Empire State interrupted: Seneca sovereignty and settler debates over land, 1779-1889

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Empire State Interrupted: Seneca Sovereignty and Settler Debates Over Land, 1779-1889

by

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A Dissertation

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ABSTRACT

New York’s western expansion began during the American Revolution. From then on, a variety of American settler groups and individuals attempted to possess and control Seneca land in what is now western New York. These American settler groups, such as missionaries, land speculators, state and federal officials, and land surveyors, carried out individual projects of dispossession and erasure throughout the nineteenth century. In the process, they shaped the space of the Seneca reservations and the trajectory of American expansion. In justifying dispossession, American settlers crafted elaborate sets of laws and rights. These conflicting claims became so entangled that dispossession was delayed, complicated, then avoided altogether. While settler groups constructed western expansion, the Senecas clung to narratives of their own sovereignty and fought for their land and autonomy. The Seneca experience during the nineteenth century is an anomalous story of an eastern Native nation that managed to stave off dispossession and remake their sovereignty in the face of settler encroachment. The continued presence of large Seneca reservations and separate political communities interrupts the Empire State’s physical and metaphorical landscape as well as the narrative of American expansion.
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PREFACE

An earlier version of chapter two “Expansion in the East: Seneca Sovereignty, Quaker Missionaries, and the Great Survey, 1797-1801” was published under the same title in *Inventing Destiny: Cultural Explorations of US Expansion*, edited by Jimmy L. Bryan. Lawrence, KS: University Press of Kansas, 2019: 74-88. I was the sole author of this chapter, which has been revised for the dissertation and is included here with permission from the University Press of Kansas.

The images in the introduction and chapter two [Genesee Land with tracts granted by Robert Morris to HLC, 1779, Map of Genesee Country 1797, and Map of Genesee Lands, 1798] are included by the permission of the State University of New York at Fredonia Archives & Special Collections and the Municipal Archives of Amsterdam; Nederlandse document Reproductie B.V. The image [The Thomas Asylum Orphan and Destitute Indian Children Circular. ABC 18.6.3] in chapter four is included by the permission of the Houghton Library at Harvard University and Rev. Karen Georgia Thompson, Associate General Minister, United Church of Christ. The image [Brigadier General Ely S. Parker] in chapter six is included by the permission of the American Philosophical Society.
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INTRODUCTION

“Realm of the Senecas! no more
In Shadow lies the Pleasant Vale,
Gone are the Chiefs who ruled of yore,
Like chaff before the rushing gale.
Their rivers run with narrowed bounds,
Cleared are their broad, old hunting grounds,
And on their ancient battle fields
The greensward to the ploughman yields;
Like mocking echoes of the hill
Their fame resounded and grew still,
And on green ridge and level plain
Their hearths will never smoke again.”
-Wm. H.C. Hosmer

William Hosmer was a poet born in Avon, New York in 1814. Avon, situated on the eastern banks of the Genessee River, was built on the pre-Revolutionary homelands of the Senecas, one of the Iroquois Six Nations. At the time Hosmer was born, Avon was less than one hundred miles from the largest Seneca territories, the Tonawanda, Buffalo Creek, Allegany and Cattaraugus reservations, and only a few miles from the smaller Seneca reservations along the Genessee River, whose boundaries were established at the Treaty of Big Tree in 1797. Despite the proximity of Hosmer’s birthplace to ten Seneca reservations in New York State, his poetry claimed that the land was “Realm of the Senecas! no more.” Their once great “fame” as a powerful and feared Native nation gave way to the “ploughman,” and their former military and

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1 Ely Parker, the subject of chapter 6, was Arthur C. Parker’s great-uncle. Arthur C. Parker collected papers related to his great-uncle’s life, including this poem by Hosmer. Ely Parker Papers. American Philosophical Society, Philadelphia, PA.

political prowess was no match for the expanding United States. Hosmer’s narrative of the “vanishing Indian,” a narrative that placed the Senecas in an idealistic past rather than in the present landscape of New York, reflects larger settler attitudes toward Native Americans during the nineteenth century.

The Senecas refuted narratives of their inevitable decline such as Hosmer’s each time settlers made assertions about Seneca disappearance for the more than one hundred years this project covers. During the same period that Hosmer was writing, Senecas like Chief Maris B. Pierce questioned why arguments like Hosmer’s remained so prevalent despite the stark existence of Seneca reservations and people throughout western New York. Pierce wrote in 1839 “It has been said and reiterated so frequently as to have obtained the familiarity of household words, that it is the doom of the Indian to disappear. . . . But whence and why are we thus doomed? Why must we be crushed by the arm of civilization, or the requiem of our race be chanted by the waves of the Pacific, which is destined to engulf us?” The Senecas repeatedly claimed, used, and fought for what Hosmer described simply as “old hunting grounds.” Pierce

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4 Jean M. O’Brien, Firsting and Lasting: Writing Indians Out of Existence in New England (Minneapolis: University of Minnesota Press, 2010), xiii; For the Iroquois Six Nations, this claim was most perpetuated by the work of anthropologist Lewis Henry Morgan, author of League of the Ho-de-no-sau-nee or Iroquois, published in 1851. Morgan’s interest in recording Iroquois traditions came from his belief that Iroquois culture would be lost when the Iroquois inevitably vanished. For more on the relationship between Native communities and early anthropologists, see Margaret M. Bruhac, Savage Kin: Indigenous Informants and American Anthropologists (Tucson: University of Arizona Press, 2018) and chapter three of Audra Simpson, Mohawk Interruptus: Political Life Across the Borders of Settler States (Durham: Duke University Press, 2014).

and other Senecas questioned the logic of American expansion and upheld a narrative of Seneca continuity and sovereignty that conflicted with settler claims of the vanishing Indian. The Senecas still live on three reservations and own a few additional uninhabited territories in New York State in the twenty-first century, and they still uphold this counter-narrative. As various groups of American settlers constructed American expansion in western New York during the nineteenth century, Seneca land, people, and narratives interrupted that construction.

Seneca interruption of New York’s western expansion shows that American settlement was incomplete in the nineteenth century United States. The continued presence of Seneca reservations as separate legal, political, and cultural bodies within the boundaries of New York and the United States represent a physical and metaphorical reminder of Seneca interruption. Conflicting and intersecting visions of what Seneca land meant thrust the Senecas into the center of debates over western expansion during the nineteenth century as settler actors worked out how western expansion would unfold. I analyze how missionaries, land speculators, and government officials envisioned the space of the Seneca reservations in western New York. These overlapping and interconnected conflicts over the changing use of land, the symbolic value of land, the legal power to dictate land use, and what Indian reservations represented in the United States helped determine the shape of early American empire. In these debates, the Senecas forced the United States to rethink the extent of American expansion by undermining expansionist efforts and defining settler constructs, such as sovereignty, property rights, law, and jurisdiction for Seneca society.

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Figure 1. Map of New York State west of the Genesee River showing Seneca reservations outlined in red. Genesee land with tracts granted by Robert Morris to HLC, 1799. State University of New York at Fredonia Archives & Special Collections; Municipal Archives of Amsterdam; Nederlandse document Reproductie B.V. Reprinted with permission.
Settler groups attempted to shape what is now western New York for their own interests through conflict over Seneca lands. Albany lawmakers sought to incorporate Seneca lands into the state and claim control over Native communities. Federal officials tried to assert primacy over New York in Indian affairs, and intervened only when the negotiations benefited the federal government. Land companies and their surveyors sought to make money from the division and sale of land to new settlers thought to be more virtuous than the Senecas. Land speculators attempted to make money from the land by making risky investments in territory they viewed as vacant. Finally, missionaries, although they saw value in the Senecas and their lands for different reasons, sought to use the land to transform the Senecas by civilizing them.

The Senecas entered this negotiation with a preemption right tied to their land, which limited the ability of certain settler groups to dispossess the Senecas. The concept of preemption as it pertained to Native lands originated in the English Crown’s Proclamation of 1763. To prevent hostilities between Native Americans and settlers, this proclamation included that the Crown had the “exclusive right of purchase” and barred individuals from buying lands from Native nations without Crown permission. The United States later claimed this same right in the Constitution and the 1790 Trade and Intercourse Act. The creation of a preemption right allowed the United States to expand through simple property transactions with Native nations. The United States likely adopted this method because the nation sought to pay its Revolutionary War debt through the sale of Native lands.

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7 There are other types of preemption rights in property law, but this preemption right specifically regulates purchases of Native lands. Allan Greer, Property and Dispossession: Natives, Empires and Land in Early Modern North America (New York: Cambridge University Press, 2018), 408.

8 Lindsay G. Robertson, Conquest By Law: How the Discovery of America Dispossessed Indian Peoples of Their Lands (New York: Oxford University Press. 2006), 4.

9 Greer, Property and Dispossession, 408.
purchases of Native lands were also prohibited, states continued to defy the weak national government and purchase land from Native Americans. Negotiations between New York and Massachusetts created the preemption right to Seneca lands before the United States asserted its authority in Indian affairs under the Constitution.

Both New York and Massachusetts claimed Seneca lands because of seventeenth century colonial land grants from the King of England. In 1786 at the Treaty of Hartford, New York and Massachusetts resolved their conflicting claims to the land but made little progress in resolving Iroquois claims. The treaty determined that Massachusetts obtained the preemption right, but once Massachusetts extinguished Native title to Iroquois land, it would become a part of New York State. This preemption right meant that only Massachusetts had the right to buy when the Iroquois chose to sell, but rested on the assumption that the Iroquois would inevitably disappear. These rights were bought and sold throughout the late eighteenth and early nineteenth centuries, ultimately ending up in the hands of the Ogden Land Company by 1810. What the preemption right to Seneca lands actually meant was contested, although court rulings over Seneca lands generally agreed that the preemption right remained an exclusive right to purchase. The preemption right was a settler tool in that it simplified Native dispossession and legitimized purchases from Native nations, but the debates over the right ultimately prevented Seneca removal from the state and later, forced assimilation and allotment of the reservations into private property.

This project focuses on the Senecas instead of the Six Nations as a whole because the Senecas experienced American expansion differently. Geography, leadership, and settler

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interactions set the Six Nations down divergent paths. Mohawk lands were east of the preemption line created at the Treaty of Hartford. Additionally, after the American Revolution, British-allied Mohawk leaders established or reestablished settlements in Canada or at the Canadian border rather than in central or western New York.\textsuperscript{11} Interactions with meddling missionaries shaped the Oneida’s experience with western expansion. These missionaries and other settler groups, particularly New York, exploited Oneida political division in ways that accelerated Oneida dispossession.\textsuperscript{12} That the Oneidas sided with the Americans during the Revolutionary War did not protect their lands. Although the reservations discussed in this project were considered Seneca territory, they were also home to some members of the other Six Nations and members of displaced non-Six Nations Native communities.\textsuperscript{13} The most significant difference between the other Six Nations and the Senecas is that the Senecas remained on large reservations they held since the eighteenth century. The Seneca story is an anomaly in the narrative of nineteenth century Indian dispossession and removal.

Seneca interruption of American expansion was both intentional and unintentional. The Senecas found that the conflicts between settler groups and the legal mechanisms meant to dispossess them entangled in such ways that removal and other forms of dispossession were disrupted or never happened. But the Senecas also legally fought to protect their lands. Scholars of Native studies recognize the ways assertions of Indigenous sovereignty disrupt settler sovereignties. Many of these studies focus on modern political activism and highlight Native


\textsuperscript{13} Alyssa Mt. Pleasant, “After the Whirlwind: Maintaining a Haudenosaunee Place at Buffalo Creek, 1780-1825,” (PhD diss., Cornell University, 2007), 47.
strategies of interruption such as refusal, reclamation, and resistance.\textsuperscript{14} Senecas in the nineteenth century strategized to prevent their erasure while settler groups viewed the Senecas and their reservations as an obstruction in the path of American expansion, or an “Indian problem” that needed to be solved. Seneca interruption was the result of thoughtful political strategy as much as the entanglement and conflict settler groups experienced in trying to claim Seneca land for themselves.

Thinking through the moments of Seneca interruption is not to say that there were not moments when American expansion overwhelmed the Senecas. There were many times when settler interests superseded Seneca sovereignty, like in the twentieth century when the federal government flooded almost a third of the Allegany Reservation to build the Kinzua Dam.\textsuperscript{15} The United States federal government’s role in Indian affairs often tightly circumscribes the sovereignty of Indigenous nations. There are Indigenous nations that no longer exist because of blatant genocidal campaigns against them, but there are also nations like the Senecas, whose lands, sovereignty, and refusal to engage with settlers except on their own terms help us rethink the boundaries of American expansion. I use the language of interruption in the context of


\textsuperscript{15} For more on how the construction of the Kinzua Dam violated Seneca sovereignty, see Laurence M. Hauptman, \textit{In the Shadow of Kinzua: The Seneca Nation of Indians since World War II} (Syracuse: Syracuse University Press, 2016).
American expansion to combat older histories that write off Native nations as helpless and without agency in the face of unstoppable expansion.\textsuperscript{16}

The Senecas managed to interrupt American expansion without experiencing more blatant acts of settler violence such as outright genocide and forced removal. As chapter one will show, the United States tried warfare under the guise of America’s war for independence. This military campaign did not inflict much damage on the Senecas, and at the end of the war the United States was forced to find new ways to dispossess the Senecas, mostly in the form of treaty-making or the fabrication and exaggeration of legal precedent. This was in part because the United States lacked the capacity to carry on extended warfare with the Iroquois, but also because they feared that the Iroquois would join western Native nations in the fight against American expansion.\textsuperscript{17} The United States then adapted British colonial legal precedents and created their own forms of dispossession on the basis of conquest, discovery, and white supremacy. With such an elaborate system of laws and policies, settlers treated dispossession as an inevitability. What settlers did not expect was that the convoluted, contingent, and conflicting nature of the legal mechanisms of American expansion and Native dispossession would protect Seneca lands.

American expansion is part of the broader study of settler colonialism, but instead of “settler colonialism” I use “American expansion” or “American settlement” to avoid over-theorizing the multidirectional, contingent, and often conflicting pressures that Seneca society


faced. When referring to those who did the work of American expansion, I use the terms “settlers,” “settler actors,” and “settler groups” to highlight that it was not individual settlers alone who put pressure on Seneca lands or facilitated settlement.18 Where appropriate, I use terms like missionaries, land speculators, or government officials or the names of specific individuals, organizations, or companies. Although I use a terminology of American expansion, this project engages with settler colonial historiography because there was an underlying logic to the sometimes contradictory projects of the various actors involved in the debates over Seneca lands. Settler colonialism is distinct from other forms of colonialism because unlike colonial projects in which colonizers exploit the labor and resources of the colonized people and place, settler colonialism seeks to dispossess and eliminate Native people and communities through a variety of methods.19 As part of American expansion, Native people experienced at the hands of settler actors genocide, erasure, assimilation, removal, and more.20 Without using the term, Senecas in the nineteenth century recognized that they faced a project intent on their


dispossession and erasure. To the Senecas, the settler colonialism they faced as part of American expansion was a lived experience and a complicated process that cannot be better understood by adhering strictly to theory.21

This project breaks down the process of what it looked like to settle (or unsettle) a place that was already settled and rethinks what it means that American expansion is complete. Settler colonial theorists have asserted that settler colonialism is complete once the settler population outnumbers the Indigenous population, but scholars of Indigenous history argue that this quantitative approach misses the point of studying such subjects.22 The process of constructing American expansion reveals more than quantifying settler populations, and examining the negotiations between settler groups and the Senecas in which Seneca actions shaped the course of American empire shows how integral the Senecas were to the construction of American expansion. White populations eventually outnumbered the Senecas, and settler groups constantly worked to limit Seneca choice, but the Senecas remained integral actors in the negotiations over their lands, a power older histories often deny them. Other scholars argue that settler colonialism ends when the colonizing power creates a permanent society.23 The United States is a permanent society, but in so many ways, both intentionally and unintentionally, the Senecas interrupt that society by remaining politically, legally, and culturally separate.

By focusing on the anomalous situation of the Senecas who managed to stave off Indian removal and remain on large reservations in western New York, this project rethinks the standard

21 For more critiques of settler colonial theory see Herrmann, No Useless Mouth, 7; Ostler and Shoemaker, “Settler Colonialism in Early American History.”


23 Murphy, Great Lakes Creoles, 6.
narrative of Indian removal and dispossession. Dispossession was slow, and it happened over time in ways that cannot clearly be labeled dispossession. Historians have studied the slow process, ideologically and legally, of dispossession and erasure, often studying cases where settler aspirations were more successful than they were in western New York. Some of the legal mechanisms of dispossession discussed in this project intended to set in motion and legitimize Seneca erasure were specific to the Senecas, and these legal mechanisms differentiate the Seneca experience from the experiences of Native nations in places like New England and the Great Lakes. The Seneca case is a counter to these stories because they remained on their Revolutionary-era homelands for the entire nineteenth century, although settler plans for Native lands were often the same.

Recognizing Seneca power within the context of American expansion is key to avoiding Native erasure in the American national narrative of the nineteenth century. By connecting the more than one hundred years of Seneca resistance to American settlement that this project covers as a coherent narrative rather than sporadic resistance to one settler group or another, it becomes clear that Seneca power in negotiating what their reservations would look like continued, even at the height of settler pressures. What the United States and other settler groups framed as an “Indian problem” that needed to be solved was a series of intentional strategies on the part of the Senecas to maintain their sovereignty. The Senecas and other Native nations did not just survive the nineteenth century, they were integral to shaping the boundaries and features of early American empire. American expansion was not a sophisticated, monolithic, unstoppable force, but an unstable, non-linear project supported by piecemeal and precarious legal precedents,

mythology, and white supremacy. American expansion was not simply driven by pushy settlers or by the federal government, it was constructed by multiple settler groups in negotiations over spaces like the Seneca reservations. At its inception, the United States did not have a blueprint for Native dispossession in order to create its continental empire, and pieced together a legal framework of dispossession at various times manifested in policies such as civilization, removal, allotment, and detribalization.


Recognizing the aspirations of settler groups for American expansion does not negate the power that the Senecas had in maintaining their land sovereignty and shaping their reservations, the American nation, and the American continental empire.\footnote{Jeffrey Ostler, “Locating Settler Colonialism in Early American History,” in Jeffrey Ostler and Nancy Shoemaker, “Settler Colonialism in Early American History,” \textit{The William and Mary Quarterly} 76, no. 3. (July 2019): 443.} As scholarship on Native sites of power has shown, not all contact between Europeans and Native Americans was characterized by force or by mutual accommodation, and Seneca control of their reservations and border-making in the early nineteenth century was characterized by a refusal to engage with American surveyors, missionaries, and government officials except on Seneca terms.\footnote{Scholarship on sites of Native power are revisions of Richard White’s middle ground thesis. Richard White, \textit{The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815} (Cambridge: Cambridge University Press, 1991); For more on the idea of refusal see Audra Simpson, \textit{Mohawk Interruptus}.} Although the Senecas did not have complete control over their relationships with various actors who tried to shape Seneca territories, Seneca power continued in the form of land possession, the ability to dictate land use on the reservations, and the ability to influence diplomatic negotiations.
The first major rethinking of nineteenth-century Iroquois history in several decades, this project focuses on Iroquois survivance and futurity at the height of American expansion. Current Native studies historiography, and Iroquois historiography more specifically, positions the American Revolution as a moment of societal disarray and decline for eastern Native communities. Scholars have characterized post-Revolutionary Iroquois reservation communities as “slums in the wilderness,” unable to contend with American expansion. Beginning with the American Revolution rather than using the war as an endpoint, this project rejects narratives of declension. The Iroquois were not politically, militarily, and diplomatically powerless at the end of the Revolution. Rather, as this project will show, the Senecas participated in more than a century of negotiation in which Native people played a central role in shaping the American landscape, nation, and empire. This project treats Native people not simply as agents, resistors, or adapters within the narrative of dispossession, but as fundamental actors in their own national story as well as America’s national history and geography.

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28 The term survivance is more than physical survival. It is also the process of resistance and rejects the idea of tragedy and victimhood. Gerald Vizenor, Manifest Manners: Narratives on Postindian Survivance (Lincoln: Nebraska University Press, 1994).


30 Wallace, 184.

This project is also a temporal reframing of the nineteenth century and sees continuity through American expansion and Seneca resistance to expansion. Rather than situate Seneca actions in relation to the American national narrative, this project sees little break in the Native experience with attempted dispossession by private companies and state and federal governments. In viewing the nineteenth century this way, Seneca interruption of American expansion is not fragmented or minor, but can be viewed as over a century of strategy to preserve land and nationhood. By focusing on American expansion in one of the original thirteen colonies, this project similarly expands the geographic and temporal scope of western expansion.

Expansion did not move westward from the Northwest Territory because established states continued to expand after the American Revolution, and this project identifies how states incorporated western lands into their boundaries. Using Seneca land as the centerpiece of a case study in the construction of western expansion, this narrative of expansion begins in 1779 with the Sullivan-Clinton Expedition into Six Nations Iroquois territory during the American Revolution. Given my argument that western expansion in New York State is incomplete, this project has no end date for the end of America’s push west or the closing of the “frontier.” Settler expansion is ongoing and the Senecas are still a part of that negotiation.

32 Recently, scholars have suggested that we temporally reframe the American Revolution by emphasizing the continuities surrounding the Revolution rather than treating it as the end of the colonial period or the beginning of the early republic. Alan Taylor, “Introduction: Expand or Die: The Revolution’s New Empire,” *The William and Mary Quarterly* 74, no. 4 (2017): 619-632 in “Writing to and From the Revolution: A Special Joint Issue of the William and Mary Quarterly and The Journal of the Early Republic.”


34 Narratives of expansion often begin west of New York State with the Northwest Ordinance in 1787, or focus on the era of “manifest destiny” beginning in the 1840s.
Understanding the process of expansion from the perspective of Native nations revises current understandings of early American empire and U.S. foreign relations. Many scholars of American empire dismiss settler colonial historiography despite the settler colonial nature of the expansion of America’s domestic empire. If scholars of modern U.S. empire have identified a logic in the ideology of overseas expansion at the end of the nineteenth century, then the logic of early U.S. empire at the end of the eighteenth century can be identified by studying the construction of American expansion in places like western New York. Western expansion and settler colonialism are one in the same, and they characterize early American empire-building during the nineteenth century. But for Native nations, there was no break in the narrative of American empire as they see settler colonialism as an ongoing problem and continue to interrupt settler sovereignties. This project parses out those processes at the ground-level, and reveals both the production of and logic to early American empire in ways that those who do not engage directly with settler colonial historiography cannot.

Scholars of American empire have also reconsidered the pivotal moments in the growth of and the actors central to the construction of American expansion. Historians have recently recast the shifts in the motivations for American empire by centering on the abolition of slavery in the British empire in 1833 or in 1848 with President James K. Polk’s aggressive territorial

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36 See Ryan Irwin’s state of the field essay on the U.S. and the world “Some Parts Sooner, Some Later, and Finally All,” H-Diplo 142 (October 2016): 1-25.

37 See Dennis, Seneca Possessed, 228 n. 6; Audra Simpson, Mohawk Interruptus.
aggrandizement during the U.S.-Mexican War.\(^{38}\) This project suggests, in line with recent scholarship that sees relations between Euro-Americans and Native Americans as integral to the history of U.S. empire, that expressions of Seneca sovereignty that limited settler actions should be considered major shifts in the narrative of American empire. These moments include when the United States recognized Seneca sovereignty in 1794, or 1838 when the Senecas forced the United States to reconsider the Seneca removal treaty, or 1857 when the Tonawanda Senecas purchased back lands they lost during the removal era. These moments, which are covered in this project, should be taken into equal consideration with turning points like the American Declaration of Independence in 1776 or the outbreak of the Spanish-American War in 1898.\(^{39}\) If American expansion underpins the logic of American empire, then we need to consider the Native nations whose dispossession was the centerpiece of this expansion. In addition, like other recent scholarship on the U.S. and the world, this project examines who did the work of empire.\(^{40}\) In western New York, expansion was decentralized and informally divided between private and government interests that were not always strategically working toward a single goal. The unorganized nature of western expansion, carried out by various missionary organizations, land speculators and surveyors, and government officials of all ranks, separates western expansion from the more concerted efforts of European empires to gain control of territories or

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American empire post-1898. Examining the local inner workings of settler empire is the only way to understand early American imperial ambitions.

This project contributes to scholarship on the American nation and empire, but Native history is important in its own right. The initial intention of this project was not to improve American history by making it more inclusive, but to tell a story of the continuity of Native sovereignty. However, the problem of Native erasure and the narrative of the “vanishing Indian,” as old as they may be, are problems modern scholars are still dealing with. American history, both academic and public, is still saturated with triumphalist Whiggish histories of the nation that reinforce the violence of American expansion by writing off Native people as irrelevant actors in the American nation’s past. By focusing on the nineteenth century experience of the Senecas, I am not simply arguing that Native people are still here, I am arguing that in protecting and defining their own sovereignty in conflicts with settler groups, Native people interrupted the American landscape and the possibilities of American sovereignty. Native history does not make American history better or more inclusive, it is the same history.

Each chapter centers on a piece of the multidirectional conflicts or debates over Seneca land, and ultimately Seneca intervention in these debates in ways that interrupted American expansion. These debates often overlapped chronologically, which is reflected in the organization of the chapters. While the Senecas and each settler group shaped the landscape in their own way, this process was marked by negotiation and Native resilience rather than unstoppable settler

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force. Each chapter examines how western expansion was constructed, and seeks to answer why Americans view western expansion as completed and successful, while the Senecas actively tried to interrupt American expansion and the existence of their reservations and communities show they successfully did so.

Chapter one begins during the American Revolution, when George Washington ordered the Sullivan-Clinton Expedition in Iroquoia to stop British-allied Iroquois raiding of white settlements. The expedition’s purpose was to destroy Iroquois towns, homes, and agricultural fields to subdue Iroquois raids, but also to allow Americans to make claims to Iroquois lands at the end of the war. Although the campaign brought devastation to Iroquoia, this did not mean that Iroquois military power was ruined or that Iroquois society was in disarray, as older histories have written. Instead, the Iroquois quickly regrouped, Iroquois raids continued, and the Senecas established new settlements. The campaign did not move the boundary of white settlement further west or create the basis for any meaningful land claims. The end of the Revolution changed the nature of American expansion, and forced the United States to look for new ways to dispossess the Senecas. The treaties that followed as the United States changed its expansionist tactics in the 1780s and 1790s created the preemption right that led to the first entanglement of conflicting claims, protected the Senecas against dispossession, and bolstered Seneca arguments about their own sovereignty.

Chapter two examines the period immediately after the United States acquired enough political and military power to allow settler groups to begin to negotiate western expansion over Seneca territory. Although the Senecas faced expansionist aspirations from Europeans in the past and the overt attempt to claim their territory during the Sullivan-Clinton Expedition, survey
reports and missionary journals show that American settlement represented a new phase of expansion that the Senecas contended with throughout the nineteenth century. After the Treaty of Big Tree in 1797, which extinguished Seneca title to more than three million acres of land, surveyors and Quaker missionaries descended on Seneca territory to carry out individual, yet related, projects and in doing so, remade the landscape. While the Holland Land Company and Quaker missionaries had specific plans for Seneca territory, the Senecas interrupted these projects through resistance, gradual accommodation, and the teachings of the Seneca prophet Handsome Lake.

In chapter three, I analyze federal, state, and land company aspirations for legal control of Seneca lands. The federal government claimed supremacy in Indian affairs, but New York State, based on the creation of the state constitution before the creation of the United States Constitution, often passed legislation that directly conflicted with federal law in New York’s attempts to control all affairs within its borders. Similarly, Ogden Land Company officials claimed the superiority of their preemption right to control Seneca lands over Seneca possession and federal law. The entanglement of conflicting settler claims prevented Seneca removal because in the legal spaces created by these conflicts, Seneca leaders worked to protect their land sovereignty and stave off dispossession.

Chapter four examines Seneca political disputes that developed throughout the nineteenth century. These political disagreements have been characterized as “factions,” which are typically viewed as signs of societal disintegration for Native communities. This chapter instead views Seneca political disagreements as a single narrative of alternate solutions to the advancement of American expansion. The Senecas experienced three distinct disputes over the course of the
nineteenth century, and each side used their awareness of American expectations for Seneca society to protect Seneca interests. The Senecas forced the United States to reflect on the extent of American expansion and interrupted settler constructs such as sovereignty, jurisdiction, and property law by defining those ideas for themselves through ongoing disputes in response to settler encroachment.

Chapter five uses missionary journals and missionary society annual reports to analyze the approaches to the civilizing mission of the two societies with the strongest presence among the Senecas. I compare the civilizing goals of the Philadelphia Yearly Meeting Indian Committee (PYMIC) and the American Board of Commissioners for Foreign Missions (ABCFM) and argue that the way these organizations carried out the civilizing mission varied greatly despite working toward the same goal. The work that these organizations did among the Senecas tied the Senecas to both international and domestic colonial projects, shaped the physical and symbolic space of Seneca territory, and defined what missionary work and Indian education meant for the development of the early republic and beyond. Their approaches show how these missionaries and the government officials and individuals who supported their efforts in the nineteenth century thought about national belonging for Native peoples. Although missionary work shaped Seneca society and the Seneca landscape, the Senecas frustrated civilization efforts by only accepting missionary advice on Seneca terms.

Chapter six juxtaposes Seneca leader Ely S. Parker’s vision for Indian policy in the early 1870s with the policy of extreme assimilation that state and federal governments adopted by the 1880s. As Commissioner of Indian Affairs under President Grant’s Peace Policy, Parker envisioned an alternate relationship between Native nations and the United States, one that
respected treaty terms and Native territories. This moment of radical possibility did not last, as proponents of assimilation and land allotment thwarted Parker’s efforts. Back in New York, the Senecas had worked to develop American-style agricultural lands and alter their diplomatic approaches to be more acceptable to federal and state officials. Despite these settler-approved advancements, the state released the Whipple Report in 1889 after an investigation of the conditions of Native Americans in New York. This report framed Seneca endurance and survivance as an “Indian problem” that needed to be solved and created a narrative of Indian dependency to further justify dispossession. As New York fell in line with the federal government’s assimilationist policies, the state reconsidered its Indian policy because the Senecas still resided in New York despite the states’ intention since the eighteenth century for them to disappear.
CHAPTER 1

From Defeated Peoples to Sovereign Nation: The American Revolution in Seneca Country, 1779-1794

On July 5, 1779 Lieutenant Thomas Blake, along with the soldiers under the command of Major General John Sullivan, commemorated America’s Declaration of Independence. The soldiers made a series of toasts, including “Civilization or death to all savages” and may “the husbandman’s cottage be blessed with peace, and his fields with plenty.”1 These toasts were given during the Sullivan-Clinton Expedition through Iroquoia, a military campaign during the War for Independence with the purpose of destroying Iroquois towns, homes, agricultural fields, and orchards.2 George Washington sought to suppress the movements of the British-allied Iroquois raiders, who, as the Declaration of Independence complained of all Native nations, were considered “merciless Indian Savages, whose known rule of warfare, is an undistinguished


destruction of all ages, sexes and conditions.”³ The Iroquois wreaked havoc on the edges of Iroquoia, disrupted the settler economy, and caused supply problems for the Continental army.⁴ Most importantly, Washington wanted the expedition to allow Americans to claim Iroquoia once the war ended thereby replacing the “savages” with the “husbandman’s” fields. While Sullivan and his forces brought temporary destruction to Iroquoia, the expedition’s goal of claiming Iroquois lands for the United States was unsuccessful.⁵

Eleven years later, Seneca leaders Cornplanter, Half Town, and Big Tree remembered the Sullivan-Clinton Expedition. In a speech to President George Washington, they stated “When your army entered the country of the Six Nations, we called you the town-destroyer; and to this day, when your name is heard, our women look behind them and turn pale, and our children cling close to the necks of their mothers.”⁶ While the Senecas remembered the Sullivan-Clinton Expedition with fear, these Seneca leaders articulated in the same speech, as Seneca leaders did for the entirety of the nineteenth century, that Seneca land claims were legitimate and they were a sovereign people. According to these Seneca leaders, “husbandman’s” fields would not be possible because “[a]ll the land we have been speaking of belonged to the Six Nations, no part of it ever belonged to the king of England, and he could not give it up to you. The land we live on our fathers received from God, and they transmitted it to us for our children, and we cannot part


with it.” The campaign resulted in significant Iroquois property and agricultural damage, but the settler narrative of Iroquois erasure that developed during the Sullivan-Clinton Expedition clashed with the Seneca narrative of their sovereignty and the reality of competing land claims on the ground.

The failure of the expedition to result in territorial acquisition forced the United States to look for more complex ways to make claims to Iroquoia. The end of the war changed the nature of American expansion. The Continental Congress funded the Sullivan-Clinton Expedition, but state leaders called for its execution and state militias provided much of the man power. The military conquest of Iroquoia, in which state and federal governments worked together, fell apart after the war. This in part created the first conflicting claims over Seneca lands in the post-Revolutionary era. The conflict between state and federal interests played out through treaties with the Senecas and between settler groups in the 1780s and 1790s, and the outcomes of these treaties unintentionally created legal protections for the Senecas against settler encroachment.

While the tactics of American expansion changed, the logic of dispossession and erasure did not. Ultimately, however, the events of the 1780s and 1790s helped give shape to the Seneca narrative of continuous sovereignty.

The Sullivan-Clinton Expedition put in motion the events that created additional protections for Seneca territory because the military campaign forced the Senecas to settle new lands near the eastern shore of Lake Erie. These new lands were marked by conflicting claims, such as the privately held preemption right and federal recognition of Seneca sovereignty over the territory, that provided a new legal landscape from which the Senecas protected their lands.

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7 Cornplanter, Half Town, and Big Tree. “To the Great Council of the Thirteen Fires.”
The end of military engagement and other post-war factors, including American debt, national instability, and conflict between individual states, meant that the United States had to construct new forms of American expansion from the ground up. Throughout the remainder of the eighteenth century, New York, the United States, and private individuals and companies had to engage in frequent treaty negotiations and expend hundreds of thousands of dollars to extend control over only a portion of the Iroquois territory the expedition intended to claim. The use of military force during the American Revolution did not move the western boundary of white settlement in New York and restructured rather than destroyed the land base from which the Senecas asserted their sovereignty throughout the nineteenth century. Rather than the catalyst for the disintegration of Iroquois society, the campaign marked the unsteady beginning of American expansion and Seneca interruption of that expansion.

**The Sullivan-Clinton Expedition**

Before the American Revolution, Iroquoia included most of New York State and extended from north of the modern Canadian border into modern day Pennsylvania. The Senecas, the westernmost of the Six Nations, lived in towns along the Genesee River and around the Finger Lakes. The region was made up of rich agricultural lands, where the Iroquois grew corn, beans, squash, watermelon, cucumbers and others fruits and vegetables as well as large orchards of fruit trees. The Iroquois subsisted on these foods, which were grown and distributed by Iroquois women, along with meat and fish provided by Iroquois men. By the time the American Revolution broke out, the Iroquois had experienced hundreds of years of interactions with

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8 Nancy Shoemaker, “The Rise or Fall of Iroquois Women,” *Journal of Women’s History* 2, no. 3 (Winter 1991): 44.
European imperial powers and their colonists, but had so far resisted major Euro-American settlement or incursions into their territory.

At the end of the eighteenth century, the British occupied well-established forts on the western edges of Iroquoia and colonies to the east, but Iroquois resistance and British imperial policy prevented colonists and their leaders from having any real knowledge of the Iroquois landscape. Colonists were so unfamiliar with the terrain of Iroquoia that before the campaign began, George Washington wrote to Brigadier General Lachlan McIntosh that in order to determine the feasibility of such an expedition the army should first find out “whether the Country is generally level or hilly, dry or swampy.” The heart of Iroquoia was such a mystery to colonists that they did not even have a general understanding of the terrain. This was because the Iroquois prevented colonists from acquiring such knowledge. Major Jeremiah Fogg, while on the Sullivan-Clinton Expedition, noted that “[h]ere the English in the course of the last war, attempted to establish a post beginning a picket fort, but were compelled to desist, as the savages declined having any civilized people get a foothold in their territories. . . every precaution has been taken to prevent a survey of the country.” Sullivan, in his report to John Jay, complained that maps of the territory available “serve not to enlighten but to perplex.” Settler groups wanted to claim this land, but first they had to gain knowledge of it.

In addition to Iroquois resistance in limiting settler knowledge of their territories, at the end of the Seven Years’ War with France, Britain issued the Proclamation of 1763 in response to

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growing pan-Indian resistance west of the colonies. This proclamation prevented colonial
governors from granting a “Warrant or Survey, or pass Patents for any Lands beyond the Heads
or Sources of any of the Rivers which fall into the Atlantic Ocean.”\textsuperscript{12} Individuals were not to
settle west of the boundary line that ran along the Appalachian Mountains and private land
purchases from Native nations and individuals were illegal.\textsuperscript{13} Colonists wanted to expand into
the western lands, including Iroquoia, but territorial expansion on the scale they desired was not
possible under British imperial rule. The American Revolution provided colonists with the first
opportunity to try to claim Iroquois lands.\textsuperscript{14} The American campaign was the first attempt for the
new nation to construct its own expansion as the colonists rejected Britain’s imperial rule and
restrictions on settlement. The officers’ and soldiers’ actions, as well as their views on the
Iroquois and their lands, reveals much about American attitudes toward Native culture and
sovereignty, and about plans for future American expansion and nationhood.

On May 31, 1779, George Washington instructed Sullivan to carry out “the total
destruction and devastation of their settlements, and capure of as many prisoners of every age
and sex as possible. It will be essential to ruin their crops now in the ground & prevent their

\textsuperscript{12} “By the King, a Proclamation.” (London: Printed by Mark Basket, Printer to the King’s most Excellent Majesty; and by the Assigns of Robert Baskett, 1763.) The Gilder Lehrman Institute of American History. New York, New York.

\textsuperscript{13} In the 1768 Treaty of Fort Stanwix between the Iroquois and Great Britain, the two parties adjusted the boundary line and created a new Line of Property to prevent further frontier violence. The Native nations who lived in the lands ceded by the Iroquois did not sign the treaty, which led to further frontier violence. David L. Preston, \textit{The Texture of Contact: European and Indian Settler Communities on the Frontiers of Iroquoia, 1667-1783} (Lincoln, NE: University of Nebraska Press, 2009), 260-261.

planting more. . . [P]arties should be detached to lay waste all the settlements around. . . that the country may not be merely overrun, but destroyed.”

The expedition, which Barbara Graymont describes as “a warfare against vegetables,” was not a side show to the rest of the American Revolution, but one of Washington’s and the Continental Congress’ main priorities. According to historian Rhiannon Koehler’s estimates, the Continental Congress allocated 85 percent of the government’s budget for the expedition. The Iroquois were major players in the Revolution, and the Americans recognized them as a military threat and a threat to future expansionist goals. For Americans, it was imperative the Iroquois be removed from the war altogether.

Destroying Iroquois settlements was not just a military strategy but a way to punish the British-allied Iroquois and eradicate the population to make way for future white settlement. Continental soldiers targeted future Iroquois food stores, which they knew would lead to long-term consequences that would extend far beyond the end of the Revolution for Iroquois society. Sullivan noted that “[t]here were fields of corn, the most extensive that ever I saw with great quantities of potatoes, pumpkins, squashes, and in short every other thing which any farmer could produce—the whole of which was destroyed root and branch.” The use of warfare to seize land was not unprecedented. Since the colonial era, Indian wars had allowed European colonial leaders to make claims to land of defeated Native nations. With this logic, if the Americans won the war, they could take Iroquois lands as compensation and through conquest, a

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claim New York and national leaders later made. Targeting the food supply so aggressively made this expedition different and more intentional, however. While American leaders had very limited knowledge of Iroquoia prior to the Sullivan-Clinton Expedition, they knew that the Iroquois were agriculturalists, and those western lands remained valuable to land speculators. National expansion and public and private financial gain rested on the outcome of the expedition.

American leaders never explicitly mentioned erasure as the purpose of the expedition, but leaders and soldiers who were a part of the campaign were acutely aware that their actions would result in starvation and displacement. Dr. Jabez Campfield, a military surgeon on the expedition, observed, “I very heartily wish these rusticks may be reduced to reason, by the aproach of this army, without their suffering the extreems of war; there is something so cruel, in destroying the habitations of any people, (however mean they may be, being their all) that I might say the prospect hurt my feelings.” Washington’s orders, and the observations of men on the campaign, show that Washington wanted the Iroquois to starve. He wanted them to be so desperate that they would have to flee to western British forts. Washington wanted the army to “chastise and intimidate the hostile nations. . . and do them every other mischief, which time and circumstances will permit.” To do so, Washington directed Sullivan to push “the Indians to the greatest practicable distance from their own settlements” and make “the destruction of their

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20 Franklin B. Hough, *Proceedings of the Commissioners of Indian Affairs, Appointed by Law for the Extinguishment of Indian Titles in the State of New York.* (Albany: Joel Munsell, 1861), 57.

