be established upon the Cattaraugus and the other upon the Allegany reservation. The members of each to be elected from residents of the respective reservations, on the first Tuesday of May A. D. 1869. The whole number of peacemakers for each reservation shall be elected and in like manner, one for one year, one for two years, one for three years, one for each reservation in each and every year thereafter. Term of office, three years.

The jurisdiction forms of process and proceedings, under the law applicable to this court, shall be the same as in courts of Justice of the Peace of the State of New York. Two peacemakers on each reservation shall have power to hold courts differing from courts of justice of the peace in possessing the further jurisdiction in the proving of wills, settlement of estates of deceased persons, questions, and other relating to real estate and of granting divorces heretofore conferred by the statute.

All determinations and decisions of this court, shall be subject to appeal to the council, such appeal to be heard by at least a quorum of the council. All cases of appeal shall be decided by the council upon the evidence taken in peacemakers court. In every case of appeal it shall be the duty of the peacemakers, before whom the

action or proceeding was had to certify the evidence in the case taken before them to the council.

The council shall then decide the case upon the evidence before them and the decision of the council shall be final, between the parties. Upon the hearing either party at interest shall have the right to appear either in person or by counsel and argue the merits of the case. In every action in peacemakers' court, either party at interest shall have the right of trial by jury, and every action shall be brought in the name of the real party at interest.

§ 5. The power of making treaties shall be vested in the council subject to the approval of at least three-fourths of the legal voters and the consent of three-fourths of the mothers of the nation.

§ 6. There shall be a clerk and a treasurer for the nation, the rights, duties and liabilities of such shall be as heretofore defined by statute.

§ 7. There shall be two marshals for the nation, one to reside on the Cattaraugus and one upon the Allegany reservation, the rights, duties and liabilities of each shall be as heretofore defined by statute.

§ 8. All officers of the nation named in this constitution except peacemakers shall be elected annually for one year. All officers of the nation named in this constitution for such cause as now recognized by may be impeached and removed from office in such manner and form as prescribed by law, for the impeachment and removal from office of the legislative, executive, judiciary and other like officers of the State of New York.

§ 9. Every male Indian of the Seneca nation of the age of twenty-one years and upwards, residing upon either of the reservations of the nation, and who shall not have been convicted of a felony, shall be competent to vote at all elections and meetings of the electors of the nation, and shall be eligible to any office in the gift of the people of the nation.

§ 10. The compensations of all officers of the nation named in this constitution shall be such as prescribed by law, and the salaries shall not be enlarged or diminished during their term of office.

§ 11. The council shall meet annually on the first Tuesday of June in each and every year, and every year the president shall have power to convene the council in extra session as often as the interest of the nation in his judgment required.

§ 12. The council shall have power to make any laws not inconsistent with the constitution of the United States, or of the State of New York, or of this constitution.

§ 13. The laws heretofore enacted by the Legislature of the State of New York, for the protection and improvement of the Seneca

nation of Indians; also, all laws and regulations heretofore adopted by the council of the nation shall continue in full force and effect as heretofore until the statutes of the State of New York shall be repealed or amended by the Legislature thereof, or the laws and regulations heretofore adopted by the council shall be repealed, or amended by the council of councillors to the extent and in the manner as the attorney of the nation shall deem lawful and proper.

§ 14. The present officers of the nation shall hold their office respectively until the first day (Tuesday) of May, 1869, or until others are elected in their places, in accordance with the terms of this constitution and no longer subject to be sooner removed by impeachment.

§ 15. The salary of the officers of the nation not heretofore defined by statutes shall be prescribed by the council of councillors.

§ 16. This constitution shall not be altered or amended within three years from the date of its adoption at any time after the expiration of three years subsequent to its adoption, it shall be lawful for the council when in session in their discretion by at least a quorum vote to appoint a committee of three on revision of the constitution, one of whom shall be the attorney for the nation, the duty of the committee shall be on ten days notice of their appointment to prepare amendments to the constitution such as in their judgment of the constitution shall be necessary and proper, and report the constitution as amended to the council, whereupon it shall be the duty of the council to submit the same to the electors of the nation for their approval or rejection to be determined by a majority voters of the qualified electors at a meeting called by the council for that purpose on the Allegany and Cattaraugus reservations, such to be held on the same day.

