

1858

Upon these documents being duly examined by the Secretary of the Interior and Commissioner of Indian Affairs, in compliance with the request of the Indians, the following decision of the department relative to the Kansas lands was furnished to the committee and was transmitted to the President of the Seneca Nation.

Department of the Interior April 19th 1858

I have the honor to transmit herewith a copy of a report addressed to this department on the 8th inst. by the acting Commissioner of Indian Affairs, in relation to the memorial of certain citizens of Kansas, praying that the tract of land in that territory known as the "New York Indian Reserve" be opened for settlement, which was referred by you to this department, with a request for the expression of its views.

Referring you to this report and to a previous one on the same subject by the late Commissioner (see vol 5 Senate Executive Document No 13, 3^d Session, 34th Congress) for the views of the Indian Office, I would suggest the propriety of providing by law first; that the land be surveyed. Second, that a patent for 320 acres of land be issued to each of the New York Indians who have removed to the Reservation in pursuance of the provisions of the treaties of 1838 and 1842, the selections to be made under the direction of the Commissioner of Indian Affairs, and to include any improvements made by the Reserve; and third, that the remainder of the land be declared a part of the public domain, and subject, as soon as the survey has been approved, to the existing laws governing the sale and preemption of the public lands.

The Indians who have failed to remove, have by the express terms of the treaty of 1838 forfeited their title to the Reserve, and a due regard for the interests of the whole population of Kansas, would seem to require that this large and valuable body of land, should no longer be withheld from settlement. The memorial is herewith returned."

Very respectfully, your obedient servant
J. Thompson Secretary.

Honl. A. D. Greenwood

Chairman, Committee Indian Affairs House Reps.

On enclosing this document to the President of the Senecas, the following additional information, and advice, was communicated to him.

Baltimore 10th of the 4th month 1858

To Edward Truse, President of the Seneca Nation.

Upon the receipt of thy communication of the 10th of last month, a delegation from the committee of Friends, who have extended care and assistance to the Senecas, laid it before the Secretary of the Interior and Commissioner of Indian Affairs, and requested them to give an official decision relative to the alleged claim of the Senecas upon lands in Kansas, and we have now the satisfaction to forward to thee the enclosed documents by which it will be perceived that the department upon being called upon in the 4th month last by a committee of the Congress of the United States for information on that question, then decided that, while the Senecas who did remove and settle in Kansas within five years from the date of the treaty of 1838 would have a claim for 320 acres of land, the Indians who have failed to remove within five years have, by the express terms of the treaty of 1838, forfeited their title to any lands in Kansas.

We hope the people of Cattaraugus and Allegany will clearly understand this matter, and be content to remain upon and industriously occupy the present safe and comfortable homes descended to them from their forefathers, and never forget the caution and advice given to them by their good friend G. W. Mayhew, the late Commissioner of Indian Affairs, that they are now on the last resting place they will ever have for themselves, for their wives, for themselves and for their children, and we once more warn them, if they ever permit themselves to be decoyed away, they will never be able again to organize another regular government, and will become scattered, broken up, and rapidly destroyed."

The committee have the satisfaction to add, that notwithstanding the persecutions that have been continued to keep the Senecas in a state of excitement and dissension, the following letter from the Superintendent of Public Schools in the Cattaraugus District, affords a gratifying evidence that they have gone on to improve in industry as well as in their social