21 The land speculation company associated with Washington’s family was interested in lands the Iroquois claimed near the Ohio, and a group of surveyors accompanied Sullivan on the expedition. Six of Sullivan’s officers also dabbled in land speculation and right before the expedition officially began, invested ten thousand dollars each in an “association” that planned to buy land from whichever state would end up claiming the lands that made up Iroquoia. See Mann, *George Washington’s War on Native America,* 37, 109; Mintz, *Seeds of Empire,* 114.


settlements so final and complete as to put it out of their power to derive the smallest succor from them in case they should ever attempt to return this season.”

Washington and Sullivan did not just see the Iroquois as allies of their enemy, but as “savages” who needed punishment.

In their journals, soldiers and officers on the expedition simultaneously discussed the abundance of Iroquois crops and the development of Iroquois towns while imagining how much more productive future American settlement would be. Lieutenant Robert Parker wrote that he wanted to see “the opening prospects of future greatness which we may reasonably suppose is not far distant, &. . . those deserts that have so long been the habitation of beasts of prey & a safe asylum for our savage enemies, converted into fruitful fields, covered with all the richest productions of agriculture, amply rewarding the industrious husbandman by a golden harvest.”

At the same time, many soldiers and officers were awestruck by how much Iroquois-grown food they saw. Major John Burrowes wrote that “[t]he land exceeds any that I have ever seen. [S]ome corn stalks measured eighteen feet, and a cob one foot and a half long. Beans, cucumbers, watermelons, muskmelons, cimblens are in real plenty.” Iroquoia was already productive in the ways that Parker imagined, but because the Iroquois controlled it, the development and production of that land were illegitimate.

Even when Sullivan asked his soldiers to subsist on half-rations because of problems with supplies, the soldiers hardly noticed because they supplemented their diets with food grown around them. Sullivan announced to his men that they would receive “half a pound of flour and


half a pound of meat, and half allowance of salt per day” while they were “in this country which abounds in corn and every kind of vegetable.” Dr. Jabez Campfield observed that “[t]he army must have dropped the prosecution of this expedition long ago had not the corn, beans, &c., which it found from place, subsisted it.” Despite direct observations of Iroquois land-holding and agricultural practices, those on the expedition perceived Native peoples as uncivilized and their land claims trivial. Sullivan himself, in response to an Oneida man concerned about American land claims, said he believed Congress would allow the American-allied Oneida to continue to hunt in the area as long as it “would not interfere with our settlement of the country, which I believed would soon take place.” The war was not over, and American leaders and soldiers could not have envisioned how western expansion would unfold. However, that the purpose of the expedition was to negate the Iroquois claim to their homelands and make way for American expansion was clear to those on the expedition.

Soldiers often expressed racial assumptions and enacted racial violence against the Iroquois during the campaign. Major Jeremiah Fogg wondered “[w]hether the God of nature ever destined that so noble a part of his creation should remain uncultivated. . . had I any influence in the councils of America, I should not think it an affront to the Divine will, to lay some effectual plan, either to civilize, or totally extirpate the race.” In 1779, Fogg expressed the assumptions

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that animated American expansion for the rest of the nineteenth century. Americans assumed that Native lands were uncultivated despite direct observation of agricultural practices. That Native people had to become civilized or be exterminated so the United States could claim their lands for settlers who would cultivate it properly remained at the heart of settler narratives. Just as proponents of expansion believed during the era of manifest destiny, Fogg saw this plan as “Divine will.” The tactics of American expansion would have to change when the end of the war took military conquest off the table, but the rhetoric and logic remained the same. Some officers on the expedition took these beliefs and enacted them on Native bodies in violent ways that were not typical of battle. Lieutenant William Barton wrote that he and a group of soldiers found “dead Indians” and “skinned two of them from their hips down for boot legs; one pair for the Major the other for myself.”31 The Sullivan-Clinton Expedition was not just a small campaign to move forward the goals of the American Revolution. It represented American feelings toward Native peoples and shows what American expansion looks like in its most extreme form.

The campaign itself, although extremely destructive, resulted in few combat casualties. However, the Iroquois suffered through the harsh winter of 1779-1780 as refugees at Fort Niagara, where starvation, illness, and freezing temperatures killed more Iroquois than soldiers did during the campaign.32 The Iroquois did not remain refugees for long, and some Senecas returned to the villages the army destroyed near the Allegheny and Genesee Rivers, while others stayed the winter at the fort and in the spring established or reestablished settlements at Buffalo Creek, Tonawanda Creek, Cattaraugus Creek, or under Cornplanter’s leadership along the

32 Wallace, The Death and Rebirth of the Seneca, 195.
Allegheny River in what would become Pennsylvania.Buffalo Creek especially became a thriving center for the Senecas, as they quickly reestablished agricultural fields and took precautions to protect their corn stores while the war continued. The Iroquois did not remain dependent on the British for more than a season, and while some settlements were pushed further west because of the expedition, Iroquoia still remained separate from the United States.

The end of the American Revolution meant that the United States could not mask efforts to claim Iroquois land through military conquest. Sullivan failed to carry out Washington’s vision of the total destruction of Iroquoia and the removal of the Iroquois from the war. After the 1783 Treaty of Paris ended the war, American leaders sought new ways to dispossess the Iroquois. In part relying on colonial precedent, the United States and New York looked to punish the Iroquois further in post-war negotiations and force large land cessions. The United States also wished to resolve conflicting land claims between individual states and establish their primacy in Indian affairs. These post-war issues, brought about in part by the Sullivan-Clinton Expedition’s failure to seize Iroquois lands, began to create conflicting claims to Iroquoia in ways that protected Seneca sovereignty.

**Treaty-Making**

After 1783, American expansion shifted in strategy. American attitudes toward Native peoples remained the same, but American nationhood and statehood allowed for new forms of Native dispossession. Rather than attempt to claim Iroquois land through military force, treaty-

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making provided the United States with new forms of dispossession. Native nations previously entered into treaties with European powers, but treaty-making provided the United States its first chance to construct new legal mechanisms of dispossession. Multiple settler groups made claims to Iroquoia and tried to assert their right to control land use after the war, and conflicting claims arose that marked Seneca lands with unforeseen legal protections. In their many diplomatic encounters with settler groups in the 1780s and ‘90s, the Senecas gained legal protections for their lands. The post-Revolutionary negotiations show not only state and federal officials piecing together elements of American expansion, but also the origins of Seneca resistance that ensured the continuity of Seneca sovereignty.

After the American Revolution ended, the United States maintained their aggressive approach toward Native nations. The United States aimed its Confederation-era land policies especially toward Native nations who chose to side with the British. The Treaty of Paris did not include Native allies and this omission allowed the federal government to treat the Senecas as defeated peoples for their alliance with the British. At the end of the war, Philip Schuyler, an American Revolutionary general and New York State senator, among other titles, informed the Iroquois of the American victory. Schuyler told the Iroquois that “[w]e are the Conqueror. . . we claim the lands and property of all the white people as well as the Indians who have left and fought against us.” The Americans failed to claim Iroquoia during the Sullivan-Clinton Expedition, but they won the war and intended to use their victory to justify territorial conquest.


36 Philip Schuyler quoted in Stuart Banner, How the Indians Lost Their Land, 112.
The Confederation government acted aggressively based on their belief that defeated Native nations would willingly cede land to the United States, and in the 1784 Treaty of Fort Stanwix U.S. Commissioners dictated the terms of a “peace” treaty to the “Senecas, Mohawks, Onondagas, and Cayugas.” The terms of the Treaty of Fort Stanwix, and other treaty terms forced on Native nations during the early Confederation period, were based on the assumption that the United States held title to the western lands ceded from Great Britain in the Treaty of Paris. With the view that the Iroquois were conquered peoples and therefore could not lay claim to that land, the U.S. Commissioners barred the Iroquois from the negotiations.

The United States framed the land cessions at Fort Stanwix as a benevolent gesture on the part of the federal government, a sentiment expressed by George Washington in 1783. Washington believed that because many Native Americans allied with Britain during the war “so, consequently, with a less generous People than Americans they would be made to share the same fate; and be compell’d to retire along with them beyond the Lakes.” The Committee on Indian Affairs agreed with Washington that Native Americans could not “have any reasonable objections against the establishment recommended” since they were “aggressors in the war” and must “make atonement for the enormities which they have perpetrated.” The U.S. commissioners expressed that the United States did not have to let defeated peoples remain on


38 Horsman, Expansion and American Indian Policy, 55.

39 “George Washington to James Duane September 7, 1783.” in Prucha, Documents of United States Indian Policy, 1.

40 “Report of the Committee on Indian Affairs October 15, 1783.” in Prucha, Documents of United States Indian Policy, 4.
the territories “conquered” during the American Revolution at all. The Senecas and others who sided with the British only remained within the “boundaries” of the United States because the federal government allowed them to. The end of the war prevented Americans from taking Seneca lands through military conquest, but the narrative of Iroquois violence that fueled the Sullivan-Clinton Expedition during the war justified post-war American land claims.

The Treaty of Fort Stanwix reduced and bounded Iroquois territory for no monetary compensation, but with a promise of “protection.” The Iroquois gave up their claim to lands in the Ohio Valley and parts of western New York. Unlike previous treaties, Fort Stanwix delineated the lands not given up by the Iroquois, rather than the lands transferred. This shift in approach indicates that the United States believed all land extending to the Mississippi River belonged to that nation, and that the federal government could reserve lands to Native groups if they felt so inclined. Federal officials interpreted what they inherited from Britain as broadly as possible, allowing the United States to make claims to larger territories and restrict the boundaries of Native nations.

Fort Stanwix signaled a continuation of American land claims that began with the Sullivan-Clinton Expedition. With this treaty, the United States intended to limit Iroquois movement and political alliances with the British in Canada and other Native groups to the west. It also attempted to establish the Confederacy government supreme in Indian affairs, facilitate

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41 Horsman, Expansion and American Indian Policy, 20.


43 Stuart Banner, How the Indians Lost Their Land, 127. These treaty terms were later confirmed at the Treaty of Fort Harmar in 1789; “The Speech of the President of the United States of America to Cornplanter, Half-town and Big-tree, Chiefs of the Seneca Nation of the Indians, 1791.” Box 19 Doc 40, The Paul G. Reilly Indian Collection, Archives & Special Collections Department, E. H. Butler Library, SUNY Buffalo State.

44 Banner, How the Indians Lost Their Land, 128.
western expansion, and provide a means to pay back the war debt.\(^{45}\) This early expression of U.S. Indian policy inflated the power of the United States in an attempt to make a real claim to the lands between the Appalachians and the Mississippi River. However, the treatment of Native peoples as conquered peoples did not reflect the economic or military power of the debt-ridden and diplomatically weak post-war United States, and this aggressive strategy soon proved ineffective as Native groups grew resentful of Confederation policy.

In the Confederation era, many of the thirteen states had to resolve the issue of western land claims.\(^{46}\) The states’ actual settlement did not extend as far inland as their claims, and many states even claimed land all the way to the Pacific Ocean. Massachusetts and New York both claimed Iroquoia, despite white settlement being mostly restricted to the eastern half of the modern state of New York. The claims of Massachusetts and New York stemmed from conflicting seventeenth-century colonial charters that granted the same land to two separate colonies. One land grant, from Charles I to the Massachusetts Bay Colony in 1628, included all “the maine lands from sea to sea.”\(^{47}\) The other, granted to the Duke of York in 1664 by Charles II, claimed much of the same.\(^{48}\) To resolve this conflict, commissioners from Massachusetts and New York met in Hartford, Connecticut in 1786. In the agreement, which became known as the

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\(^{46}\) Some states gave up their claims to western lands to the central government prior to the ratification of the Articles of Confederation in 1781.


Treaty of Hartford, Massachusetts granted to New York “the claim, right and title. . . to the government, sovereignty and jurisdiction of the lands.” \(^{49}\) In return, New York granted to Massachusetts “the right of preemption 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).” \(^{50}\) The agreement between Massachusetts and New York represented a plan for the settlement and incorporation of Iroquoia into the United States. The preemption right, or first right of purchase, meant that only Massachusetts could purchase land from the Iroquois within that territory. Massachusetts could then extinguish Seneca title via treaty and sell the land, or sell the preemption right. Unlike the Northwest Territory, the land between Seneca Lake and the eastern shore of Lake Erie would immediately become a part of New York upon extinguishment of Native title. The existence of the preemption right rested on the assumption that the Iroquois would have to sell their lands in the future because of Iroquois decline.

The preemption right, in addition to being a legal mechanism of dispossession, also became a commodity, which Massachusetts sold to private individuals. \(^{51}\) In these transactions, Massachusetts did not sell the land itself, only the right to purchase land from the Senecas. Unlike the resolutions of many other Confederation era state claims to western lands in which the federal government acquired the preemption right, this conflicting claim resulted in the


\[^{50}\] “From Liber One of Miscellaneous Records, in the Office of the County Clerk of the County of Cattaraugus,” 107.

\[^{51}\] Massachusetts first sold the preemption right to Oliver Phelps and Nathaniel Gorham, which resulted in the extinguishment of Native title in the eastern third of the land grant area, a part of Iroquoia that belonged to other Iroquois nations. The preemption right to portions of Seneca land remained in place for the nineteenth century. For more on the Phelps and Gotham purchase see Laurence M. Hauptman. \textit{Conspiracy of Interests: Iroquois Dispossession and the Rise of New York State}. (Syracuse: Syracuse University Press, 1999), 88.
creation of a right that put a major step to Seneca dispossession in private hands. The legal
entanglement that the right created, although it was initially meant to be a legal mechanism of
dispossession, complicated state and federal claims to Seneca lands. That private individuals and
companies owned the preemption right meant that these companies and individuals would have
to rely on their own resources to dispossess the Senecas. The Treaty of Hartford additionally
stipulated that a representative from Massachusetts must be present at any treaty involving the
preemption right. The preemption owner would have to convince the Senecas to meet in
council and coordinate with government officials to facilitate a land sale. Private and government
interests only occasionally aligned during the nineteenth century, which frustrated coordination
efforts. Purchasing land from the Senecas would require significant time, money, and chance.
The Sullivan-Clinton Expedition pushed the Senecas farther west into the territory that fell
entirely under this preemption right. The reorganization of Seneca settlements during the war, as
destructive as that process was, changed the landscape from which the Senecas asserted their
sovereignty and provided additional protections that other Iroquois communities lacked in the
nineteenth century.

The Senecas and other Iroquois Six Nations remained resentful of the Treaty of Fort
Stanwix and aggressive Confederation era policies into the 1790s. Paired with other post-war
issues for the American nation such as war debt, the Native contestation of American claims to
lands west of the thirteen states, and the internal issue of divided sovereignty, Seneca complaints
over Confederation-era land cessions made the Senecas central to the United States’ diplomatic
decisions. During this time, tribes in the Northwest Territory who most ardently contested

52 “From Liber One of Miscellaneous Records, in the Office of the County Clerk of the County of Cattaraugus.” in
Report of the Special Committee to Investigate the Indian Problem of the State of New York, 107.
American land claims chose to stave off American expansion through warfare while the Iroquois, who still remembered the violence of the Sullivan-Clinton Expedition, chose to protect their sovereignty through diplomacy. Federal leaders were aware that the Iroquois could easily have joined the northwestern tribes and become a military threat, so the United States engaged the Iroquois in diplomatic negotiations throughout the 1790s.

President George Washington knew that the United States needed to make peace with the Iroquois. Seneca leaders traveled to Philadelphia to meet with Washington and tell him their grievances over Fort Stanwix and other land cessions. Washington said to Seneca leaders Cornplanter, Half Town, and Big Tree “that it is my desire, and the desire of the United States, that all the miseries of the late war should be forgotten, and buried for ever.” Washington wanted the Senecas to know that it would not be the policy of the United States under the new Constitution to allow for such aggressive land sales, and stated “that these evils arose before the general government of the United States was established, when the separate states, and individuals under their authority, undertook to treat with the Indian tribes respecting the sale of their lands.” Washington then urged the Seneca leaders to prevent young Seneca men from joining the Miami Indians who refused to make peace with the United States. The Senecas wanted Washington to help them secure their lands, but the United States needed help from the Senecas just as much.

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55 Washington, “The Reply of the President of the United States, to the Speech of the Corn Plant, Half Town, and Big Tree.”
The United States had to cater to Iroquois demands to protect Seneca land sovereignty, and in exchange the Senecas agreed to negotiate with the northwestern tribes and maintain peaceful relations with the new United States.\textsuperscript{56} As the war between the northwestern tribes and the United States progressed during the early 1790s, the Iroquois gained more diplomatic leverage over the United States. By 1794, the United States still had not defeated the northwestern tribes and Secretary of War Henry Knox feared that the war would drag the United States into another conflict with Britain. He wrote to General Anthony Wayne in April 1794 that “the present state of European affairs as connected with the commerce of this country threatening to involve us in the general war require in the most forcible manner that we Should if possible make peace with the Indians in order to prevent such an undue portion of our strength and wrath from being appropriated to an object of less importance than some other which may probably occur.”\textsuperscript{57} Recognizing Seneca sovereignty and addressing their concerns over land loss could save the United States from diplomatic and financial ruin.

To appease the Iroquois and secure them as allies in negotiations with the northwestern tribes, the Iroquois and the United States negotiated the Treaty of Canandaigua in November 1794. Seneca leader Red Jacket expressed to the Quakers in attendance at the council that he worried another treaty would be used to deceive the Senecas. He said to U.S. Commissioner Timothy Pickering, “You white people have increased very fast on this island, which was given to us Indians by the Great Spirit; we are now become a small people, and you are cutting off our

\textsuperscript{56} Oberg, \textit{Peacemakers}, 66.

\textsuperscript{57} Henry Knox, “Instructions to Major General Anthony Wayne relatively to a proposed treaty with the Indians Northwest of the Ohio, April 4, 1794.” Wayne Papers. Historical Society of Pennsylvania. Philadelphia, PA. in \textit{The Paul G. Reilly Indian Collection, Archives & Special Collections Department, E. H. Butler Library. State University of New York, Buffalo State, Buffalo, NY.}
lands, piece after piece—you are a very hard-hearted people, seeking your own advantages.”

The political and diplomatic situation for the United States had changed since the 1780s, so despite Red Jacket’s fears, Canandaigua was a diplomatic success for the Senecas.

Canandaigua delineated the boundaries of Seneca lands, restated the United States’ intention to be supreme in Indian affairs, and recognized Seneca sovereignty. The treaty read that “the United States acknowledge all the land within the aforementioned boundaries, to be the property of the Seneca nation; and the United States will never claim the same, nor disturb the Seneca nation, nor any of the Six Nations, or of their Indian friends residing thereon and united with them, in the free use and enjoyment thereof.” The Senecas immediately saw the importance of such a treaty, and the United States’ promise to protect Seneca lands provided the Senecas with an outlet for their grievances in conflicts with other settler groups. The recognition of their lands and sovereignty by the United States became an important tool to check American expansion. As the Senecas contended with the growth of American settlement, they invoked the Treaty of Canandaigua each time a settler group argued for Seneca dispossession, and Seneca representatives later cited the treaty’s terms to protect their lands in court. The Senecas saw legitimacy in their own land claims because, as Red Jacket stated during the negotiations, the land was “given to us Indians by the Great Spirit.” Now, the United States recognized their claim to it as well.

59 Oberg, Peacemakers, 114.
Fifteen years after the Sullivan-Clinton Expedition, the United States still had no real claim to most of Iroquoia and even recognized Seneca sovereignty over part of the area. The recognition of Seneca sovereignty by the United States added to the Senecas’ narrative of self-determination, but the Senecas did not believe that the United States granted the Senecas sovereignty. Rather, the Iroquois nations that participated saw the treaty as an agreement between two sovereigns with mutual obligations. The Iroquois were sovereign and established the basis of their sovereignty in relation to European powers long before they signed the Treaty of Canandaigua. Yet the treaty became the basis of all land claims for the Senecas and other Iroquois nations and was at the center of all Seneca arguments against settler claims.

While the Senecas clung to narratives of their continuous sovereignty, settler groups continued to perpetuate the narratives of Native savagery and the illegitimate nature of Iroquois land claims after the Sullivan-Clinton Expedition. These settler narratives continue to have implications for understandings of Iroquois history today. The Sullivan-Clinton Expedition has largely been remembered as successful despite its tactical errors, and Sullivan is remembered as the victorious hero who brought progress to the wilderness that was Iroquoia. In 1879, standing in the field where the Battle of Newtown occurred during the expedition, Reverend David Craft addressed his audience who were there to celebrate the centennial. Craft remembered the expedition as an “historical epoch” which “[a]t a single stroke. . . solved the question, whether

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62 Settler narratives surrounding the Sullivan-Clinton Expedition have seeped even into the historiography of Iroquois studies, which is only recently moving away from the American Revolution as an irreversible moment of decline, revealing the pervasive nature of these narratives.
the American Indian. . . was longer to stand in the way of human progress.”63 This settler narrative, pervasive enough to warrant a centennial celebration, ignores that Iroquois willingness to participate in negotiations at Canandaigua secured the sovereignty of the United States at a time of national uncertainty.

The end of the American Revolution abruptly ended the United States’ ability to claim Iroquois lands through military conquest. Instead, the conflicting claims to Iroquoia after the war, and the postwar issues the young United States faced, resulted in a series of treaties over Seneca lands. By the end of 1794, Seneca lands were marked with multiple layers of legal claims. The Treaty of Hartford gave Massachusetts the preemption right and New York future sovereignty and jurisdiction, while the Treaty of Canandaigua recognized Seneca sovereignty over portions of the same area and the United States primacy over dealings with the Senecas. These layers provided protections for Seneca lands, became the basis of the Seneca counter narrative to American expansionist narratives of Native erasure and inevitable decline, and allowed for the legal and real interruption of American expansion.

Conclusion

With the Sullivan-Clinton Expedition, the United States began to attempt to facilitate American expansion into Iroquoia. Although British colonial rule influenced American colonization, 1779 marked the beginning of the United States’ aggressive push for more lands through Native dispossession. The American Revolution did not mean permanent decline for the Senecas, however. The end of the war marked a shift in American expansion whereby settler

groups had to find new ways to make claims to Iroquoia. For every assertion of Native
disappearance, the Senecas held strongly to their narrative of sovereignty, which after 1794 was
reinforced by federal recognition.

As the 1790s continued, the United States was forced to rethink American expansion.
With peace with the Iroquois established, and immediate threats from the Northwest Territory
dampened, settler groups used the legal mechanisms of dispossession they had created in the
1780s to make claims to Seneca lands on the ground. These claims would not be easy, as the
Sullivan-Clinton Expedition intended to make them, but had to be constructed from the ground
up. As the next chapter will show, settler groups had to spend real time in Iroquoia and expend
hundreds of thousands of dollars to facilitate land cessions. While the pressures of American
expansion only increased in force and form at the end of the eighteenth century, so too did
Seneca survivance and creative reorganization to protect Seneca land sovereignty.
On May 10, 1798, General Agent of the Holland Land Company Theophile Cazenove wrote to chief surveyor Joseph Ellicott to instruct him on the survey of former Seneca lands and new reservations west of the Genesee River, which the Senecas sold the previous fall in the Treaty of Big Tree. Cazenove warned that “[w]ithout a Survey no rational nor methodical plan of settlement for such an extended and valuable body of land can be devised. . . . Prudence requires the demarcation lines to be fixed in such an ostensible and solid manner as to prevent for a long series of years disputes between the settlers and the Indians.”¹ After the treaty negotiations ended, the Senecas requested that the company survey the Cattaraugus Reservation so it would be more “compact” than what the company planned in exchange for an alteration to the treaty terms that would benefit the company.² [see Fig. 2] Cazenove continued that “[t]he Indians offer to make such an exchange with the Holland company as shall be equitable, observing that if such exchange does not take place, reciprocal inconvenience shall be sustained.”³ The preemption right created at the Treaty of Hartford in 1786 finally worked to dispossess the Senecas of a majority of their lands almost twenty years after the Sullivan-Clinton Expedition sought to do the


² “Substance of a speech at the Council held at the Buffalo Creek Reservation by Joseph Ellicott.” June 28, 1798. Holland Land Company Papers. Archives and Special Collections, Daniel A. Reed Library, State University of New York, Fredonia, Fredonia, NY.

³ “Substance of a speech at the Council held at the Buffalo Creek Reservation by Joseph Ellicott.”
same. Settler groups then began to descend onto Iroquoia, but the Senecas only accepted the changes settler groups brought about on Seneca terms.

The Treaty of Big Tree in 1797 extinguished Seneca title to more than three million acres of land and carved ten reservations out of a once continuous territory. This treaty came about after Massachusetts sold the preemption right to Iroquois lands to Oliver Phelps and Nathaniel Gorham, who extinguished Native title to a portion of lands east of the Genesee River. Phelps and Gorham then defaulted on their payments and were forced to sell the preemption right to the remaining lands back to Massachusetts. Robert Morris, a wealthy land speculator and financier of the American Revolution, then purchased the preemption right to all the lands west of the Genesee River. At the Treaty of Big Tree, Morris, who facilitated the council, extinguished Seneca title to much of the territory and paid the Senecas $100,000. Morris then sold the land around the reservations to the Holland Land Company. The company also purchased the preemption right to the remaining Seneca reservations. Beginning in 1798, the Holland Land Company surveyed and divided the land for white settlement and determined the boundaries of the reservations that separated Seneca lands from New York.

The Treaty of Big Tree represented another shift in American expansion. The treaties in the 1780s and early 1790s provided only legal blueprints for the incorporation of Iroquoia and the relationship between the Senecas and the United States. After 1797, with title to much of their lands extinguished, the Senecas faced not only aspirational settler claims, but the actual

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4 The Phelps and Gorham Purchase also involved the lands of other Iroquois nations. See Laurence Hauptman, *Conspiracy of Interests: Iroquois Dispossession and the Rise of New York State* (Syracuse, NY: Syracuse University Press, 2001), 70.

5 Hauptman, *Conspiracy*, 88.

Figure 2. This map created during the survey shows the Cattaraugus Reservation broken into two separate land tracts, leaving the Cattaraugus Creek outside the boundaries of the reservation. The Senecas' request to make the reservation more "compact" likely referred to the Cattaraugus Reservation, which was eventually surveyed as one contiguous land tract and encompassed the creek. Map of Genesee Country, 1797. State University of New York at Fredonia Archives & Special Collections; Municipal Archives of Amsterdam; Nederlandse document Reproductie B.V. Reprinted with permission.
presence of settler groups who tried to transform the landscape from the ground up. The logic that animated the individual settler projects post-1797 was the same as it had been during the Sullivan-Clinton Expedition, but the methods changed once more. As settler groups shaped the legal and physical landscape of the territory, the Senecas had to contend with an American presence. The Senecas searched for ways to reorder their own society in response to settler encroachment, but always maintained the narrative of Seneca sovereignty over the space. Seneca society maintained this narrative through religious revitalization and interrupted expansion by resisting the survey through “reciprocal inconvenience,” petitions, and refusal. Settler groups tried to remake Seneca society and territory, but the Senecas circumscribed settler actions as well.

The settler groups who arrived in Iroquoia in 1798 attempted to remake the landscape of western New York. Their visions often conflicted despite their individual projects being driven by the same logic. Through their work, settler groups started to work out what western expansion would look like before the nineteenth century even began. In New York, land agents and missionaries altered both the physical landscape and the meaning of settlement and expansion for white settlers and the Senecas, and molded the processes of early expansion that drove later, more aggressive movements in the mid-nineteenth century. The ideas that drove territorial conquest, such as Native disappearance and the claim that Native landholding was illegitimate, were culturally embedded from the time the United States came into being, and the projects

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examined here are just two examples of how that ideology manifested itself as settler groups negotiated to create America’s continental empire.

**Joseph Ellicott and the Holland Land Company**

Joseph Ellicott, chief surveyor for the Holland Land Company in New York, created the western boundaries of the state. Within these new borders, settlers were subject to state law and given the protections extended to any citizen of New York and the United States. Yet Elicott rarely considered the “political and constitutional weight” that his surveys carried in his early correspondence or reports as Chief of Survey.\(^8\) To Ellicott, transforming the land was a scientific and precise process that brought with it a profit from the sale of private property. More importantly, he saw the Holland Land Company’s holdings on the east coast of Lake Erie as the key to western expansion through the physical movement of settlers and the potential commercial ties that would come from connecting the waterways in the east. He was one among many surveyors who created new boundaries in the early republic, and his experiences were representative of and helped shape what land, property, and sovereignty meant in the narrative of American empire.

The Holland Land Company was a consortium of Dutch banks that made money by investing in private property and improvements. The group had plans to invest in France, but the revolution there proved threatening to such ventures, so they turned to the frontiers of New York

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and Pennsylvania. The end of the American Revolution, which ended restrictions on British imperial expansion into these areas, opened western New York for investment in ways that would not be possible in revolutionary France. The U.S. federal government claimed many frontier areas in the Ohio Valley and Northwest Territory as a result of the Treaty of Paris in 1783, but private investors found opportunities to acquire property in the less settled areas of established states. The commodity-like nature of the preemption right to Seneca lands allowed surveying and settlement to be carried out by private actors. Ellicott was American, but his work for a foreign, private company in part shaped how he envisioned land use and the purpose of surveying. Rarely in his communications about the territory west of the Genesee River did he mention that this work would ultimately lead to the land’s incorporation into New York State. He focused on profit and transforming the land into very precise pieces of private property. During his survey, he did not contemplate that he was extending sovereignty and jurisdiction over a space or that he transformed the cultural landscape as well as the physical.

The Holland Land Company chose Joseph Ellicott to attend the Treaty of Big Tree to protect the interests of the company as the Senecas and land speculator Robert Morris negotiated over land sales. Morris and the Holland Land Company both invested in land speculation, but

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12 Theophile Cazenove to Joseph Ellicott, Philadelphia, July 25, 1797, HLCP, 1: 2.
Morris invested for personal gain with no intention of facilitating settlement, while the Holland Land Company divided the land into townships and created state boundaries for a profit. It is no surprise that the Company chose Ellicott to survey their lands at the conclusion of the treaty, as he came from one of the most prominent surveying families in the early republic. His older brother, Andrew Ellicott, demarcated the boundaries between Pennsylvania, Maryland, and Virginia immediately after the American Revolution and surveyed the border that separated the United States from Spanish territory. Joseph previously worked for the Company on their holdings in Pennsylvania, and at the time of Joseph’s project in New York, Andrew was still surveying lands in the south. The Ellicott family’s dedication to scientific precision made them some of the most desirable surveyors in the United States.

Surveying was critical in the early republic because boundaries gave legitimacy to the expanding nation. Such mapping required expertise in mathematics and astronomy and the use of advanced and rare surveying tools that only surveyors like the Ellicott family could provide. The creation of exact borders brought with it “a specific framework of laws, of government, and eventually of values.” Measuring and dividing land to create precise boundaries was fundamental to the creation of a successful federal republic. After the Revolution, the federal government wanted to systematically expand the nation, and land surveyors were critical to this project. Although the systematic survey system had been used in the past all over the world, the township, which could be further divided into ranges to denote individual property ownership,

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13 Andrew Ellicott educated Meriwether Lewis in surveying methods. Joseph’s younger brother, Benjamin, was also a surveyor and did surveying work in Washington D.C., Pennsylvania, and New York. Linklater, *Fabric of America*, 50.

14 Linklater, *Fabric of America*, 4-5.

became the foundational building block of state formation in the United States, different from older, less methodical methods of creating property.\textsuperscript{16}

Ellicott and his superiors at the company were most concerned with the legal complications and monetary issues that were prevalent for surveyors in the colonial era because they knew boundary disputes were often taken to court and expensive resurveys were common. Ellicott noted that in older surveys, “in the lapse of Eight, or Ten years scarcely a vestige can be seen to trace the original lines; consequently resurveys become necessary, which cost equally as much as the Original Surveys, independent of the litigation that is almost always the attendant consequence.”\textsuperscript{17} Ellicott frequently mentioned in his correspondence how problematic past surveys were, which measured property by “making a mark on a Tree or a Bush” and touted that his survey would be the most precise in the world, “executed with . . . Exactitude and permanency.”\textsuperscript{18} He deemed his surveys superior to those completed during the colonial era, and in his mind, he took every step to ensure that his work would never have to be redone, indicating the permanency he saw in this new era of American settlement.

Ellicott saw his own divisions as unchangeable as the land’s natural features, despite the constantly changing landscape of the early republic and the instability of the new nation in the 1790s. Ellicott tried to naturalize settler claims, but the features Ellicott and his surveyors noted in their field notebooks were not as permanent as Ellicott claimed them to be. Most of the notes from this survey included the types of trees present in each tract, and he assumed the trees would

\textsuperscript{16} Wyckoff, \textit{The Developer’s Frontier}, 25.

\textsuperscript{17} “Report and account of the Survey of the Genesee by Mr. Jh. Ellicott,” HLCP, 1: 83.

\textsuperscript{18} “Report and account of the Survey of the Genesee by Mr. Jh. Ellicott,” HLCP, 1: 83.
Figure 3. Excerpt from the field notes of one of the surveyors working under Ellicott. The field notes include a description of the trees, which in this tract include “some trees of Maple and Willow.” Field notes of the grand survey of the Genesee Lands. State University of New York at Fredonia Archives & Special Collections; Municipal Archives of Amsterdam; Nederlandse document Reproductie B.V. Reprinted with permission.
still be there when settlers chose to purchase a tract. Lumbering, referred to by contemporaries as “timber stripping,” was common in western New York during this time, as timber was a valuable commodity for both the Senecas and white settlers, yet trees that would soon be gone were more notable features of the landscape to Ellicott than Seneca villages. [See fig. 3] Ellicott did not envision the Senecas as part of the state’s future. He saw a white man’s division of the land as exact and permanent, but not Seneca land use. This shows that Ellicott believed private property in the United States was only meant for white settlers. The process of surveying was a process of erasing Seneca settlement and limiting Seneca influence to small pieces of territory.

At the conclusion of the Treaty of Big Tree in the fall of 1797, Ellicott immediately began his plans for the survey of the more than three million acre territory. He estimated that the survey required 150 men including surveyors, ax men, cooks, chainmen, boatmen, blacksmiths, and men to bring provisions between camps. Because private individuals such as Robert Morris still held large tracts in the area, Ellicott needed to locate and mark the boundaries of the Holland Land Company’s claims, as well as divide them into townships of six square miles.

The Holland Land Company demanded such an orderly process because Cazenove expected an enormous and immediate influx of settlers, and asked Ellicott to complete the survey of the entire area in just one year. As the work progressed, Cazenove instructed Ellicott to pick the villages for initial settlements and consider placement for the roads that would bring settlers in. Cazenove desired “the best specie of settlers from Pennsylvania and New England” and

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20 Cazenove to Ellicott Philadelphia, May 10, 1798, HLCP, 1: 33.
wanted Ellicott to bring them in “without leading them through settlements already in activity.”  

Cazenove wanted the surveyor to create new roads so that settlers would not pass established white settlements on their way into the territory. Cazenove envisioned a steady flow of settlers to all parts of the company’s lands. He wanted settlers evenly dispersed throughout its holdings so that all of the lands surveyed would be sold to make the company the highest profit, which was the intent of the original investment.

Ellicott ensured that his measurements were accurate by using the most advanced tools available at the time. Confident in his efforts, he provided equipment for settlers who purchased the land to check his work. He measured the boundaries with transit instruments, basing them on meridian lines which were “astronomically ascertained.” Only one portable transit instrument existed in the world, and Ellicott’s brother Andrew was using it in Natchez. Joseph suggested that the Holland Land Company commission the creation of one or two for his use west of the Genesee River. He often wrote in his reports and correspondence that he wanted a survey so precise that whoever bought the land could go to the survey office, examine the map of the tract or township, and double check the measurements themselves. According to Ellicott, the owner of the property or a surveyor could check the accuracy of the measurements whether the land had just been purchased or whether fifty years had passed, the amount of time he predicted it would take for all the tracts to be settled. He rarely mentioned settlers as citizens. Instead, he was


invested in the creation and distribution of private property to individual settlers, whom he viewed more as customers. To Ellicott, western expansion was not an impulse based on shared republican ideals. It was a commercial opportunity.

In addition to the use of the transit instrument, Ellicott made sure that each chain used in the survey was exactly twelve inches. He instructed his men to measure it against the standard chain after every six miles. Ellicott also requested that those working on the survey adjust compasses based on astronomical observations whenever possible. Ellicott created a very detailed system for taking field notes, compiled an index to those field notebooks so that anyone could easily look up the boundary line, and attached brass rulers exactly twelve inches to the backs of the field notebooks in case the land ever needed to be resurveyed. Ellicott’s desire to avoid the expense of resurveying poorly measured boundaries, to avoid litigation between white settlers, and to avoid boundary disputes between the land company and the Senecas drove his obsession for accuracy.

Ellicott and his team of surveyors created extremely detailed field notes that included the number of links and chains in a specific boundary, types of trees, quality of the soil, and descriptions of the “Land, Waters, Hills, Plains, Valleys, mines, [and] minerals.” Although the surveyors frequently interacted with Seneca sachems, which is clear from Ellicott’s correspondence, the field notes never mention these interactions. From his office in Philadelphia, Cazenove instructed a surveyor working under Ellicott, in his leisure time, to collect information about “views of falls and other remarkable spots, also a specimen of the most rare birds, insects,

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plants &c. and some Indian curiosities.”28 This instruction indicates that perhaps Cazenove saw
the Senecas as a part of the landscape, or another natural curiosity that rational, scientific
observation would allow Americans to understand. That Cazenove did not phrase this as an
instruction to observe Native landholding or agricultural practices while the ongoing survey
placed boundaries around Seneca lands indicates that Cazenove did not see Seneca land use as a
legitimate measure of ownership or division.

Ellicott was tasked with surveying the boundaries of the ten remaining Seneca
reservations. The Treaty of Big Tree determined the acreage of Buffalo Creek and Tonawanda,
but Ellicott had to negotiate with the Senecas on the specific boundaries.29 The treaty included
that for these reservations “two hundred square miles” be “laid off partly at the Buffalo and
partly at the Tonnawanta creeks.”30 For other reservations like Cattaraugus, the treaty provided
vague outlines, but not the acreage. According to the treaty, the reservation boundaries were to be
decided upon “by the sachems, chiefs, residing at or near the respective villages where such
reservations are made.”31 As General Agent of the Holland Land Company and Ellicott’s
immediate superior, Theophile Cazenove instructed the surveyor to use his familiarity with the
landscape to ensure that the reservations “run in certain directions in preference to others.”32
Even though the Senecas were supposed to be consulted as to the exact boundaries of their
reservations, Cazenove considered it Ellicott’s job to make sure that they did not have too much


29 William Chazanof, Joseph Ellicott and the Holland Land Company (Syracuse: Syracuse University Press, 1970),
25.


31 “Agreement with the Seneca, 1797,” in Kappler, 1029.

32 Cazenove to Ellicott, Philadelphia, July 24, 1797, and May 10, 1798, HLCP, 1: 16.
say in the boundaries of their own lands. In order to maximize profit for the company, Cazenove directed Ellicott to keep the most valuable lands, especially the lands with access to lake Erie, outside of the reservations.

Ellicott believed land divided for the purpose of private property was off limits to the Senecas. In correspondence and official reports, he only referred to the Senecas as a hindrance to that process.\(^{33}\) Although the Treaty of Big Tree stipulated that the Senecas should consult on the exact boundaries of their reservations, these consultations frustrated Ellicott. At almost every single reservation, the Senecas resisted surveying if they suspected fraud. Ellicott’s team frequently reported that the Senecas postponed surveying by calling councils or alerting federal agents that they did not receive their treaty annuities on time. Ellicott then had to reach out to federal officials to assist him in smoothing out relations and reassuring the Senecas.

Cazenove instructed that any major alterations made to the treaty terms “require some writing or other authentic proofs such alterations have been made by mutual consent.”\(^{34}\) However, in the same letter, he instructed Ellicott to offer “liquors to the chiefs and some trifles to the head women,” as “the expense will not be an object and may have a good effect towards the Holland Company.”\(^{35}\) This use of alcohol in negotiations went directly against the federal government’s “civilizing mission.” During this period, Quakers and other missionaries worked among Native communities to change Native behaviors and cultural practices. A group of Quakers from Philadelphia established their mission among the Allegany Senecas the same year the survey began, and the Quakers believed alcohol hindered their project and urged temperance

\(^{33}\) “Report and account,” HLCP, 1: 92-93.

\(^{34}\) Cazenove to Ellicott, Philadelphia, May 10, 1798, HLCP, 1: 17.

\(^{35}\) Cazenove to Ellicott, Philadelphia, May 10, 1798, HLCP, 1: 17.
in Native communities. The Holland Land Company acted to reverse their work, and as the assertion that trees were permanent but Seneca settlement was not, suggests the land company thought the original inhabitants would disappear rather than live in Quaker-inspired communities in western New York.