In case the amendments of the committee be rejected, no action shall be taken by the council or electors relative to amending this constitution, within one year from the date of said meeting and rejection.

§ 17. This constitution shall be in force from and including the 22d day of October, A. D., 1868, except as herein provided. Done in convention at the council house in Cold Spring, on the Allegany reservation, in the county of Cattaraugus and State of New York, on the 22d day of October, in the year of our Lord, 1868.

In witness whereof we have hereunto subscribed our names.

SAMUEL JIMESON,

President of the Convention.

HARRISON HALFTOWN,

Secretary.

COPY OF DEED FROM SENECA NATION TO THE TUSCARORAS.

This indenture, made the 30th day of March in the year of our Lord, 1808, between the sachems and warriors of the Seneca nation of Indians of the first part, and the Tuscarora nation of Indians of the second part, witnesseth: That the said party of the first part for and in consideration of the love and affection, which they, the said sachems and warriors of the said Seneca Indians, have and bear unto the said Tuscarora nation of Indians, have remised, released and quit-claimed and by these presents do release, remise and quit-claim unto the said Tuscarora nation of Indians (in their actual possession now being), and to their assigns forever, all that tract of land situate in the town of Erie, county of Genesee and State of New York, and on which part of the said Tuscaroras now live, and which said lands was reserved by the said Seneca nation of Indians at a treaty held at Big Tree, with Robert Morris, containing six hundred and forty acres, and being one mile square, together with all and singular the hereditaments and appurtenances thereunto belonging, or in any wise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, claim or demand whatsoever of them, the said party of the first part, either in law or equity, of, in, or to the above bargained premises, and every part and parcel thereof, to the said party of the second part and assigns, to the sole and only proper use, benefit and behoof of the said party of the second part, their assigns forever.

In witness whereof, the said Sachems and Warriors of the said Seneca Nation of Indians, have hereunto set their hands and seals the day and year first above written.

FARMERS BROTHER, his mark x

RED JACKET, his mark x

CORNPLANTER, his mark x

LITTLE BILLY, his mark x

POLLARD, his mark x

JACK BERRY, his mark x

TWO GUNS, his mark x

BLUE SKY, his mark x

JOHN SKY, his mark x

CAPTAIN HOT BREAD, his mark x
 CHIEF WARRIOR, his mark x
 HALFTOWN, his mark x
 CAPTAIN SHONGO, his mark x
 HOT BREAD, his mark x

Sealed and Delivered in }
 the presence of }

ERASTUS GRANGER,

Indian Agent.

In presence of

JASPER PARISH,

JOHN Q. JOHNSON,

Interpreter.

NIAGARA COUNTY, ss.

Be it remembered that on the 19th day of September, 1810, personally appeared before me Erastus Granger, one of the Judges of Common Pleas in and for Niagara County, Jasper Parish, with whom I am personally acquainted, who on oath said that he saw the sachems and warriors of the Seneca Nation of Indians sign, seal and deliver the within instrument, for the uses and purposes therein expressed, on their own voluntary act and deed, and that he was a subscribing witness thereto, and having carefully perused the same, and finding therein, no material erasures or interlineations, they allow the same to be recorded.

ERASTUS GRANGER.

NIAGARA COUNTY CLERK'S OFFICE, ss.:

Recorded in Liber One page 56 of the records of deeds for the county aforesaid, the 25th day of September, A. D., 1810, at 11 o'clock, A. M.

JUBA STONS,

Clerk.

Treaty recorded in Liber One of the Records of Deeds for Niagara county on the 25th day of March, A. D. 1809, at three o'clock P. M., page 30-31-32 and 33.

LOUIS LE COUTEULX,

Clerk.

FROM INDIAN TREATIES.

"Lease November 30, 1787, between the chiefs or sachems of the Six Nations of Indians and John Livingston and others. Beginning at a place commonly called and known by the name of Canada Creek, about seven miles west of Fort Stanwix, to Fort Schuyler; thence northeasterly to the province of Quebec; thence along the said line to

the Pennsylvania line; thence east on the said line, the Pennsylvania line, to the line of property so-called by the State of New York; thence along the said line of property to Canada Creek aforesaid."

