

CONSTITUTION

OF THE

SENECA NATION OF INDIANS.

BALTIMORE;

PRINTED BY WILLIAM WOODY & SON.

1848.

RESOLUTIONS

ADOPTED BY THE CONVENTION

OF THE

SENECA NATION OF INDIANS,

December 4th, 1848.

RESOLVED,

That this Convention feel grateful for the religious and scientific instruction which benevolent societies and individuals have bestowed upon us, as well as for the introduction of proper means among us for our improvement: and particularly do we desire to express our gratitude to the Society of Friends; they were the first to introduce the means for our culture and improvement, and laid the foundation of our education and civilization, by which means we have become wiser and enlightened, and been enabled to see and understand our rights; they also befriended and aided us when friendless, and without means to sustain ourselves in time of peril—always zealous and unremitting in their labours for our welfare. Also to the American Board of Commissioners, for Foreign Missions, in sending us missionaries and teachers to enlighten our minds and direct us to

the true light, and teach us the plan of salvation : and also to the people of the State of New York, for their benevolent efforts in enacting laws for our protection and improvement, as well as for the large and generous appropriations made by them for the erection of school houses, and the payment of school teachers among our people, and we desire that these kind offices may be continued.

RESOLVED, That inasmuch as we have abolished our former government ; that by so doing all appointments under that government have now become annulled, therefore,

RESOLVED, That the Seneca nation of Indians in this General Convention assembled, do hereby express their thanks to their friend and brother Sagoah [Philip E. Thomas] of the city of Baltimore and State of Maryland, for the faithful discharge of his duties as representative of our nation (under our late government) to the United States Government at Washington, and having undiminished confidence in his integrity and ability, we do hereby constitute and appoint him our ambassador, under our new form of government, to represent us, and to have charge of all the interests and affairs of the Seneca nation of Indians to the United States Government at Washington.

RESOLVED, That as it is customary among our people that whenever any important event occurs in the history of any member of our nation, either by the natural transition from childhood to manhood, from warrior to chieftain, or from chieftain to sachem, therefore we declare, that in consequence of this change in our government of his re-appointment under the new, and with the con-

sent of the relatives of our friend Sagaoh, that the name Sagaoh shall cease to be his name, by which he was called and known among us, and that hereafter his name shall be Hai-wa-noh (Embassador, representative, or Charge d'Affaires) because he is to represent our nation and people, by which appellation he is henceforth to be known among us, and that the ceremony of christening be immediately performed. [Whereupon the ceremony of changing the former Indian name and christening Philip E. Thomas, of Baltimore, was performed, according to our customs and usages, by Sa-dye-na-wa (John Hudson), and declared that the said Thomas may hereafter be known by the name of Hai-wa-noh. (Great sensation and applause of approbation.)

RESOLVED, That the Clerk and President are hereby authorized and empowered to prepare the credentials of Hai-wa-noh [Philip E. Thomas] our embassador, whom we have hereby constituted and appointed; and forward the same to him as soon as practicable, together with the declaration, constitutional charter, and request him immediately to repair to the seat of the United States Government, and present them to the proper authorities, and also to notify him of the change of his name, and his appointment as an officer of the government of the Seneca Nation of Indians.

RESOLVED, That copies of the declaration, constitutional charter, and resolutions of this Convention be forwarded by the Clerk to the Joint Committee of the Society of Friends on Indian Concerns, and to the Governors of the States of New York and Massachusetts, with the request

that the same be put on file in the proper offices, and that our representative be requested to present copies of the same to the Congress of the United States, now convened at Washington, and to the Secretary of War, with the request that the same be put on file in their respective departments.

RESOLVED, That we have unabated and undiminished confidence in the abilities and qualifications of the United States Interpreter (Peter Wilson) for this agency, having always discharged his duty faithfully, and that inasmuch as the late chiefs under our former government have petitioned for his removal, without just and reasonable cause, we hereby request our representative to protest and remonstrate against his removal.

RESOLVED, That the Clerk be hereby instructed to prepare and forward copies of the doings and proceedings of this Convention to the publishers of the Buffalo Commercial Advertiser, and the New York Tribune, with the request that the same be printed in their respective papers.