Ellicott regularly attributed interruptions to his survey of the reservations to people other than the Senecas. At the Allegany reservation, he blamed the meddling of nearby Quaker missionaries, whom he believed told the Senecas that Robert Morris would not be able to pay them the money he promised for their lands.36 In a council with the Senecas and Ellicott, Red Jacket expressed concerns over Morris and the Holland Company upholding the treaty stipulations and warned of the “reciprocal inconvenience” that Cazenove mentioned to Ellicott previously. Red Jacket said, “[w]e will not forbid you surveying the land east of the line we have marked out to you, you may still go on. . . . When this talk is sent to Mr. Morris and he sends back to us that he has granted our request, then we will secure the Interest of our Money, and not until then.”37 The Senecas prevented surveys of certain portions of their lands until they could be reassured that they would receive the money the treaty promised them. Although the Senecas signed the treaty, they did not see it as valid unless they were treated as equal negotiators in determining boundary lines as the treaty stipulated.38

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36 It is plausible that the Quakers really did tell the Senecas this, as in 1798 Robert Morris was bankrupt and sent to debtors’ prison. Joshua Sharpless’ diary indicates the Senecas told the Quakers that Morris’ role in the treaty concerned them. Joshua Sharpless diaries, Quaker & Special Collections, Haverford College, Haverford, PA.


After the council ended, Ellicott wrote to Cazenove that the trouble with the “Indians has proceeded from stories that I suspect have been told them by some Quakers that have established themselves. . . for the purposes as they say to civilize Indians & I judge they have been telling the Indians of the inability of Robert Morris to comply with his engagements.” Ellicott also did not appreciate that the Quakers advised Cornplanter on choosing the boundary lines of the Allegany Reservation in a way that “would be most beneficial to him [Cornplanter] and the Indians.” The issue was still not resolved a month later when Ellicott wrote to Cazenove in August of 1798 that “I am very sorry the quakers interference in this business is likely to give us much trouble with this reservation when ever it shall be laid out.” The Quakers advised the Senecas, but it was the Senecas who successfully delayed the survey of Allegany by preventing surveyors from entering the area until Morris and Ellicott met their demands.

After the Senecas received the promised annuities they allowed the survey to begin, but the boundaries of Allegany continued to cause conflict. The Treaty of Big Tree provided 40 square miles for the reservation, but the Senecas insisted on determining its exact shape. The Senecas wanted their boundary to run half a mile on either side of the Allegheny River, strategic in their desire for good lands in non-mountainous terrain. Ellicott wrote that the Allegany Senecas were successful in getting the boundary to run on either side of the river, but Ellicott increased the width of the reservation so that that much of it was mountainous terrain and added two additional square miles to the reservation to convince the Senecas to agree to the widened

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41 Ellicott to Cazenove, Buffalo Creek, August 16, 1798, HLCP, 1:37.
boundaries. Ellicott wanted the Senecas to own the least valuable, and therefore least fertile land, for the sake of the company’s profit. Fertile land, however, was necessary for the success of the Quaker mission. Even more than profit from future land sales, Ellicott worried that surveying both sides of the river for what he called “this ridiculous reservation” would waste valuable time. Despite Ellicott’s pushback against Seneca desires, the final boundaries of the Allegany Reservation reflect the negotiation between Ellicott and the Allegany Senecas, who shaped the physical landscape of western New York so the territory would work best for Seneca needs. The Senecas’ desire to access natural resources also influenced boundary decisions. Ellicott altered the boundaries of the Tonawanda Reservation to include a spring where the Senecas boiled salt and created a separate one square mile reservation to encompass an oil spring where the Senecas collected petroleum. The Treaty of Big Tree may have dictated the general location of the reservations, but the Senecas negotiated with Ellicott to determine the land and resources within those bounds.

Ellicott cited Buffalo Creek as his main source of anxiety. He wrote that the land nearby was “one of the Keys to the Companies lands, which if included in this reservation would be very detrimental,” and would impede “uninterrupted communication with the East end of Lake Erie at this place.” Although Ellicott saw the entire region west of the Genesee River as valuable because it could be sold as private property, the lands along the east coast of Lake Erie were most valuable because of access to other waterways. The Erie Canal was just a dream for

42 “Report and account,” Ellicott to Cazenove, Buffalo Creek, August 29, 1798, HLCP, 1: 74; Thomas S. Abler. Cornplanter: Chief Warrior of the Allegany Senecas (Syracuse: Syracuse University Press, 2007), 135.

43 Ellicott to Cazenove, Buffalo Creek, August 16, 1798, HLCP, 1: 37.

44 Ellicott to Cazenove, Buffalo Creek, September 25, 1798, and “Report 1798,” HLCP, 1: 42.
Figure 4. This map from the survey shows the boundaries of the Allegany Reservation running along both sides of the Allegheny River, just above the boundary of Pennsylvania. Map of the Genesee Lands, 1798. State University of New York at Fredonia Archives & Special Collections; Municipal Archives of Amsterdam; Nederlandse document Reproductie B.V. Reprinted with permission.
New York officials at this time, but Ellicott saw that value in that natural landscape, and his work ensured that the canal project was viable in the future. In his 1798 report to the company, he explained that he planned Buffalo Creek and Tonawanda so “as not in the least to injure that spot or place designed by nature for the grand emporium of the Western world I mean the mouth of Buffaloe creek and the country contiguous thereto.”

New York did not begin the Erie Canal for another nineteen years, but Ellicott clearly understood that the trans-Genesee region would form a wellspring for white migration into territories further west.

Like at Allegany, the Senecas interrupted the survey of the Buffalo Creek and Tonawanda Reservations, but in his official report Ellicott blamed problems with the survey on “some evil persons residing in the British province of Upper Canada . . . with a View to give all the trouble that lay in their power to frustrate the operation of this business.” However, the Senecas themselves caused delays to the survey because, mostly, they wanted to make sure they received their annuities before they signed the reservation deeds. The Treaty of Big Tree did not mention these documents, but Ellicott saw them as essential to the permanency of the survey so that the Senecas could not later dispute the boundaries he created. In council, Ellicott noted that the Senecas would not let the survey begin until they “can hear from Congress and the President of the United States” about their annuities. Ellicott responded that the survey was to take place regardless of Seneca protest, as the Senecas already signed the treaty and “cannot undo what they

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45 “Report 1798,” HLCP, 1: 42.

46 Although Ellicott believed this to be an issue fourteen years before the War of 1812, the British who remained in North America did influence, ally with, and arm Native Americans leading up to and during that war, and US observers often argued that such meddling represented a hindrance to western expansion. “Substance of a speech at the Council held at Buffalo Creek Reservation by Joseph Ellicott, June 28, 1798,” Holland Land Company Papers and “Report and account,” HLCP, 1: 92-93.

have done.” However, Ellicott’s hands were tied because of his desire to avoid future conflict. The Tonawanda and Buffalo Creek Reservations were to be surveyed together, and it was the Senecas’ decision as to how many acres to include in each. Ellicott left the council without a final decision, and instructed the Senecas to “let me know how many of the 200 square miles viewed for the two places. . . that business remains to be settled by the Inhabitants of the two places.” Ellicott finally completed the survey of Buffalo Creek by December of 1798, but still had not surveyed Tonawanda as it was their hunting season, and the Tonawanda Senecas did not allow the survey to take place while many Seneca men were not there.

At Cattaraugus, the “compact shape” of their reservation remained an issue. The Cattaraugus Senecas also wanted to hear from federal officials that their desire for a contiguous reservation would be approved. Complanter stated that the shape of Cattaraugus was a concern of all the Senecas, and that “this is a reason we forbid the surveyor going forward with the survey, and we want to know whether the President and Secretary of War will confirm the reservation.” Ellicott was also hesitant to move forward with the survey. The general boundaries were outlined in the treaty, “but to gratify the Indians the said reserved lands were altered” would require “the sanction of the President of the United States.” Ellicott needed to wait to finalize Cattaraugus’ boundaries until he could finalize federal approval, collect the


50 “Ellicott to Cazenove.” Transit Store House, December 24, 1798, HLCP, 46.

51 The Treaty of Canandaigua included that any complaint be brought directly to the President of the United States. G. Peter Jemison, “Sovereignty & Treaty Rights-We Remember.” in Treaty of Canandaigua 1794.

Cattaraugus Senecas in council, and have them sign the reservation deed.\textsuperscript{53} Without proof of mutual consent and Seneca satisfaction that the federal government approved of these actions, Ellicott would not be able to carry out the survey without fear of future dispute.

At the Gardeau Reservation, one of the smaller reservations along the Genesee River, Seneca land use and negotiation determined reservation boundaries. The general boundaries were laid out in the Treaty of Big Tree, and the reservation boundary was to begin “at the mouth of Steep Hill creek, thence due east until it strikes the old path.”\textsuperscript{54} During the survey, however, the Senecas at this reservation negotiated with Ellicott “after much altercation” to include a stretch of land that the Senecas desired. Ellicott wrote in his report that because of negotiations with the Senecas, “the reservation will now contain considerably more land that was expected when the Treaty was carried into effect,” but Ellicott added that the reservation would have been even larger had the Senecas completely gotten their way.\textsuperscript{55} The Senecas lost a considerable portion of their territories in 1797, but continued to influence settler actions and participate in the negotiation of the physical landscape of western New York.

The land Ellicott transformed into private property was a part of New York, but this was of little importance to Ellicott in his correspondence and reports. Although he discussed settlement in terms of villages and townships, his earliest plans for that space went beyond incorporation into the state. Rarely did Ellicott discuss the ramifications of jurisdiction or sovereignty that came with incorporation. Prior to an influx of settlers, he referred to the region as “backwoods,” but as he transformed the lands into private property for white settlers and

\textsuperscript{53} “Report and account,” HLCP, 91.

\textsuperscript{54} “Agreement with the Seneca, 1797,” 1029.

\textsuperscript{55} “Report and account,” HLCP, 1: 87.
opened access to waterways into the west, he envisioned western New York as the birthplace of western expansion in the early republic.\textsuperscript{56} Ellicott was not alone in shaping the landscape, however. The Senecas used to their advantage the stipulations in the Treaty of Big Tree that they should be consulted as to the boundaries of their reservations to mold the landscape in a way that worked best for future Seneca land use.

**The Quaker Mission to the Allegany Senecas**

In April 1798, as Joseph Ellicott’s survey was underway, Cornplanter, a Seneca leader at the Allegany Reservation, awaited the arrival of Quaker missionaries. Two years earlier, The Friendly Association for Regaining and Preserving Peace with the Indians by Pacific Measures, from 1795 forward known as the Philadelphia Yearly Meeting Indian Committee, sent out a circular letter to the Native nations of New York inquiring about their interest in receiving instruction in the “civilized arts.” Cornplanter was the only Seneca leader to reply.\textsuperscript{57} Cornplanter fought in the American Revolution, traveled to Philadelphia to meet President Washington to negotiate peace between the United States and the Senecas in the 1790s, and wanted to engage in the growing market economy brought closer to his reservation by settler expansion. Cornplanter had decades of personal interactions with settler groups in a number of capacities. It was from these interactions that he determined that the “civilizing mission,” the official Indian policy of the federal government, was an economic and political opportunity. He saw both investments and

\textsuperscript{56} “Report and account,” HLCP, 1: 108.

\textsuperscript{57} Henry Simmons, “A Circulatory Letter from the Committee of the Indian Institution appointed by the Yearly Meeting of Philadelphia—To the Six Nations of Indians,” Henry Simmons letterbooks, Quaker & Special Collections.
trade goods that the civilizing mission would give him access to as a way to protect Seneca sovereignty during this period.  

Quaker missionaries Joshua Sharpless, John Pierce, Henry Simmons, Joel Swayne, and Halliday Jackson, chose to leave their homes in Philadelphia and live among the Senecas at Allegany. They worked on behalf of their yearly meeting, but cooperated with the U.S. federal government. The two older men, Sharpless and Pierce, had previously acted as missionaries. The three younger men, only in their twenties and thirties, had no experience at all, except Simmons who was a teacher. After a long and difficult journey, staying with other Friends and acquaintances along the way, the five men met Joseph Johnston, an assistant surveyor for the Holland Land Company. Johnston accompanied the Quakers on the Allegheny River to within fifteen miles of Cornplanter’s settlement. The five men were then led part of the way by an Indian guide and finally arrived at the village. Cornplanter served the tired Quakers “Indian dumplings” with “Bears Oil” for dipping, which Sharpless found unpalatable. The missionaries had to wait for their supplies to arrive by boat. In the meantime, they survived on corn, potatoes, beans, seeds, venison, and fish supplied by the Senecas. The Quakers noted that Cornplanter

58 Emilie Connolly. "Investing against Empire: The Seneca's Strategy of Succession." Paper Presented at the American Society for Ethnohistory Conference, State College, Pennsylvania, September 2019. Connolly suggests that Cornplanter signed the Treaty of Big Tree despite the loss of an enormous amount of territory because he saw monetary investments as more valuable than large territories.

59 Joel Swayne diary, Quaker & Special Collections.

60 Swatzler and Simmons, A Friend Among the Senecas, 22.

61 Swayne diary.

62 Swayne diary.

operated a sawmill on his private tract and engaged in trade at Pittsburgh, which connected to the Allegany Reservation via the Allegheny River.64

The Quaker relationship to both the Senecas and the federal government influenced how the Quakers shaped the physical and cultural space of western New York. The purpose of the civilizing mission from the U.S. federal government’s perspective was to transform Native people into yeoman farmers, and therefore decrease the amount of land required for subsistence. The government then planned to claim unused Native lands and incorporate those territories into the United States. As a part of this project, the Quakers wanted to fundamentally transform Seneca society and allow them to adjust to settler expansion and a shrinking land base by encouraging plow agriculture and altering traditional gender roles, making what the Quakers considered best use of the Senecas’ remaining lands. The Quakers were different from other missionaries who lived in Native communities to carry out the civilizing mission.65 The Friends saw their work as a way to participate in the growth of the early republic without violating their pacifism, while working on “public policy” that was integral to the success of the new nation. Emphasizing the reorganization of Seneca society into the image of the yeoman farmer, they did not deem conversion as the measure of success and wasted little time proselytizing.66

In the circular letter sent to the Six Nations, the Philadelphia Yearly Meeting Indian Committee wrote that although the Quakers believed the lands the Iroquois lived on would no


66 According to Matthew Dennis, the Quakers believed that all humans had an Inner Light and were willing to make comparisons between the Christian God and the Great Spirit. This meant that the Quakers spent more time focusing on farming and domestic work. Dennis, *Seneca Possessed*, 120.
longer support hunting, if the Iroquois were industrious according to Quaker standards, then
when their lands were reduced further they would still be “abundantly sufficient to supply all
your wants.”67 As Iroquois lands grew smaller as a result of settler expansion, the Quakers
intended to prepare the Iroquois to survive on what the Quakers considered the Iroquois’
inevitably shrinking land base. The Quakers asked the Iroquois “are you willing to be instructed
in cultivating your land and in the method which the white people take to live plentifully? . . . We
desire you would seriously reflect upon the many difficulties you are under; The hunger fatigue
and cold you are subjected to, in your present mode of living.”68 The Quakers needed to be
guided by a Native person in order to reach Cornplanter’s settlement. In the period between the
arrival of the five missionaries at Allegany and when their supplies arrived, the missionaries
would have gone hungry without Seneca food and survived so far away from Philadelphia
because of Seneca hospitality. The Quakers believed they were helping the Senecas adjust to
settler expansion, but Cornplanter invited them to the Allegany Reservation for the material
benefits and improvements, which increased the value of Seneca lands, that Seneca society
would see if they agreed to participate in the civilizing mission.

Unlike Ellicott, the Quakers supported the Senecas’ efforts to remain on their lands but
nevertheless desired to exclude them from western expansion and the market economy, which
the Quakers believed contributed to Seneca suffering. In their journals, the missionaries never
mentioned that they wished the Senecas to be confined to reservations but did state that existing

67 Henry Simmons, “A Circulatory Letter from the Committee of the Indian Institution appointed by the Yearly
Meeting of Philadelphia—To the Six Nations of Indians,” Henry Simmons letterbooks, Quaker & Special
Collections.

68 Henry Simmons, “A Circulatory Letter from the Committee of the Indian Institution appointed by the Yearly
Meeting of Philadelphia—To the Six Nations of Indians."
Seneca territory was integral to the so-called civilizing mission. The Quakers referred to Cornplanter’s land as his “village” or “settlement” and rarely wrote “reservation” after “Buffalo Creek” or “Allegany,” even after surveying began. The Quakers saw Seneca lands on equal footing with the American villages that would grow around them, while Ellicott saw Seneca lands as a bounded space meant to confine the Senecas and separate their lands from valuable private property. Despite this recognition of Seneca territory as communities not unlike their American neighbors, the Quakers often treated Ellicott as if he were simply another settler rather than a force interfering with their mission. Ellicott believed the Quakers had interfered with his survey, but he stayed with them on one of his journeys during the survey, and Henry Simmons stayed with Ellicott on a trip to Buffalo and accepted a letter of accommodation from him for lodging with other Americans in the area. During the survey, the missionaries and Ellicott viewed each other’s work sometimes as compatible and at others as an interference. Ellicott viewed the Senecas as erasable while the Quakers worked toward building a permanent place for them in the early republic. Yet the missionaries and Holland Land Company men often relied on each other as if their goals did not conflict. As expansion in the east continued, the lines of American empire often became blurred because the ideology behind early expansion encompassed both Ellicott’s and the Quaker’s work.

On a large scale, the Quakers did not want to physically alter Seneca territory, but they did wish to alter how the Senecas used that space. By establishing a model farm at the lightly populated village Genesinguhta, the missionaries desired to teach the men how to farm so that they could grow food and replace what they purchased through the market economy with items

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69 Henry Simmons journal, Quaker & Special Collections.
they made themselves. The Quakers believed the Senecas would be able to isolate themselves from the forces of the market economy that were harmful to their survival by farming instead of hunting, particularly because the Senecas frequently traded furs for alcohol. Joel Swayne noted that the women already had corn patches scattered throughout the woods and called their techniques “extraordinary.” Swayne, although impressed with Seneca farming techniques, did not think farming was proper women’s work. Swayne wrote that “the women had to cut and carry home all the fire wood, plant & raise all the corn pound it & prepare it for eating, and when it was ready the men must eat first, and when the men killed any deer the women had to carry home the meat.” The Quakers believed that they could achieve progress in agriculture only when men used oxen to plow fields and when they kept those oxen, along with other farm animals, in fenced areas. The missionaries tried to divide Seneca space by gendered activities that reflected early American republican values.

The Quakers altered the landscape of western New York when they established their model farm and when they asked the Senecas to emulate their lifestyle. When the Quakers first chose the area to set up their model farm, they purchased a small cabin from a Seneca woman to live in until they could build their own house. A few months into their stay, they built “a comfortable two story Lewd log house 18 feet by 22 covered with White Pine Shingles and cellared underneath.” They also built a stable, purchased horses and cows, and planned to

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71 Swayne diary. Quaker & Special Collections.

72 Swayne diary.
establish a school at Cornplanter’s village.\textsuperscript{73} Once established, they proposed to teach the Senecas the American way of farming by showing them exactly how a farm should run. They agreed to provide tools and to pay for half a gristmill if the Senecas could save enough from their annuity to cover the balance, and thus, reward those who were most industrious. The Quakers vouched to pay two dollars to every man who grew twenty-five bushels of wheat or rye, and they offered to buy linen or woolen cloth from the women, even though there were no female Quaker missionaries in Cornplanter’s village yet to instruct the Senecas in that craft.\textsuperscript{74} The Indian Committee of the Philadelphia Yearly Meeting questioned “whether it may yet be reasonable to invite Females to so material a change of life at a distance so great till the manners & customs of the Natives become more assimilated to the modes & principles of Civilized life.”\textsuperscript{75}

When Ellicott’s survey of the Allegany Reservation began, the Quakers also expressed concern about how the Senecas desired to shape it. The Quakers worried that the land on either side of the river would flood too frequently and hinder farming, which would revert the Senecas back to “their usual mode of subsistance.”\textsuperscript{76} The Senecas expressed fears about the encroaching “Holland People,” but when asked to give advice on the matter, the Quakers said they were not sufficiently acquainted with the matter. They advised the Senecas to focus on the land they still had.\textsuperscript{77} Representatives from the Philadelphia Yearly Meeting attended many treaty councils in the

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\textsuperscript{73} Simmons, “Letter of the Committee on Indian affairs from Henry Simmons and Joel Swayne, Genesinguhtau November 16, 1798.” Quaker & Special Collections.

\textsuperscript{74} Swayne diary.

\textsuperscript{75} Wistar. “Letter from Thomas Wistar, Philadelphia, June 22, 1799.” Henry Simmons letterbooks. Quaker & Special Collections.

\textsuperscript{76} Sharpless diaries.

\textsuperscript{77} Sharpless diaries.
eighteenth century, so it is unclear why the missionaries at Allegany were hesitant to offer guidance about the 1797 land sale.

As Ellicott transformed the lands around the Seneca reservations into private property, the Quakers attempted to provide the Senecas with the tools the Quakers thought the Senecas needed to protect themselves from western expansion. Just as the Senecas shaped the survey process in negotiations with Ellicott, leaders like Cornplanter engaged with the civilizing mission for their own purposes. Various Senecas staked their claim in an expanding nation of white settlers by participating in the market economy and creating the boundaries of their own nation. A Seneca prophet would provide the Senecas a third option for determining their own futures.

**Handsome Lake**

Roughly a year after the arrival of Ellicott’s team of surveyors and the Quaker mission to Seneca territory, a sickly, elderly Seneca man known for his alcohol consumption appeared to die. The dead man, named Handsome Lake, was Cornplanter’s half brother.78 His family was informed of his death and gathered to prepare his body for burial. As his family gathered around Handsome Lake’s cold body, they noticed a warm spot on his chest. The warm spot spread until his whole body was warm and he began breathing again. Handsome Lake awoke and told his family that three men had brought a message from the Creator to Handsome Lake’s people.79 The message included a social code for the Senecas. Handsome Lake, once a man of little importance to the Senecas, became a prophet and the Gaiwiio or “good word” became an integral part of

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how some Senecas viewed themselves and their relationship to white settlers, the land, and their
Native neighbors.80

The Senecas’ land base became smaller in 1784 at the Treaty of Fort Stanwix and was
frequently under threat of becoming smaller still, but Handsome Lake’s visions addressed a more
immediate problem: that Seneca territory was no longer contiguous.81 The descent of
missionaries and surveyors, each with their own visions for the function of the reservations, was
a cause for concern for the Senecas. For some Seneca leaders like Cornplanter at Allegany and
Red Jacket at Buffalo Creek, engaging in the market economy or in diplomacy with Americans
on terms they found acceptable was the best way to stave off this wave of American settlement.
For Handsome Lake and the Senecas who followed the Creator’s rules brought by the
messengers, this “new phase of an old colonialism” required a new solution on Seneca terms.82

Not all Senecas viewed Handsome Lake as a prophet. Some Senecas practiced
Christianity while others remained traditionalist, but Handsome Lake created one way for
Senecas to face the matters they found most pressing.83 His messages have been viewed as


81 Handsome Lake’s gospels are well known to scholars of Iroquois history. Scholars, most notably Anthony F.C.
Wallace, have extensively detailed the messages Handsome Lake’s gospels contain. Wallace argues that in the post-
Revolutionary period, Seneca reservations became “slums in the wilderness.” To Wallace, the Senecas had lost faith
in their identity as Iroquois and were psychologically scarred by the social disorganization that the American
Revolution brought. Handsome Lake’s visions, then, represented a “renaissance” for the Iroquois and provided
moral guidance for their communities. See Wallace, 184; Elisabeth Tookers argues that Handsome Lake’s visions
were not a response to social disorganization and instead provided a “value system” that was more compatible with
the new Iroquois economic system that relied on plow agriculture. Tooker’s thesis is based on the incorrect
assumption that the Senecas had successfully adopted and were relying entirely on plow agriculture with American
gendered divisions of labor by the time Handsome Lake was having visions. See Elisabeth Tooker, “On the New
Religion of Handsome Lake,” Anthropological Quarterly 41, no. 4 (Oct., 1968), 187; Matthew Dennis has analyzed
the Senecas’ economic recovery during this period. Handsome Lake’s visions have not been viewed in the context of
American empire. In this context it is clear that many of his visions focused on the protection of Seneca sovereignty,
jurisdiction, and the Senecas’ land base. See Dennis, Seneca Possessed.

82 Dennis, Seneca Possessed, 5.

religious or cultural messages, but much of what his followers believed shaped the political and social relationships the Senecas had with Americans and among themselves. Handsome Lake argued that the Senecas should incorporate new gender divisions, plow agriculture, and specific rituals related to farming to ensure that the Senecas keep their land. Practical strategies were at the center of Handsome Lake’s messages, and that these practical strategies came from a Seneca man rather than a missionary would have made them more acceptable to some Senecas at this time.

Handsome Lake’s emphasis on specific social relations and practices worked to bind his believers across reservations in ways that bolstered sovereignty and enhanced Seneca claims to land. The central pieces of Handsome Lake’s message were about practices that the Senecas should no longer take part in. Handsome Lake said the messengers told him that the Senecas should not drink, practice witchcraft, or have abortions. Married couples should live together and raise their children, refrain from abuse, and not get divorced or be unfaithful. Communities should look after and feed the poor, especially children. Gossiping, lying, boasting, and bragging were wrong. To Handsome Lake, white society had some practices that lined up with the Creator’s message. Handsome Lake stated that Seneca men should build houses for their families and keep horses and cattle. In addition, Handsome Lake wanted twelve Iroquois individuals to learn English. The desire to learn English was not unique to Handsome Lake’s followers as

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84 Henry Simmons Journal, Quaker & Special Collections, 16. The Quaker missionaries noted Handsome Lake’s visions in their journals. Simmons did not comment on his feelings toward Handsome Lake, but Joel Swayne saw Handsome Lake’s visions as “foolish and superstitious” while Halliday Jackson told the Senecas he approved of the visions. Joel Swayne Diary and Halliday Jackson Journal, Quaker & Special Collections.

85 Henry Simmons Journal, 16.


other Senecas found it useful for diplomatic negotiations. No matter their affiliations, many Senecas wished to understand settler society in order to resist that society or use knowledge of it to their advantage.

Handsome Lake believed that if his people lived by the word of the Creator, the Creator would help the Senecas survive by providing them with game and good soil. Many Iroquois religious ceremonies were no longer to be practiced according to Handsome Lake, but he did adopt four traditional ceremonies that centered on the changing seasons and improving the harvest. The focus on temperance, American-style farming, and nuclear family-centered social relations were all practical solutions to the problems Seneca society faced at the end of the eighteenth century. Although Handsome Lake’s followers did not see adhering to the message of the Creator as adopting white ways, Thomas Jefferson was aware of Handsome Lake and “commend[ed] the teachings.” Handsome Lake himself did not push for the “civilizing mission,” however he knew that whites were beginning to encroach on Seneca territory, and offered some Senecas ways to individually participate in protecting their land and society that reflected this mission.

Handsome Lake had his first vision at Allegany where he lived for some time and where he acquired the most followers, but some Senecas from other reservations also chose to follow Handsome Lake. At the time of Handsome Lake’s first vision, Joseph Ellicott was working to

88 Joel Swayne Diary, 81.

89 For a more thorough description of Handsome Lake’s gospels and the shifts in his attitude toward certain practices, see Wallace, *Death and Rebirth of the Seneca* and Tooker, “On the New Religion of Handsome Lake.”


91 The extent of Handsome Lake’s influence is contested by scholars who argue that Arthur Parker overstated the number of Handsome Lake’s followers. A. Parker, *The Code of Handsome Lake*, 11.
physically separate Seneca land into noncontiguous reservations. Arthur C. Parker, a Seneca archaeologist and descendant of Handsome Lake, argued that Handsome Lake’s message acted as a “nucleus about which they could cluster themselves and fasten their hopes.”

Although the nucleus Parker refers to was not physical, the societal changes that Handsome Lake called for bound some Senecas across these newly separated reservations through new channels which allowed sovereignty to reach across the expanses created by American settlement. In one of his visions, Handsome Lake reported to Quaker missionary Halliday Jackson that “the Great Spirit said all the Chiefs of the Six nations should put their minds together and all be of one mind” and that the Great Spirit wanted Cornplanter to visit the other Six Nations to renew the bonds of the confederacy.

Handsome Lake envisioned connections across the Seneca reservations, but also to other Iroquois nations who were treated as separate nations instead of a unified entity by settler groups. Handsome Lake desired unity across space at a time when settler groups worked to separate the Iroquois further.

Handsome Lake’s message at times was directed at all Iroquois people, but many of his messages were directed only at the Senecas. Occasionally, he had visions about particular Seneca reservations and he most frequently traveled between Seneca reservations.

Other Native American prophets in the eighteenth and nineteenth centuries often called for pan-Indian movements, but Handsome Lake’s message from the Creator was for the Iroquois.

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94 Parker, 64. Handsome Lake had a vision that the Buffalo Creek Reservation would be hard for Seneca leaders to hold on to. This reservation was a multi-cultural refugee settlement, as described in Alyssa Mt. Pleasant’s dissertation “After the Whirlwind,” but was majority Seneca.

Lake’s prescriptions embraced elements of Christianity and Euro-American culture more than some other pan-Indian movements, and were specifically meant to help the Senecas survive on their remaining lands. Rather than a resistance to Euro-American expansion, Handsome Lake envisioned the rewriting of Seneca space in a way that reflected his awareness that white settlers would soon fill the spaces between the Seneca reservations. He created something distinctly Iroquois and his later followers created practices that reflected Handsome Lake’s initial movement to bind together the Seneca reservations across white counties and townships.

Handsome Lake’s influence was never great during his lifetime and waned after his death in 1815, but some dedicated Seneca followers revitalized his message and transformed it into a religion in the 1840s. The practice took some time to develop, but the Code of Handsome Lake, or the speech which includes Handsome Lake’s teachings and visions, was recited at the Tonawanda Longhouse each year. Each Seneca reservation had a single Longhouse which, rather than a dwelling, was a governmental and religious space, and the Code of Handsome Lake was then recited in the Longhouses on the other Seneca reservations.96 Handsome Lake’s pan-Iroquois vision for the space of western New York did not center on isolation from white society. Instead, his vision dealt with the replacement of Native spaces with Euro-American spaces. His vision was not what the land should ideally look like, but dealt with the reality of American settlement. The tradition of reciting Handsome Lake’s message centered around the Longhouses on each reservation, and these Longhouses mirrored each other in terms of layout and the ways the Senecas used the space. The ceremony was carried out in the same way each time, and Handsome Lake’s followers could go to more than one ceremony. The recreation of the physical

movements of the ceremonial recitation and the extension of the social bonds through the movement of Handsome Lake’s followers to each reservation provided new connections between the reservations despite the distances between them.

The influx in Seneca country of speculator interest, land surveyors, Quaker influence, and the beginning of a slight increase in white settlement at the beginning of the Senecas’ reservation period required an acute response to transform the physical and metaphorical landscape on Seneca terms as Joseph Ellicott and the Quaker missionaries tried to do the same. Handsome Lake’s visions also had political ramifications and shaped the way that some Senecas chose to engage with New York, the United States, and other Senecas as their land base was surveyed into smaller, noncontiguous pieces.

**Conclusion**

New York’s western expansion through surveying and missionary work shows that the underlying ideologies of western expansion played out in the east even before settlers began to push west of the Mississippi River in large numbers. In the early republic, empire was a continuous process, proceeding from the end of the eighteenth through the nineteenth century and the negotiations over Seneca land and society contributed to its development. While motivated by the same ideology, the actors in western New York carried out projects that frequently conflicted. Joseph Ellicott’s survey intended to confine the Senecas to smaller pieces of land, physically erase the signs of their settlement, and replace them with white settlers. The Quaker missionaries from the Philadelphia Yearly Meeting worked to carve a space for the
Senecas in the early American republic by transforming them into yeoman farmers and isolating them from the corruption of the market economy.

The Senecas altered and interrupted these projects by shaping the boundaries of their reservations, participating in the market economy that grew as white settlers moved into the area, and through the teachings of Handsome Lake. As individual settler groups attempted to transform Seneca spaces from the ground up, the Senecas maintained their sovereignty by dictating their own boundaries, land use, and cultural practices. Between 1797 and 1801, the Senecas faced individual components of American expansion brought to their territory by land surveyors and missionaries. As the Senecas contended with these settler actors and determined their own path on the ground, they also faced settler groups who tried to claim control over Seneca lands and shape the legal landscape of western New York in abstract ways from distant court rooms and government buildings.
CHAPTER 3
The Limits of Settler Power: Federal, State, and Land Company Constructions of Law, Property, and Sovereignty, 1777-1866

In 1838, eight years after President Andrew Jackson signed the Indian Removal Act and three years after the Cherokees signed the Treaty of New Echota that resulted in the Trail of Tears, the Senecas signed a similar removal treaty. The 1838 Treaty of Buffalo Creek ceded all Iroquois Six Nations lands in New York State. The Seneca reservations now belonged to the Ogden Land Company, a private land speculation company that purchased the preemption right to the Seneca reservations from the Holland Land Company in 1810.1 But the Senecas remained on their reservations in New York State after successfully petitioning the federal government. Infuriated that the treaty did not immediately remove the Senecas and perplexed by the federal government’s unwillingness to intervene on behalf of the preemption owners, Ogden Land Company shareholders Thomas L. Ogden and Joseph Fellows sent a letter to Secretary of War John Bell. Ogden and Fellows wrote that “the preemptive Owners learn it [the treaty] to be valid and unimpeachable, and their rights under it, as purchasers, both in regard to title and possession, to be beyond the control of the Government of the U.S. or of the Indian parties.”2 As preemption holders, the Ogden Land Company asserted that the federal government and the Senecas could in no way interfere with that right. The shareholders believed they purchased a straightforward right

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1 Mary Conable, “A Steady Enemy: The Ogden Land Company and the Seneca Indians” (Phd diss., University of Rochester, 1994), 47. David A. Ogden initially headed the Ogden Land Company. The Company was made up of investors who held shares of a trust. Most of the investors were Ogden’s family members, but others were non-relatives interested in land speculation and development in western New York. The Holland Land Company continued to own land around the reservations, while the Ogden Land Company owned the preemption right to the remaining Seneca reservations. Conable, 53.


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that would allow them to profit from the sale of Seneca lands once the Senecas were removed, but the legal entanglement created by federal, state, and private laws and policies, including the preemption right itself, prevented Seneca removal. The Senecas and their remaining reservations continued to interrupt New York’s western expansion.

From the end of the eighteenth century, the most contentious debates over Seneca land centered on the fight for control of Indian affairs, jurisdiction, sovereignty, property law, and treaty-making between New York State and the federal government. The Ogden Land Company entered this conversation when they purchased the preemption right to the Seneca reservations from the Holland Land Company. While at times their policies aligned, each group was most frequently at odds with the aims of the others and it was at these times, in the legal spaces opened by this three-way conflict, that the Senecas asserted their sovereignty and jurisdiction and ultimately prevented their removal from the lands they possessed. Settler claims for control of Seneca lands were confused further by the adoption and corruption of each group’s policies by the others. Each group did not want only Seneca land. They wanted the ability to dictate how that land would be acquired and used, and in the process erase Seneca political legitimacy and control of the landscape.

These three settler groups imposed their conflicting forms of conquest onto the Senecas as incorporation of New York’s western lands became expedient or necessary for each group’s individual settler project. Seneca claims to the land predated the many agreements, contracts, and treaties between various settler powers. Settler groups constructed the legal powers they claimed without the consent of the Senecas, and in ways that were so convoluted some are considered
"legal fictions."³ While settler goals often remained only aspirations, the legal constructions used to justify conquest had, and continue to have, acute consequences for the Senecas as individuals and a nation.⁴ American expansion required more than the physical removal of Native peoples. It also included the construction of legal concepts that delegitimized Native land claims. Settler groups debated over the entanglement of legal concepts through the late nineteenth century and beyond. That the Senecas remained in New York State left concepts like sovereignty, jurisdiction, and property law fluid and contested during a time when scholars consider these concepts to have become solid and codified.

**Primacy in Indian Affairs**

The conflict between New York and the federal government over the regulation of the Senecas and their lands was inconsistent during the eighteenth and nineteenth centuries. New York State often interacted illegally with the Senecas, at times because the federal government provided no oversight for state legislation. When state legislators attempted to control the Senecas in ways that threatened the federal government’s power, the federal government took on a protective role over New York’s Native nations, which sometimes circumscribed the reach of state laws and private interests. Additionally, to understand how the Ogden Land Company shareholders conceptualized their rights as preemption holders, it is critical to recognize the origins of the shareholders’ ideas. The shareholders’ arguments were rooted in their own


citizenship as well as property law and policies regulating Indian affairs at the New York State and federal levels.

Conflict between New York and the federal government over the regulation of Indian affairs began before the American Revolution ended. As soon as New York came into being and created its own state constitution in 1777, state policy makers began to carry out a “colonizing agenda,” primarily through state legislation and statute law.5 Seneca lands had not yet been incorporated into the state at the time of New York’s creation, but state leaders believed that because the lands were not part of the national domain, this justified New York’s aggressive actions in Indian affairs.6 New York’s 1777 constitution stipulated that land transactions with Native Americans in the state be approved by the state legislature and made private land transactions between Native nations and individuals illegal.7 From its inception, New York planned to take on a guardianship role of Native Americans within state borders and gain control of Native lands.

New York frequently violated federal law through powers the state granted itself in the 1777 constitution. With these powers, New York’s leaders intended to incorporate Native lands, expand the area under the state’s jurisdiction and sovereignty, and solve the state’s post-Revolutionary economic problems. Throughout the Confederation period, New York acted in

5 Robert B. Porter argues that New York State frequently violated federal law, had the most influence over Indian affairs of all the states, and created more laws than any other state in an attempt to control Indian affairs. Robert B. Porter, “Legalizing, Decolonizing, and Modernizing New York State’s Indian Law,” *Albany Law Review* 63 (1999): 128-129.


Indian affairs under the state’s 1777 constitution in a blatant attempt to forward state interests.

From 1777 forward, New York treated Native peoples as wards and attempted to make their lands and their political status legible.\(^8\) To New York State officials carrying out their own expansion, having a sovereign political entity within state borders was untenable. This is what New York’s leaders referred to as the state’s “Indian problem.”

Two years after New York ratified its constitution, the state legislature appointed commissioners to oversee Indian affairs and “for the extinguishment of Indian titles.”\(^9\) Just as federal officials had after the American Revolution, New York’s leaders and the commissioners they appointed viewed the Senecas as defeated peoples and began negotiations to officially end hostilities between New York and the Iroquois. However, New York officials wrote differently about Native lands and treated expansionist goals as completed rather than aspirational. James Duane, a New York state Senator, believed New York’s right to control Indian affairs stemmed from the state’s former colonial status. New York established a relationship with the Iroquois and made treaties with them during the colonial period and wanted to retain that right. Duane wrote to New York’s Governor George Clinton in 1784 that “these tribes should be treated as \textit{antient Dependants on this State}, placed under its Protection. . . . The Tribes in question may fall under the Character of Members of the State with the management of whom Congress have no concern.”\(^10\) Duane also disclosed that he believed the state should not refer to Native nations

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\(^9\) Franklin B. Hough, \textit{Proceedings of the Commissioners of Indian Affairs, Appointed by Law for the Extinguishment of Indian Titles in the State of New York}.

within the state as “Nations,” “Six Nations,” or “Confederates,” that the state should not refer to
a post-Revolutionary treaty as a peace treaty, and should not even call it a treaty at all because
that would “imply Equality.”\textsuperscript{11} Duane’s view of the Senecas and others went beyond the federal
government’s stance of treating them as defeated peoples. To him, the Senecas were not a
separate people at all, but were inferior wards of the state whose land base New York presumably
could claim even if Native peoples remained on their lands.

New York planned to use its appointed commissioners to carry out a treaty at Fort
Stanwix in 1784 to gain access to more Iroquois land, right before the Iroquois and the federal
government signed a treaty by the same name.\textsuperscript{12} Governor George Clinton did not believe that
the federal government had \textit{no} authority within the states’ borders, but that if the federal
government planned to interfere in Indian affairs, federal officials could only do so on terms that
would not harm state goals. Clinton wrote to his state commissioners, “I shall have no Objection
to your improving this Incident to the advantage of the United States, expecting however and
positively stipulating that no Agreement be entered into with Indians, residing within the
Jurisdiction of this State (and with whom only I mean to treat) prejudicial to its Rights.”\textsuperscript{13} The
governor believed that Congressional approval was unnecessary and that the federal government
had no role to play within the boundaries of existing states, even if the lands in question were not
yet incorporated into state boundaries.

\textsuperscript{11} Hough, \textit{Proceedings}, 23.


\textsuperscript{13} Hough, \textit{Proceedings}, 20.
The 1780s also faced New York with the problem of how to incorporate its western lands, which Massachusetts also claimed. Some original states gave their claim to western lands up to the federal government during the Confederation era, however New York and Massachusetts chose to negotiate amongst themselves at the Treaty of Hartford.\textsuperscript{14} New York did not cede authority over Indian affairs or matters of western expansion to the federal government.\textsuperscript{15} After the Treaty of Hartford, New York’s ability to expand west depended on the preemption holder to extinguish Native title, which tied together private and state interests and limited the ways the federal government could be involved in treaty-making over Seneca lands. By allowing states to claim the right of preemption in the Confederation era, the federal government tacitly consented to state and private officials extinguishing Native title and expanding west.