January 8, 1788: Sachems, chiefs and warriors of the Oneida Nation to John Livingston and others. All that tract of land commonly called and known by the territory of Oneida Indians, beginning at the confluence of Canada and Wood Creeks; running thence southerly to the line known by the line of property to the source of the Unadilla creek, a branch of the Susquehanna river; descending the same branch to the northeast corner of the purchase lately made by the State of New York; thence due west to the northwest corner of the same purchase; to the Shenango river; thence descending the Shenango river to its junction with the Teyoghagoga river; thence ascending the said last river to the influx of a certain stream flowing into the west side of the last mentioned river near Onowanogawense thence ascending said stream to its source; thence on a straight line to the source of the creek called Raghshonghto; thence on a direct line to a place called Raraghenhe, on the outlet of Oneida lake; thence on a direct line easterly to a place called Teyowisodon; thence on a direct line to Little Falls on the Mohawk river; thence on a direct course to the place of beginning, excepting the lands granted to the Stockbridge Indians.

"The line of property was a boundary agreed upon at a treaty held by Sir William Johnson with the Six Nations at Fort Stanwix, November 5th, 1768, and was declared a limit beyond which neither party would claim title to the soil. This line began at the mouth of the Tennessee river, extended up the south bank of the Ohio and Kittaning, above Pittsburg; thence to the west branch of the Susquehanna, and across the mountains to the east branch of the Susquehanna; thence up that branch to the Owego; thence to the Delaware and up that river to a point opposite where the Unadilla falls into the Susquehanna; thence along the eastern boundary of Broome county, northward across to and up the west branch of the Unadilla to the head of the same; and thence in a straight line to the junction of Canada creek and Wood creek, about seven miles west of Fort Stanwix. The line from the Unadilla to Wood creek was more particularly specified as the line of property in these treaties. It extended North twenty-seven degrees, West twenty-two miles and forty-six chains across the present towns of Bridgewater, Marshal, Kirkland, Westmoreland and Rome, and formed a part of the present line between the towns of Marshal and Paris.