The New York commissioners appointed to negotiate with the Iroquois framed the Treaty of Hartford as a protective measure rather than an attempt to access Seneca lands. The commissioners claimed the Iroquois as their “brothers,” and promised that New York would protect them from the “Great Council of the Bostonians” who made a claim to Seneca and Cayuga lands.\textsuperscript{16} Not only did the commissioners argue the 1786 treaty prevented the Senecas from being “deceived and cheated,” the commissioners wrote that the treaty proved “how attentive we have been to your Interest, and how anxious we are that you should never quit the

\textsuperscript{14} Massachusetts had the stronger claim to what is now western New York, as their charter predated New York’s. Alan Taylor argues New York’s Governor George Clinton “reiterated that, under the Covenant Chain alliance, the Iroquois had vested their allegiance and title in New York.” Alan Taylor, \textit{The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution} (New York: Vintage, 2007), 155.


\textsuperscript{16} Hough, \textit{Proceedings}, 115.
Country in which the Bones of your Ancestors lay buried.” The commissioners continued that this protection was only possible because “the Five Nations should remain with and be considered as living within the Limits of the State of New York.” The Treaty of Hartford created a blueprint for incorporating Seneca territory into the state and extinguishing title to Seneca lands, but the commissioners saw “protection” of Seneca lands and incorporation of those lands into the state as interchangeable. Under the Articles of Confederation, if all Iroquois lands were considered within the boundaries of the state, the federal government then had a weaker claim to control Indian affairs. The approach of framing incorporation as protection became New York’s primary justification for involvement in Indian affairs for the remainder of the nineteenth century. In 1787, the commissioners spoke of Seneca lands as if they were inside the state, even though those lands extended into what is now Pennsylvania and the modern western boundary of the state would not even begin to be surveyed until 1798.

New York continued to try to make treaties with the Iroquois throughout the 1780s and 1790s, but by the beginning of the nineteenth century had not made much progress with the Senecas. New York’s appointed commissioners wrote of treaty councils, especially with the Oneidas and Onondagas, but had trouble getting the Senecas to agree to meet in council. Between 1785 and 1790, New York participated in treaties with Native nations within state


19 The Articles of Confederation states “The United States, in congress assembled, shall also have the sole and exclusive right and power of . . . regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated.” James D. Richardson, comp., *A Compilation of the Messages and Papers of the Presidents, 1789-1902*, vol. 1 (Washington, D.C., Bureau of National Literature and Art, 1903).

20 Hough, *Proceedings*.  

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boundaries with no federal oversight at all. However, the majority of these treaties were with the Cayuga, Onondaga, Oneida, and Mohawk. The ambiguity over Indian affairs in the Articles of Confederation, the earlier date of the state constitution, and the claim that New York’s colonial relationship with the Iroquois gave the state authority to make treaties allowed the state to openly target Native lands. Even after Congress ratified the Constitution and made bolder claims to control of Indian affairs in the 1790 Trade and Intercourse Acts, New York continued to act as if treaty-making with Native nations was the state’s legal role.

The states’ aggressive approach to Indian affairs in the Confederation period, along with the federal government’s treatment of British-allied Native nations as defeated peoples after the American Revolution, angered Native nations and threatened the new United States. The federal government then began to overhaul federal Indian policy in the late 1780s, which it continued to do into the nineteenth century. These less aggressive policy decisions attempted to shift control of Indian affairs away from individual states in order to avoid costly wars with Native Americans who remained angry about post-Revolutionary land cessions. Henry Knox, the Secretary of War in Washington’s administration, spearheaded this shift, although George Washington had suggested less aggressive strategies since 1783. Knox suggested to Congress that the United States recognize Indian title because although Britain and later the United States claimed

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24 Banner, How the Indians Lost Their Land, 131.
Purchasing Native American lands was far less expensive than war. Knox stated in a 1789 report that although Congress at first felt that the United States had been “absolutely invested. . . with the fee of all the Indian lands within the limits of the United States,” forceful treaty terms in the early 1780s had not lasted. Knox also argued that Native Americans should be treated as foreign nations and that this recognition would prevent states from conducting affairs with Native nations, as foreign affairs should only be a concern of the federal government. At the end of the 1780s, Native Americans went from defeated enemies with no claims to land in the United States, to foreign nations and proprietors of the land with titles the United States would have to recognize. The true extent of federal power in the early republic made conquest unfeasible, so the United States had to rein in state aggression to protect American national stability. This led to more protective federal measures in Indian affairs.

Knox’s policy plans continued into the 1790s and the new Constitution bolstered the policy shift from conquest to purchase. The Constitution included that the federal government had the power to “regulate commerce. . . with the Indian tribes,” which included purchases of Indian lands, a power further strengthened by the series of Trade and Intercourse Acts.

Congress passed the first act in 1790, which stated that traders with Native Americans must be

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28 Banner, *How the Indians Lost Their Land*, 133; The United States Constitution also includes a Supremacy Clause that is meant to prevent states from violating federal law, including laws pertaining to Indian affairs. Porter, “Legalizing,” 143-144.
licensed by the federal government and “[t]hat no sale of lands made by any Indians, or any
nation or tribe of Indians within the United States, shall be valid to any person or persons, or to
any state, whether having the right of preemption to such lands or not, unless the same shall be
made and duly executed at some public treaty, held under the authority of the United States.”
New York claimed the same powers in its 1777 constitution, but to preserve peace with the
Senecas and others, the federal government wanted to prevent states or individuals from acting
without federal authority.

Not only did the federal government forbid unauthorized land sales to states or
individuals, the language of the act acknowledged Indian title by mentioning the existence of a
preemptive right. The act only recognized preemption as a right of first purchase, and the
existence of the act generally to regulate purchases of Indian lands showed that while the United
States and others may have had a claim to certain lands, Indian title would have to be
extinguished through purchase. Subsequent Trade and Intercourse acts reaffirmed that the United
States believed that Native Americans held title to their lands. But the United States was still an
expansionist nation. The 1790 Trade and Intercourse Act simply codified expansion by making
the ability to extinguish Indian title a power solely of the federal government. The United
States’ unique system of purchasing land based on the right of preemption “reduce[d] the
complex processes of colonization and imperial expansion to a matter of land purchasing.”

30 Wilkins and Lomawaima, Uneven Ground, 52; Congress passed additional Trade and Intercourse Acts in 1796,
1799, and 1802. Prucha, Documents of United States Indian Policy, 17.
32 Greer, Property and Dispossession, 408-409.
federal government wanted to control expansion, and the language in the Trade and Intercourse Act shows how the United States defined preemption in property law.

The federal implementation of the Trade and Intercourse Acts in the 1790s did not slow New York’s drive for Seneca lands. Under this new federal legislation, states could still initiate negotiations, but it was illegal to sign treaties without federal oversight. But New York policy makers did not treat the restrictions in this act as restrictions on state authority. Even after 1790, New York claimed the “sovereign power” to make treaties with Native nations within state borders and often did so whether they had federal oversight or not. New York continued to claim the ambiguous authority it had during the Confederation era and ignored federal law, sought federal approval after the fact, or worked with the broad powers the federal government sometimes granted the state in dealings with Native nations. From the 1790s forward, the federal government rarely challenged New York’s claims on the basis of constitutionality, the Trade and Intercourse Acts, or the Treaty of Canandaigua. The federal government allowed New York to act with impunity and only intervened when federal interests were at stake.

The federal government also occasionally instructed its own officials to act in any way the state saw fit. New York’s interests during this period may have lined up with federal interest in securing American borders against the British and their Native allies prior to the War of 1812. Perhaps the United States, with limited funding and capacity, saw the opportunity to use state

36 Gunther, “Governmental Power,” 5-6.
resources to advance federal interests. In 1802, Secretary of War Henry Dearborn appointed John Taylor as U.S. Commissioner and instructed him to hold “a convention, or conventions between the State of New York, and the Six Nations of Indians, or any one of said Nations, Governor Clinton will notify you of the time and place of holding any such Conventions. . . It is presumed that the state of New-York will compensate you for your services.”\textsuperscript{37} Despite Taylor’s appointment by the federal government, his role in the negotiations were not only to be dictated by New York’s governor, but the state was to pay him as well. Taylor may as well have been an agent of the state, given that the federal government appointed him to work at the direction of Governor Clinton.

In 1816, the federal government again forwarded state interests. In 1816, Secretary of War William H. Crawford wrote to New York’s Governor Tompkins about Tompkins’ request to remove the Senecas out of the state. Crawford wrote that removal to or west of Ohio would benefit the United States, as “[i]t is an object of the first importance to the nation, with a view to any future war which may occur with the British Empire, that the settlements of the state of Ohio should be connected with those in the Michigan Territory, with the least possible delay.”\textsuperscript{38} With the War of 1812 over and the unresolved threat of British and Native activity north and west of the Senecas, the United States found it in their best interest to work with New York. The United States’ goals for expansion and border protection at the time aligned with New York’s agenda, and the federal government worked to move forward with New York’s plans. Crawford wrote that “[t]he interest which the state of New York takes in this transaction, and the influence which

\textsuperscript{37} “Letters Dearborn, Secretary of War to John Taylor and George Clinton, March 17, 1802. National Archives, Record Group 75.” Box 33, Doc 9. \textit{The Paul G. Reilly Indian Collection}.

\textsuperscript{38} “Letter from William H. Crawford Secretary of War to Daniel D. Tompkins Governor of New York, January 22, 1816.” Box 33, Doc. 27. \textit{The Paul G. Reilly Indian Collection}. 

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the cession may have upon its happiness and prosperity, have induced the President to determine that a treaty shall be held, with a view to accomplish the wishes of your excellency.”39 Even with New York’s history of disobeying federal law, dispossession of Native peoples brought state and federal officials together.

Treaty-making, even with neglect of federal regulation and without explicit approval by the federal government, did not result in significant land cessions for the Senecas. New York continued to treat Native nations as dependent wards into the nineteenth century, a legal status legible to state officials. Instead of land cessions through treaty-making, New York passed a multitude of legislation and statutes meant to slowly whittle away at Seneca sovereignty, jurisdiction, and nationhood. State officials believed they had the right to legislate over all land within state boundaries, and that ward status justified state control over Native peoples and governments. After 1831, the Supreme Court’s ruling in Cherokee Nation v. Georgia bolstered New York’s argument for treating Native nations within state boundaries as wards. In this case, the Cherokee Nation brought suit against the state of Georgia for dismissing Cherokee sovereignty, violating treaties made between the Cherokees and the United States, and for attempting to extend state jurisdiction over Cherokee lands in order to force Cherokee removal. The case went directly to the Supreme Court because the Cherokees as a foreign power brought a suit against one of the states in the union.40 Chief Justice John Marshall decided that the Supreme Court did not have jurisdiction over the case because the Cherokee were not a foreign nation.41

39 “Crawford to Tompkins, January 22, 1816,” The Paul G. Reilly Indian Collection.


41 Washburn, The American Indian and the United States, 2554.
Instead, the court ruled that “[t]hey may, more correctly, perhaps be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will. . . Meanwhile they are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian.” All at once, the Supreme Court reduced the status of all Native nations within the United States to lesser nations and took on the ability to define nationhood for Native peoples. *Cherokee Nation* had far-reaching and unintended consequences. Meant to define the relationship between Native nations and the federal government, New York State officials used Native nations’ ward status and perceived dependency to justify passing protective legislation on behalf of the Senecas in ways that often violated federal law.

As part of New York’s new legislative strategy, the state appointed “legal advisors” rather than state commissioners. This legislation was “protective” and “often obsessively paternalistic,” a reflection of the states’ determination that all Native people were wards.

Between 1813 and 1881, New York’s legislature passed fifty-four laws regulating Indian affairs on various Iroquois reservations. These laws attempted to regulate marriage and divorce, white trespassing, land allotment, timber stripping, state licenses for teachers and preachers, highway construction, internal Seneca governance, and more. The federal government later invalidated forty-three of these laws, largely because they violated “Infringement and Preemption/ Balancing

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45 The New York State legislature passed many laws into the 1890s and throughout the twentieth century. The laws listed here are the laws passed within the time frame of this project. Porter. “Legalizing,” 185-200.
Tests.” Such violations meant that the state illegally infringed on the Senecas’ rights to make their own laws or that state law violated federal law. The New York State legislature created its own “de facto” Indian policy despite the existence of federal laws that addressed these issues. Many of the regulations, particularly of internal Seneca governance, were an attempt to create a more legible land base and population on New York’s terms. When New York's legislature passed these laws, the federal government only stepped in at times when state or private interests aligned with federal interest or when state actions blatantly and publicly violated Iroquois rights.

For a time during the nineteenth century, the Supreme Court specifically reinforced New York’s ability to control Indian affairs by recognizing the partial extension of New York’s jurisdiction over Seneca reservations. In the 1859 case New York ex rep Cutler v. Dibble, the Supreme Court ruled on the validity of an 1821 New York law passed to prevent non-Indians from living or trespassing on New York reservations. The attorney for the non-Indian men accused of trespassing on the Tonawanda Seneca reservation argued that the New York law was unconstitutional because the Trade and Intercourse Acts and the 1794 Treaty of Canandaigua both preempted the 1821 state law. The trespassers’ attorney argued that because the Senecas signed removal treaties, the 1821 law was further invalidated because the reservations were

50 Porter, “Jurisdictional Relationship,” 512-513; The Tonawanda Senecas brought multiple suits against the Ogden Land Company. Only Dibble and Blacksmith v. Fellows (1852) helped the Tonawanda Senecas fight white trespassing on their reservation. In Blacksmith, the Supreme Court decided that Joseph Fellows, representative of the Ogden Land Company, did trespass on the reservation when he tried to forcibly take land and improvements from Blacksmith, a Tonawanda Seneca. Fellows’ actions were considered trespassing because when this incident occurred, the Ogden Land Company had not yet surveyed the lands or paid the Senecas for improvements as stipulated in the Treaty of Buffalo Creek. The case also determined that the Tonawanda Senecas, who claimed that no representative from their reservation signed the Treaty of Buffalo Creek, could not be removed forcibly by private interests. Laurence Hauptman. The Tonawanda Senecas’ Heroic Battle Against Removal: Conservative Activist Indians. (Albany, NY: SUNY Press, 2011), 98-101.
technically no longer legally Indian lands.\textsuperscript{51} The lawyers for the Tonawanda Senecas argued that the leaders from that reservation had not signed the removal treaties and it was the government’s duty to protect the Tonawanda Senecas’ property. Justice Robert Cooper Grier wrote the opinion, unanimously agreed upon by the Supreme Court, that the non-Indian men were trespassers, the federal government were the guardians of Native Americans, and that the New York law was valid while the Senecas remained on reservations within the boundaries of New York State.\textsuperscript{52} Furthermore, the court ruled that the state’s exercise of “police power over the reservation to protect ‘the Indians from the intrusion of the white people, and to preserve the peace’” was constitutional.\textsuperscript{53} According to the Supreme Court, New York never gave up its ability to “preserve the peace” within its own borders even though the federal government passed legislation protecting Native Americans from state interests in the past.\textsuperscript{54}

The Supreme Court restricted New York’s powers outlined in the \textit{Dibble} case with a subsequent ruling, but the Supreme Court granted New York powers it previously denied other states. The justices did not cite \textit{Worcester v. Georgia} in the \textit{Dibble} opinion in which the Supreme Court ruled that the Cherokee were a “distinct community” and Georgia could not prevent non-Indians from living on the reservation.\textsuperscript{55} The Supreme Court’s treatment of the New York cases may have had to do with New York’s consistent claims since 1777 that the Iroquois as wards were under the guardianship of the state. Or perhaps it was in the court’s interest to uphold the

\textsuperscript{51} Conable, “A Steady Enemy,” 388.
\textsuperscript{52} Conable, “A Steady Enemy,” 388.
\textsuperscript{53} Porter, “Jurisdictional Relationship,” 512-513.
\textsuperscript{54} Porter, “Jurisdictional Relationship,” 512-513.
\textsuperscript{55} Porter, “Jurisdictional Relationship,” 514-515.
state’s claim rather than recognize the legitimacy of trespassers emboldened by the claims of a private land company that had recently challenged the federal government’s authority over the 1838 and 1842 Treaties of Buffalo Creek. The *Dibble* case has had far reaching consequences beyond the scope of this project, as New York used the ruling to continue to justify the expansion of state jurisdiction over the reservations. That the Supreme Court had rejected Georgia’s authority over the same matter and that federal law already existed regulating the issue of white trespassing did not prevent the Supreme Court from ruling in New York’s favor. In this way, the Supreme Court treated New York State as an exception, and broadened the state’s power during another moment when the federal executive and legislature relaxed their oversight of Indian affairs in New York State.

The conflict between New York State and the federal government at times worked to further Iroquois dispossession, and at others forced the federal government to create protective legislation that would later limit state and private actions. By the beginning of the nineteenth century, the federal government made it clear that they were to be supreme in Indian affairs and provide protection from state and private interests. These promises of protection existed alongside the creation of the legal mechanisms of dispossession, as the United States tried to bring Indian affairs, as well as western expansion, under federal control. The federal and state conflict over Seneca lands also shaped how the Ogden Land Company understood their authority and rights when they purchased the preemption right in 1810, although often the company’s assertions were based on a twisted interpretation of state and federal policies.

**The Preemption Right**
New York and federal officials made claims to Seneca lands in an attempt to assert sovereignty and jurisdiction over the reservations, but could not extinguish Seneca title without the cooperation of the Ogden Land Company because of the existence of the preemption right. The Ogden Land Company did not have a stake in claiming sovereignty or jurisdiction over the Seneca reservations, but could only profit from their investment in the preemption right if company officials worked with state and federal officials to extinguish Seneca title.\textsuperscript{56} The agreement at the Treaty of Hartford in 1786 explicitly divided the preemption right granted to Massachusetts from the sovereignty and jurisdiction over the territory granted to New York, but the treaty terms included that extinguishing Native title required the assent of private and government officials.

Ogden Company associates made aggressive arguments about their rights because they could not make a profit unless they extinguished Seneca title to the New York reservations. Ogden officials’ arguments were often based on intentional misreadings or exaggerations of federal and property law and were similar to those made by New York State. The company argued that the creation of the preemption right to the Seneca reservations in 1786 at the Treaty of Hartford predated the 1794 Treaty of Canandaigua, and the federal government’s recognition of Seneca sovereignty violated the preemptive right. Many of the company’s other arguments were rooted in white supremacy and the belief that the federal government should work to protect the rights of its citizens over the rights of Native Americans. Despite the company’s aggression in attempting to remove the Senecas, the existence of a preemptive right held by a private company helped prevent Seneca dispossession.

\textsuperscript{56} The Ogden Land Company was not an official company, but was instead a trust made up of share holders. Conable, “A Steady Enemy,” 53.
The federal government claimed the preemption right to most Native lands in the United States. Although land speculation ran rampant in the eighteenth and early nineteenth centuries, the federal government generally controlled large-scale Native land purchases.\textsuperscript{57} The existence of a preemptive right, or the right of first purchase, rested on the assumption that Native peoples would no longer need their lands in the near future and would agree to sell. Settler groups believed that through assimilation or extinction, all land on the continental United States would come under the control of settler governments. Federal and state rhetoric was filled with references to Native extinction, but Ogden Company officials referenced what they saw as that inevitability much more frequently and aggressively than government officials. Land, to the company, was a commodity and held only monetary rather than cultural or political value. Nor did the company shareholders see reservations as spaces created to keep peace with Native Americans by “granting” them property rights or to protect them from settler encroachment. Federal and state officials understood Native title to be subject to the right of preemption. To the Ogden Land Company, however, the company’s title to the Seneca reservations was subject to Indian occupancy.\textsuperscript{58} The Ogden Company’s understandings and assumptions about aboriginal title and property rights shaped their arguments about dispossession and removal.

David A. Ogden acquired the right of preemption in 1810, but it was not until 1818 that the company attempted to take any major action in profiting from that right. In order to exercise his right, Ogden needed to coordinate with officials from the United States, New York, and

\textsuperscript{57} Banner, \textit{How the Indians Lost Their Land}, 135; Greer, \textit{Property and Dispossession}, 408-409.

\textsuperscript{58} Conable, “A Steady Enemy,” 74.
Massachusetts. In May 1818, David Ogden inquired with Secretary of War John C. Calhoun about moving the Senecas and other Iroquois nations out of New York to Arkansas.

In his reply, Calhoun did not seem enthusiastic about the prospect of emigration, but his reply shows that the federal government was not opposed either.\(^{59}\) Calhoun then wrote to the subagent of the Six Nations, Jasper Parrish, that the President thought Iroquois removal would benefit the Iroquois and the United States, but did not want the Iroquois to have to leave by force, likely because of promises in the Treaty of Canandaigua that the United States would not disturb the Senecas.\(^{60}\) The Iroquois decided that emigration was not in their best interest.\(^{61}\)

Ogden then petitioned the federal government to send a commissioner to start new negotiations. Instead of removing the Senecas completely from New York, Ogden suggested that the Senecas from all of the reservations be consolidated on the Allegany Reservation, which Ogden believed least valuable. This way, the company could make a profit without needing to convince the Senecas to leave the state and settle on new, unknown lands. In a message from U.S. Commissioner Morris Miller to the Senecas, Miller indicated that the Senecas still had a choice in whether they wanted to move to the Allegany Reservation. After hearing the Senecas’ dissatisfaction with the possible arrangement, Miller said that if the Senecas felt the amount of land insufficient, the President would see to it that the Senecas might keep some lands from the


other reservations. Ogden did not feel as amiable toward compromise in the negotiations as Miller and grew increasingly frustrated as his removal schemes repeatedly failed.

David Ogden complained that while the Senecas remained on their reservations and used their own lands and resources, they were violating his rights as preemption holder. In a speech to the Senecas, Ogden claimed that he called a council in the presence of a U.S. Commissioner “in order that . . . the rights of the Proprietors may be clearly understood.” Ogden explained his understanding of the preemptive right, which included that he was the “proprietor” instead of preemption holder, and then detailed how he believed the Senecas violated them. He stated it “is unlawful for any Indian Tribe in this State, to sell or lease the lands they occupy, except to the owner of the Proprietary Right or to permit White people to settle or reside upon such lands—or to sell the wood or timber growing on them.” The federal government, who believed they inherited that same preemptive right to other Native lands, understood that right only to be the first right of purchase and beginning in the 1790s treated Native nations as proprietors of their own lands. Ogden believed that he held the title, a right he viewed as superior to temporary Indian occupancy. He expanded the definition of preemption to include resource use and raise his potential profit.

According to the Treaty of Hartford, the Senecas owned the reservations until they chose to sell, and the Senecas used their land and resources to make money. The Senecas profited from timber stripping and production and frequently requested assistance from missionaries to build

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63 David Ogden speech in Ganter, The Collected Speeches of Sagoyewatha, 205.

64 Ganter, The Collected Speeches of Sagoyewatha, 206.
sawmills on the Seneca reservations. The Senecas participated in these activities since the eighteenth century, and the preemptive right never restricted the Senecas from doing so. The Treaty of Hartford also did not specifically include restrictions on leasing lands, which became another primary source of income for the Senecas, but Ogden saw Seneca timber stripping and leasing as a violation of his preemptive right. Ogden justified his frustration over these Seneca economic activities by referring to the reservations as “the lands they occupy.” Many contemporaries saw the Senecas as simply occupants of their lands, but Native occupancy had not yet been legally codified by the Supreme Court in Johnson v. M’Intosh. Ogden continued to warn the Senecas that many white men had inquired about purchasing the “proprietory” right to small parts of the reservations, and that if this happened the Senecas would be “overrun by them.” In this warning, Ogden mentioned nothing of the necessary process of extinguishing Seneca title via treaty in open council in the presence of a U.S. commissioner. In this reading, Ogden assumed the individual settlers interested in purchasing the right to parts of the reservations would be able to immediately take possession of the land upon purchase. Ogden’s reference to the right he purchased as “proprietory” rather than “preemptive,” and his belief that all natural resources on the reservations belonged to the Ogden Land Company, indicates that he understood the right very differently from the federal government, the Senecas, or the former

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65 The New York State legislature invalidated leases signed in the eighteenth century, but the United States Congress approved white leases later in the nineteenth century. Ganter, The Collected Speeches of Sagoyewatha, 207.


67 The 1823 Supreme Court case Johnson v. M’Intosh reduced Native landholding from “ownership to occupancy.” For background on the Johnson case and an in depth examination of this transformation see Banner, How the Indians Lost Their Land, Chapter 5 “From Ownership to Occupancy.”

preemption right holders. Before Joseph Ellicott began his survey, Robert Morris purchased the land itself by extinguishing Native title at the Treaty of Big Tree, then sold it to the Holland Land Company. Ogden believed that purchasing the preemptive right gave him immediate absolute ownership of Seneca lands. Ogden then accused the Senecas of having “thought little of my rights and as little of the laws.” Ogden invested a significant sum of money in the preemption right, and tried to reframe what that right meant in order to quickly make a profit.

The 1819 council resulted in no financial gain for the Ogden Land Company. The Senecas believed that the federal government’s appointment of a commissioner at the request of a non-Seneca violated the 1794 Treaty of Canandaigua in which the United States had promised the Senecas protection in their lands as long as the lands remained in their possession. Red Jacket, speaking on behalf of the Senecas, said that “[w]hen we made a Treaty at Canandaigua, we thought it was to be permanent. . . . Gen. Washington declared that it should be permanent. . . . that this treaty should be laid on the greatest rocks; upon rocks that nothing could undermine. . . . You white brothers, have a faculty to disturb the stoutest rocks.” Red Jacket went on to question where white men believed they acquired the right to take Seneca land and insulted the President. Red Jacket stated “The President has sent us word, you say, that it is our interest to dispose of our reservations. . . . The President must have been disordered in mind, or he would not offer to lead us off by the arms to the Alleghany Reservation.” The Senecas did not have

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71 Conable, “A Steady Enemy,” 64.


any intentions of selling land from any of their reservations, and Ogden’s investment meant nothing if he could not get the Senecas to sign over the title.

Ogden petitioned the President in response to Red Jacket’s speech and argued that the federal government violated his right as preemption holder by signing the Treaty of Canandaigua. Ogden wrote that because the creation of the preemption right at Hartford in 1786 predated Canandaigua in 1794, and Canandaigua guaranteed the Senecas ownership of their lands, then the federal government owed the Ogden Land Company compensation for altering the nature of the preemption right. Ogden again referred to the investors in the company as “the rightful owners of the soil,” a title that legally was not true. David Ogden and the trustees of the company only had the right to purchase the reservation lands when the Senecas chose to sell, and legal experts at the time agreed that this right did not invalidate the Treaty of Canandaigua. Although the preemption right protected the Senecas from removal and later federal policies, Ogden’s arguments about the nature of the right opened up new debates about Seneca land ownership for the remainder of the nineteenth century.

In 1823, the United States Supreme Court expanded the definition of the United States’ title to Native lands that reflected Ogden’s understanding of preemption. In *Johnson v. M’Intosh*, the Supreme Court was tasked with deciding the validity of two conflicting land transactions, one in which private individuals inherited lands purchased directly from Native nations in the 1770s, and the other in which an individual purchased the same lands from the United States.  

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Chief Justice John Marshall decided to transform the ruling, which was based on Marshall’s willful reinterpretation of history, into a decision about whether or not Native nations had a title they could convey at all. In addition to defining all Native nations as occupants rather than owners, Marshall decided that “the rights of the original inhabitants were, in no instance, entirely disregarded; but they were necessarily, to a considerable extent, impaired. . . . [T]heir power to dispose of the soil at their own will, to whomsoever they pleased, was denied by the original fundamental principle, that discovery gave exclusive title to those who made it.”

Both the British imperial government and the United States claimed sovereignty over and the right of preemption to Native lands, but in practice had treated the preemptive right as a first right of purchase subject to Native title. Marshall misread how the right had been previously exercised and ruled that title to the land, and the ability to extinguish Native title, belonged to the discovering power. Marshall believed the United States inherited these abilities from Britain in the 1783 Treaty of Paris. Marshall based his expanded definition of land title and preemption on the “discovery doctrine,” an idea that originated in the Age of Discovery and allowed European empires to claim non-Christian lands. Although Marshall meant to validate the federal government’s authority in purchasing Native land with his ruling, Ogden defined his privately-held preemption right as a title subject to Indian occupancy four years before Johnson, and Ogden’s colleagues continued to make arguments based on Marshall’s interpretation of discovery and preemption after Ogden’s death. However, the definition of the right remained contested


78 David E. Wilkins and K. Tsianina Lomawaima argue that Marshall’s decision was a “distorted, historically inaccurate, and legally fictitious construction of the doctrine of discovery.” Wilkins and Lomawaima, Uneven Ground, 54.
among settler groups and subsequent court rulings undermined the definition of preemption based on the discovery doctrine.

In 1826, the Ogden Land Company again tried to extinguish Seneca title. This time, a member of the U.S. House of Representatives from New York asked the federal government to appoint a U.S. Commissioner to discuss the possibility of consolidation on the Allegany Reservation. The federal government appointed Oliver Forward, a resident of Buffalo who frequently did business with Ogden officials and with an interest in reducing the size of the Buffalo Creek reservation. At this council, Ogden officials bribed individual Senecas into signing the 1826 Treaty of Buffalo Creek, and Forward threatened the Senecas by telling them that the federal government would force them off the New York reservations if they did not sign a treaty. The Ogden Land Company extinguished Indian title to the smaller Seneca reservations along the Genesee River, and portions of the Tonawanda, Buffalo Creek, Cattaraugus, and Allegany reservations. The Senecas immediately petitioned Governor Clinton and President John Quincy Adams to investigate and overturn the treaty and alerted the missionaries among them of their concerns. The petitions did not prevent Ogden from taking possession of the agreed upon lands, but the Senecas remained in possession of the majority of their most sizable reservations, which meant that Ogden still had not made back his full investment. David Ogden died in 1829, but his associates saw new opportunities to make the most from their investment when the federal government passed the Indian Removal Act in 1830, as company interests aligned with the federal government’s official policy toward Native Americans.

79 Ganter, The Collected Speeches of Sagoyewatha, 250; Hauptman, Conspiracy, 152.
80 Ganter, 251.
81 Ganter, 258.
Ogden officials continued their emigration scheme throughout the 1830s, and in 1838 doubled down on the fraudulent tactics used in 1826 to bribe the Senecas and other Iroquois nations to sign a removal treaty with the United States. In the 1838 Treaty of Buffalo Creek, the Senecas sold all their remaining lands in New York and agreed to move west of the Mississippi River. Anti-emigration Senecas and Quaker missionaries from the Philadelphia Yearly Meeting Indian Committee immediately petitioned the federal government to abrogate the 1838 treaty, citing the Ogden Company’s fraudulent tactics. The complaints in the petitions postponed the treaty’s ratification until amendments made by the Senate could be approved by the Senecas in council. This amendment process caused the Ogden associates much frustration as it meant a delay in the return on their investment. Even though they had carried out treaty negotiations, Seneca title was not officially extinguished without ratification. The Senate did not ratify the amended treaty until 1840, postponing the ability of the Ogden Company to make any money for two more years, but the treaty terms were delayed further.

In the years surrounding the Seneca removal crisis, Ogden associates felt that the federal government did not protect their rights as preemption holders and that the Senecas, who remained only occupants, continued to illegally exercise rights to lands that would soon no longer be reservations. Added to the company’s frustration over their inability to take possession of the Seneca reservations because of delays in the treaty’s ratification was the stipulation in the treaty that the Senecas had five years to emigrate. This stipulation postponed the ability to

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83 Hauptman, Conspiracy, 188.

84 Conable, “A Steady Enemy,” 144.
make a profit until 1845, and Ogden officials worried that in that time Seneca land and resource use would decrease the value of the tracts. Secretary of War Joel Poinsett and Commissioner of Indian Affairs Thomas Crawford supported the Senecas in having time to prepare for emigration. In an 1840 letter, Poinsett wrote to Crawford that “[t]he Indians. . . have a right to remain on their lands until they shall emigrate, if they remove within five years, and the laws of New York will protect them in this right, and this department will lend its aid to obtain an enforcement of those laws, if, contrary to every just expectation, it should become necessary to do so.” Federal officials did not expect that the Ogden Company would force the Senecas to leave immediately, but listened to the Senecas who were uneasy about Ogden Company officials surveying the reservations.

Poinsett told Thomas L. Ogden and Joseph Fellows, who represented the Ogden trustees after David A. Ogden’s death, that the federal government intended to follow the terms of the treaty despite Ogden company complaints. Poinsett wrote that the Ogden Company should show the Senecas that they did not intend to dispossess them immediately by “withdrawing the surveyors, or by a full and explicit assurance that they mean no more than to make the surveys, which they will do without disturbing the Indian possession, or injuring their property in any way.” Ogden and Fellows did not want to provide the Senecas with these assurances as they saw “Indian possession” as a violation of their rights.

Ogden and Fellows wrote to Secretary of War John Bell in 1841 to pressure the federal government to carry out the terms of the treaty. Seneca petitioning and federal government back

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86 “Poinsett to Crawford, Sept. 30, 1840,” The Paul G. Reilly Indian Collection.
pedaling during this period made it unclear whether or not the federal government would go through with a treaty with the Senecas at all. Ogden and Fellows reiterated that they believed the 1838 treaty legitimate despite Seneca complaints of fraud. The Ogden representatives wrote that the treaty was absolutely valid because it was “made under the supervision of a commissioned agent of, and confirmed by, the State of Massachusetts in pursuance of the Compact of Cession between that State and New York, from which the preemptive title is derived—having moreover been negotiated in the presence of a Commissioner of the U.S. and ratified by the President and Senate.”

Ogden and Fellows saw the treaty as legitimate as long as the proper individuals were present during the negotiations. How Seneca signatures were acquired did not matter, as long as the Ogden company carried out its duty aspreemption holder in council. Ogden’s and Fellows’ understanding of federal and property law left no room for negotiation or the protective role of the federal government in Indian affairs. To them, once the treaty was signed the federal government and the Senecas no longer had the ability to control how the company would acquire the title or come into possession of the reservation lands.

Ogden and Fellows also wrote that the Senecas could not object to surveys of their lands just because they had five years to emigrate. The federal government ratified the amended 1838 treaty and the Ogden Company understood the treaty to be “a public and binding law of the land.” The federal government acted as though the treaty was valid, but hesitated to recognize that title was transferred to the Ogden Company upon ratification. Ogden and Fellows argued they needed to start surveys in order to facilitate “[e]arly division and sale” and needed the

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88 “Ogden to Fellows, June 8, 1841,” *The Paul G. Reilly Indian Collection.*
money from those sales because their “[e]xpenditures in the course of these numerous and protracted negotiations were very considerable. . . . paid in addition a portion of the treaty, which were properly chargeable to the U.S.” The Ogden Land Company could be ruined, Ogden and Fellows argued, because of the United States’ inability or unwillingness to prioritize the rights of the preemptive owners over those of the Senecas. The 1838 treaty would not have been possible without the finances and labor of the company, and the preemptive owners felt the federal government needed to fulfill its obligations “arising from contract. . . . [T]he rights of the Citizens, based on such obligation are sacred and immutable.” In 1841, Ogden and Fellows believed the company owned the reservation lands, while the federal government and Senecas believed it would be five more years before the company could exercise their full rights as owners. The company leaders and trustees argued that as citizens they deserved for the federal government to uphold their rights above non-citizens.

Additionally, the Ogden trustees did not agree with federal officials that sales of reservation lands made prior to Seneca emigration “should be subject to the Indian right of possession.” Part of the delay in emigration under the amended treaty, as understood by Ogden officials, stipulated that the company would be able to take possession of the unimproved or “forested lands” first and survey them in preparation for sales. The Senecas believed that the five year grace period applied to all of their lands, and that the Ogden Company had no right to

89 “Ogden to Fellows, June 8, 1841,” The Paul G. Reilly Indian Collection.
90 “Ogden to Fellows, June 8, 1841,” The Paul G. Reilly Indian Collection.
91 “Ogden to Fellows, June 8, 1841,” The Paul G. Reilly Indian Collection.
be on the reservations. The Senecas were opposed to the presence of surveyors, and frequently forced Ogden Company surveyors off the reservations. Ogden and Fellows worried that “[t]he surveys are still incomplete. They are essential to a correct understanding of the value of the Lands, and to a partition of it among the owners, and as they must precede a sale, the postponement of the surveys would lead to great and unnecessary delay.” If the Ogden Company could not take possession of the lands that the Senecas had not yet improved, “its practical effect would have been greatly to reduce their present value and subject us to the waste and destruction of all the timber yet remaining on them.” Ogden and Fellows, and the trustees they represented, did not view the reservations as the lands of separate nations who had a specific, protective relationship with the federal government. The reservations lands were a commodity, quantifiable, and easily divided into improved or unimproved property.

The federal government’s reluctance to enforce the Seneca removal treaty made Ogden officials question why the United States did not follow through on its own official policy of removal. Ogden and Fellows believed that removal was a “policy dictated by wisdom and benevolence, and which alone can preserve [the Senecas] from increasing degradation and ultimate extinction.” The company maintained that the treaty was legally binding on all parties and that it was the federal government’s job to protect its citizens and their property rights, but Ogden officials did not realize the political moment passed them until it was too late.

95 “Ogden to Fellows, June 8, 1841,” The Paul G. Reilly Indian Collection.
Ogden Land Company had spent thousands of dollars negotiating Seneca removal, but had not yet made any profit. The 1838 treaty remained valid, but the federal government would not enforce it in full.

The Ogden Land Company’s fraudulent tactics and Seneca petitioning initially made the federal government question whether they should enforce the amended 1838 treaty, but it was the location of the Senecas within New York State and the political moment that helped prevent the treaty terms from being fully executed. By the 1840s, forced removal east of the Mississippi River had shown the nation that removal was not a benevolent policy, and the federal government did not want to force the Senecas to emigrate only to benefit private land speculators. Local public opinion against removal, the enforcement of a Democratic policy in a largely Whig area in western New York, the potential expense to the federal government to remove the Senecas, and the entanglement of rights worked together to prevent the 1838 treaty from ever being enforced. The Ogden Land Company saw that the 1838 treaty was not going to go into effect and agreed to new negotiations, which resulted in the 1842 Treaty of Buffalo Creek, or the “Amended” or “Compromise” Treaty. The Senecas did not take part in the negotiations at all, as some still believed the 1838 treaty might be overturned. Hicksite Quakers and Whig politicians negotiated for the Senecas to keep the Allegany and Cattaraugus reservations, but give up the Buffalo Creek and Tonawanda reservations, which were closer to

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98 Conable, 271-272.
99 Conable, 244.
100 Conable, 217, 244.
101 Hauptman, Conspiracy, 191.
the Erie canal. The Ogden Land Company still held the preemption right to the remaining reservations, and the right continued to complicate Seneca landholding and state and federal policies after the treaty negotiations ended.

The issue of defining preemption, title, and possession between the Ogden Land Company, the federal government, and the Senecas also resulted in a number of lawsuits. The first suit to arise in 1844 dealt with the Ogden Company’s claim that Seneca timber stripping for commercial use violated their rights as preemption owner. In *Ogden and Fellows v. Lee and Ellsworth*, Ogden and Fellows sued to have their “property,” or timber, recovered. Although at the surface the case surrounded the issue of resource use, the underlying question was what Seneca possession meant and what the preemption right actually granted to the Ogden Land Company. The Senecas maintained that they had possessory title and that the preemption right was only a first right of purchase, while the representatives of the Ogden Land Company asserted that the preemption right granted them the land in fee simple.

The New York Supreme Court heard the case and decided that while the Ogden Land Company did hold the right of preemption: “[i]t is impossible to suppose that the parties [at the Treaty of Hartford] meant to disregard and set aside the Indian title.” The ruling continued that “The Seneca nation of Indians have never parted with the title to the lands on which the timber was cut. The right of occupancy, to them and their heirs forever, remains wholly unimpaired. . . .

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103 Hicksite Quakers were different from the Orthodox Quakers who established their mission at the Allegany Reservation in 1798. The Hicksite Quakers did not form an Indian Committee to work among the Senecas until 1837, one year before the negotiations over Seneca removal. For more on the fraudulence in the 1838 and 1842 Treaties of Buffalo Creek and the role of state and private interests see Hauptman, *Conspiracy of Interests.*


They hold under their own original title. The plaintiffs have acquired nothing but the right to purchase whenever the owners may choose to sell.”¹⁰⁶ The ruling was a stunning blow to the Ogden Land Company’s conception of the preemptive right. The reservations belonged to the Senecas, as did the resources. Fellows appealed the ruling in 1846, only for the Court of Errors to uphold the New York Supreme Court’s ruling that “the Indian title to lands is an absolute fee,” a significant ruling given that the Court of Errors was composed of all members of the New York State Senate, the Chancellor, and all of the judges of the New York Supreme Court.¹⁰⁷ The courts affirmed that the Ogden Land Company’s conceptualization of their own rights were too broad.

In 1866, another case reached the United States Supreme Court that dealt with the issue of title and possession. In *The New York Indians*, the Supreme Court ruled on the ability of New York State to tax the reservation lands after the Senate’s ratification of the 1838 Treaty of Buffalo Creek.¹⁰⁸ In 1840 and 1841, the New York State legislature passed acts to tax certain reservation lands. The acts included that the tax would not impact the Senecas’ claim to the lands, but in case the Ogden Land Company defaulted the state would sell the lands.¹⁰⁹ The state intended to tax the Ogden Land Company, but because the federal government did not enforce the treaty and the Ogden Land Company did not take possession of the lands, the company did not pay the taxes. The state tried to sell the lands, prompting Joseph Fellows to sue the state.¹¹⁰ The Supreme Court ruled that although the Senate ratified the amended treaty by the time New York passed this

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¹⁰⁸ Conable, 390.


legislation, the five years had not yet passed for the Senecas to emigrate so the title had not been properly transferred to the Ogden Land Company.\textsuperscript{111} The state desired the creation of taxable property as much as Fellows wished to profit from his investment, regardless of who actually owned the land.

The Supreme Court cited the 1794 Treaty of Canandaigua in order to curb the exercise of New York’s jurisdiction over the reservations by stating: “the rights of the Indians do not depend on this or any other statutes of the State, but upon treaties, which are supreme law of the land. . . . It has already been shown that the United States have acknowledged the reservations to be the property of the Seneca nation—that they will never claim them nor disturb this nation in their free use and enjoyment.”\textsuperscript{112} The court ruled that sale of the lands, even if meant to punish the Ogden Land Company for non-payment of taxes on lands the Ogden Land Company would possess in the future, did disturb the Senecas in their possession of the lands. At the Treaty of Hartford, the ruling continued, New York and Massachusetts never gained the ability to regulate Indian title because the treaty only dealt with the preemption right. The case determined New York’s ability to tax the reservations within its borders, but the ruling affirmed the Senecas’ possession of and title to its remaining reservations and the federal government’s promise to protect them in that right.

Even with the United States and New York Supreme Courts’ rulings in favor of the Senecas’ understanding of their own possession and title, at the end of the nineteenth century the Ogden Land Company maintained their definition of the preemptive right. The limitations on the

\textsuperscript{111} The New York Indians, 72 U.S. 5 Wall. 761 (1866).

\textsuperscript{112} The New York Indians, 72 U.S. 5 Wall. 761 (1866).
Ogden’s use of their preemptive right and how preemption generally has been treated in American law indicates that the Seneca's definition of that right was correct. If the preemptive right held by the Ogden Land Company really did grant the company the land in fee simple, then federal treaties with the Senecas would be invalid and the Ogden Land Company never would have attempted to go through the process of extinguishing Indian title to the reservations. Ogden officials made many claims about the superiority of their rights to Seneca rights and the establishment of preemptive title prior to the existence of the federal government, but also claimed to have followed the precedents set by federal law to legitimize the removal treaties. If the preemption right truly granted the Ogden Land Company the reservations in fee simple, the Senecas would have been moved off of their lands in 1810 when Ogden acquired the right.

The Ogden Land Company’s claim ultimately protected the Senecas from permanent removal from New York State because of the post-treaty legal complications, but the company’s actions during the mid-nineteenth century made the Senecas feel they could be dispossessed at any moment. The company’s trustees did not have a desire to assert sovereignty or jurisdiction over the reservations, but their ownership of the preemptive right and the motivation to profit from a risky investment enmeshed Ogden representatives in the legal battle between the federal government and the state over the ability to control land use on the reservations and facilitate Seneca removal. By 1810 when David A. Ogden purchased the preemptive right, the federal government had firmly established itself as preeminent in Indian affairs, but Ogden company officials asserted that the creation of the preemption right at the Treaty of Hartford in 1786, prior to the ratification of the Constitution, the Trade and Intercourse Acts, and the Treaty of Canandaigua, gave the company a stronger claim to the reservation lands. Ogden company
arguments also reflected the historical moment, when the Supreme Court codified Native Americans, their nationhood, and their land tenure as inferior to the claims of the United States and its citizens. Ogden officials clung to popular arguments surrounding citizenship, white supremacy, and Indian extinction to forward their interests, but the political moment escaped them. The Senecas were not removed, but they were left in the midst of unresolved legal claims at the end of the nineteenth century.

Conclude

The federal government’s changing conceptions of Native nationhood and land rights shaped the claims of state and private interests, as state and private actors chose what designations of Native peoples and precedents in property law best served their interests. For the Senecas, conflicting claims to their lands and for the ability to control Indian affairs from state, federal, and private interests created a legal landscape of both chaos and protection for the Senecas. New York’s aggressive policies toward the Senecas in part prompted the federal government to take on a protective role, which at times interfered with state and private claims. Additionally, the existence of a privately held preemption right to the Seneca reservations further complicated the process of dispossession and ultimately prevented removal from New York. The Senecas remained, and the Allegany, Cattaraugus, and Tonawanda reservations continued to interrupt New York’s expansion. The Senecas had their own ideas about land and property and used the spaces created by conflicting settler claims to hold their own debates about the meaning of landholding, sovereignty, and nationhood.
In 1835, Thomson S. Harris, a Seneca man, sent a letter to Secretary of War Lewis Cass. In the letter, Harris argued that he and other Senecas should be able to negotiate with federal officials the terms of their emigration west of the Mississippi River. Sent three years before the Senecas signed a removal treaty with the United States, the letter also included Harris’ request that the federal government provide the Senecas with a printing press, court house, materials to support agriculture and industry, and “a Library comprising such of the Laws of the United States as may be proper to enlighten and guide” them.\(^1\) Harris and other Senecas like him wished to give up their lands in New York in a seemingly counterintuitive move to protect their land sovereignty.

This negotiation, and others like it throughout the nineteenth century, represent alternate approaches for confronting American expansion. During this period, the Senecas forced the United States to reflect on the extent of its expansion by defining constructs, such as sovereignty, property rights, and jurisdiction for themselves through ongoing debates within Seneca communities in response to settler encroachment. Previously characterized as factional disputes, these debates were not symptoms of residual decline from the eighteenth century but rather moments where Seneca communities thoughtfully contemplated Seneca futurity and interrupted

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\(^1\) Thomson S. Harris to Lewis Cass, Mar. 19, 1835, *Maris B. Pierce Papers*, The Buffalo History Museum Research Library, Buffalo, NY; Claudia B. Haake, “‘In the Same Predicament as Heretofore’: Proremoval Arguments in Seneca Letters from the Buffalo Creek Reservation in the 1830s and 1840s,” *Ethnohistory* 61 (2014): 75.
American plans for the Seneca reservations. The variety of Seneca actions during this period go beyond “adaptation.” By the nineteenth century, the Senecas lived in a world they had a hand in creating, and they based their decisions on how to face settler society on hundreds of years of interactions with Europeans and later Americans.

Reading the debates over settler pressures as a single narrative shows the persistence of Seneca leaders and individuals in resisting threats to their land sovereignty. These moments of political debate show that the Senecas had a long tradition of creatively reimagining their sovereignty, even as American expansion threatened that sovereignty. Additionally, although they disagreed on a variety of issues, the Senecas involved in these debates upheld the narrative that the Senecas were always sovereign and separate from New York and the United States. Seneca attitudes toward settler society changed as needed and over the nineteenth century the Senecas debated the value of religion and English literacy, the benefits and risks of remaining within the boundaries of New York, and the internal organization of Seneca government. These divisions have been viewed separately and often in terms that oversimplify the schisms. Ongoing political

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2 Older histories of Indigenous political dispute frame factionalism as a sign of social disintegration. See William N. Fenton, “Factionalism in American Indian Society,” *Actes du IV Congres International des Sciences Anthropologiques et Ethnographiques* 2 (1952), 330-40; Recent scholars like Rebecca Kugel dislike the word “factionalism” and believe it was chosen for its pejorative connotation. In her study of Ojibwe politics, she argues the Ojibwe used factionalism as a strategy to maintain autonomy amidst a growing American presence. Scholars like Gerald F. Reid use the word “factionalism” in a way that “emphasizes human agency and understands factionalism as dynamic and adaptive.” Kugel, *To Be the Main Leaders of Our People: A History of Minnesota Ojibwe Politics, 1825-1898* (East Lansing, MI: Michigan State University Press, 1998), 7; Reid, *Kahnawà:ke: Factionalism, Traditionalism, and Nationalism in a Mohawk Community* (Lincoln: University of Nebraska Press, 2004), xxii.

debates like the ones that took place across the Seneca reservations in western New York were commonplace for Native communities in the colonial period, into the early republic, and beyond. As dynamic and complex societies, Native communities throughout North America channeled their political disputes through open debate, which state and federal officials often became aware of during cross cultural negotiations, leaving the debates open for possible misinterpretation. Leaders of the Iroquois Confederacy upheld consensus in decision-making, but political disagreement did not mean that traditional political systems were beyond repair and did not permanently tear Native communities apart, just as it did not in non-Native societies.  

These Seneca debates played out in a world in which physical western expansion and the logic of the American expansion were still being constructed. Consolidation, removal, and assimilation were all open questions rather than inevitabilities and the Senecas experienced moments when it was possible to reinvent their sovereignty. There is important scholarship that focuses on removal, however many of these works focus on the South and often temporally circle the 1830s when federal removal legislation limited Native action. The Senecas experienced the pressure of American expansion over a much longer period, and while the Indian Removal Act did add additional pressure on northern Native communities, a variety of groups with conflicting interests worked to dispossess and erase the Senecas. The southern focus also highlights narratives of forced migration, which minimizes narratives of armed resistance or the


persistence of communities like the Senecas who remained on their ancestral homelands.

Examining continuity in Seneca society fundamentally reframes the narrative of the nineteenth century from a story divided by federal legislation and forced migration to a story in which eastern Native communities remained because they continuously strategized in spirited ways.

**Literacy and Religion**

In Seneca country, American expansion began with the Sullivan-Clinton expedition during the Revolutionary War. The Continental Army’s scorched-earth campaign punished the Iroquois for their raids against colonial settlements. Post-war, New York aggressively approached land cessions with the Iroquois, particularly those who had sided with the British. By the 1790s, the political landscape had changed and the United States recognized Seneca sovereignty in the 1794 Treaty of Canandaigua, in part to prevent them from joining the Northwestern Confederacy that threatened the stability of the new United States. By 1797, private interests facilitated the sale of most of Seneca territory in the Treaty of Big Tree. In the last three years of the 1790s, the Senecas faced major land loss and surveying, saw the establishment of long-term Quaker missions on reservations created as a result of those surveys, and the Seneca prophet Handsome Lake experienced a series of visions that reimagined Seneca social and political relations. The turn of the century was a period of great upheaval and change.

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and outside pressure came in a variety of forms. Political debate within Seneca society in the early nineteenth century was not the result of lingering issues from the eighteenth century, but rather a strategy to aid the Senecas in planning the best future despite American expansion. At their ten remaining reservations, the largest of which were Allegany, Cattaraugus, Buffalo Creek, and Tonawanda, the Senecas did not all experience these debates in the same ways, but each Seneca reservation and community was aware of the debates that sometimes played out more strongly at certain reservations than others.

The Senecas recognized that they faced settlers and their governments intent on Seneca dispossession and erasure, and their awareness is evident in Seneca political debates. In the face of American expansion, the Senecas centered their disagreements on what I refer to as land sovereignty. Throughout their debates, the Senecas made clear that as a nation they needed to possess land in order to be sovereign and dictate their own lands use. Seneca women, who traditionally controlled land ownership, were dropped out of conversations concerning land sovereignty as interactions with missionaries and government officials increased. As the United States expanded, the Senecas grew concerned not only about the amount of land under their control, but that their land remain politically and legally separate from the sovereignty, jurisdiction, and geography of New York and the United States. Separate land was central to

Seneca expressions of sovereignty and nationhood, and tracing the intricate details of Seneca political debate shows how a central question of land sovereignty became more complex with the growth of the United States in the early republic.

The Senecas first debated American settlement when the federal government introduced the “civilizing mission.” The United States chose to “civilize” Native people because the federal government could not afford war to forcibly take Native land. Instead, government officials believed that if the Senecas practiced plow agriculture, they would require less land than they would if they hunted. The federal government relied on missionaries to teach Seneca men to farm, women to do domestic work, and convert the Senecas to Christianity while convincing the Senecas that civilized living required less space.11 The Senecas also faced threats from private interests because of the preemption right to their land. This right was bought and sold as a commodity, which left Seneca lands open to the possibility of purchase if the Senecas could be convinced or forced to sell. After the Ogden Land Company, a private land speculation company, acquired this right in 1810, company officials attempted to consolidate the Senecas on fewer reservations.12 How to avoid land loss, whether that be from new missionaries who might convince the Senecas that they needed fewer acres to live, or from company officials who might try to assert their rights as preemption holders, led to debates across the reservations on the focus and value of American education and English literacy.

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11 Rothenerg, “The Mothers of the Nation,” 64.

During this period, missionaries and government officials referred to the Senecas as either “Christian” or “pagan.” This binary division of Seneca society obfuscates and simplifies the Seneca disagreements and reflects the contemporary misinterpretation by missionaries and others. The “parties” were informal and unstable over time, and the divisions only became somewhat formal when individual groups of Senecas sent petitions to the state and federal governments with pro- or anti-missionary stances, although at Buffalo Creek tensions were often stronger. Modern scholars recognize that “Christian” and “pagan” or even “accommodationist” and “traditionalist” are too simplistic to cover the variety of actions and beliefs of individual Senecas during this period, but continue to divide the Senecas this way. For the Senecas, rejecting the missionary presence or converting to Christianity, whether only nominally or not, represented different approaches in the face of American expansion. Each side showed a willingness to work with Americans, and never were their disagreements simply a question of religious doctrine. Land sovereignty was at the center of these disagreements, which came out in debates between the 1790s and 1820s over the value of education and English literacy.

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14 Nineteenth century missionaries and modern scholars have divided Native societies into either Christian or Pagan, “accommodationist” or “traditionalist.” See Fenton, “Factionalism in American Indian Society.”; Gregory Evans Dowd, *A Spirited Resistance: The North American Indian Struggle for Unity, 1745-1815* (Baltimore, MD: The Johns Hopkins University Press, 1992); Tiro, *The People of the Standing Stone*, xvii. These were names imposed on the Senecas by outsiders, but they were also understood and employed by some Senecas. Berkhofer argues that the division into Christian and Pagan parties was the result of individual Senecas adhering to either the Handsome Lake religion or Quaker and Presbyterian missionaries. Berkhofer, “Faith and Factionalism among the Senecas”, 100. Abler refers to “Pagans” as “conservative” or followers of the “old religion.” Those who followed the Seneca prophet Handsome Lake were also referred to as “Pagans,” but Abler divides these Senecas into a separate group who followed the “new way.” Abler, ed., *Chainbreaker: The Revolutionary War Memoirs of Governor Blacksnake as told to Benjamin Williams* (Lincoln: University of Nebraska Press, 2005), 208. Densmore explains that members of the Christian Party were not all followers of the Christian faith and those who belonged to the Pagan Party were not always “traditionalists in matters of religion.” Christopher Densmore, *Red Jacket: Iroquois Diplomat and Orator* (Syracuse: Syracuse University Press, 1999), xvi.
Missionaries and other whites around the reservations categorized Seneca leaders Cornplanter, Handsome Lake, and Red Jacket as “pagan,” yet each leader approached interactions with American society very differently.\(^{15}\) Red Jacket was mostly hostile toward missionaries because he associated their presence with land loss, but he and his community carefully considered whether or not they should accept preachers.\(^{16}\) In 1800, Red Jacket and his community allowed Baptist missionary Elkanah Holmes to preach at Buffalo Creek.\(^{17}\) Red Jacket did not act with open hostility toward Holmes but noted that communities who accepted missionaries lost their lands. After a few years of interacting with the Senecas, Holmes met again with leaders at Buffalo Creek to discuss building a church-school. Despite his opposition to the missionary’s religion, Red Jacket told Holmes that he knew of other Native groups “who, from a want of education and a knowledge of your customs, have been deceived by the white people, and become their slaves.”\(^{18}\) Red Jacket argued that the Senecas would gradually comply with the recommendations of the missionary society, but also continue certain customs which the missionaries may have prevented. Red Jacket asked “How would you feel if we were to insist on your leaving off your customs, and adopting ours? . . . [W]e will retain the customs before mentioned, and attend to yours; and pray to the Great Spirit, that both may lead us to happiness.”\(^{19}\) Red Jacket questioned the utility of cross-cultural interactions and the Christian religion, but he did not yet see the missionary presence itself as a threat. He felt that a lack of

\(^{15}\) Ganter, *The Collected Speeches of Sagoyewatha*, 110.

\(^{16}\) Ganter, xxvii.

\(^{17}\) Ganter, 102.


\(^{19}\) Red Jacket, “To Rev. Elkanah Holmes at Seneca Castle October 20, 1800.” in Ganter, 102.
formal education and the absence of a relationship with a missionary society threatened land sovereignty and wanted the Senecas to understand English for participation in treaty negotiations, but maintain their own practices by accepting from the missionaries only what the Senecas deemed beneficial. Red Jacket thought English education would prevent the Senecas from losing their reservations.

Cornplanter, identified by Quaker missionaries as the “pagan” leader at Allegany, accepted technical knowledge from the Quakers and federal government in line with the civilizing mission. He sought instruction in plow agriculture, funds for mills, and increased engagement in the market economy. Quakers also educated Cornplanter’s son, Henry, in Philadelphia. However, Cornplanter’s association with his half-brother Handsome Lake marked him a pagan. Handsome Lake’s teachings were not strictly “pagan” either, as he incorporated both traditional Iroquois beliefs and Christian ideologies. Later in life Cornplanter began to reject the missionary presence on his own reservation, but remained open to white influence until 1819 when the Ogden Land Company began to aggressively pursue purchasing the reservations. The term “pagan” does not capture all that Cornplanter stood for, and certainly does not capture the varying approaches of Red Jacket, Handsome Lake, and Cornplanter. Unlike Red Jacket, through his openness to technical knowledge, Cornplanter visualized the Seneca reservations as spaces soon to be surrounded by American society. Cornplanter’s desire for improved agricultural lands

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20 Mt. Pleasant argues that “gradual compliance” with missionaries was the result of negotiations among the Senecas who recognized that some tribes lost their lands because of their association with missionaries, but other tribes were at a disadvantage because they were not familiar with white customs. Mt. Pleasant, “After the Whirlwind,” 137, 141.

21 Abler, Cornplanter, 151.

22 Abler, Cornplanter, 179.

and educated Seneca men shows that while he was not Christian, he believed the Senecas should encourage economic growth on the reservations to bolster Seneca strength against encroaching white society. Cornplanter recognized the importance of land to Seneca autonomy, but also the importance of money in keeping that land.

Senecas associated with missionaries wanted to keep Seneca lands as well. In this moment of factionalism, religious difference did not mean a difference in the desire to maintain the Seneca land base. Instead, the Senecas disagreed on why they were losing lands and the best tactics for maintaining land. In a petition to Governor George Clinton, Red Jacket and the Senecas who valued Christianity asked for protection from white encroachment and stated that they had not secured land in the west should they decide to remove.\(^{24}\) This petition shows that many Senecas, despite religious affiliation, were against removal in 1818, even though Senecas labeled “pagan” often blamed Christian Senecas for early land cessions.\(^{25}\) A year after the Ogden Company unsuccessfully pressed the Senecas to move to Arkansas, the company came up with a new scheme to consolidate the Senecas on the Allegany Reservation, furthest from white settlement and major transportation routes. In 1819, David A. Ogden called a council to discuss this possibility.

At this council, Red Jacket demanded that Ogden stop appealing to the Senecas for their land. He responded to Ogden’s claim that the reservations were overrun with white people and therefore in a threatened position by calling for all white people to leave the reservations, including missionaries. In response to Ogden’s statement that the President supported removal,

\(^{24}\) Red Jacket. “Petition for Protection to Governor Clinton, February 14, 1818.” in Ganter, 196-197.

\(^{25}\) Hauptman, *Conspiracy*, 113.
Red Jacket insulted the President by questioning his sanity.26 Young King, on behalf of some Senecas, including many Christians, immediately apologized for this statement and said that this was not the response planned by the Senecas as a whole.27 Both Red Jacket and Cornplanter refused to apologize. The Christians then stated in council that “[t]he President wishes we should concentrate, so as best to receive instruction. We took a view of this and concluded that the Speaker’s [Red Jacket] answer was right. We all thought it was not right to part with the lands.”28 The Senecas who valued Christianity likely would want to apologize because they believed insulting the President and debasing their most ardent enemy a poor tactic to prevent removal. But regardless of whether the President supported removal, the Christian Senecas agreed with Red Jacket that they should not cede any more lands.

As threats of removal heightened, the Senecas disagreed on the protections older Seneca customs provided. Many Senecas who saw the benefit of adopting Christian beliefs later believed western emigration was the safest choice during the removal crisis, but Senecas associated with Christianity in the 1810s and '20s complained of white trespassers, timber stripping, and the tactics other Senecas used to protect land.29 At Buffalo Creek, some residents turned to Christianity and missionary support as anxiety over land company actions spread through the community.30 Some at Buffalo Creek believed the problems Seneca society faced were not only the result of settler encroachment, but also the actions of Seneca individuals. Rather than

26 Red Jacket. “Reply to David Ogden at Buffalo Creek, July 7-9, 1819.” in Ganter, 214.
29 Mt. Pleasant, “After the Whirlwind,” 158.
continuing to rely on Seneca belief systems, in a time of “upheaval,” some Senecas believed “the practice of Christianity offered a form of hope.” These Senecas saw conversion as a proactive step they could take as previous practices had so far put the Senecas in their current threatened position. In council, Christian Senecas Young King, Pollard, Destroy-Town, and others stated “[w]hen I look back upon our ancestors, I see nothing to admire—nothing I should follow—nothing that induces me to live as they did. On the contrary, to enjoy life I find we must change our situation.” These Senecas continued that they noted the progress in agriculture the Tuscaroras had made by learning from missionaries. These Senecas worried that “by following Indian habits, we must inevitably decay and sink to nothing. You said we could not remain independent: we are sensible of this, and would undergo a gradual change.” These Senecas wanted to adopt new forms of agriculture, and like Red Jacket earlier, agreed to work with missionaries gradually. The disagreements over religion were not about whether individual tenants of Christianity were right or wrong, but about what value the Christian religion and relationships with missionary societies provided Seneca society in their fight against removal.

By 1821, renewed discussions over the presence of missionaries increased tension on the reservations, particularly at Buffalo Creek, which led some Senecas to officially choose a “side.”


32 Native communities and individuals converted to Christianity for a variety of reasons, established churches without missionary influence, and often practiced their own forms of Christianity depending on community need. For more on Native conversion see Daniel R. Mandell, "Turned Their Minds to Religion": Oquaga and the First Iroquois Church, 1748—1776.” Early American Studies 11, no. 2 (2013): 211-242; Daniel K. Richter, “’Some of Them...Would Always Have a Minister with Them’: Mohawk Protestantism, 1683-1719,” American Indian Quarterly 16, no. 4 (1992): 471-484; David J. Silverman, Faith and Boundaries: Colonists, Christianity, and Community among the Wampanoag Indians of Martha’s Vineyard, 1600–1871 (Cambridge: Cambridge University Press, 2010).

33 Deputation of Chiefs in Ganter, 218.

34 Deputation of Chiefs in Ganter, 219.
Red Jacket allied himself with the “Pagan party” in 1818 after two of his sons converted to Christianity, and with his allies petitioned the federal and state governments for the removal of all missionaries. In part, the call to remove missionaries came after the Quakers sent a surveyor to the reservations to divide land into private property, which many saw as a threat to land sovereignty. These petitions resulted in legislation from New York State that prevented all non-Indians from living on Indian land. In addition to complaints that the presence of preachers led to settler encroachment and that preachers forced the Senecas to “embrace the religion of the whites” in exchange for English literacy, Red Jacket called on the governor to protect the Senecas from white timber stripping. This legislation lasted until 1825, when missionaries used their Seneca allies to overturn the law. Yet even with his years of work fighting the missionary presence, Red Jacket remained open to white education. In an 1825 petition to the New York State legislature, Red Jacket asked that missionaries still be banned but that “[w]e are willing to be taught to read and write, and work, but not by people who have done us so much injury.” To Red Jacket, the Senecas had to be educated by individuals who had no interest in proselytizing or acquiring Seneca land.

Major conflict over the value of religion arose again later in the 1820s due to renewed pressures from the Ogden Company. Ogden Company officials bribed the Senecas into signing a

36 Rothenberg, “The Mothers of the Nation,” 79.
38 Red Jacket. “Petition to the Governor to Evict White Settlers and Black Coats, January 18, 1821.” in Ganter, 228-29.
39 Ganter, 246.
treaty that was never approved by the Senate. The terms of the treaty were restated in later treaties, however, and allowed Ogden to purchase four smaller reservations and portions of the remaining ones.\(^{41}\) While Red Jacket signed the treaty in 1826, he immediately expressed his opposition to the sale by claiming the Ogden Company used bribery, which after government investigation proved valid.\(^{42}\) In 1827, the Christian leaders at Buffalo Creek deposed Red Jacket.\(^{43}\) The Senecas who deposed him argued that Red Jacket “made divisions and disturbances among our people” and that he “abused and insulted our great father, the President.”\(^{44}\) This again suggests that some Senecas did not find Red Jacket’s aggressive attitude toward settler groups in diplomatic negotiations a sound way to keep land company and government officials at bay.

Red Jacket was later reinstated as chief. Despite his deposition, he still did not express aversion to education. Although he continued to despise what he termed “blackcoats,” in 1829 he asked Quakers from New York to teach Seneca men to farm, Seneca women “the art of domestic manufactures,” and Seneca children to read and write.\(^{45}\) Like Cornplanter earlier in the nineteenth century, Red Jacket now saw the utility of American-style agriculture. And although Red Jacket always used a translator to give his passionate addresses, he acknowledged that learning English was a way to understand and harness the power wielded by white Americans.

After the immediate upheaval caused by the 1826 treaty faded, the Senecas began to reconcile in 1828, although American officials continued to categorize the Senecas as “Christian”

\(^{41}\) Ganter, 250.

\(^{42}\) Ganter, 250.

\(^{43}\) Ganter, 260.

\(^{44}\) Christian Senecas and Red Jacket. “Council to Depose Sagoyewatha as Chief, and His Response, September 15 and October 16, 1827.” in Ganter, 260.

or “pagan.” Most Senecas realized that Red Jacket’s arguments about the 1826 treaty being fraudulent were correct and Red Jacket played a major role in this reconciliation until his death in 1830.46 Handsome Lake died in 1815 and Cornplanter in 1836, before the next major political division swept through Seneca society. Young King and Captain Pollard, both younger Christian leaders, became deeply involved in the disagreements over removal in the 1830s. Despite shifts in leadership and the deaths of many prominent Senecas during these decades, protecting Seneca land became an even larger issue in the 1830s, as the Ogden Land Company upped their aggressive tactics in forcing the Senecas out of New York.

**Resistance or Emigration**

As they did at the beginning of the nineteenth century, the Senecas used debate as a strategy during the removal era in the 1830s. Federal removal policy allowed the Ogden Land Company to press more aggressively for Seneca removal west of the Mississippi River, as private interests aligned with federal interests. The Senecas disagreed over whether remaining on or abandoning their lands in New York would best maintain their sovereignty and autonomy. While Senecas both for and against removal used the terminology of the civilizing mission to make their cases, anti-removal Senecas like Maris B. Pierce resisted by fighting to remain on ancestral homelands while Senecas who saw the value in leaving New York like Nathaniel T. Strong and Thomson Harris tried to escape New York’s western expansion. Anti-removal Senecas wished to retain their intergovernmental relationship with the United States, while others attempted to alter that relationship to better secure their land sovereignty.

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Anti-removal Senecas framed landscape and geography as central to their “civilization.” They argued that Seneca people were ready to live in a civilized society, but also that Seneca lands showed signs of civilization and would fit in well with the white landscape around the reservations. In letters and petitions to the federal government, they frequently made arguments about the improvements the Senecas made on their lands including increased agricultural production, the construction of houses, and the presence of farm animals. For the federal government and missionaries, these improvements had been signs of “civilization” since the 1790s, and these Senecas argued that their progress in civilization was physically evident in the landscape they had spent decades cultivating. The space they created, and the people within that space, belonged in the geography of western New York.

In 1839, a year after the Senecas signed the Treaty of Buffalo Creek for their removal west, Maris Pierce, a Dartmouth-educated Seneca chief, published a piece to try to convince the Senate to reject the treaty. Pierce asked why whites argued that the Senecas “must. . . be crushed by the arm of civilization, or the requiem of our race be chanted by the waves of the Pacific, which is destined to engulf us?” Land company and government officials told the Senecas, who had been instructed in the “civilized arts” for more than forty years, that they needed to move because they were not capable of “Christian civilization.” Pierce provided examinations of the lives of prominent Native people to prove this was not the case. Pierce mentioned Pocahontas and Red Jacket, but also John Ross, a prominent removal-era Cherokee chief, who he


argued was “a scholar, a patriot, an honest and honorable man,” yet because of his “Indian blood” and “Indian color,” he and his family were forced beyond the Mississippi River. Pierce also rejected the idea that moving west would allow Native peoples to live like they did before Europeans arrived. He argued that his people did not want to live as they did pre-contact for they wished to “adopt. . . those modes of living, and acting and thinking, which result from the cultivation and enlightening of the moral and intellectual faculties of man.” Pierce resisted removal, but he also questioned civilization if it was not on Seneca terms and on Seneca homelands. For the sake of convincing settler governments that the Senecas should not be removed, Pierce argued that Europeans brought enlightenment to Native peoples. The stages of civilization ordered white thinking about Native societies, and Pierce knew that settler governments would respond to the rhetoric of the civilizing mission. This argument might convince white policy makers that the Senecas should remain where they could be guided through the stages of civilization.

Pierce argued that Seneca lands in New York were “situated in the midst of facilities for physical, intellectual, and moral improvement,” where the Senecas could observe whites and “profit by their example.” In New York, Pierce continued, teachers, schools, and books were more accessible, and Seneca lands were located “in the midst of civilization and christianity, where the very breezes are redolent of improvement.” Pierce’s rhetorical strategy was to flatter the federal government’s policy decisions and claim that the civilizing mission was successful in

51 Pierce, “Address on the Present Condition,” 16.
transforming Native lands and people to convince the government that the Senecas needed to stay. Using the same strategy, Pierce wanted government officials to differentiate between the Senecas and tribes farther west and argued that not only was western New York close to civilized whites, it was farther away from “warlike tribes” and undesirable whites who “infest” western lands. In doing so, Pierce emphasized the dichotomy of civilization/frontier over white/Indian as Pierce appealed to government officials that “civilized” or near “civilized” people belonged in “civilized” spaces.

Pierce did not blame policy makers for the pressures to remove. Without naming the Ogden Land Company, Pierce mocked the attempts of land agents to convince the Senecas that the west was an “Eden” and claimed that New York was perfect except for the Ogden Land Company’s meddling. He argued that New York “is sufficiently an Eden now, if but the emissaries of the arch fiend, not so much in the form of a serpent as of a man, can be kept from its borders.” Pierce believed New York and the federal government needed to protect the Senecas from the schemes of the Ogden Land Company if the federal government wanted their policies to succeed. Additionally, Pierce was aware of American plans for continental expansion and believed the Senecas would face a threat like the Ogden claim if moved to new lands. He noted that the settler population was “going beyond the Mississippi, and even casting its eye with longing gaze for the woody peaks of the Rocky Mountains—nay even for the surf-beaten shore of the Western Ocean—And in the process of time, will not our territory there be as subject to the wants of the whites, as that which we now occupy is?” Pierce questioned the permanency of

54 Pierce, “Address on the Present Condition,” 16.
and motivation for Indian removal. The federal government intended western reservations to be a safe haven for displaced Natives, but if western expansion continued at the rate it was going there would soon be no land left for the preservation and civilization of Native people. If civilization was the goal of the federal government, to Pierce, removal was the worst possible course.

Other Senecas during the removal crisis did not see resistance to pressures from the land company or state and federal governments as an option. To these Senecas, removal, or emigration, was more beneficial than staying on reservations in New York. They did not give into the pressures of American expansion, they tried to escape it. Those in favor of removal were not ignorant of what removal might mean, and made arguments in favor of living outside of New York State that were rooted in a deep understanding of sovereignty and American property law. Many of the most prominent Senecas who valued Christianity later saw the benefits of emigration, but religious differences did not always translate to stances on removal.

Some Senecas worked to facilitate their own move west prior to the passage of the removal treaty in 1838. Their attitude toward removal was not a reaction to the immediate pressures of a removal treaty, but was an alternate approach to secure Seneca sovereignty. In 1835, on behalf of the Senecas who wished to explore emigration, Thomson S. Harris asked Secretary of War Lewis Cass if the new Seneca lands in the west would be theirs in fee simple.57 The Senecas did not hold land in New York in fee simple and the Ogden Company held the preemption right to Seneca homelands. The 1838 Treaty of Buffalo Creek included that the Senecas would own the new reservations in fee simple, but the treaty was renegotiated and the

57 Thomson S. Harris to Lewis Cass, Mar. 19, 1835, Pierce Papers.
Senecas never moved to these western lands. Some Senecas wished their new lands in the west to be their property in the same way that whites owned property and without the threat of pressures from a preemption owner. According to Harris, removal from New York would allow the Senecas to be more secure in their lands, not less.

Harris continued in his list of requests to the War Department. He inquired about who would pay the expenses of transportation, whether they had jurisdiction over their new lands, if they would be “on the footing with” the tribes already there, if they would be paid for the improvements on the land they were to give up, and if they could have a fund for “civilization purposes.” He also asked for “[a] printing Press and material,” “Court House,” “Law Library comprising U.S. Laws,” “Male and Female Schools,” “Grist and Saw mills,” “Blacksmith and material,” and “Roads.” Harris asked for materials to continue the work of the civilizing mission that began in New York and for the ability to further Seneca education in U.S. law. He ended his letter with a request for an answer to these demands, indicating that some Senecas planned to negotiate their removal, and reap as many benefits as possible from the federal government. To them, removal was a choice and the best option.

The Senecas who explored emigration believed that New York did not actively guide their civilization or protect their sovereignty and property. Relocation far from white New Yorkers was their only chance. These Senecas were aware of anti-removal arguments, and in a second letter to Lewis Cass, Thomson S. Harris tried to ensure that anti-removal warnings would not come true. In arguing against removal, Maris Pierce wrote that he understood that the United

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58 Thomson S. Harris to Lewis Cass, Mar. 19, 1835, Pierce Papers; Haake. “‘In the Same Predicament.’”, 66.

59 Haake, “‘In the Same Predicament.’”, 71-72.
States would one day reach the Pacific Ocean. Harris indirectly responded to this argument and wrote to Cass that “the United States are hereby obliged to secure to said Seneca Nation. . . the jurisdiction and government of all the persons and property. . . so that no Territory or State shall ever have a right to pass laws for the government. . . and that no part of the Land granted them shall ever be embraced by any Territory or State.”

The 1794 Treaty of Canandaigua granted the Senecas the “free use and enjoyment” of their own lands, but the treaty terms had not specifically granted property to the Senecas or jurisdiction over their own lands. Canandaigua provided certain protections, but had not prevented the Senecas from losing large portions of their territory since the 1790s. The Ogden Company was not acutely forcing removal on these Senecas, and some Senecas took the offer of western lands as the opportunity to negotiate firmer sovereignty and jurisdiction than they believed available to them in New York. In 1835, it was not clear how removal would unfold for the Senecas, and negotiation was still on the table. These Senecas saw geographic separation from the United States as the only means of survival.

Many non-Senecas involved themselves in the Seneca removal crisis as well. A group of Hicksite Quakers later became some of the strongest opponents of Seneca removal, and along with Pierce extensively petitioned the government to repudiate the 1838 Treaty of Buffalo Creek. The Senecas who saw value in emigration disliked Hicksite involvement, which prompted the Hicksites to attempt to discredit Seneca leaders like Nathaniel T. Strong in their publication “Case of the New-York Indians.” In 1841, Strong responded to the Hicksite publication by arguing that far from being bribed into signing the 1838 treaty, he and other

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60 Thomson S. Harris to Lewis Cass, Mar. 20, 1835, *Pierce Papers*.

61 Hauptman argues the Hicksite Quakers conspired with the state government and orchestrated the amended 1842 Treaty of Buffalo Creek. Hauptman, *Conspiracy*, 208. The Hicksite Quakers did not previously work among the Senecas as missionaries. They formed an Indian Committee in 1837, one year before the removal treaty proceedings.
Senecas viewed emigration as an “escape from bondage, degradation, and misery” and that the lands in the West provided “asylum.”62 To Strong, removal was not a new option in the 1830s and had been a resolution to the “advancing settlements of the whites” even before the Ogden Company came into existence.63 In the West, Strong believed the climate was healthier, agriculture more productive, and land rights more permanent. New Seneca lands would be “granted to them in fee, by patent, subject to no pre-emptive right.”64 Again, for these Senecas, removal did not have to be forceful and was asked for with a full understanding of American property law. The Senecas had dealt with threats to their lands for decades, and would not agree to removal without significant contemplation.

Strong wrote in 1838 at the height of the Seneca removal crisis, but reiterated many of Harris’s arguments from six years earlier. During this time, the federal government offered for the Senecas to send a party to determine whether lands in the west were acceptable for resettlement, which Strong states never happened, but that he and other chiefs personally met with the President and believed his intentions honorable.65 Strong expressed displeasure at the Hicksite characterization of these emigration parties as schemes of the Ogden Company. Far from “passive” victims of the “pre-emptive owners,” these Senecas fully articulated a vision of what their relationship to land and the United States should be.66


Like Harris, Strong and other Senecas still had no faith in New York’s ability to protect them. Strong argued that policies enacted while the Senecas remained in their ancestral homelands had not worked to civilize the Senecas. He wrote “that every attempt which has hitherto been made, whether by legislators or religionists, to produce a radical and enduring change in the manners, habits and pursuits of Indian communities, has proved utterly abortive.”

Strong attributed these failures to the status of Seneca landholding in New York. Strong primarily blamed the preemption right because “whilst the general government are pledged, as is that of the state, to protect the Indian tribes from lawless violence, neither the general or state governments can enlarge their rights of property in the land they occupy, nor diminish the rights of the preemptive owners.” Strong argued not only had civilization policy failed while the Senecas remained in New York, but improvements in their condition failed because there was no way for the Senecas to have the “rights and privileges of person and property, which are the common inheritance of white men.” With the preemption right always looming, some Senecas believed private land ownership, and therefore improvement of those lands and civilization of the Senecas, would never be possible. Without an elevation in the status of Seneca landholding, their lands would never be secure.

Strong directly attacked American settlement, justifications for American land claims, and Marshall’s Supreme Court rulings regarding Native land. He understood that Americans believed land claims were based on the discovery doctrine and that Native nations were simply occupants of their own lands, beliefs that were codified in Johnson v. M’Intosh. Strong wrote that

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“[t]he rights of Great Britain and her colonies which passed by the revolution to the states of this union, have since been asserted and exercised by them,” which allowed Americans to claim “the right in fee simple. . . leaving the Indians with just possession or occupation.” Strong described Seneca lands as if they were a frontier, unimproved by Native people because the right of occupancy provided no incentive to improve Seneca lands. He argued that the “wide wilderness of the Genesee country” could only be improved by white settlers who were free because they could hold property. Strong fundamentally disagreed with the right of preemption, yet knew that his opinion did not change legal precedent.

Strong also directly criticized the Hicksite Quakers. He argued that William Penn was just as much a land speculator as Ogden and wondered how their projects differed. By remaining in New York, Strong argued, the Senecas could never advance to the status of whites because property law left from the colonial era marked their land. Strong lamented “[w]e Indians thus hold our lands by a title comparatively worthless. . . . We are shut out from all political privileges, and in the country of our birth, are regarded as aliens, being not only deprived of the control of our own lands but incapacitated from acquiring and holding any other, even by purchase from white men!” Only by physically moving beyond what were once the thirteen colonies could the Seneca be secure in their sovereignty. Unlike Red Jacket decades earlier who argued that the preemption right was rooted in baseless claims, Strong and others like him recognized that the best way to deal with this system of acquiring property established in the colonial era was to remove themselves from the lands it marked.

70 Strong, “Appeal to the Christian Community,” 26-27. Strong did not use the phrase “Discovery doctrine,” but referred to the concept directly.