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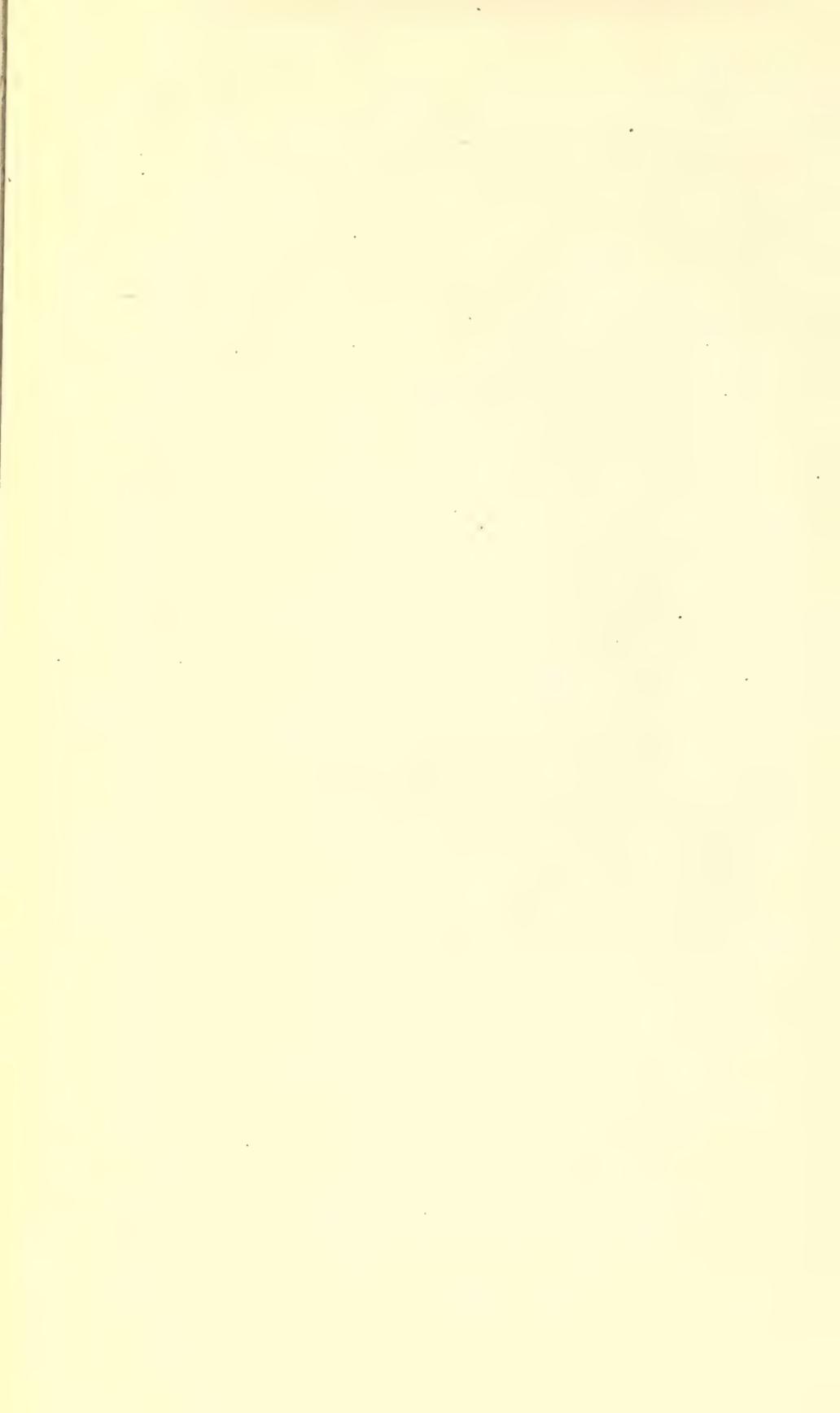
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