The Senecas who explored the possibility of emigration tied their vision for a secure future to a geography outside the area of American settlement, sovereignty, and jurisdiction. Sitting in the late 1830s and 1840s, these Senecas could not see how removal or expansion would unfold. They saw insecurity in living among white populations on a landscape that ensured they were occupants rather than owners. Unfortunately, Strong, like Harris, was under the impression that a removal treaty was binding only on those who chose to leave. This was not the case, but because the 1838 treaty received so much backlash it was never implemented and an 1842 compromise treaty allowed the Senecas to remain on two reservations in New York. Yet these Senecas remained hopeful that they would see their vision fulfilled. At Buffalo Creek in 1846, federal agent Abram Hogeboom gathered a party of 190 Iroquois who still desired to move west and left for Indian Territory. Many, like Thomson Harris, died of disease while half returned to New York after only a few years.72 The removal crisis also split the New York Senecas into two nations. The Tonawanda Senecas claimed their representatives never signed the removal treaty and chose to politically distance themselves from the Allegany and Cattaraugus Reservations. The Senecas at Allegany and Cattaraugus became the Seneca Nation, while the Tonawanda Band of Senecas maintained a separate, but traditional, government.73 The Senecas were never removed from New York and the compromise treaty allowed the Senecas to remain on Allegany, Cattaraugus, and eventually Tonawanda after a years-long legal battle and Supreme Court case, but the experiences in the fight over removal led to continued conflict among the

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72 Haake, “‘In the Same Predicament’”, 73; Hauptman, Conspiracy, 209.

Senecas over how to protect their lands and sovereignty once the federal government decided they would not assist the Ogden Land Company in removing the Senecas.\textsuperscript{74}

**Traditional Government or a Republican System**

As the acute anxiety over removal waned, a new conflict played out in disagreements over the political relationship between the Senecas, New York, and the United States. In the 1840s, some Senecas at Allegany and Cattaraugus desired to strip the chiefs of their power, dismantle the traditional Seneca government, and implement a republican system.

Contemporaries and scholars alike disagree on the source of the political revolution, which some believed was the result of resentment over the removal treaties.\textsuperscript{75} Others blamed the distribution of federal annuities, which the proponents of the new government believed the chiefs pocketed. However, the root issue, as it had been since the 1790s, was how to protect Seneca lands. During the post-removal treaty era, many Senecas expressed that their landholding was still insecure as the Ogden Land Company continued to hold the preemption right to their remaining reservations and could at any time make another attempt to dispossess the Senecas. New York also continued to work to incorporate Seneca land and legally erase the political boundaries between the reservations and the state by making the Senecas citizens and implementing state laws on the

\textsuperscript{74} The Tonawanda Senecas proved that they did not sign the 1838 treaty and eventually were “allowed” to buy back their reservation. See Hauptman, *The Tonawanda Senecas’ Heroic Battle Against Removal*.

\textsuperscript{75} Many Senecas expressed that the preemption right remained a looming threat, even into the 1880s. “Report of the Special Committee to Investigate the Indian Problem of the State of New York, Appointed by the Assembly of 1888.” (Albany, 1889), 75; Abler argues the disagreement in 1848 was over the distribution of annuities rather than previous land sales. Abler, “Friends, Factions,” 75-76; Hauptman argues that the revolution took place as the result of disagreements during the removal era. Hauptman, *Conspiracy*, 177.
reservations.\textsuperscript{76} In this new era of political division, the Senecas faced both old and new threats as government and private interests tried to rethink dispossession now that removal was no longer an option. The Seneca Nation disagreed on whether keeping their traditional government or creating a new government more legible to state and federal officials would best protect them from legal incorporation and political erasure. Leaders Maris Pierce and Nathaniel Strong, previously on opposing sides of the removal debate, worked together in the Old Chiefs Party to retain the power of the traditional Seneca government.

In 1848 the New Government Party, or revolutionary party, deposed the council of chiefs who held life appointments. The revolutionary party created a republican government made up of an elected council, President, Clerk, Treasurer, and Peace Makers, elected each year by Seneca men age twenty one and older.\textsuperscript{77} They explicitly excluded women from voting and holding new government positions.\textsuperscript{78} The Hicksites advocated for this new government, particularly Philip E. Thomas, who represented the revolutionary party in Washington.\textsuperscript{79} Some scholars argue the Hicksites orchestrated the 1848 Revolution to finalize incorporation of the Senecas into New York State, while other scholars argue the state would have recognized the new form of government regardless of Hicksite involvement.\textsuperscript{80} Despite Hicksite influence, there were a number of Senecas in favor of a republican government who ran for political positions. Those Senecas in support of republican governance in 1848 envisioned a different type of relationship


\textsuperscript{77} Abler, “Friends, Factions,” 76.


\textsuperscript{80} Hauptman, Conspiracy, 76, 210; Abler, “Friends, Factions,” 77.
with the state and federal governments and a new legal landscape from which to protect their
land.

The new government required men twenty-one years of age and older to vote on issues
such as treaty-making. In the 1838 Treaty of Buffalo Creek negotiations, the Ogden Land
Company exploited Seneca unanimity and left the Senecas vulnerable to the company’s
fraudulent tactics. Proponents of a republican system believed voting would prevent exploitation.
The larger issues at stake remained the preservation of Seneca sovereignty and autonomy and
protection of Seneca land rights, and the revolutionary party believed mirroring their political
system to reflect the settler power’s would do this. Not only was a republican system the only
recognized form of government at both the state and federal levels as written in the U.S.
Constitution, the New Government Party believed republicanism would be more difficult to
manipulate. The Seneca revolution drew the Seneca Nation closer to New York, but these
Senecas felt that the state protected them from the private interests of the Ogden Company. 81

In resolutions adopted by the revolutionary party, the first reasons listed for this
revolution was that the chiefs “failed to answer the purposes for which all governments should
be created” and that the traditional Seneca political system “affords no security in the enjoyment
of property.” 82 The enjoyment of property could mean that communally-held lands were
threatened by the Ogden Land Company. But the new constitution stated that existing saw mills
were “National property,” while private individuals were allowed to build new mills, which
would be “respected as strictly private property” as long as the owner “does not trespass upon the

81 Hauptman, Conspiracy, 210.
82 Fish, "Communication from the Governor," 8.
rights of any other individual.” The constitution then listed the branches of the new government, which were in the same order as the U.S. Constitution. The Seneca constitution describes in detail their relationship with the state and federal governments, which is similar to how the federal government and states divide sovereignty under the U.S. Constitution. The most prominent power of the new government listed in the Seneca constitution was treaty-making. Treaties required approval from council, three-fourths of Seneca voters and three-fourths of “all the mothers in the nation.” The New Government party created a political system easily understood by settler officials and one that fit into American understandings of sovereignty under the U.S. Constitution. By including specific provisions for treaty-making in which approval of the treaty required a vote, New Government proponents meant to prevent bribery of chiefs. They shifted the political relationship between the Senecas, New York and the United States into terms more translatable for American officials and prioritized their legal relationship with New York over the legal ties the Senecas had to the Ogden Company. In doing so, the New Government party felt their land rights would be less easily manipulated.

The Old Chiefs desired to keep their traditional government to maintain the relationship between the Senecas, New York, and the United States. Although the preemption holders remained a threat, the Senecas had conducted diplomatic relations with the state and federal governments for more than fifty years by 1848. They argued the traditional form of government did not cause the threat of removal, the Ogden Company and government officials complicit in their schemes did. Additionally, the Old Chiefs Party believed a new form of government might

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negate the 1794 Treaty of Canandaigua, in which the United States recognized Seneca sovereignty. The Senecas managed to fight off the Ogden Company to this point, and the Old Chiefs believed the threat was the New York Legislature, who they argued hastily recognized the new form of government in an attempt to incorporate the Senecas into the state entirely.

Maris B. Pierce, who previously worked with the Hicksites against removal, worked tirelessly in Albany and Washington to petition the governments to deny the authority of the revolutionary party.\textsuperscript{85} Pierce and his fellow chiefs articulated complaints that went beyond anger over loss of political power. The complaints included that the new administration, referred to by the chiefs as “a portion of our warriors” or the “pretended government,” meant that “nearly all laws heretofore made for our protection and improvement” no longer protected the Senecas.\textsuperscript{86} They also complained of timber stripping by whites, an empty treasury with no money for public improvements, and an increased use of alcohol, particularly by those in charge. The chiefs complained that the new government was not even under Seneca control. They wrote the “councillors of the New Government. . . are nothing more than mere tools of Peter Wilson a Cayuga Indian who with the assistance of two or three white men assume to govern us.”\textsuperscript{87} Peter Wilson really was the U.S. interpreter for the New Government Party, and the white men likely Hicksites.\textsuperscript{88} The chiefs accused Wilson specifically of selling timber on behalf of the Seneca Nation. The concerns the chiefs communicated in a letter to the New York State legislature show that the chiefs worried that Seneca governance and resources were no longer under Seneca

\textsuperscript{85} Pierce “reluctantly” signed the 1838 treaty and signed the treaty in 1842, believing it to be the best option. Hauptman, \textit{Conspiracy}, 205.

\textsuperscript{86} Unsigned letter to the New York State Legislature, n.d. \textit{Pierce Papers}.

\textsuperscript{87} Unsigned letter to the New York State Legislature, n.d. \textit{Pierce Papers}.

\textsuperscript{88} Unsigned letter to the New York State Legislature, n.d. \textit{Pierce Papers}. 
control, and that the new government was created by outsiders simply for exploitation and to weaken Seneca sovereignty and nationhood.

The chiefs believed the new government ruined the progress the Senecas had made in creating protections against pushy white settlers. In their letter to the New York State legislature, the chiefs wrote that “the government is in the hands and under the influence of the Pagan party.” The chiefs labeled themselves as “scholars” and Christians, and tried to appeal to New York’s legislators that the leaders of the new government were unfit to rule by characterizing them as pagans unwilling to work with white society. Additionally, the chiefs worried about how elected Seneca officials distributed federal annuities. Under the new system, annuities were distributed to heads of household rather than by the chiefs who previously distributed the money, saving some for community use. The Old Chiefs party believed that the new annuity system was too centered on individualism and would result in a societal breakdown. The chiefs accused the new government of stealing money from the community and not spending Seneca Nation money on improvement projects. They noted that the new government had only spent one hundred dollars on a single bridge, which put the Seneca Nation in debt.

The chiefs also questioned the state’s power to recognize the new government. In June 1849 the Old Chiefs party asked U.S. Attorney for the Northern District of New York George W. Clinton for legal advice on the matter. While Clinton agreed that the state hastily recognized the new government, he reminded them the Senecas were a “domestic dependent nation, capable of governing themselves.” Clinton argued the state had only criminal, rather than civil, power.

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jurisdiction over the Senecas. New York remained only a guardian, and recognized the Seneca right to choose their own government. With this dismissive tone, Clinton indicated that New York would never intervene on the side of the chiefs. The chiefs argued the New York State legislature’s recognition of the new government was unfair because the legislature voted at the end of the session without every legislator present. The “revolution” in government was simply a usurpation, the chiefs claimed, and was the same as if only one thousand men from New York came together to abolish the state constitution. The chiefs stated a majority of the Senecas were against this transfer of power, and the legislature overstepped their power in Indian affairs, as the state was “not our Master, nor governor, but our guardian.” They perceived the state as the larger threat to their land sovereignty than the Ogden Company in the 1840s and ‘50s.

The shift in government most upset Maris Pierce because the proponents of the new government not only removed him as chief but also as interpreter in 1847. Peter Wilson, a Cayuga, replaced Pierce, for which Pierce blamed Hicksite Philip Thomas. In a letter to his wife Mary, Pierce wrote he believed the Hicksites were behind the new government, which Secretary of War William L. Marcy confirmed. Marcy, whose department would still have been in control of Indian Affairs that year, wrote to Pierce that the federal government believed a majority of the Senecas in favor of the new system for distributing annuities, information the federal government asked the Hicksites to gather. Hicksite Quakers, who had been involved in

92 Seneca Chiefs to the New York State Legislature, Dec. 1849, Pierce Papers.
94 Maris B. Pierce to Mary Pierce, Feb. 13, 1849, Pierce Papers; W.L. Marcy to Maris B. Pierce, Feb 14, 1849, Pierce Papers.
Seneca assimilation efforts since the late 1830s, wanted to incorporate the Senecas into the state and work with New York officials to continue to economically develop western New York.95

Pierce, with his suspicions confirmed, expressed to the Orthodox Quakers of the Philadelphia Yearly Meeting, who had a mission among the Senecas but were not so directly involved with this dispute, that the “pretended provisional Government” would make the Senecas like all the other tribes in the east, whose numbers he believed dwindled.96 Pierce rooted his arguments in the incompatibility of Native people and American political systems. A republican form of government could not work for the Senecas because “[t]he people are not prepared to exercise the responsibility of governing by a democratic government. . . . [T]hey are not instructed sufficiently [in] the art of self government. . . . [T]he people have not attained that degree of republican stability to exercise the right of free suffrage.”97 Pierce argued that individual Senecas were not yet virtuous enough, in the American republican sense, to decide what was best for their nation. Just as the reservations were physically separate and legally distinct spaces from New York and the United States, the political systems needed to remain separate as well.

More accusatory in tone than Pierce, Nathaniel T. Strong, in his arguments on behalf of the Cattaraugus chiefs, brought up the issues of the new annuity distribution plan not accounting for public needs. He also argued that the new constitution did not actually list Seneca rights or contain provisions for protecting communally held lands.98 These omissions in the Seneca

95 Hauptman, Conspiracy of Interests, 193-195; 210-211.
96 Maris B. Pierce to Joseph Elkinton, Feb. 21, 1849, Pierce Papers.
97 Maris B. Pierce to Joseph Elkinton, Feb 21, 1849, Pierce Papers.
98 Fish, “Communication from the Governor,” 19.
constitution, according to Strong, meant that the new government could not protect the most basic vulnerabilities of the Seneca Nation. Seneca sovereignty and political organization as Strong knew it was tied to communal landholding, and this lack of protection meant possible incorporation into the state or a threat to tribal rights. Strong then accused the revolutionary party of being uneducated, against the education of Seneca children, and incapable of improving their lands. Strong noted that when the Cherokee implemented a new form of government, they at least incorporated the chiefs rather than deposed them completely. All these accusations questioned the legitimacy of those running the new government, but in private correspondence Pierce and Strong understood that the implications of a new form of government went beyond internal Seneca politics. Strong wrote to Pierce that “Many of the Legislature or Members, are strongly impressed with the idea, that the Seneca Indians are now about prepared to become Citizens of the State.” Citizenship likely meant that the Seneca Nation would cease to exist, as New York would have control of its Seneca citizens, jurisdiction over the Seneca reservations, and control of land distribution and use. To the chiefs, whose titles had been passed from Senecas who ruled before New York State existed, this proposition was more of a threat to Seneca sovereignty than the pressures of the Ogden Company.

In response to petitions from the Old Chiefs party, the New York State legislature passed “An Act To enable the Seneca nation of Indians to determine their form of government” in 1850. Seneca men over the age of twenty one were to choose between “For the new government” or “Against the new government.” Peter Wilson, the Cayuga who replaced Pierce

99 Fish, “Communication from the Governor,” 20.

100 N.T. Strong to M.B. Pierce, Mar. 14, 1851, Pierce Papers; Fish, 19-20.

101 New York State Senate, Act no. 203, Mar. 20, 1850, Pierce Papers.
as interpreter and acted as a representative for the New Government party, claimed that the act
violated Seneca rights as a “distinct independent political community.”

He believed the Senecas had already chosen their form of government, and another vote would be redundant. In a letter from Wilson to the New York State legislature, he wrote the chiefs were “repudiated by their own people for the abuse of power once held by them” and that he had “full confidence that a republican Legislature will do nothing to retard its advancing civilization of the Indians nor discountenance among them republican institutions.” Upon receiving a copy of this letter, Pierce wrote to the New York State legislature and argued this new act did not actually change the form of government. It simply gave the Senecas the option to change it. Pierce framed those Senecas in favor of the new government as “a few lawless and foreign indians,” and reminded the legislature that Wilson had also signed the 1838 treaty, though he had no legal right to sign. This correspondence solved nothing, and New York State did not step in to resolve the debate as each side had hoped.

This era of debate ended in the 1850s when the Old Chiefs decided running for office proved more useful than petitioning. In 1854, Old Chiefs party member Maris Pierce beat Nicholson H. Parker, Ely Parker’s brother, in the election for clerk of the Seneca Nation. Pierce served under President Henry Two Guns, also an Old Chiefs member. On the “National Ticket,” or ticket of the revolutionary party, Seneca men with prominent Seneca last names such

102 Peter Wilson letter to M.B. Pierce, Apr. 2, 1850, Pierce Papers.
103 Abler, “Friends, Factions,” 79.
104 Certificate of Election, May 2 1854, Pierce Papers.
105 Certificate of Election, May 2 1854, Pierce Papers.
as Wallace King and John Jacket ran for positions as “counselors” and “assessors.”106 William O’Bale Cornplanter, Cornplanter’s grandson, ran for “councillor” at the Allegany Reservation while Nathaniel T. Strong ran for “councillor” at the Cattaraugus Reservation, both on the “Ticket of the Old Chief of the Seneca Nation.”107 Although the Senecas disagreed on the relationship between the Seneca Nation and New York, the purpose of separate reservation governments, and whether the Ogden Land Company or New York posed the biggest threat, this dispute ended rather abruptly. What to do about the Ogden Company’s preemptive right to the reservations, allotment, and state citizenship continued to cause disagreement among the Senecas. The central issue dividing the Senecas throughout the nineteenth century remained unresolved as they continued to face pressure from settler groups and worked to protect their land from further encroachment.

Conclusion

As settler groups shaped the Seneca reservations from the outside, the Senecas debated which strategies would best protect their land and sovereignty. The Senecas disagreed on how to interact with settler groups, property holding, and political leadership. These debates centered on the value of American-style education, the benefits of emigration, and the legal and political ties with the state and nation. Seneca political disagreement ultimately worked to help fend off settler aspirations for Seneca territory and interrupted settler plans for American expansion. Settler groups alone did not influence the shape and meaning of the Seneca reservations from the

106 Certificate of Election, May 2 1854, Pierce Papers.
107 Certificate of Election, May 2 1854, Pierce Papers.
outside. The Senecas and their disputes over land sovereignty shaped the geography of the reservations and their meaning for the Senecas as signs of sovereignty and survival.
CHAPTER 5

Civilizing Space: How the Civilizing Mission Shaped the Seneca Landscape, 1797-1850

In an 1855 publication, a missionary from the American Board of Commissioners for Foreign Missions referred to only as Mr. Taylor reflected on the organization’s time among the Senecas. Taylor believed the Senecas had made great progress in Christianity and civilization since the establishment of the organization’s mission and wrote that “Indians have remarkable tact in conforming to the customs of other people, if they choose to exercise it; and when they are fully convinced that it is best to relinquish their own peculiar habits, they adopt new ones very readily.”

Taylor attributed completely the transformation of the Seneca landscape to “[t]he quiet labors and the small still voice of the missionary and the school-teacher.” Taylor’s report reflects the general attitude of missionary societies toward Native people. Missionaries believed that if they labored closely among Native societies that Native Americans would shed their “peculiar habits” and choose to become “civilized,” and Taylor was optimistic about the Senecas’ willingness to do so. For missionaries in the nineteenth century, Native people would become extinct unless they conformed “to the customs of other people.”

The presence of missionaries was not new to the Senecas living in the nineteenth century. French Jesuits first arrived among the Senecas in 1657. But missionary work in the nineteenth

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century meant something different than it did in the past. The arrival of missionaries from the Philadelphia Yearly Meeting Indian Committee (PYMIC) and the American Board of Commissioners for Foreign Missions (ABCFM) marked the beginning of new long-term missions meant to prepare the Senecas for American expansion and settlement. This meant that missionaries had to unsettle and then resettle Seneca society. The idea of “resettlement” was not unique to American expansion, as the French, Spanish, and British empires had all used similar tactics throughout North and South America as part of the “colonial compulsion to radically restructure and control American Indian communities.” Model farms, boarding schools, and reservations were all a part of this radical restructuring, but American expansion presented the Senecas with new challenges and new forms of erasure.

These missionary societies believed that the Senecas would need to cease to be Native and become “civilized” if they were to survive American expansion. Civilizing rhetoric never included that the Senecas would have to relinquish their sovereignty, but because citizenship was the eventual goal of the civilizing mission, missionary work inherently tried to undermine Seneca sovereignty. Missionaries meant to break down the barriers between white and Seneca society, and in the process incorporate the Seneca reservations that interrupted New York’s landscape. Most Senecas never fully embraced the transformations brought about by missionary work, but their presence at the Seneca reservations tied the Seneca experience to missions with divergent

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goals. Missionaries from the PYMIC and ABCFM attempted to restructure Seneca landholding, gender relations, legal status, national belonging, and belief systems in ways that made the Senecas more acceptable to either the American nation or the international Anglo-Saxon community. In turn, working among the Senecas transformed the approaches of the PYMIC and ABCFM as they encountered the unique legal position of the Seneca reservations.

Through missionary work, the Senecas faced pressures that were both national and global, yet both missions ultimately intended to erase Seneca control over their lands. These missionary groups did not see each other as part of the same project. While “civilization” became the goal for each group, the ABCFM projected its mission as part of a global project to convert all non-Christians, while the Quakers wanted to civilize the Senecas so they would fit into the early American republic. The Quakers wanted the Senecas to become the ideal image of the yeoman farmer. They saw Seneca settlements as not unlike white frontier settlements, and eventually wished for the Senecas to become citizens. Quaker missionaries saw their work among Native communities as part of the Society of Friends’ larger effort to show Quaker loyalty to the United States after claiming neutrality during the Revolutionary War. They wanted to participate in the growth of the early American republic without violating their pacifism and other religious beliefs. The ABCFM’s initial focus on teaching the Holy Scriptures in the Seneca language reflected their religious motivations. To the ABCFM, Seneca reservations were foreign spaces occupied by non-Christians. As the ABCFM missionaries worked among the Senecas, they embraced general education in addition to their original religious efforts. The centerpiece of

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6 Many missionary societies established or attempted to establish missions among the Senecas during the nineteenth century, but the Quakers of the Philadelphia Yearly Meeting Indian Committee and the missionaries from the ABCFM maintained the largest and most influential missions.

that mission became the Thomas Asylum of Orphan and Destitute Indian Children, later known as the Thomas Indian School, on the Cattaraugus Reservation.

The effects of missionary work on the Senecas varied. Legal advice about property and removal contributed to the Senecas’ continued presence in New York State, but the legacy of programs such as the one at the Thomas Indian School are still being dealt with in Native communities today.8 The civilizing mission, which came to the Senecas at the end of the eighteenth century, made clear that to settler groups there was no place for the Senecas as Native peoples in New York, the nation, or the world. However, the Senecas did not cease to exist as a distinct political and cultural group. They continued traditional religious practices, were members of their own nations, and worked as non-agricultural laborers. The missionaries’ visions never manifested as planned and Seneca people and their lands continued to interrupt American expansion.

**Origins of the Missionary Presence Among the Senecas in the Nineteenth Century**

The Friends from the Philadelphia Yearly Meeting lived among the Senecas since the eighteenth century. The Senecas invited these Quakers to provide counsel during treaty negotiations in the 1790s, and established a mission in 1797. The Friendly Association for Regaining and Preserving Peace with the Indians by Pacific Measures, known as the Philadelphia Yearly Meeting Indian Committee (PYMIC) from 1795 forward, established a mission among

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Cornplanter’s people for the purpose of promoting the “civilized arts.” These Quakers were eager to form an Indian Committee because work among Native peoples was critical for the Quakers’ political and social status after the American Revolution. The Quaker religion centered around pacifism and most Quakers chose to remain steadfast in their religion during the American Revolution. Some Americans questioned Quaker political loyalty, and the Quakers promoted civilization among Native Americans as a way to play a peaceful, yet visible role in early republican “public policy.”

The Quaker civilization program centered on transforming the Senecas into the ideal American citizen, and Quaker missionaries wanted to impress upon the Senecas the importance of early republican ideals like republican motherhood, yeoman farming, virtue, and isolation from market forces in protecting the Senecas against American expansion. The missionaries frequently noted that most white Americans rarely met these standards, but still expected a fundamental transformation of Seneca society. In reports to the government, the PYMIC connected their work among the Senecas to the philosophies of William Penn. They traced a direct connection between Penn’s relationship with Native peoples during the colonial era and their missionary relationship with the Senecas in the nineteenth century. The PYMIC saw their relationship with the Senecas as peaceful because earlier peaceful treatment of other Native groups “secured the confidence and good will of the Indians, who treated the settlers with great


10 Dennis, Seneca Possessed, 125.

11 Dennis, Seneca Possessed, 129.

kindness and often ministered to their wants when destitute of food.” To these Quakers, this missionary work was obligatory and this obligation had its roots in America’s colonial history. From 1797 until the twentieth century, the PYMIC assisted the Senecas in technical knowledge and legal matters. The Senecas viewed Quaker missionaries with some skepticism, and constantly questioned whether they intended to acquire any Seneca land. Despite this cautious approach, the Senecas sought and valued Quaker legal advice and accepted material goods the Quakers supplied.

The American Board of Commissioners for Foreign Missions established an organization in 1810, although one of the organizations that came to make up the ABCFM established a mission among the New York Indians in 1801. The ABCFM portrayed itself, as its name suggests, as one that did the work of civilizing exclusively in foreign places. Made up of “Congregational, Presbyterian, and Reformed Dutch denominations,” the ABCFM had an international focus and international ties. The New York Missionary Society established the first mission in New York, which they transferred to the United Missionary Society in 1821, and finally to the ABCFM in 1826. The Board’s charter stated that they created the conglomerate organization “for the purpose of propagating the gospel in foreign lands by supporting


16 Kotze, Letters of the American Missionaries, 4.

17 American Board of Commissioners for Foreign Missions, “The Missionary Herald for the years 1836-1841 vol. 3,” Boston.
missionaries, by diffusing a knowledge of the Holy Scriptures, and by maintaining appropriate Christian activities and institutions.” With missions all over the world including China, the Sandwich Islands (Hawaii), Ceylon (Sri Lanka), and South Africa, the ABCFM focused on a collective and organized effort for the conversion of all non-Christian souls.

The ABCFM missionaries who worked around the world were one articulation of America’s global expansion. The spread of Christian interests was central to this. The Board created a “hierarchy of heathenism” which turned missionaries away from the United States, where they worked among the Cherokee and others, and toward an international mission. Yet the ABCFM mission was one of the most active and noticeable missionary presences among the Senecas during the nineteenth century. Although the Seneca reservations were not geographically foreign, the ABCFM missionaries treated the spaces as if they were and the Board viewed the domestic missions under their control as foreign because the people within those spaces were non-Christians. This belief was reflected in the work they did among the Senecas, which focused on non-Christians receiving the message of the Holy Scriptures. Proselytizing made the Senecas more reluctant to accept ABCFM missionaries. The Senecas preferred Quaker missionaries because other missions provided few material benefits to the Senecas in their conversion work. Even with the combined work of ABCFM missionaries and

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18 Kotze, Letters of the American Missionaries, 3.

19 Emily Conroy-Krutz, Christian Imperialism: Converting the World in the Early American Republic (Ithaca: Cornell University Press, 2015), 2. Conroy-Krutz does not include the Senecas in her study of the ABCFM missions around the globe, but does include the Cherokees. The ABCFM stationed missionaries among the Senecas during the period of her study, which ends with the U.S.-Mexican War.

20 Conroy-Krutz, 2.

21 Conroy-Krutz, 20.
missionaries from other organizations on the reservations, Christian Senecas comprised a minority of the population.\textsuperscript{22}

**Quaker Mission Among the Senecas**

The Quakers intended to promote the “civilized arts” among the Senecas. To carry out their mission, the Friends established a model farm on the Allegany Reservation at the end of the eighteenth century to provide the Senecas “a practical knowledge of agriculture, school learning and useful mechanic arts and [to] prepare their minds to receive the Christian religion.”\textsuperscript{23} The Quakers believed Seneca conversion to the Christian religion would come with “civilization,” so the day-to-day work the Quakers carried out among the Senecas focused on technical knowledge, which the Senecas accepted as they saw fit. Quaker prescriptions for Seneca society often showed the misguided nature of the Quaker mission, and the Senecas recognized this. Compromise marked the Quaker and Seneca relationship, as the Senecas only heeded the advice they thought would protect their land base.\textsuperscript{24} The Quakers’ plan for Seneca society centered on the American nation, and ideally the Quaker missionaries wished to see the Senecas living as nuclear families on individual farms. To the Quakers, citizenship and allotment of lands, which required a fundamental transformation of Seneca space and national belonging, could prevent removal.

\textsuperscript{22} Nancy Shoemaker, “The Rise or Fall of Iroquois Women” *Journal of Women’s History* 2, no. 3 (Winter 1991): 46.

\textsuperscript{23} Philadelphia Yearly Meeting Indian Committee. “Letter to the Secretary of War of the United States from the Committee on Indian Affairs, ND.” Quaker & Special Collections. Haverford College, Haverford, PA; Lomawaima shows that the “model home” or model community were later used by anthropologist Alice Fletcher in the 1880s as a way to extend what was learned in boarding schools to the home. Lomawaima, “The Unnatural History of American Indian Education,” 12.

\textsuperscript{24} Dennis, *Seneca Possessed*, 6.
Prior to the era of Indian removal, when the civilizing mission was the national government’s Indian policy, government officials saw the PYMIC’s work as crucial to this project. The United States could not afford territorial conquest to forcibly take Native land so the federal government relied on missionaries like the Quakers to convince the Senecas to use less land. Government officials and missionaries believed the Senecas would not require as much land if they were farmers instead of hunters. In 1801, Secretary of War Henry Dearborn wrote to a member of the PYMIC to tell them of his satisfaction with their work for the program. Dearborn wrote, “[I]t is ardently to be hoped that by a steady and persevering application of the means provided by the Government of the United States, powerfully aided by the constant exertions of your society, the savage tribes will ultimately form a useful part of the great family of the United States.” Although Dearborn did not explicitly mention citizenship, this early period still provided the possibility that Native people could become a part of the nation while remaining in their traditional homelands.

How and on what footing Native people would become part of the “family” of the United States was unclear in Dearborn’s letter. During this period the Senecas and other Native nations were treated as and then legally became “wards” of the United States, and often referred to the President as “Father.” The nature of Quaker missionary work indicates that the Senecas would become citizens on equal footing with whites, but future citizenship or national belonging was only possible if the Senecas and other Native people transformed themselves into ideal

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25 Rothenberg, “The Mothers of the Nation,” 64.

26 “Letter from Henry Dearborn to Henry Drinker, War Department 22nd May 1801” AA41 Quaker & Special Collections. Haverford College, Haverford, PA.
Americans. In the process the Senecas would have to geographically transform Seneca spaces into American spaces. Some Quaker missionaries believed Seneca “improvements... exceeded... those made in some new settlements of white people on the frontiers.” These less virtuous white Americans, however, were accepted as citizens despite their lack of progress, as the expectations for white and Native individuals differed. The Senecas had to prove that they could fit into the nation by fundamentally transforming their entire society. Although this transformation was one avenue for protection against encroachment and removal, most Senecas did not want to become citizens of the United States.

In the earliest years of the nineteenth century, Quaker reports and the diaries of the individual missionaries indicate that for the most part, the Quakers believed the Senecas had so far made excellent progress toward civilization. According to these reports, many Seneca men built fences, acquired cattle, erected houses rather than “bark cabins,” and considered moving onto pieces of land that were not concentrated in villages so as to accommodate their farm animals. Some Seneca men did choose to farm, but farming never became Seneca men’s work, and as the nineteenth century continued, farming became less central to the Seneca economy.

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27 The debate over United States citizenship for Native Americans continued throughout the rest of the nineteenth century. Native Americans consistently resisted American citizenship on the grounds that it would undermine Native sovereignty and lead to detribalization. As the civilizing mission suggests, Native Americans had to assimilate before they could become American citizens. The Native American stance on American citizenship remained consistent, even as debates over, for instance, African American and Irish American citizenship emerged after the Civil War. The United States declared all Native American citizens in the Indian Citizenship Act in 1924, although many Native Americans refuse this citizenship. For more on the debates over nineteenth-century citizenship, see Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America* (Cambridge: Cambridge University Press, 2018); Lucy E. Sayler, *Under the Starry Flag: How a Band of Irish Americans Joined the Fenian Revolt and Sparked a Crisis over Citizenship* (Cambridge: Harvard University Press, 2018).

28 Halliday Jackson, “Civilization of the Indian Natives; or, A Brief View of the Friendly Conduct of William Penn Towards Them In the Early Settlement of Pennsylvania; The subsequent care of the Society of Friends in endeavoring to promote peace and friendship with them by pacific measures; and A concise narrative of the proceedings of the Yearly Meeting of Friends, of Pennsylvania, New Jersey, and parts adjacent, since the year 1795, in promoting their improvement and Gradual Civilization.” (Philadelphia: Marcus T.C. Gould, No 6, 1830), 41.

Seneca women continued to farm for subsistence, while men turned to wage-earning activities such as timber stripping, hunting, trading, and eventually work on the railroads and in surrounding white towns, as increased white settlement provided new and more lucrative economic opportunities for Seneca men.\(^{30}\) Despite Quaker desire for the quick and successful transformation of Seneca society and initial glimpses of progress, the Senecas shaped the civilizing mission by using Quaker knowledge and goods for their own purposes. The Senecas did so in a variety of forms. They requested specific material goods, asked the PYMIC for money to make improvements to reservation lands, and secured the legal assistance of individual Quaker missionaries at treaty councils.

The Quakers believed Seneca individuality was key to the success of the civilizing mission, and the Quakers realized the physical arrangement of their mission was perhaps impeding Seneca progress. Halliday Jackson, one of the original missionaries at the Allegany Reservation, worried the Senecas had grown too dependent on the Quakers. Jackson wrote that when left to work on their own, some Senecas would purchase too many cattle but not have the means to acquire enough grain to feed them over the winter. Seneca men also continued to hunt into the early nineteenth century, and the Quakers reported that the Senecas used “non-Indian” laborers to look after Seneca cattle because, according to the missionaries, the cattle often died from neglect.\(^{31}\) This prompted the Friends to establish a farm separate from the reservation. They purchased a plot from the Holland Land Company just west of the Allegany Reservation, which

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\(^{30}\) Shoemaker, “The Rise or Fall of Iroquois Women,” 44.

\(^{31}\) Rothenberg, “The Mothers of the Nation,” 74.
came to be known as Tunesassa or Quaker Bridge.\textsuperscript{32} The Quakers resided there until the twentieth century, as they continued to provide a model for farming and eventually formal education. The missionaries also considered purchasing land from the Holland Land Company adjacent to the Cattaraugus Reservation. They wrote “suitably qualified friends settled contiguous and entirely independent of them, promise to render the most permanent advantage.”\textsuperscript{33} This plan does not necessarily indicate that the Quakers respected the Holland Land Company’s land rights over Seneca land rights, but that modeling behavior would show the Senecas how to be civilized without causing dependency. The Quakers became not just missionaries, but neighbors to the Senecas. Their adjacent farms provided a foundation from which the Quakers attempted to push national belonging on the Senecas.

As the mission became more established the Quakers expanded their model farm, incorporated other trade work, focused on the roles of women, broadened their educational outreach, and contended with the legal claims of the Ogden Land Company, which in turn continued to rewrite the Seneca landscape. The Friends encouraged most Seneca men to become farmers, but the Quakers thought that in order to create self-sufficient farming communities some Seneca men needed to learn specialized skills. The Quakers arranged for a blacksmith to teach that trade to a few men at the Allegany Reservation in 1801 so that Seneca blacksmiths could provide Seneca farmers with tools.\textsuperscript{34} This community self-sufficiency would allow male Seneca

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\textsuperscript{32} “Letter from Joseph Ellicott to Thomas Stewardson Batavia Gennesee City December 5th 1806.” AA41 Quaker & Special Collections. Haverford College, Haverford, PA.
\textsuperscript{33} “Letter to the Committee on Indian Affairs from Benjamin Cooper, Jacob Taylor, Joel Swayne, Stephen Twining, and Hannah Jackson, Tunnessassa 8th month 21st 1807.” AA6. Quaker & Special Collections. Haverford College, Haverford, PA.
\textsuperscript{34} Halliday Jackson, “Civilization of the Indian Natives.” 42; “At a Meeting of the Committee appointed for the Gradual Civilization of the Indian Natives 6th Month 18th 1801.” Minutes of the Indian Committee AA6. Quaker & Special Collections. Haverford College, Haverford, PA.
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land holders to focus on agriculture without having to interact with whites around the reservation, who some missionaries saw as examples of vice. The Senecas saw the Quakers providing them with blacksmith materials and other trade goods as one of the primary benefits of a Quaker presence as the Senecas did not just want to learn how to use “white technology,” they wanted material goods and improvements that made their reservation lands more valuable. At the Allegany Senecas’ request, the Quakers offered to build a saw mill for public use, in addition to the mill that already existed on Cornplanter’s tract, a private tract of land Pennsylvania granted to Cornplanter and his heirs along the Allegheny River in the 1790s. By providing the Senecas with the skills and spaces to practice these trades and encouraging the Senecas to use land in very specific ways, the Quakers began to transform Seneca lands into what they believed was civilized space.

The Quakers wrote that much progress was underway in transforming men into farmers but believed the transformation of women’s work required additional resources and more convincing. At first, the Quakers thought the Senecas were too uncivilized to host Quaker women, but as the model farm grew Quaker women began to participate in the transformation of Seneca society. The missionaries prioritized teaching Seneca women to weave and spin, but also taught them to milk cows, make soap, and generally be more “clean.” In their 1804 report to their yearly meeting, the Quaker missionaries wrote that “the time is fast approaching if not already arrived when one or more women friends may be usefully engaged at this settlement in

instructing the Indian women in the management of their Dairy’s, spinning and various other branches of Housewifery which they are much unacquainted with.” The Quakers believed that taking women out of the fields and moving them into the houses would reduce the “drudgery [that] their former mode of living subject them to” and “furnish them with sufficient leisure to learn and practice their domestic arts proper for their sex.”

Seneca women did not appreciate Quaker prescriptions. Seneca women continued to farm, and accepted activities such as spinning and weaving as leisure and sometimes wage-earning activities rather than domestic work. Additionally, Seneca women already practiced finger weaving and incorporated labor-saving European materials into their work long before the civilizing mission began. Seneca women never prioritized white domestic chores as their primary labor. While Seneca women accepted certain goods and technical knowledge, the Quakers did not fully grasp that the reorganization of Seneca society into nuclear families with male heads of household would also restructure Seneca society politically and undermine the political role of Seneca women. Historically, women controlled land, agricultural production,

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38 “To the approaching Yearly Meeting the Committee approved for the Gradual Civilization and real well being of the Indian Nation Report, 1804.” Minutes of the Indian Committee. Quaker & Special Collections. Haverford College, Haverford, PA.

39 “To the approaching Yearly Meeting the Committee approved for the Gradual Civilization and real well being of the Indian Nation Report, 1804.” Minutes of the Indian Committee. Quaker & Special Collections. Haverford College, Haverford, PA.


42 Rothenberg, “The Mothers of the Nation,” 78.
labor, and food distribution. If Seneca women accepted Quaker advice they would lose their ability to dictate land use. Seneca women resisted the advice to no longer do agricultural work, and like Seneca men, accepted from the Quakers what they found most useful.

Once the Quakers imparted basic technical knowledge on the Senecas, the Friends from the PYMIC began to educate Seneca children at Seneca request. The Quakers saw education as central to their civilizing mission, but how children should be educated was sometimes a point of contention. Seneca leader Cornplanter asked the Quakers to take Seneca boys to live in Quaker households to learn English and additional technical skills. Cornplanter initially requested that the Quakers only educate boys, which likely reflected Cornplanter’s larger plan to acquire English language skills and economic opportunities to protect Seneca lands and bolster Seneca society’s defense against the encroachment of American settlers. As the Senecas continued to engage diplomatically with the United States, Americans officials did not respect Seneca women’s political and societal authority, so to Cornplanter, educating boys was most valuable. The Quakers agreed to educate the boys and wanted them to be between the ages of fifteen and seventeen, and remain with the Quakers until the age of twenty-one. In a letter to the PYMIC, some Friends suggested that “[t]hey must labor either as farmers or at some other useful occupation in the Country that they will also learnt to read and write… [and] bring them up in Habits of Industry as our children are in well ordered families…that on their return they may be useful to their nation.” The Quakers believed removing Seneca children from the environment that “caused” their savagery made them civilized. For both the Quakers and the Senecas,

43 Rothenberg, 68.

education was tied to protecting Seneca land. The Quakers desired to do so by making the Senecas conform to American standards of work and agriculture, while the Senecas approached education for diplomatic and legal purposes.