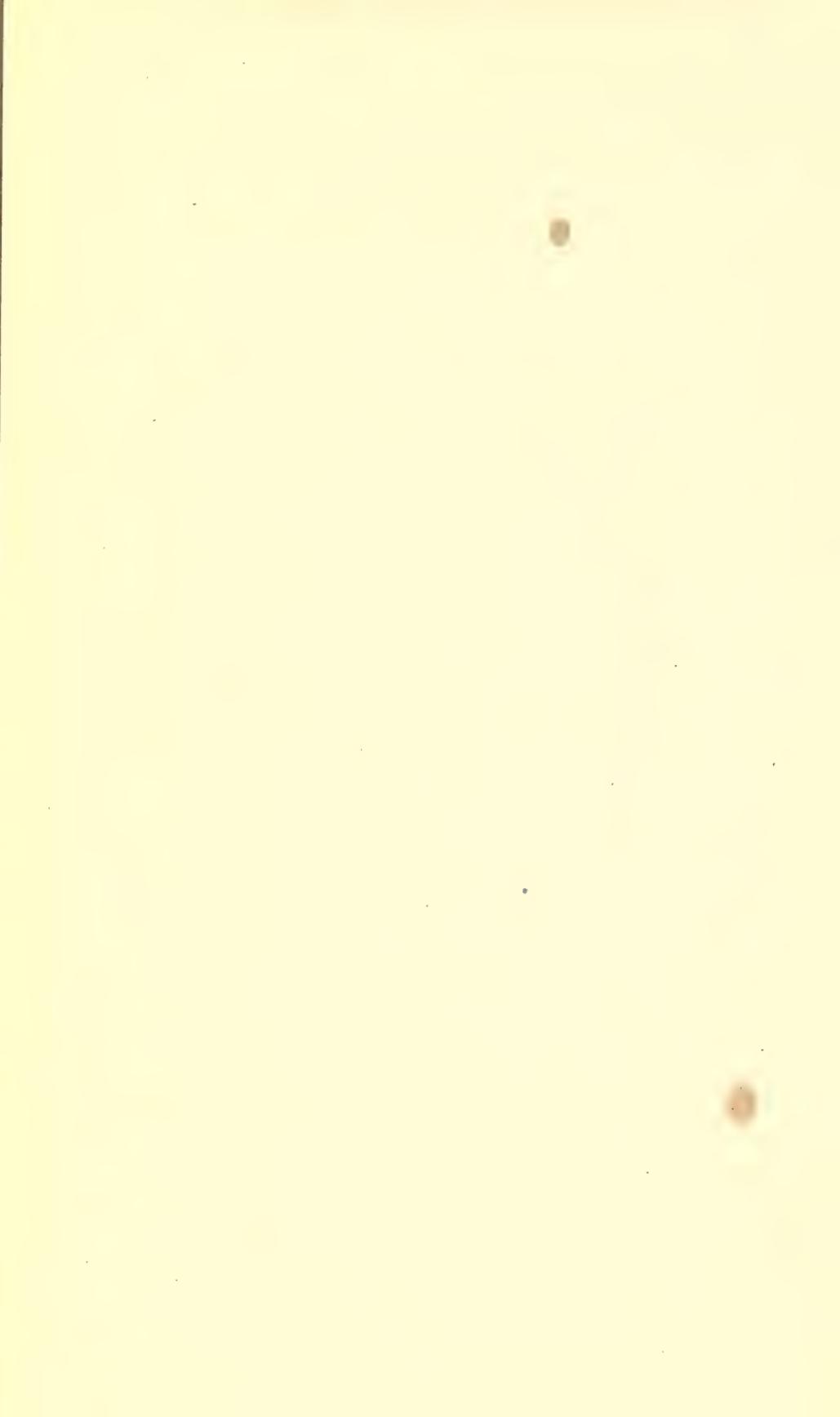
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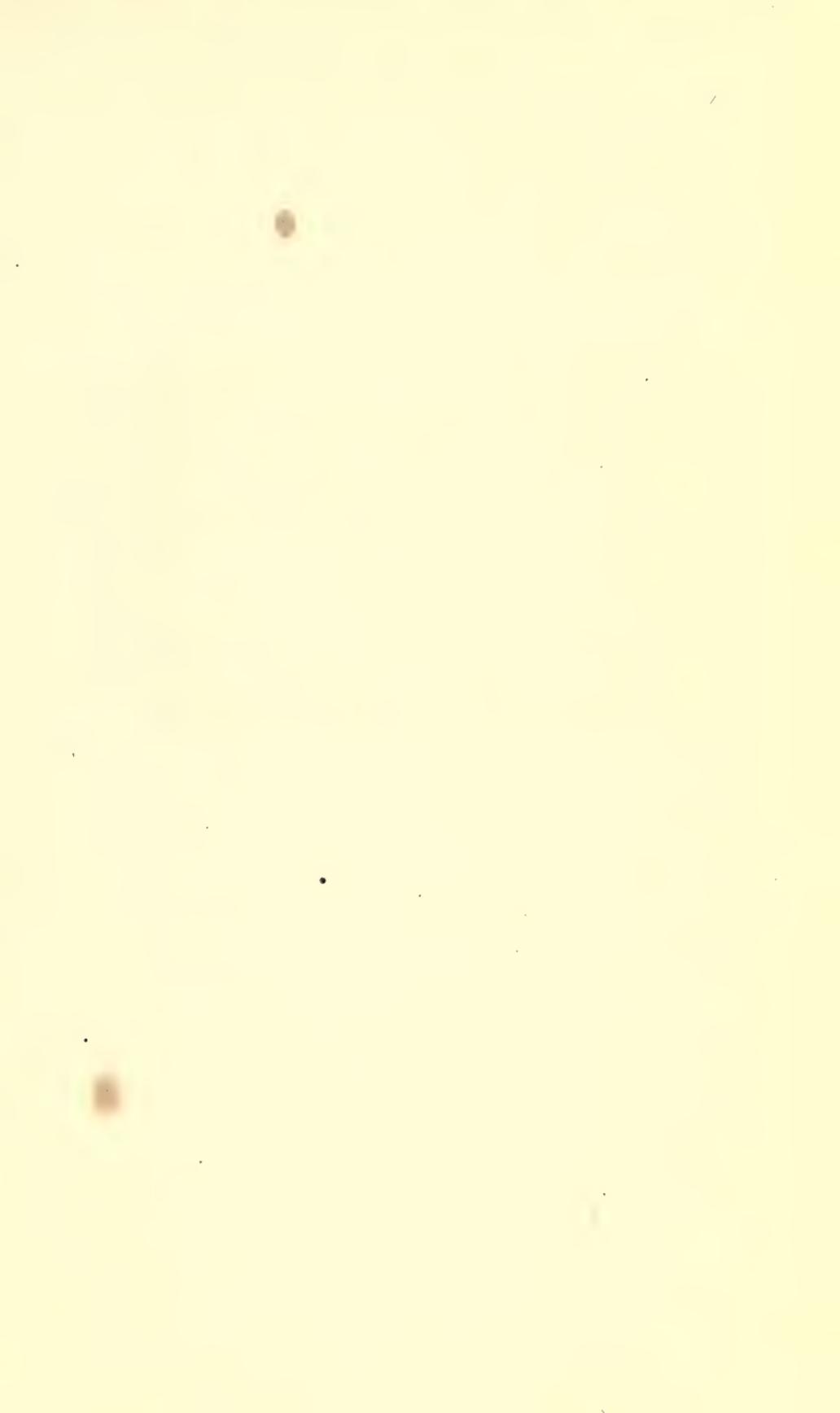
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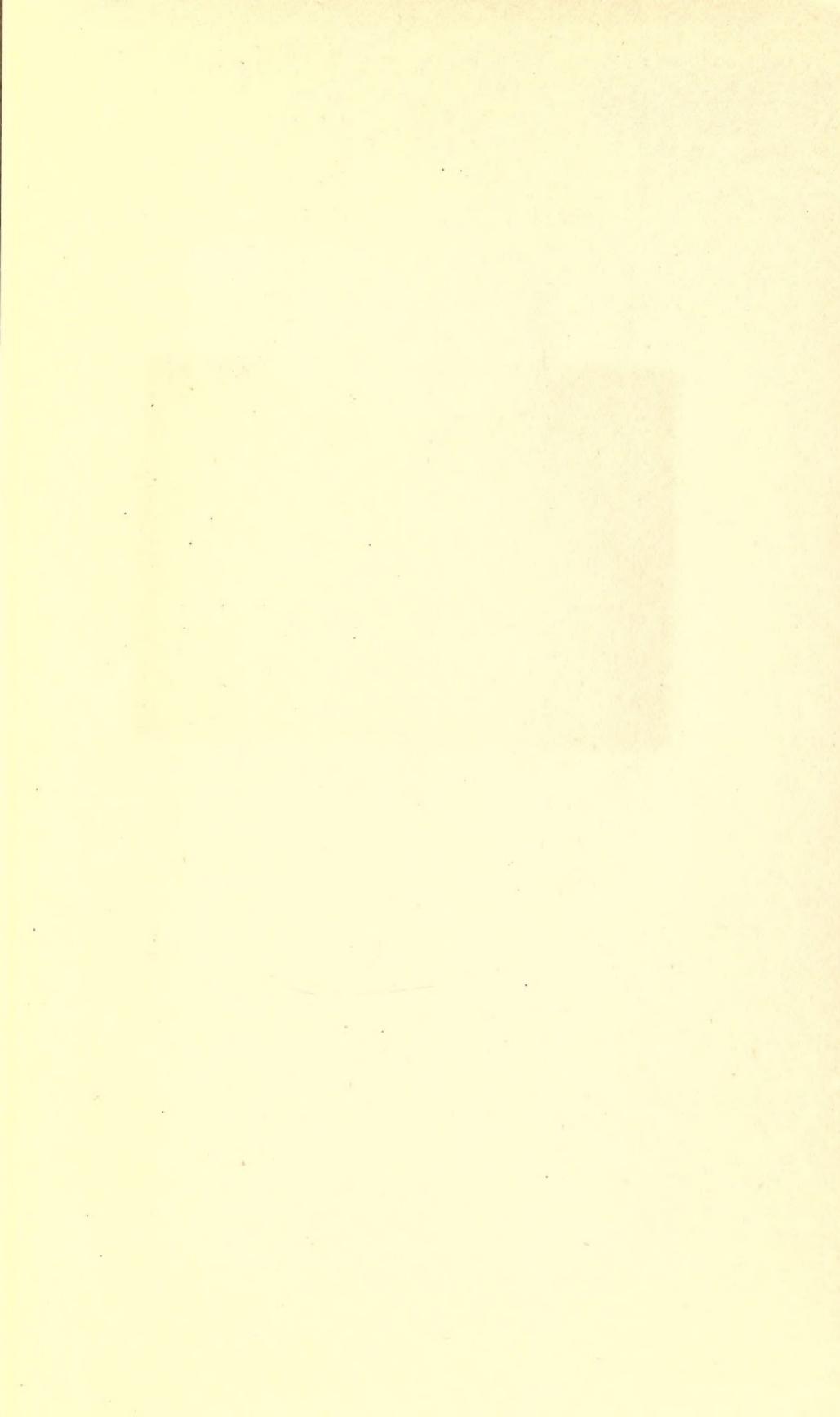
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