The Quakers expanded this early approach to education, which later became federal Indian policy at the end of the nineteenth century.\textsuperscript{45} The Friends established various day schools at each reservation, but frequently expressed disappointment with attendance. The Quakers noted that many students enrolled, but a number of them only attended intermittently. Often, this was because children lived too far from school to attend every day, but the Quakers also worried that some Seneca parents kept their children at home. By the 1850s, the Quakers established a reservation boarding school at Tunesassa adjacent to the Allegany Reservation.\textsuperscript{46} In the 1880s, there were eight day schools on the Allegany Reservation alone. The boarding schools near the reservations in New York were closer for Seneca children than the off-reservation boarding schools, such as the Carlisle Indian Industrial School in Pennsylvania, were for children from western Native nations in the 1880s and ‘90s. But the Quakers continued to see value in geographically separating children from their parents, who they saw as possible impediments to civilization.\textsuperscript{47} Not only did the Quakers alter Seneca space by building school houses where Seneca children learned to read and write English and take on American gender roles, they removed children from Seneca spaces, which were not yet “civilized” enough to create a new generation of virtuous American citizens.

\textsuperscript{45} Adams. \textit{Education for Extinction}, 58.

\textsuperscript{46} PYMIC. “To the Yearly Meeting of the Committee to promote the civilization of the Indians, Report, 1856” AA42. Quaker & Special Collections. Haverford College, Haverford, PA.

\textsuperscript{47} PYMIC. “A Brief Sketch of the efforts of Friends for the civilization and improvement of the Indians in Western New York. Prepared for the Bureau of Education Washington, 1885.” AA46 Quaker & Special Collections. Haverford College, Haverford, PA.
The Senecas rejected the most fundamental alteration to their reservations the Quakers desired. After changes to everyday habits and land use were underway, the Quakers thought the best way to protect Seneca land was to divide it into private property. Allotment, which became a central part of federal Indian policy under the Dawes Act in 1887, meant ending tribal and communal ownership of land. To the majority of the Senecas, this division threatened tribal sovereignty and territorial integrity and conversations about allotment in part led to the temporary expulsion of all missionaries from Seneca reservations in 1819. In communications to Quaker missionaries living among the Senecas from the PYMIC, the PYMIC asked for a report on progress toward individual land holding and improvements. The PYMIC asked the missionaries to report on “the cleared land possessed by each individual or head of a family with the improvements in buildings made thereon, the number of acres under cultivation with the different kinds of grain and quantity of hay procured by each, the number of horses, horned cattle and hogs and which each own.” These improvements were what marked Seneca security within New York for the Quakers and, in theory, government officials.

The Quakers also believed allotment would prove to be a solution to other problems the Senecas faced. Although many Senecas worked in ways that won them the approval of the Quakers, other Senecas continued to participate in the market economy that grew around their lands. Seneca land was rich in timber, and some Senecas made money by rafting timber to Pittsburgh. Seneca men made more money in timber stripping than they did through farming.

49 Rothenberg, “The Mothers of the Nation,” 79.
The threat of removal from potential farmlands made Seneca men prefer to earn cash rather than invest resources in land that might not be theirs in a short time. Since the land was held communally, other Senecas found this unacceptable. The Quakers believed if land were held privately, what each individual Seneca chose to do with the resources on that land would no longer be a sore topic. What the Quakers failed to realize was that almost all Senecas would reject the idea of allotment into the twentieth century. Individual land ownership might have provided the Quakers security within the United States, but Seneca land holding remained precarious throughout the nineteenth century, mostly because of the pressures of the Ogden Land Company.

During the removal era, Quaker missionaries primarily focused on combating the Ogden Land Company’s claims. Historian Laurence Hauptman has written extensively about the Hicksite Quakers’ involvement in facilitating the Buffalo Creek Treaty of 1842, also known as the “compromise” treaty. This treaty, rather than overturn the fraudulent 1838 treaty which would have caused the Senecas to give up all their reservations in New York, allowed the Ogden Land Company to purchase the Buffalo Creek and Tonawanda Reservations. The Senecas then had to consolidate their population on their remaining reservations. Hauptman characterizes Quaker involvement as nefarious. However, the Friends from the PYMIC were Orthodox rather than

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51 Shoemaker, “The Rise or Fall of Iroquois Women,” 45.
52 “Letter to the Committee on Indian Affairs from Jonathan Thomas, Tunesassa 3 Mo 7th 1819.” AA41 Quaker & Special Collections. Haverford College, Haverford, PA.
53 The Dawes Act or General Allotment Act of 1887 did not lead to allotment of Seneca lands. Shoemaker, “The Rise or Fall of Iroquois Women,” 42.
54 See Laurence Hauptman, Conspiracy of Interests.
55 “Letter from Robert Scotton to the Committee on Indian Affairs from Tunesassa, 4th Mo 25th 1842.” AA41 Quaker & Special Collections. Haverford College, Haverford, PA.
Hicksite, and frequently expressed concern over Hicksite influence over the Senecas. The PYMIC feared that agitation and anxieties over removal would stop the Senecas from putting effort into improving their lands and undermine the civilizing mission. In fact, the Hicksite Quakers from Philadelphia did not have an Indian committee until 1837, just in time to influence the outcome of this particular treaty negotiation. To the PYMIC, removal was a threat to creating a space for the Senecas in New York State and the nation.

The Hicksite Quakers were most involved in the negotiations over the removal treaty, but the Senecas asked the Orthodox PYMIC for assistance regarding the 1838 treaty. The PYMIC Quakers did not see any alternatives to the terms of the 1838 treaty and therefore did not attempt to influence the outcome of Seneca removal in the same ways the Hicksite Quakers did. In response to the question of whether the Senecas could remain on their New York reservations, the Friends replied they did not think it was possible. The PYMIC was anti-removal and at some level believed the 1838 treaty could be proven fraudulent, but they were not hopeful. They told the Senecas that “[e]ven if military forces should not be used, the white peoples who have bought or will buy, your lands, will press upon and settle around you and make your situation so uncomfortable, that you cannot remain,” and suggested that they now work to prepare the


57 “Letter from Robert Scott to the Committee on Indian Affairs from Tunesassa, 2nd MO 7th 1842.” AA41 Quaker & Special Collections. Haverford College, Haverford, PA.

58 “Philadelphia Yearly Meeting of Friends. (Hicksite: 1827-1955). Indian Committee. A Finding Aid for its Records Deposited in Friends Historical Library of Swarthmore College.” According to Matthew Dennis, the division between the Hicksite and Orthodox Quakers was “social and economic as well as theological.” Dennis, 9, 152-154.

Senecas for removal, so they would “not be driven out empty handed.”60 This worried the PYMIC, as many years and resources had been put into this endeavor and their missionary work was their contribution to the early national project. They believed the Ogden Company’s actions would “frustrate the benevolent designs of society, rendering abortive the exertions made—and useless the money expended for the improvement and comfort of these poor people.”61 The PYMIC saw the “compromise” treaty of 1842 as a “scheme” carried out by the “preemption holders” who would “obtain the most valuable reservations, for a very trifling compensation, and when they have sold them out, then they will want the rest, and . . . they will probably get it.”62 They believed the Senecas should make sure the remainder of their lands would be protected against further encroachment.

The PYMIC, like many others, thought the federal government should do something to alleviate Seneca anxiety during the removal era. They appealed to the Secretary of War and argued that the work the Friends had been doing among the Senecas for so many years attached the Senecas to the government in gratitude for their civilization.63 Despite their rather hopeless outlook, the PYMIC held to the idea that the best way for the Senecas to remain on their lands was “to improve more, to be sober, virtuous, and industrious and convince the government. . .

60 “Letter to the Seneca Indians residing in the State of New York, 6 Mo 17th 1840.” AA41.1 Quaker & Special Collections. Haverford College, Haverford, PA.


63 “Letter to the Secretary of War of the United States from the Committee on Indian Affairs Philadelphia, ND.” Quaker & Special Collections. Haverford College, Haverford, PA.
that you are good citizens and capable of getting a good living and taking care of yourselves.”

If the Senecas wanted to remain in the nation, they needed to prove they belonged.

The PYMIC Quaker missionaries labored among the Senecas from the end of the eighteenth century into the twentieth century in an attempt to transform Seneca space into national space. Although their desire to make others see the Senecas as simply other frontier settlers often led them to give misguided advice, their strong and continuous presence left less room among the Senecas for missionaries whose only focus was conversion. The Friends altered the everyday spaces used by the Senecas, and attempted to lay a grid of private property across the reservations in an effort to incorporate the Senecas into the new nation. The Senecas resisted this alteration, but the Quakers accepted this resistance. Their relationship created hybrid geographies, or a landscape shaped by both the Senecas and Quakers, instead of new geographies of American settlement at the remaining reservations. However, the Quakers were not an entirely effective buffer between the Senecas and other missionary groups. The ABCFM established a long-lasting presence among the Quaker’s Seneca neighbors.

**ABCFM Mission Among the Senecas**

From the beginning, the PYMIC Quakers knew they wanted agriculture to be the focus of their work, but the ABCFM missionaries worked out what they believed the Senecas would need from them over time. The ABCFM were part of an internationally articulated mission focused on conversion that was not specific to the Senecas. Their fellow ABCFM missionaries mostly came

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64 PYMIC “Address to Chiefs at Tunessassah 7 Mo 12th 1839.” AA41.1 Quaker & Special Collections. Haverford College, Haverford, PA.

65 Matthew Dennis refers to the Quakers as a buffer against other missionaries. Dennis, *Seneca Possessed*, 119.
from the Northeast, but they collaborated with missionary societies in Europe and worked around
the world with diverse groups of people. The PYMIC missionaries were more familiar with
each other than the ABCFM missionaries because they came from the same yearly meeting in
Philadelphia. Despite the cultural and geographic diversity of the ABCFM mission locations, to
the missionaries, all non-Christians were simply “heathens” and their lands foreign spaces. The
need to save these heathens led the ABCFM missionaries to initially prioritize conversion over
technical knowledge, but soon found that this focus frustrated their efforts among the Senecas.
Christian Senecas never made up the majority of the reservation populations and ABCFM
missionaries initially provided few material benefits, which made them less desirable allies to the
Senecas. It took decades for ABCFM missionaries to realize that protecting their lands and
sovereignty meant more than Christianity to most Senecas, who faced a land company with
nefarious intentions and desired material goods in order to participate in the market economy.

Prior to the establishment of the ABCFM, Jabez B. Hyde labored among the Senecas at
Buffalo Creek under one of the Board’s predecessors, the New York Missionary Society,
beginning in 1811. Hyde’s purpose was “to instruct them in the truths of the Gospel.” Hyde
concentrated on formal education rather than technical education, as he believed the Senecas
could not be civilized unless they learned the Gospel. He began to translate various Christian
texts into the Seneca language with the help of a translator, but was not fluent in the language

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66 The ABCFM missionaries to the “New York Indians” were from New Jersey, New Hampshire, Maine, New York,
Vermont, Massachusetts, and Connecticut. American Board of Commissioners for Foreign Missions. “The
Missionary Herald for the Years 1836-1841, volume 3.” Boston; Kotze, 5.

67 Hauptman, Conspiracy of Interests, 112.


himself. Hyde, who was accepted by the Senecas as a schoolmaster rather than minister, was replaced in 1821 with Thompson S. Harris who remained until 1830. Harris, who many Senecas disliked, cared little for the day-to-day well-being of the Senecas. He believed that all the ABCFM could do was guide the Senecas toward God and hope they would find their way. Asher Wright took over the mission in 1831. With some medical knowledge from a brief enrollment at Dartmouth Medical School, and training at Andover Theological Seminary, Wright labored among the Senecas until his death in 1875. During that time, and with the assistance of his wife Laura and other missionaries, Wright provided medical care and preached the Gospel. The ABCFM previously focused little on land, but Wright turned the ABCFM’s Seneca mission toward a focus on land retention, literacy, and the Thomas Orphan Asylum.

Asher Wright still believed in the general mission of the ABCFM. He believed that if even a few Seneca souls made it to heaven, his efforts would not have been wasted. However, his decades-long stay among the Senecas made him acutely aware of the problems they faced, particularly the threat of removal. Initially, Wright’s use of his medical knowledge at the mission fit the ABCFM’s tactics for gaining “heathen” trust. At the South African missions, the missionaries believed “[t]he extensive use of medical aid would draw people to their fold, and

70 Hyde, 17; Hauptman, Conspiracy of Interests, 112.
72 Hauptman, Conspiracy of Interests, 113.
break the power of superstition.””75 Those missionaries knew they would have to offer something that would draw the “heathens” to the Gospel. Wright coupled his medical approach with general education. At the Seneca mission stations, Seneca children were taught “primary arithmetic, physiology” and other subjects that white children also learned.76 Some Seneca boarding school students attended district schools with a small number of white children as their peers.77 In plans for a new missionary house, Wright also desired space for a printing press, for printing hymns and newspapers in the Seneca language, and wrote of the possibility of acquiring a telescope.78 The ABCFM may have desired that the “heathens” be saved, but Wright and his fellow missionaries guaranteed that many Seneca children received an America-style education as well. He wanted Seneca children to learn not only new agricultural practices and manual labor, but to become educated and Christian so the United States would deem them worthy of citizenship.

The ABCFM employed individuals with a variety of skills, but on lists of missionaries stationed throughout the world, many were labeled specifically as catechists.79 Of all the missionary related pursuits, the focus on proselytizing in the Seneca language rather than teaching English for the sake of protecting the Seneca reservations is where the ABCFM missionaries in New York differed most from the PYMIC. The ABCFM missionaries translated parts of the Bible and hymns, but also published newspapers, spelling books for children, and a

75 Kotze, Letters of the American Missionaries, 7.
dictionary in the Seneca language.\textsuperscript{80} Wright worked to create “a phonetic system of his own, constructing verb tables, and collecting vocabulary, until he soon spoke the language with fluency.”\textsuperscript{81} Some fellow missionaries questioned Wright’s linguistic pursuits because they believed the Senecas understood some English. But Wright attributed the belief that the Senecas could understand English to “a habit which many of them have, of appearing to understand what is said to them, when in fact they have very little notion of the meaning.”\textsuperscript{82} Wright believed that preaching to them in English would be of little benefit. For Wright and other missionaries, it was imperative the Senecas receive the Gospel in their own language, for a misunderstanding of the words might put Seneca souls at risk. But the focus of this work was not useful to the Senecas, who constantly worried about the threat from the Ogden Land Company.

Like the Quakers, the ABCFM saw boarding schools as central to Native education during an era when those schools were not yet part of federal Indian policy. Some ABCFM missionaries believed that the distance the children lived from the school houses determined the frequency with which they attended school, and that the “thinly attended” prayer meetings and classes hindered their progress. The missionaries believed there should be a boarding school on every reservation, and all students too far away from the day schools should attend them.\textsuperscript{83} If the Board was not willing to fund the expansion of boarding schools, Asher Wright feared that it

\textsuperscript{80} Harriet S. Caswell, \textit{Our Life Among the Iroquois Indians} (Boston and Chicago: Congregational Sunday School and Publishing Society, 1892), 29.

\textsuperscript{81} Fenton, “Toward the Gradual Civilization”, 575.


would be unlikely the next generation would “be in advance of the present.” William Hall, a missionary at the Allegany Reservation, similarly believed that “[t]he rising generation cannot . . . be elevated much above the present while left familiar with domestic scenes.” At these schools, the missionaries taught religious coursework, but also began to focus on what the missionaries considered industrious behaviors. At the Allegany Reservation, the missionaries discussed the possibility of opening “two establishments” on that reservation separated by gender. Hall wrote that “the establishment for boys should have a small farm and workshops attached—a general superintendent of a mechanical genius, with some practical knowledge of the use of tools. . . the girls home should have a good pasture attached—one female assistant and one teacher.” In the 1850s, the ABCFM adopted the work that the Quakers had done since the eighteenth century in educating Seneca boys and girls in proper American gender roles. These boarding schools were built on Seneca lands, much closer to home than later federal schools, but they were not Seneca spaces. These missionaries believed that the success of the civilizing mission was dependent on breaking the connection between Seneca children, their families, their traditional gender roles, and their communally held lands.

The ABCFM believed that New York State should financially contribute to the building of these facilities. William Hall argued that “[t]he Indians lack both the means and the disposition to better their condition by a systematic education of future generations. . . . [T]he

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education of the Indians is therefore a real and much needed internal improvement.”

During the 1850s, when federal officials no longer considered removal a viable policy, the ABCFM believed uneducated Indians were a drain on the country’s prosperity and must therefore be compelled to make their children attend school. Coming in line with the Quakers, Indian education was now an “internal improvement,” a piece of the United States’ nation-building project. The ABCFM unsuccessfully attempted to pass a Boarding School bill in the New York State legislature in the 1850s. Wright attributed the bill’s failure to “the desire of the whigs to complete the canals.”

But Wright did succeed in raising money to place some Seneca boys with farmers and shifted his focus to caring for orphaned Seneca children.

In 1854, Asher Wright and his wife took ten orphans into their home after an illness left those children without parents. Caring for the orphans was possible with the support of Philip Thomas, a prominent Hicksite Quaker. Aside from the financial support, the Wrights and Thomas do not appear to have had many other connections. The Wrights found that there were other Seneca children in similar situations. Some Senecas supported the institution as some of the trustees were Seneca. New York state also came to support the Thomas Asylum and granted them a charter in 1855, on the condition that they took orphans from every New York

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90 Caswell, Our Life Among the Iroquois Indians, 109.

91 “The Thomas Asylum for Orphan and Destitute Indian Children Circular.” ABC 18.6.3 Houghton Library, Harvard University.
Figure 5: The Thomas Asylum Orphan and Destitute Indian Children Circular. ABC 18.6.3 By permission of the Houghton Library, Harvard University.
reservation. The institution’s mission was to “prevent these children from growing up idle and vicious vagabonds and beggars. . . . [T]o train them in industry, intelligence and virtue. . . .[T]o retain these pupils till they shall have acquired a thorough knowledge of the English language, and an education sufficient to qualify them for the ordinary business of life.”

Seneca concerns over land sovereignty and removal, as well as the problem of orphaned Seneca children prompted the ABCFM to change the direction of the mission during the course of their interactions with the Senecas. No longer could the missionaries focus all their efforts on saving souls. If the Senecas were to remain, the Board would have to convince non-missionaries that their work was for the benefit of New York, and not just the Senecas. The missionaries had to “reclaim” the Senecas from savagery, as there was no place for the Senecas as they were within the state or the nation.

While the ABCFM initially focused on proselytizing instead of agricultural work as the Quakers did, the missionaries did transform the space in their own way. The creation of mission houses, day schools, and boarding schools blanketed Seneca spaces with Christian and Euro-American symbols. The ABCFM missionaries interacted with the Ogden Company, whose shareholders treated the Board’s missionaries as if they were any other settler, although the Board’s efforts certainly frustrated the Ogden Company’s project. Since the Ogden Land Company only owned the preemption right to the reservation lands in this area, it would appear that the Ogden Land Company paid the ABCFM for improvements on the lands where one of

92 Fenton, “Toward the Gradual Civilization”, 580.
93 “The Thomas Asylum for Orphan and Destitute Indian Children Circular.”
their mission houses stood on the reservation. Wright wrote that “Mr. Fellows has at last decided to accept the proposition made early in the spring to give a deed of the lot on which the buildings

stand.”94 Joseph Fellows of the Ogden Company agreed to reduce the price of the three acre plot for the improvements the missionaries made, although Fellows argued the improvements by 1845 were worthless to the company and claimed he was being generous by doing so.95 The letter from Asher Wright to ABCFM headquarters in Boston is only addressed from the “Seneca Mission.” After the Ogden Company gained ownership of the Buffalo Creek Reservation, Wright


moved to the Cattaraugus Reservation, so it is possible that the Ogden Land Company paid the ABCFM for improvements on a plot on the Buffalo Creek Reservation prior to the Ogden Land Company taking possession. Or the Ogden Land Company illegally granted the ABCFM reservation land that the company did not own. The ABCFM profited from the improvements the missionaries made to the portion of likely former reservation lands and in doing so recognized the Ogden Land Company’s rights.

Other mission stations run by the Board were much smaller than the plots of land the Quakers purchased for use at their mission. At Cattaraugus, one mission station consisted of a house for the mission family on three acres with fruit trees. Wright even preferred to be responsible for less land. He argued that it was “not desirable for us to have the care of much land. For myself I should much prefer only a garden and part time grounds. But if more should be thought desirable we can at any time obtain the requisite quantity by clearing up woodland.”

Despite the desire to teach Seneca men to farm, the ABCFM missionaries did not prioritize leading by example. Their main focus remained Christian education, and eventually, assisting the Senecas in retaining their land base.

Asher Wright of the ABCFM became a staunch defender of Seneca land rights. Like the Quakers, Wright found the 1838 treaty fraudulent. In his list of objections to the treaty, he named the individuals he felt responsible for the fraud through the use of “unrighteous measures.” Wright argued that the chiefs were intoxicated, the signing was not voluntary, unauthorized officials forced the Senecas to sign, the terms were misrepresented, and the majority of chiefs


were anti-removal. He also argued that the treaty was unconstitutional because it was not ratified by two-thirds of the Senate. After the Senecas lost two of their reservations in the 1842 treaty, Wright and his wife removed with them from the Buffalo Creek Reservation to the Cattaraugus Reservation. In a later publication of the Missionary Herald, the ABCFM’s newsletter, Mr. Taylor, who worked with Wright, wrote that “[i]f land speculators would let them alone, and the State would perform its whole duty, they would soon prove that the last of the Senecas is not yet, nor for a long time to come.” The missionaries who worked with the Senecas recognized that conflicting claims, while they legally protected Seneca lands, also hindered progress in their individual civilizing projects. The Senecas’ precarious position could be resolved, according to Taylor, if the state extinguished the preemption right and fully accepted responsibility for their “wards.” The ABCFM did not always directly call for Seneca citizenship as the Quakers did, however they did foresee a future for the Senecas in New York, as long as they were Christianized.

At the outset of their mission, the ABCFM missionaries clung to their evangelical Christian identity and their role in a global Protestant project. This world-view led them to build a very different mission from that of the Quakers, one rooted in a desire to save all heathen souls. As they worked among and interacted with the Senecas and settler groups, their tactics changed to fit the needs of the time and place. General education, technical education, running the orphanage, and in some cases defending Seneca land rights were added to the purely

100 Conroy-Krutz argues that this evangelical Christian identity was more important to the ABCFM missionaries than their national identities. Conroy-Krutz, 8.
religious origins of the mission. Their mission and school houses joined the longhouses used by followers of Handsome Lake and others on a landscape whose use the Senecas previously dictated entirely.

**Conclusion**

The ABCFM and PYMIC approached education, religion, gender, industry, and land use and value very differently from each other. In working toward their goals, these missionary groups shaped what the space of the reservation meant to the Senecas and other settler groups, the purpose of missionary work, and where the Senecas fit into the new republic. Their approaches show how missionaries and the government officials and American individuals who supported their efforts in the nineteenth century thought about national belonging for Native peoples. Both groups worked toward the “gradual civilization” of the Senecas, yet the way these organizations carried out the civilizing mission varied greatly despite working toward the same goal.

The constant contact the Senecas had with American missionaries from the end of the eighteenth through the twentieth centuries shows the continuity of the more than a century long civilizing mission. This continuity in the Seneca experience can partially be attributed to the fact the Senecas remained on the lands they had when these missionary groups first arrived. These missionaries played key roles as United States Indian policy morphed from one poorly conceived plan to the next. Despite their constant efforts at civilizing the Senecas, toward the end of the nineteenth century missionaries and the governments who supported them did not believe
missionary work was completely successful as the Seneca reservations, both physically and symbolically, interrupted New York’s landscape.
On August 20, 1888 in Salamanca, New York, a town on the Allegany Reservation leased to white settlers by the Seneca Nation, James G. Johnson testified before members of the Special Committee to Investigate the Indian Problem of the State of New York. Johnson, formerly the state-appointed attorney for the Seneca Nation who in 1888 still practiced law in Salamanca, testified on the utility of higher education versus manual labor training for Native people in the state. When asked if he believed higher education should be offered to Native people, Johnson replied that higher education was unnecessary and that Native people should be educated at trade schools, and only “if the schools had a manual labor branch in them.”

The committee continued the line of questioning and asked Johnson “What Indians have you known to learn trades or professions?” Johnson replied “Dr. Wilson and Dr. Strong; Dr. Wilson was a graduate of Hamilton college and Dr. N.D. Strong was a lawyer. . . . Eli [sic] Parker studied law in this county and afterwards became a civil engineer.” Johnson and the committee were aware of the successes of Native people in higher education, but Johnson doubted the intellectual capabilities of Native people, their ability to become “civilized,” and whether there was a place for Native Americans in New York.

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2 “Report of the Special Committee to Investigate the Indian Problem of the State of New York”, 968-969.
Ely S. Parker, most remembered for his relationship with Ulysses S. Grant, was one of the Senecas most familiar to nineteenth century white society. Parker worked as a translator and runner for the Tonawanda Band of Senecas as a teenager, studied law, worked as an engineer, and acted as General Grant’s secretary during the Civil War. He was eventually appointed Commissioner of Indian Affairs in 1869 until his resignation in 1871. Johnson ignored Parker’s accomplishments as a high-ranking federal official. Johnson’s testimony shows settler society’s attitudes toward the Senecas’ advancements in civilization and land retention during the nineteenth century. At the time the commissioners collected Johnson’s testimony and published it as the Whipple Report, it had been 110 years since the Sullivan-Clinton Expedition to eradicate the Iroquois and take control of their homelands. More than one hundred years of attempts to erase the Senecas physically and metaphorically from the boundaries of New York State had been unsuccessful since then, and according to the results of the Whipple Report, it was the Senecas’ fault.

This chapter juxtaposes Seneca leader Ely Parker’s vision for Indian policy in the early 1870s when he was Indian Commissioner with the policy of extreme assimilation that state and

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federal governments adopted or tried to adopt by the 1880s. During his time as Commissioner under President Grant’s Peace Policy, Parker envisioned an alternate relationship between Native nations and the United States, one that respected treaty terms and Native territories. This moment of radical possibility faded, as proponents of extreme assimilation and land allotment thwarted Parker’s efforts. Back in New York, the Senecas worked to develop American-style agricultural lands pushed for by missionaries and altered their diplomatic approaches to be more acceptable to federal and state officials. Despite these settler-approved advancements, the state released the Whipple Report in 1889. In the report, the committee blamed what the state perceived as their “Indian problem” on groups like the Senecas themselves for failing to become civilized and wasting New York’s resources. Parker and his policies represented Seneca endurance and survivance, an outcome the Senecas intended as they fought to protect their sovereignty and lands. New York, who wanted the Senecas to disappear since the eighteenth century, instead deemed Seneca survivance and endurance an “Indian problem” and created a narrative of Indian dependency to justify completing New York’s western expansion.

The Senecas survived and remained despite the earlier nineteenth century policies of civilization and removal, both intent on Native erasure. The United States’ westward expansion moved rapidly west of New York during that time, yet by the 1880s Seneca and other reservations still interrupted the boundaries and institutions of the state. This new era of federal Indian policy, which culminated in the General Allotment or Dawes Act in 1887, provided state and government officials with another opportunity to erase the Senecas and others completely. The Dawes Act created a plan to divide reservation lands into plots for Native individuals. These plots could later be sold to non-Natives. Allotment of reservation lands into private property,
detribalization, assimilation, education, and the extension of state and federal laws over Native people might finally rid the United States of the reservation boundaries and independent political polities that marked the physical interruption of the American nation. The nineteenth century was almost over and western expansion was supposed to have been completed in New York long ago, but the continued existence of the Senecas and others meant that was not so. The Seneca Nation was explicitly exempt from the terms of the Dawes Act, and New York needed a solution to their “Indian problem.”

Amid the push for extreme assimilation, detribalization, and allotment, which had been a part of the conversation surrounding Indian affairs since before the Civil War, Ely Parker’s vision for Native America offered an alternative to assimilation that would bolster rather than destroy Native sovereignty. The Dawes Act and all of its terms were not preordained, and Parker’s plan for Indian affairs was a real, viable possibility. However, Parker’s policies were unsuccessful because he tried to implement them in an expansionist society. In the United States, white men, not Native leaders, knew what was best for Native communities. In settler geographies, there was not space for separate, sovereign Native nations. To settler groups, there was no place for Native individuals to exist. “Wandering” Indians were military threats while “peaceful” Indians were financial dependents and bureaucratic burdens. The logic of American expansion pathologized or

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4 The text of the Dawes Act states “That the provision of this act shall not extend. . . to any of the reservations of the Seneca Nation of New York Indians in the State of New York.” “An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations, and to Extend the Protection of the Laws of the United States and the Territories Over the Indians, and for Other Purposes,” in Washburn; There is nothing in the text of the Dawes Act that states why the Seneca Nation was exempt. It is possible that the Ogden Land Company’s threat of legal action if the Seneca Nation were dissolved prevented allotment at the Allegany and Cattaraugus Reservations. Conable, 365; Donald L. Fixico argues that Henry L. Dawes saw how damaging the legislation he backed would be for Native nations, and tried to exclude certain nations from the act “by arguing that they were already good farmers.” Dawes also excluded the Five Civilized Tribes in Indian Territory, but they were included in later amendments to the Dawes Act. Donald L. Fixico, Indian Resilience and Rebuilding: Indigenous Nations in the Modern American West (Tucson, AZ: The University of Arizona Press, 2013), 37.

5 Pilawa, Crooked Paths, 2.
defined all Native actions and behaviors as punishable in ways that required the United States to take Native lands and erase Native people.

**Ely Parker’s influences**

Ely Parker’s experiences as a Seneca man shaped his worldview and his later approach to Indian Affairs at the federal level. Parker was born in 1828 on the Tonawanda Reservation at the height of the Ogden Land Company’s pressure to consolidate the Senecas on the Allegany Reservation, then remove them out of the state altogether. The reservation system was the only form of political and social organization he knew. Through his political work on behalf of the Tonawanda Band of Senecas, who experienced the 1838 and 1842 Buffalo Creek removal treaties differently than the Senecas on other reservations, the Ogden Land Company was the Tonawanda Senecas’ primary opponent for all of Parker’s life. The Tonawanda Senecas claimed that they had not properly assented to the removal treaties, and argued that they therefore should be able to keep their homelands.\(^6\) The Tonawanda Senecas’ fight to remain on their reservation thrust Parker into the world of politics and diplomacy and shaped his ideas about the proper relationship between Native nations and the United States.

Parker’s political career began when he was still a teenager. At fourteen, he became a scribe for the Tonawanda Council of Chiefs and carried messages and petitions from the Tonawanda Senecas to politicians in Washington and Albany.\(^7\) In addition to working for his community, Parker was educated at Yates Academy, a Baptist school near the Tonawanda

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\(^6\) Laurence Hauptman. *The Tonawanda Senecas*, 47.

\(^7\) Hauptman, *The Tonawanda Senecas*, 73. Hauptman argues that Ely Parker’s role in fighting to protect the Tonawanda Reservation has been overemphasized in the historiography, and that Parker was one of many who worked to protect the reservation.
Reservation, and later Cayuga Academy. He then studied law and worked in a law office, intending to act as attorney for the Tonawanda Senecas. He stopped studying law when he realized he would be denied admittance to the bar because he was not a citizen. Parker continued his education in engineering at what is now Rensselaer Polytechnic Institute, and worked as a civil engineer on canals in New York. On an engineering contract with the federal government in Illinois, he met Ulysses S. Grant. Educated and skilled in trade work, Parker balanced his time before the Civil War between his career as an engineer and the fight for the Tonawanda Reservation. Parker’s career often took him off the reservation, but the pressures of the Ogden Land Company kept Parker in the fight for Seneca land and sovereignty.

Parker already had ten years of experience in Seneca and American diplomacy when the Senecas appointed him sachem at only twenty-four. The fight for the Tonawanda Reservation continued into the 1850s, as the Tonawanda Senecas prevented surveying and appraisal of their reservations, and fought to nullify the terms of the 1842 Treaty of Buffalo Creek. Although some Tonawanda Senecas believed Parker’s education might mean that he would turn on his community, Parker was granted power of attorney, along with another Tonawanda Seneca man Isaac Shanks, for the entire reservation. Throughout the 1850s, Parker, Tonawanda Seneca leaders, and a white attorney named John Martindale worked to convince the state and federal government to protect the Tonawanda Senecas from the aggressive Ogden Land Company, who


11 Hauptman, *The Tonawanda Senecas*, 84.

Parker referred to as “miserable land suckers.” The Ogden Company’s aggressive claims to the Tonawanda Reservation and the fraudulence of the 1838 and 1842 Treaties of Buffalo Creek instilled in Parker a distrust of the treaty system and disdain for private individuals who involved themselves in Indian policy. To Parker, Indian policy should involve predetermined and consistent political and diplomatic relationships between governments, not allow private individuals to profit from dispossession.

The Tonawanda Senecas’ and Parker’s decades of petitioning, a lengthy legal battle, and a ruling from the Supreme Court in *Fellows v. Blacksmith* resulted in the United States-Tonawanda Seneca Treaty in 1857. *Fellows v. Blacksmith* began when the Tonawanda Senecas sued the Ogden Land Company after an Ogden official assaulted a Seneca man and attempted to force him off the reservation in order to take possession of the reservation lands. In the ruling, the Supreme Court recognized that the removal treaty was valid as it had been signed by proper federal officials, but that the treaty failed to include how the Tonawanda Senecas would be removed. The court’s decision stated that the Senecas were “wards” and that “it is difficult to see how any other mode of a forcible removal can be consistent with the peace of the country. . . . It is difficult to believe that it could have been intended by the government that these people were to be left. . . to be expelled by the irregular force and violence of the individuals who had acquired it.” The Supreme Court’s decision that the federal government would refuse to forcibly remove the Tonawanda Senecas at the request of private individuals, and the characterization of the subsequent treaty in newspapers as “The only Creditable one ever Made


by the U.S. Government” and the “only treaty ever made with the Indians where their original rights to the soil have been protected” shows that the federal government and public opinion were against the Ogden Land Company.\textsuperscript{15} The decision in \textit{Fellows v. Blacksmith} assured the Tonawanda Senecas that they would not be forced out of the state, so Parker and his Tonawanda allies negotiated with the federal government to secure possession of their reservation.

The 1857 treaty did not overturn the earlier removal treaties, but the United States agreed to let the Tonawanda Senecas purchase a large portion of their reservation back from the Ogden Land Company for twenty dollars per acre. The Tonawanda Senecas purchased the reservation lands back with the money the tribe received from selling lands in Kansas granted to them by the United States for their removal in the 1830s.\textsuperscript{16} Although not ideal terms, Parker and his community had the rare experience of United States policy protecting rather than harming Native land sovereignty. However, when Parker became Commissioner a decade later, he remained skeptical of treaty-making because of how difficult it was to overturn a treaty known to be fraudulent. Parker knew that treaties were tools of dispossession, but he witnessed the possibilities for rectifying the relationship between Native nations and the federal government by working within the legal system of the federal government.

At first denied entry into the U.S. Army as both soldier and engineer, Parker received an officers’ commission after contacting his friend Ulysses S. Grant.\textsuperscript{17} Parker held multiple

\textsuperscript{15} “A Remarkable Indian Treaty-The only Creditable one ever Made by the U.S. Government.” Democrat and American, 1860. \textit{Lewis Henry Morgan Papers}. University of Rochester Libraries. Department of Rare Books and Special Collections.

\textsuperscript{16} Hauptman, \textit{The Tonawanda Senecas’}, xx, 108.

\textsuperscript{17} Ely Parker was not the only Iroquois man to fight in the Civil War. New York allowed the Iroquois to enlist in 1862. Among those that joined the Union army were Ely’s brother Isaac Newton Parker. Laurence M. Hauptman. \textit{A Seneca Indian in the Union Army: The Civil War Letters of Sergeant Isaac Newton Parker, 1861-1865} (Shippensburg, PA: Burd Street Press, 1995), 28-29; Arthur C. Parker, \textit{The Life of General Ely S. Parker}, 108.
positions during the war, including engineer in Vicksburg, Mississippi, and military secretary and scribe for Grant. Parker helped draw up the terms of surrender at the end of the war and was present at the Appomattox Court House, where he witnessed Robert E. Lee surrender to Grant and end the Civil War. Parker remained in the military at the war’s end, and played a fundamental role in reestablishing relationships between the United States and Native nations who had sided with the Confederacy during the war.

General Grant chose Parker to be a part of the Fort Smith commission that oversaw the negotiations with the Confederate-allied southern tribes because he believed the negotiations would go more smoothly if another Native American were present on behalf of the United States. The commission had to inform the southern tribes that they had to abolish slavery and sign new treaties with the federal government, as older treaties were null due to their alliance with the Confederates. Parker did not lead the negotiations and planned to leave before they ended, but he stayed because for some Choctaw and Chickasaw delegations, Parker’s presence “has inspired us with confidence as to its designs and desires with reference to the Indian nations.” To Grant and others, seeing a Native American man work on behalf of the United States government in Indian affairs opened up the possibility for a more peaceful relationship between the United States and Native nations.

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18 Hauptman. *The Iroquois in the Civil War*, 47.
22 Armstrong, 114.
**Parker’s vision**

With Grant’s encouragement, Parker continued to work on Indian policy by investigating massacres against Native communities that were commonplace during and after the Civil War. Through this work, Parker became the architect of Grant’s Peace Policy in 1869. This policy, and Parker’s vision for the place of Native nations in relation to the United States more generally, were shaped by Parker’s experiences since he made his first trip to Washington on behalf of the Tonawanda Senecas when he was a teenager in the 1840s. With Parker’s decades of experience with the Tonawanda Senecas and then with southern and western Native nations post-Civil War, Parker developed a coherent vision for the future of Indian affairs in the United States.

During the Civil War, brutal violence against western Native nations was commonplace. Events like the Sand Creek Massacre, carried out by the U.S. army, and the execution of Dakota men in 1862 ordered by President Abraham Lincoln, the largest mass execution in U.S. history, showed federal officials that Indian policy required an overhaul. When the war was over, prior to his official appointment as Commissioner of Indian Affairs, Parker began to formulate his Indian policy. Many of Parker’s ideas were shaped by older ideas about civilization and education, but Parker also envisioned a new geographic relationship between Native nations and the United States and a legal reframing of the position of Native Americans in American society.

Before Parker could become Indian Commissioner, he had to resign his post in the army. Although Native Americans were not yet U.S. citizens and Parker was the first Native American Commissioner of Indian Affairs, the Attorney General decided that the fourteenth amendment

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applied to Parker since he did not live on a reservation. In this reading of citizenship, Parker’s lifestyle and choices determined his citizenship, not his race. Parker’s leadership in Indian affairs was during a period of dramatic change to the racial and legal landscape, and therefore Parker’s policies reflected the moment of possibility that the end of the Civil War and Reconstruction provided. Parker saw the possibility of subverting and reframing American settlement through his own Native leadership and understanding of what Native communities needed to survive and persist amidst the growing settler power.

Parker saw western expansion as an inevitable process, but wished it to be negotiated rather than forceful. Parker did not question or criticize western expansion. In his first report as Commissioner, he reiterated the question at the center of U.S. Indian policy since the eighteenth century. He asked, “What shall be done for the amelioration and civilization of the race?” In many ways, Parker’s suggestions were a continuation of past policies like civilization and removal, with a focus on consolidating western Native nations onto reservations and providing them with the tools for “civilization.” Parker believed that by funding the Bureau of Indian Affairs properly for these purposes, “mischief has been prevented and suffering either relieved or warded off from numbers who otherwise by force or circumstances would have been led into difficulties and extreme want.” Instead of forcing western Native nations to be peaceful, Parker wanted to show the nonreservation tribes that working with the United States would prevent

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25 Pilawa argues that some scholars characterize the period of Indian affairs between the Civil War and the Dawes Act as a “hodge-podge” of policies, but that Parker’s role provides consistency for the era. Pilawa, *Crooked Paths*, 52.


violence. Parker had seen the Tonawanda Senecas fight for the ability to negotiate removal and knew that Native nations were capable of shaping their relationship with the United States.

As Commissioner, Parker sought fundamental changes in the bureaucratic structure of the Indian Office later known as the Bureau of Indian Affairs (BIA). Parker proposed that the BIA be transferred back to the Department of War from the Department of the Interior. Parker asserted that military officials would better protect Native communities than the civilians who worked for the Department of the Interior. As a Tonawanda Seneca leader, Parker witnessed first-hand the problems that arose from allowing private individuals like the Ogden Land Company shareholders to drive Indian affairs. Parker, a military veteran, believed that along with War Department oversight, the use of military officers and Quakers or other religious groups as Indian agents rather than civilians and traders would reduce the corruption that was so rampant in the BIA. In addition, he wanted to form a council of educated whites and Native leaders who would oversee relations with Native nations as an additional safety net to avoid corrupt practices. Although he generally distrusted civilians in Indian affairs, Parker suggested that this council or Board of Commissioners “serve without pecuniary compensation.” Along with stamping out corruption, Parker wanted the United States to respect treaty rights, efficiently provide rations and annuities, and make sure that compensation was provided for any lands taken. Parker’s goal was to reduce hostile interactions between Native nations and whites and


allow Native communities to choose “civilization” on their own terms by convincing them that civilization would help avoid further violence and massacres. To Parker, federal corruption was as much to blame as Native “hostility” for the “Indian problem.”

Parker submitted his biggest concerns and questions about how to formulate new policies to the Commission on Indian Affairs. Later called the Board of Indian Commissioners, the Board was made up of men appointed to assist Parker and the Secretary of the Interior in budgeting for and distributing annuities and supplies. Parker urged the commission to determine the “legal status of the Indians; a definition of their rights and obligations under the laws of the United States. . . whether any more treaties shall be stipulated with the Indians.”

Parker also considered whether or not Native nations “should. . . be placed upon reservations, and what is the best method to accomplish this object; should not legislation discriminate between the civilized and localized Indians, and the united roving tribes of the plains and mountains.” Parker was not just concerned that past Indian policies had not led to peaceful relations, but that all previous laws and legal precedents that had determined the status of Native Americans within settler society needed to be rethought if Native Americans were to survive the nineteenth century.

Civilization, national belonging, and geography were central to Parker’s attempts to reconstruct almost a century of Indian affairs.

Parker’s vision for peace reflected the “civilizing” mission that had been introduced among the Senecas in the eighteenth century, and Parker had witnessed how the Senecas’ “advancements” in civilization had in some ways bolstered their arguments against removal.

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33 Pilawa, *Crooked Paths*, 51.
Like earlier policy makers, Parker believed that providing the tools for civilization and education would convince western Native nations, who he categorized as either “peaceful” or “roving,” that continued peaceful interactions with the United States and settlement on reservations would be most beneficial for all parties.\textsuperscript{34} Most of Parker’s reports as commissioner on the progress toward these goals focused on the Native nations west of the Mississippi River. When he did report on the Six Nations, it is clear that he believed in the possibilities of civilization. He reported that the Six Nations “have. . . abandoned the habits and customs of their forefathers, and are now steadily and successfully following the pursuits of a higher style of life, many of whom will compare favorably in their attainments with the whites by whom they are surrounded.”\textsuperscript{35} Despite Parker’s conformity with settler ideologies in his reports, he believed that there was a place for Native nations within the United States that were more than temporary reservations or solutions to the “Indian problem.” To him, Native Americans could eventually become citizens without completely losing their Native identities. He believed that progress in education and material advancements, often beyond the capacities of white neighbors, was not only possible but already underway.

In geographic terms, the end of the Civil War pushed Parker’s view west as massacres against Native nations and the expansion of the railroads made Parker and others treat Indian affairs as a “western problem.”\textsuperscript{36} In his reports, Parker treated the physical location of eastern


\textsuperscript{36} Frederick E. Hoxie, \textit{A Final Promise: The Campaign to Assimilate the Indians, 1880-1920}, 2nd edition (Lincoln: University of Nebraska Press, 2001), xi.
tribes, such as the Senecas, as a settled issue, and instead focused on the problem of finding the physical space for western Native nations to exist amidst the final pushes of America’s continental expansion. He believed legislators should place “at the disposal of the department adequate funds for the purpose, and invest. . . it with powers to adopt the requisite measures for the settlement of all the tribes, when practicable, upon tracts of land to be set apart for their use and occupancy.”

Parker envisioned a geography in which, instead of only a nation made up of states with equal sovereignty, there would also be a sizable Indian territory. This territory would not just be small reservations dotting the landscape of individual states like in the east. Rather, Parker envisioned a future in which Indian territory would be admitted to the Union as a state.

While creating an Indian territory meant confinement of Native nations, the territory Parker envisioned was not to be a temporary, out-of-the-way place for Native nations to reside while the United States waited for them to disappear, but a permanent fixture of the American national landscape with Native nations as “distinct geographic entities.” The idea of the permanency of Native spaces in the nineteenth century United States was radical, especially given the increased calls for forced assimilation. Parker planned for the superintendents and agents under his command to facilitate Native confinement by only interacting with Native nations who chose peace with the United States. For “roaming” nations, the military, rather than the BIA, would try to establish relations without the use of force. To avoid violence, the peaceful nations were instructed to remain on their reservations, while the BIA would regularly supply

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39 Pilawa, *Crooked Paths*, 64.
them with goods and presents. Parker urged against the use of military force against “friendly” nations, but if an individual from one of those nations committed a crime that violated U.S. law, the BIA would withhold annuities from the whole tribe until that individual was punished. If Native communities did not violate the terms of peace, Parker instructed his superintendents and agents that it was “your duty, and you are hereby required to protect, in all their legal rights, to the extent of your powers, all Indians within your jurisdiction who are, and remain, so located, or who may hereafter come in and locate.”

Parker wanted to avoid removal era methods of Native confinement like force and coercion. He wanted the United States to prove to Native nations that their treaty rights would be acknowledged and respected if they voluntarily cooperated with Indian agents.

In his second year as Commissioner, Parker showed his willingness to negotiate with Native nations and further defined his geographic plans for an Indian territory. In his 1870 report, Parker wrote about the troubles of convincing Native nations to settle on reservations in order to receive annuities. The BIA wanted the Utes in New Mexico, for instance, to settle on a reservation in Colorado, but the Utes insisted that they receive their annuities on their homelands. Instead of resorting to force, Parker suggested that as an alternative the BIA establish a reservation for the Utes in New Mexico. Like the Tonawanda Senecas, the Utes desired to transform their homelands into a reservation rather than be forced to leave altogether.

Parker continued that in order to create a workable Indian territory in the future, the BIA would have to show Native nations the benefit of living in the same territory. In his 1870 report,

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40 “Circular Letter to Superintendents and Agents of the Indian Department. Department of the Interior, Office of Indian Affairs, June 12th, 1869.”

Parker argued that Native nations already in the Indian Territory would have to work on “the establishment of more intimate relations with each other, the recognition of the bonds of a common brotherhood, and perhaps a confederation which will be tantamount to and be accepted by Congress as a territorial government for the Indian Territory.” While Parker used different terminology, what he envisioned was a pan-Indian territory, with citizenship based on a common racial identity, and under the control of a self-sufficient, Native-led government recognized by the United States. Parker did not explicitly mention future statehood, but if the territory were similar to other territories in the union, new relationships were possible both geographically and politically between Native Americans and the United States. As a descendant of Handsome Lake, it is possible that Parker was influenced by his ancestor’s teachings. But Parker’s vision was much more inclusive. If carried out, it would encompass multiple Native nations from various language groups and incorporate them into the federal system. To Parker, future statehood and Native identity were not incompatible, and if confined and governed appropriately, there was a place for Native Americans in the nineteenth century nation.

Parker also saw the contradiction in Indian policy, where the United States treated Native nations as simultaneously sovereign and dependent, as a major obstacle to a permanent solution for peaceful relations. Although many Native nations used treaties as the basis of their sovereignty in relation to the United States, Parker wrote that treaties were much more often tools of dispossession. The United States treated Native nations as treaty-worthy nations while also forcing Native nations into uneven treaty terms that almost always involved land cessions,

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and Parker’s personal experiences with the Treaties of Buffalo Creek of 1838 and 1842 were proof of this.

Treaty-making in this way allowed the United States to appear as a republic with tame expansionist goals rather than a domestic settler empire. In his first report to the Secretary of the Interior as Commissioner in 1869, Parker called for the creation of additional reservations in the west, but that those arrangements “should not be of a treaty nature.” He continued that treaties were agreements made between two equal nations, and “treaty” terms should not be dictated to Native nations by a powerful nation like the United States. Parker wrote that Native nations were “not sovereign nations” and their governments did not have “inherent strength,” so it should not be possible for them to sign treaties with the United States. Parker’s logic in this report was that as “wards of the government” Native nations only had a “possessory” title to their lands, and that treaties were made “generally for the extinguishment of their supposed absolute title to land inhabited by them.” Parker knew that the United States only recognized Native title to their own lands so that the federal government could extinguish that title and make dispossession look like a fair purchase. While Parker called treaty-making with Native nations a “cruel farce,” he wanted the United States to enforce existing treaties. Parker knew that he could not change Native wardship, but argued that “a wise, liberal, and just” nation like the United States should not continue to treat Native peoples legally categorized as dependents of the American nation as


Parker’s criticism of U.S. Indian policy put in sharp relief the contradictions of American nationhood and American domestic imperialism.

Parker’s desire to change the course of Indian affairs became overwhelmed by American expansion. More extreme assimilationists, like the members of the Board of Indian Commissioners who were supposed to work with Parker, made it impossible for Parker to remain Commissioner. William Welsh, a member of the Board, had Congress investigate Parker for corruption over a contract Parker oversaw to more efficiently supply reservations with goods. Parker was found to be innocent, but the Board of Indian Commissioners then pushed for legislation that would put the Board in a supervisory position over the Office of Indian Affairs. Parker blamed the Board, made up entirely of white men, for taking any power he might have in making any real change in Indian affairs. After less than three years, Parker resigned. Parker wrote in his June 1871 resignation letter to President Grant that since he had been Commissioner, the Board had “almost wholly divest[ed] the Indian Bureau of all its original importance, duties and responsibilities. The Commissioner of Indian Affairs is now a mere honorary title, his duties that of a clerk to a Board. . . operating wholly outside of and almost independent of the Indian Bureau. . . . I cannot in justice to myself longer continue to hold the ambiguous position of Comm. of Ind. Affairs.”

The Board wanted assimilation to be forceful and immediate, and intended the increased funding and inflated bureaucratic structure of the Office of Indian Affairs to speed up the

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48 Congress ended treaty-making between the United States and Native nations in 1871, the year Parker resigned as Commissioner of Indian Affairs. Congress’ motives for ending treaty-making, which Pilawa calls an “assault on tribal sovereignty,” differed from Parker’s calls to end dispossession. Pilawa, *Crooked Paths*, 84.


assimilation process, not to prevent violence as Parker stated. 51 A year after Parker resigned, the Board touted their own successes in their annual report. The Board reported that “During the past year the advance of some of the tribes in civilization and Christianity has been rapid. . . and enough progress has been made in overcoming the difficulties in the cases of the least promising of the nomadic tribes, to give a reasonable assurance of eventual success.” 52 The Board attributed this success to the religious societies who replaced civilians in managing the reservations who the Board reported stopped corruption and saved money. The Board reported at some Indian agencies, if the Native Americans “had the protection afforded by our laws, which has not yet been extended to them, the Government would soon be relieved of any expense connected with them.” 53 The Board saw reservations and the expenses that came with them as burdens to be resolved through assimilation and detribalization. Parker’s vision for an alternate geography for the United States, where permanent spaces were carved out for Native Americans to exist as a coherent political body, clashed with public opinion and the calls for a more extreme assimilationist approach to Indian affairs. Parker’s appointment as Commissioner of Indian Affairs opened up new possibilities for Native people and nations in the United States, but just as white, southern interests that prevailed before the Civil War overwhelmed Reconstruction, Indian policy was overwhelmed by the push, particularly from the Board, for Indian confinement and assimilation that had been in play before the war. 54


54 Pilawa, Crooked Paths, 99.
The newspaper articles published after Parker’s resignation reflect how a settler society thought about having a Native man in office. Parker’s marriage to a younger, white woman a few years earlier caused uproar in Washington D.C., but the scandal surrounding his resignation prompted scathing articles about Parker’s race, qualifications, and motivations for holding office.55 One journalist wrote that Parker’s resignation was “as clear a triumph of public opinion as was ever achieved. This man used to be a Colonel on General Grant’s staff, and is a full blooded Indian, looking very much if he might be the offspring of Ah Sin and Sojourner Truth.”56 This journalist’s description of Parker as Ah Sin, a fictional Chinese card cheat in Bret Harte’s 1870 poem “The Heathen Chinee,” and a black abolitionist, while still a “full blooded Indian” is perplexing. Without mentioning his work as an engineer for the federal government or his legal work on behalf of the Tonawanda Senecas, the journalist argued that Parker’s only qualification was that he was a “live Indian.”57 Perhaps the journalist was commenting on the political moment generally, where Native Americans and African Americans under Reconstruction policies were allowed to hold political office. With the myth of the vanishing or “dying” Indian so pervasive during this period, it is possible this journalist was questioning Parker’s identity and therefore his motivations and qualifications.58 Parker did not fit the stereotypical image of Native people during the nineteenth century. He was Christian, married to a white woman, educated with white peers, wore the same clothes as his white colleagues, and

55 For more on the scandal surrounding Parker’s marriage see Pilawa, “‘All Intent on Seeing the White Woman Married to the Red Man.’”


58 For more on the vanishing myth, see Berkhofer, The White Man’s Indian; Jean M. O’Brien, Firsting and Lasting: Writing Indians out of Existence in New England (Minneapolis, MN: University of Minnesota Press, 2010); Steven Conn, History’s Shadow: Native Americans and Historical Consciousness in the Nineteenth Century (Chicago: University of Chicago Press, 2004).
did not live on a reservation. And Native people were supposed to be inevitably “dying” off. Parker was evidence that the vanishing Indian was simply a myth, and Parker’s policies that considered Native futurity in the United States aligned poorly with the settler narrative.

Another journalist referred to Parker as “an illiterate man in everything save a knowledge of engineering” and wrote that while Parker attended school he only “acquired the satanic art of whisky drinking, ate late suppers, waxed fat, and his rotund, copper-colored visage shines amidst the notable assembly of office-holders.”59 The journalist argued that Parker’s appointment, rather than a better direction for Indian affairs, made “the greasy aborigines that haunt the department corridors at Washington rub. . . their hands in glee, for they now thought the appointed days of fatness were upon them.”60 Now that Parker had resigned, the journalist continued, he could “wrap his blanket about him” and “return. . . to his wigwam.”61

These journalists also suggested that there would no longer be a need for an Indian Bureau. The purpose of extreme assimilation, which the federal government worked to achieve through the Dawes Act, would eliminate Native nations, make Native people citizens, and open reservation lands for white settlement. These actions would subsequently eliminate any bureaucratic structures in place meant to support Native nations through the civilizing process. Parker not only faced white assimilationists who believed his plans for Indian affairs were too slow in consolidating Native nations, but a public who continued to believe that Native Americans alone had created the circumstances that made the public see them as a financial and bureaucratic burden for the United States. To the public, the “greasy aborigines” came to

Figure 6: Ely Parker is seated on the right. Brigadier General Ely S. Parker. Ely Samuel Parker Papers, American Philosophical Society, Philadelphia, Pennsylvania. Reprinted with permission.
Washington D.C. to get rich and hoard supplies, not fight for their sovereignty, autonomy, and lives amid the decades-long assault on Native bodies and Native spaces. Parker and his dark skin pictured next to Grant’s staff were another reminder to the American public that Native Americans survived and persisted.

Parker believed that a new trajectory was possible in Indian affairs. While he often used the settler terminology of civilization and confinement, he believed it was possible for Native nations to exist permanently alongside the American national landscape. As Parker worked to reframe the geographic, legal, and cultural place of Native Americans within the United States, the Board of Indian Commissioners and others worked to undermine Parker’s vision. Parker was unsuccessful not because he lacked the ability to change Indian affairs in a way that would be beneficial for Native Americans, but because he tried to make space for Native Americans in a settler society where ideologically Native men did not lead, Native nations were temporary obstacles to western expansion, and Native people would soon be gone.

**The Whipple Report**

Parker’s vision for Indian affairs, a vision based on the reconstruction of past failed policies, was overwhelmed by assimilationists. These assimilationists, who believed in allotment, detribalization, legal incorporation, boarding schools, and other tools of cultural genocide, blamed the failures not on poor policy, but on Native Americans for being incapable of
transforming into individuals who would be indistinguishable from white Americans.\(^{62}\) Assimilationists’ push for policy change resulted in the 1887 Dawes or General Allotment Act at the federal level. Unfortunately for New York, the Seneca Nation was explicitly exempted from the Dawes Act. The preemption right to Seneca lands, still held by the single living shareholder of the Ogden Land Company, prevented allotment of Seneca Nation lands as the shareholder argued that the federal government would have to compensate the company if it granted land titles to individual Senecas.\(^{63}\) Conflicting settler claims to Seneca lands still protected the Senecas reservations at the end of the nineteenth century. The Whipple Report was the summary of New York’s investigation into the conditions of Native nations within the state. New York wanted to determine the viability of allotment on New York’s reservations and justify new legislation. The report, released two years after the Dawes Act, was a response to the Seneca Nation’s exclusion from the act and reflects the views of assimilationists at the state and federal levels. Their visions for civilization, education, and geography, unlike Parker’s, were a heightened assault on tribal and land sovereignty.

The Dawes Act intended to break down the geographic, political, and cultural barriers between Native and white society. Allotment of communally held lands into private property, the extension of civil and criminal law over Indian-held lands, and eventual citizenship would render


\(^{63}\) Other shares in the Ogden Land Company were held in estates for Ogden shareholders without heirs. Mary Conable. *A Stead Enemy: The Ogden Land Company and the Seneca Indians*. (PhD diss, University of Rochester, 1994), 365.
Native nations non-existent. In the rest of the United States, whites exploited individual Indian land ownership and purchased surplus reservation lands. Scholars estimate that Native nations lost ninety million acres because of the Dawes Act and similar legislation. Allotment, if enacted on Seneca lands, would finally achieve what had begun with the Sullivan-Clinton Expedition more than one hundred years earlier had it not been for the Seneca Nation’s exemption in the Dawes Act. New York responded with the Whipple Report.

Formed in 1888, the Committee to Investigate the Indian Problem of the State of New York was appointed by the New York State Assembly. The committee members, J.S. Whipple, George H. Frost, Frank P. Demarest, Barnet H. Davis, and George F. Roesch, mostly attorneys, were from all over New York State. Whipple and Davis were also at different times involved with conservation efforts in the state, and each held a position in the Forest, Fish, and Game Commission. None of the men appear to have had notable experience with Indian policy. The only connection to Indian land the men had was that Whipple lived in Salamanca on the Allegany Reservation and Whipple’s son was married to Congressman Edward B. Vreeland’s daughter. Vreeland was a partner in an oil company interested in extracting oil from Seneca lands and later pushed for allotment of Seneca lands at the federal level. The perceived cost of “caring” for Native dependents, the possibility of profiting from natural resource extraction, and ending Native land leasing in favor of the white tenants in Salamanca and similar towns

64 Conable, “A Steady Enemy,” 69, 72.
65 Ellinghaus, Blood Will Tell, xxi.
motivated these New Yorkers. In the introduction of the report, the committee wrote that the investigation was to “afford valuable aid to the Legislature upon which to base future action.”

The committee investigated “the social, moral and industrial condition of the several tribes of Indians in the State,” the number of acres of land cultivated and uncultivated, “the manner in which they assume to allot their lands among the several members of their tribes,” the title of Native lands, and the claims of the Ogden Land Company and others. Additionally, the committee wanted to “gauge their mental capacity.”

Although the report claimed to investigate the Indian problem in all of New York, the investigation centered mostly on the Iroquois. The report stated that in 1888, there were five thousand Native Americans living within the boundaries of New York State on 87,677 acres.

The report began with the history of the formation of the Iroquois League, and ended with hundreds of pages of testimony from Native men and non-Native people with a variety of degrees of familiarity with Native communities. The report omitted exactly how the witnesses were selected, but listed them as “many Indians themselves, chiefs, deposed chiefs, officers, Native teachers, and preachers and other Indians, physicians, teachers, agents State and national, school superintendents and attorneys.” Each of these witnesses had “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.” Ely Parker’s sister Caroline, referred to in the report as

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68 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 3-4.

69 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 3-4.

70 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 4.

71 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 4.

72 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 4.
“Mrs. Mountpleasant,” possibly served as a translator for some of the Iroquois witnesses.73 The report encapsulates assimilationists’ vision for Indian affairs in New York at the end of the nineteenth century.

The most pressing boundaries New York wished to eliminate were geographic, political, and legal. Allotment would have geographically erased the boundaries of the reservations, incorporated newly surveyed Native property into the state, and eventually led to citizenship and taxation. The committee reported that where the Dawes Act had been implemented, the results were “eminently satisfactory” and that allotment was “well adapted to the needs and circumstances of the New York Indians.”74 Some Senecas interviewed for the report agreed that allotment might work for the Senecas, but that certain restrictions would have to be implemented to prevent whites from purchasing reservation lands. Nathaniel Kennedy, a member of the Seneca Nation from Cattaraugus, told the committee that he wanted to own his farm, “but not become a citizen yet.”75 Kennedy wanted the Seneca reservations in New York to operate like the Cornplanter Tract in Pennsylvania, where the lands “are divided up and they don’t pay taxes, and they can sell their lands to their own people.”76 Some Senecas desired to own lands individually, but not part with their nationhood or their reservations.

The state most wanted to erase the distinct political bodies within its borders and eliminate Native nations. The state’s vision for incorporation was paternalistic and genocidal, a

73 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 674. Caroline Parker Mountpleasant was present at the hearings. The few specific mentions of her in the report note that she was related to certain witnesses or that she declined to serve as translator for one man, although it is possible she served as translator for others.

74 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 76.

75 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 744.

76 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 744.
far cry from Parker’s vision of a quasi-Native statehood in line with U.S. federalism. The committee wrote that since calls for Seneca removal from the state ended, “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.”77 The committee did not believe removal was wrong. They simply recognized that it had not solved the “Indian problem.” With removal off the table, the Senecas and others who desired to remain within the boundaries of the state would have to cease to exist as Native, be productive through manual labor, and be subject to the laws of the state.

Unlike Parker, whose policies centered on the abilities of Native peoples to conform to the settler idea of civilization, the special committee argued in the introduction of the report that “[t]he 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.”78 Charles E. Gallagher, a resident of Salamanca on the Allegany Reservation, businessman, and postmaster complained in his testimony that the Senecas were “thin and poor, scantily clothed, degraded morally and in bad condition.”79 When asked about preventing intemperance, Gallagher replied, “I don’t know of any remedy, unless you let them have all the liquor they want, and die as soon as possible; I guess it wouldn’t take them long.”80 The committee asked Gallagher about “the reputation of the young women as to chastity” which he

77 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 76.
78 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 66.
79 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 991.
80 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 991.
reported as “poor; bad.”

Gallagher's only knowledge of the Senecas was that he lived near them. As a resident of Salamanca, a white town leased from the Senecas on the Allegany Reservation, he would have had an interest in extinguishing Seneca title so that he might be able to own the property he leased, which the white residents of Salamanca repeatedly tried to do in the late nineteenth and early twentieth centuries.

The report describes what the committee called Seneca “physical degeneration” because of their health conditions, including widespread scrofula, consumption, and venereal disease. Dr. A.D. Lake, a physician for the federal New York Indian Agency at the Cattaraugus Reservation who later worked as the physician at the Thomas Indian School, testified that he believed those types of illnesses “to exist among the Indian races. . . in the transition stage from barbarism to civilization.”

Lake continued that if the Senecas were made citizens, “it would be an example of the survival of the fittest, and that in the transition from their present condition to becoming citizens, a great many of them would go out of existence.” Lake blamed the Senecas’ living habits or “mode of life” for their illnesses and pushed for more government oversight of Indian health. In a discussion about Seneca dances, Lake answered “Yes, sir” when asked if “their inherited feebleness is especially noticeable in their dances.” Although Lake himself did not speak of poor health being inherited, this testimony indicates that Lake believed the conditions of the Senecas he described could be attributed to their race. Unlike many of the other witnesses,

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81 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 987.
82 Hauptman, “The Historical Background to the Present-Day Seneca Nation-Salamanca Lease Controversy,” 106.
83 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 749.
84 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 752-753.
85 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 750.
86 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 759.
Lake worried that the Senecas would not survive citizenship, but he said “I admit that it is the only thing left to try.” Lake believed that the Senecas should be made citizens of the United States, even if citizenship meant physical extinction.

For failing to make notable progress in “civilization,” the state did not explicitly blame the Senecas. The introduction to the report states 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.” This language is consistent with early eugenics studies, which in the United States focused mostly on “mixed-race,” non-reservation Native communities. The report largely blamed the ward status of Native nations created by federal policy for Seneca conditions, although New York claimed that Native people were wards earlier than the federal government, and the most prominent complaint was the existence of a “nation within a nation.” Like Parker, the committee and witnesses observed the contradiction of simultaneous Native sovereignty and dependency. The report never criticized treaty-making as the embodiment of this contradiction as Parker did, and instead argued that Native sovereignty was not fair to the citizens and legislators of New York who had to pay and care for wards who were legally outside of the state's jurisdiction or control. The perceived financial and legal burden of Native nations added weight to the argument that this arrangement of sovereignties was legally confounding to settler governments and their citizens. The committee asked the superintendent of schools on the

87 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 755.
88 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 67.
89 One of the earliest of these studies was Richard L. Dugdale, The Jukes: A Study in Crime, Pauperism, Disease and Heredity (New York: G.P. Putnam’s Sons, 1877). For more on the connections between eugenics and Native communities see Robert Jarvenpa, Declared Defective: Native Americans, Eugenics, and the Myth of Nam Hollow (Lincoln: University of Nebraska Press, 2018).
90 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 69.
Allegany and Cattaraugus Reservations “What do you say about this proposition, of the great empire State having within its borders at least seven distinct tribes of people or nations or bands; don’t that question appeal to the good judgement of the people for some sort of solution?” The superintendent replied, “I think that it is wrong generally. . . there is no reason why there should be a separate class of laws for one class of people, I think the laws should apply generally to all people within the State.”

The committee argued the solution to the problems outlined in the report was to “Exterminate the tribe and preserve the individual; . . . 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.” The report continued that if the state were to financially support Native Americans, “it should also have control over them,” an argument the Board of Indian Commissioners made at the federal level during Parker’s tenure as Commissioner of Indian Affairs. The committee argued that all of these changes should be made without the consent of the Senecas and other Native nations in the state, because the state knew what was best. Parker also believed that treating Native communities as nations was a “farce,” but his reasoning was tied to the rampant dispossession that treaty-making caused.

The committee also believed the preemption right to Seneca lands was an obstacle to the solution of the “Indian problem” in this new era of erasure. New York officials saw the Ogden claim as a barrier to civilization and detribalization, as the Senecas would not want to become citizens or allot their lands if the Ogden Land Company could claim those lands after the

91 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 772.
92 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 68.
93 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 73.
dissolution of the Seneca Nation. The company claimed they would seek compensation or sue for possession under the preemption right if the Seneca Nation no longer existed as a political entity. The Ogden Land Company still maintained that the preemptive right meant that the company held a title superior to the Senecas’ claim, created at the time of “discovery” and codified in Johnson v. M’Intosh.

By the 1880s, most of the Ogden Land Company’s trustees were dead, most of the shares stuck in estates, and the last remaining trustee, Charles E. Appleby, had little interest in actively pursuing dispossession. The committee asked Appleby what he thought the Ogden claim meant. They asked “What do you understand was meant by the term sovereignty?” Appleby replied, “The State of Massachusetts reserved nothing but the ownership of the soil. . . the right of owning the soil like you or I would own it.” The committee asked “They had the fee?” Appleby then agreed “Yes, sir; the fee.” A newspaper article that covered the legislature’s investigation reiterated that Appleby believed the Ogden Land Company owned the fee, while the Senecas “on the contrary, assert their ownership and claim the company has only the preemption right to purchase the property from them to the exclusion of any other possible purchaser.” Multiple courts ruled on the issue of what the preemption right meant, but the last

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94 “Report of Special Committee to Investigate the Indian Problem.”, 75.


96 Conable, 377.

97 Conable, 365.

98 “Report of the Special Committee to Investigate the Indian Problem of the State of New York,” 536.

99 “Claiming Indian Lands. The Ownership of a Great Tract of Land in This State in Dispute” Buffalo Morning Express and Illustrated Buffalo Express. July 22, 1888.
remaining representative of the Ogden Land Company continued to claim that they owned the reservations like private property and would take legal action if the state allotted Seneca lands.

The exact nature of the Ogden claim was still unclear. Regardless of whether the preemption right meant the fee, as the last living Ogden Land Company trustee claimed, or simply the right to purchase when the Senecas chose to sell, as the Seneca Nation claimed, the state agreed that the claim needed to be extinguished. The committee argued that the “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.” However, many in the Seneca Nation were aware that the claim provided a legal complication that prevented total incorporation into the state and nation. The committee noted “[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.” Although the preemption right plagued the Senecas since the eighteenth century, by the era of allotment many Senecas recognized that conflicting settler claims to their lands often offered protection. By forming the special committee, New York desired finality in solving their “Indian problem.” The civilizing mission and removal had not accomplished Native erasure and by gathering evidence and publishing it in a more than one thousand page report, the state expected a major shift in policy and a final solution. The last trustee of the Ogden Land Company understood

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100 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 536.
101 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 75.
102 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 75.
better than state officials what it would take to solve the “Indian problem” when he stated at the end of his testimony “I don’t expect to outlive the problem.”

In terms of proper education for Native Americans, the state report was in line with late nineteenth century federal policy. New York supported schools on the reservations, including the Thomas Orphan Asylum where students stayed full time until the age of sixteen. However, the committee members worried that education would go to waste once the children were sent back “among the often demoralizing influences of their people,” just as the PYMIC and ABCFM had earlier in the century. The report does not suggest where children should go after completing schooling, but if Seneca children were not sent back to the reservations, they would presumably live in white society on privately held rather than communal lands. Education was another tool of dispossession. The report does not call for the use of out-of-state boarding schools, but the language reflects that used by boarding school proponents in the 1880s, who believed that older generations of Native Americans were incapable of becoming educated and civilized. The committee then praised the Orthodox Quaker reservation schools for forbidding the use of Native languages, but wrote that the Quakers were “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.” They contended that had the Quakers used more force, civilizing and education would have been more successful.

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103 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 542; The Ogden claim was not the only colonial land title New York could not extinguish in the nineteenth century. For more on the enduring nature of land claims in eastern New York see Charles W. McCurdy, The Anti-Rent Era in New York Law and Politics, 1839-1865 (Chapel Hill, NC: University of North Carolina Press, 2006).

104 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 60.

105 Adams, Education for Extinction, 18.

106 “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 70.
The report only mentioned three educated Native men in New York, including Ely Parker.\textsuperscript{107} Despite his life experiences and eventual appointment as Commissioner of Indian Affairs, Parker and his policies were not used as evidence that coercive and forceful assimilation was unnecessary. The Whipple Report focused only on forceful advancements desired by settler society and earlier pushed for by the Board of Indian Commissioners, such as Christian conversion, American-style cultivated fields, and formal education. The report did not at all acknowledge the many leading Seneca men and women, and individuals who did not hold leadership positions, who spent their lives fighting for Seneca sovereignty and autonomy, whether they petitioned in Washington DC or chased surveyors off the reservations. The Whipple Report, rather than an introspective examination of the limits of past policies, simply provided justification to eliminate the boundaries that separated Native and white society in another attempt to erase the Senecas completely.

The Seneca Nation was exempted from the Dawes Act because of the Ogden claim that had inadvertently acted as an added protection for Seneca land sovereignty. The Senecas then had to face the state which had tried to thwart federal authority and incorporate the Senecas for more than a century by the release of the Whipple Report. Rather than fully blame the preemption right, a major tool of Native dispossession in the United States, or poor past policies, New York blamed the Senecas for the failures of state Indian policies. The existence of distinct nations and separate political bodies within the states’ borders was unacceptable to a government intent on dispossession and erasure.

\textsuperscript{107} “Report of Special Committee to Investigate the Indian Problem of the State of New York,” 969.
Conclusion

The Whipple Report did not result in any substantial policy change.\textsuperscript{108} The legal complications tied to Seneca lands, in addition to the Tonawanda Senecas’ legal battle with the Ogden Land Company and Seneca resistance generally, ensured that the Seneca reservations continued to interrupt New York’s landscape. Despite the stark evidence that the Senecas were not going to disappear even with substantial policy reform, the ways that the public remembered Ely S. Parker show that the narrative of the vanishing Indian was engrained in public thinking. In his 1895 obituary, Parker is remembered not as an engineer or Commissioner of Indian Affairs, but as “Friend and Secretary of General Grant.”\textsuperscript{109} Other obituaries similarly did not mention his appointment as Commissioner of Indian Affairs.\textsuperscript{110} The author of one obituary referred to Parker as the “Last sachem of the Senecas and stated that “his passing away may cause the dissolution of the historic Six Nations Confederation.”\textsuperscript{111} Some papers even went as far as questioning Parker’s accomplishments as written in his obituary, such as his drafting of the surrender terms at Appomattox.\textsuperscript{112} American public memory diminished Parker’s accomplishments, painting him as important only through his relationship with Grant. In this American narrative, Parker’s death worked to uphold the idea that a separate Iroquois political body would cease to exist in New

\begin{footnotesize}
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\item \textsuperscript{108} New York State launched substantial investigations into Indian affairs throughout the twentieth century including the “Report of the New York State Indian Commission to Investigate the Status of the American Indian residing in the State of New York” in 1919-1922 and “Report of the New York State Joint Legislative Committee on Indian Affairs” in 1943-1964. The Seneca Nation is still a sovereign nation within New York state.
\item \textsuperscript{110} “Gen. Ely S. Parker Dead.” August 31, 1895. \textit{The Buffalo Enquirer}.
\item \textsuperscript{111} “The Terms of Surrender.” September 8, 1895. \textit{The Inter Ocean}; White settlers often claimed Native land and history by referring to Native individuals as the “last” of their kind. See chapter 3 in Jean M. O’Brien, \textit{Firsting and Lasting: Writing Indians Out of Existence in New England} (Minneapolis, MN: University of Minnesota Press, 2010).
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York State. To white society, Parker’s passing simply marked another step in the inevitable
decline and disappearance of the Iroquois.

This juxtaposition of Ely Parker’s vision for the possibilities available to Native nations
with the vision for Indian affairs expressed in the Whipple Report is not to show that settler-
driven actions overshadowed alternate possibilities. Rather, the comparison shows that American
expansion was still very much being constructed in 1888. The testimony in the Whipple Report,
aside from calls to break down the geographic and political barriers between white and Native
society in New York State, showed no consensus on how to complete Native erasure and end
Seneca interruption. In 1888, the Senecas and the people who lived and worked in the
communities around the reservation still did not have singular understandings of land use,
jurisdiction, sovereignty, or citizenship. Western expansion, and all that went with it, was
supposed to be settled and completed by the end of the nineteenth century, but those concepts
remained fluid as settler actors continued to work to give teeth to the expansion of the American
domestic empire. While settler actors ultimately frustrated Parker’s vision and framed Seneca
endurance and survivance as an “Indian problem,” the Seneca reservations in western New York
still physically and symbolically interrupt the American nation.
CONCLUSION

The Legacy of American Settlement: Western Expansion as an Unfinished Project

During the nineteenth century, Seneca lands and people interrupted New York’s western expansion. The Senecas intentionally interrupted American settlement by resisting settler encroachment, forcing settler groups to reflect on the extent of American power, and maintaining a narrative of Seneca sovereignty. Conflicting legal claims also marked Seneca lands. These claims entangled in ways that prevented the Senecas from losing their reservations. Although western expansion is considered a finished project, as long as Seneca reservations and people remain in the boundaries of the state, New York’s western expansion is incomplete.

As missionaries, land speculators, and state and federal officials fought to control land use, possess the Seneca reservations, and construct western expansion, the Senecas ensured their own endurance and survivance. Settler groups characterized the continuity of Seneca landholding as an “Indian problem” because settler groups worked toward the realization of the “vanishing Indian" narrative. Through policy after policy, the Senecas remained and their lands were never incorporated into New York or the United States. An anomaly in the narrative of the nineteenth century United States, the Seneca story shows us that eastern Native nations successfully maintained their homelands in an era of widespread dispossession, and in doing so shaped the trajectory of America’s domestic empire.

Americans first tried to claim Seneca lands in the Sullivan-Clinton Expedition during the American Revolution. When military conquest failed, the United States was forced to turn to treaty-making to create legal mechanisms that would allow the United States to dispossess the
Senecas. The 1786 Treaty of Hartford and the 1794 Treaty of Canandaigua inadvertently created protections for Seneca lands that lasted throughout the nineteenth century. New York, the United States, the Ogden Land Company, and missionaries clashed over possession of Seneca lands, the ability to dictate land use, and how, or if, the Senecas belonged in New York. External pressure sparked Seneca debate over how to engage with settler groups to best protect their land and sovereignty. The Senecas maintained a narrative of both the longevity of their sovereignty and their continuous possession of their reservations. The Senecas’ endurance in the face of settler expansion shaped Commissioner of Indian Affairs Ely Parker’s federal Indian policies. Parker’s plans, although overwhelmed by assimilationists, reflected how the Senecas remade their own sovereignty to work within the bounds of American expansion. In the 1880s, New York read Seneca survivance and endurance as ineptitude and dependency in a last attempt to erase the Senecas completely. The looming preemption right again shielded the Senecas from assimilationist policies and protected Seneca land and nationhood.

Each debate or negotiation highlighted in this project shaped western New York’s landscape. Sometimes, this influence was subtle, such as the negotiations between the Senecas and missionaries resulting in the addition of mission houses and churches alongside Seneca homes and longhouses. At other times, this influence was striking, such as the negotiation over and creation of the reservation borders between Seneca and settler spaces, demarcating the boundaries between sovereign entities. After 1889, debates over Seneca spaces continued, which further altered the landscape. In the twentieth century, conversations about allotment, citizenship, and disputed land claims dominated these negotiations. In the twenty-first century, the
negotiations have taken on different forms, although the names, places, and underlying tensions involved would be familiar to nineteenth century Senecas and settlers.

That the Senecas continue to debate with settler groups over their lands shows that New York’s western expansion is unfinished, and because the Senecas have interrupted American settlement, the Senecas continue to push back against American expansion by reclaiming spaces in western New York as Native spaces. Today, the Senecas and settlers clash over Seneca economic development and the continued settler impulse to control Native wealth and Native sovereignty. In 2002, the Seneca Nation entered into a gaming compact with New York State that allowed them to build and operate casinos. In 2005, the Seneca Nation purchased nine acres in downtown Buffalo from the Ellicott Development Company, a real estate and management company operated by Carl Paladino, a one-time New York gubernatorial candidate hostile to Native sovereignty and autonomy, and his brother William Paladino. Named after Joseph Ellicott, the Holland Land Company agent who surveyed western New York at the end of the eighteenth century, the Ellicott Development Company controls the land that surrounds the repurposed Seneca Nation land. Although disputes continue over the use of the land and the ability to control development projects, the Senecas now economically benefit from the casino built on the former Buffalo Creek Reservation, which the Seneca Nation named the Seneca Buffalo Creek Casino.¹ The casino interrupts Buffalo’s downtown landscape in an area reclaimed from American expansion.

Similar negotiations over space continue to take place on the Cattaraugus Reservation, where the New York State Thruway bisects the western portion of that Seneca Nation territory.

Thruway repairs have been at the center of disputes between the Seneca Nation and New York since the state built the road in the twentieth century. In 2018, a Seneca man named Eric White attempted to build his own off-ramp that would lead directly to his store, the Big Indian Smoke Shop.\(^2\) White, who previously conflicted with New York over taxes on cigarettes, built the ramp for political reasons rather than solely his own economic benefit. White’s actions were another example of a Seneca participating in the negotiations over space. White expressed that because the land belongs to the sovereign Seneca Nation, the state has no right to dictate his ability to alter that space or tax him for selling cigarettes to non-Natives.\(^3\) White sued New York in 2018, but the New York Court of Appeals ruled that the state can tax White and other Senecas for selling to non-Natives. White and his attorneys attempted to take the case to the Supreme Court of the United States. White’s attorneys argued that the 2018 ruling on taxation violated the Treaty of Buffalo Creek and conflicted with *The New York Indians* (1866) that ruled the state could not tax non-Indians on reservation lands.\(^4\) The Supreme Court refused to hear the case, and it is unclear what White’s plans for the ramp or future litigation are.

The Seneca Nation did not condone White’s actions, but have expressed similar sentiments about the New York State Thruway and have sued New York over whether the original agreements to build the thruway were valid at all. In disputes with the state, the Seneca Nation have let the portion of road that runs through the reservation fall into severe disrepair.\(^5\) In


\(^3\) “Is a Seneca businessman really building a Thruway off ramp?” *WGRZ*, March 29, 2018.


2019, the state began construction to fix the stretch of Thruway. The construction is altering the landscape because of another in a long series of negotiations between the Senecas and settler groups. The conflict over space will continue as long as settler groups try and fail to undermine Native sovereignty.

Many modern Americans feel distant from western expansion, and when the federal or state governments act in ways that threaten tribal rights today, Americans dismiss expansion and settler colonialism as a top-down project. As this project has shown, however, a variety of settler groups and Native peoples shaped American settlement and the American landscape. My analysis ends in the 1880s, but examining Seneca interruption of American expansion and the spaces left open for indigenous resistance during the nineteenth century shows how Americans might grapple with the legacy of American expansion in the twenty-first century. Modern Americans, or settlers, live on formerly Native lands and benefit from settler assertions of power, and New Yorkers in particular continue to participate in the negotiations over space in western New York by driving on the Thruway or gambling at Seneca-run casinos. By thinking through the ways sovereignty, jurisdiction, and autonomy have been constructed and negotiated by a variety of actors through time, Americans might reconsider what they know about American expansion, geography, and nationhood.
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