I hereby certify that the above copy has been examined and compared with the original now on file in the archives of the Seneca Nation of Indians, by me, and is a correct transcript of the same, and of the whole of said resolutions passed by the General Convention.

WILLIAM JEMERSON,

Clerk of the Seneca Nation of Indians.

Cattaraugus Reservation, Erie County, N.Y.,

December 5th, 1848.

DECLARATION
OF THE
SENECA NATION OF INDIANS,
Changing their Form of Government,
AND ADOPTING A CONSTITUTIONAL CHARTER.

We, the people of the Seneca Nation of Indians, by virtue of the right inherent in every people, trusting in the justice and necessity of our undertaking, and humbly invoking the blessing of the God of Nations upon our efforts to improve our civil condition, and to secure to our nation the administration of equitable and wholesome laws, do hereby *abolish, abrogate* and *annul* our form of Government by chiefs, because it has failed to answer the purposes for which all governments should be created.

It affords no security in the enjoyment of property,—it provides no laws regulating the institution of marriage, but tolerates polygamy.

It makes no provision for the poor, but leaves the destitute to perish.

It leaves the people dependent on foreign aid for the means of education.

It has no judiciary, nor executive departments. It is an irresponsible, self-constituted aristocracy.

Its powers are absolute and unlimited in assigning away the people's rights, but indefinite and not exercised, in making municipal regulations for their benefit or protection.

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

But to remedy these defects, we proclaim and establish the following Constitution or Charter, and implore the Governments of the United States and the State of New York to aid in providing us with laws under which progress shall be possible.

SEC. 1. Our Government shall have a legislature, Executive and Judiciary departments.

SEC. 2. The Legislative power shall be vested in a council of Eighteen members who shall be termed the Councillors of the Seneca Nation, and who shall be elected annually on the first Tuesday of May in each year: and who shall be apportioned to each Reservation according to its population, two-thirds of whom assembled in regular session and duly organized shall constitute a quorum, and be competent for the transaction of business; but to all bills for the appropriation of public moneys the assent of two-thirds of the members elected shall be necessary in order that the bill should become a law.

SEC. 3. The Executive power shall be vested in a President, whose duty it shall be to preside at all meetings of the council, having only a casting vote therein: and to see that all laws are faithfully executed: and to communicate to the council at every session a statement of the condition of the national business, and to recommend for the action of the council such matters as he may deem expedient. In the absence of the President the council may choose a presiding officer *pro tempore*.

SEC. 4. The judiciary power shall be vested in three Peace Makers on each Reservation; any two of whom shall have power to hold courts, subject to an appeal to the council, and to such courts of the State of New York as the Legislature thereof shall permit. The jurisdiction, forms of process and proceeding in the Peace Makers' Courts shall be the same as in courts of the justices of the Peace of the State of New York, except in the proof of wills, and the settlement of deceased person's estates, in which cases the Peace Makers shall have such power as shall be conferred by law.

SEC. 5. All causes of which the Peace Makers have not jurisdiction, may be heard before the Council or such courts of the State of New York as the Legislature thereof shall permit.

SEC. 6. The power of making Treaties shall be vested in the Council, but no Treaty shall be binding upon the Nation until the same shall be submitted to the people, and approved by three-fourths of all the legal voters and also by three-fourths of all the mothers in the Nation.

SEC. 7. There shall be a Clerk, and Treasurer, and Superintendent of Schools, and overseers of the poor, and Assessors, and overseers of Highways, whose duties shall be regulated by law.

SEC. 8. Every officer who shall be authorized to receive public money shall be required to give such security as the President and the attorney for the Seneca Nation shall approve.

SEC. 9. There shall be a Marshall and two Deputies on each Reservation (Cattaraugus and Allegany,) who shall execute all processes issued by the courts, and do such other duties as shall be prescribed by law.

SEC. 10. All officers named in this constitution or charter shall be chosen at the same time, in the same manner and for the same term as members of the council, and vacancies occurring in any office shall be filled in the manner to be prescribed by law, and every male Indian of the age of twenty-one years and upwards, either residing on one of the Reservations (the Cattaraugus, Allegany, or Oil Spring,) or owning, possessing and occupying any lands upon either of said Reservations, and which lands may have been taxed for highways or other purposes, shall be entitled to vote at all elections.

SEC. 11. Any legal voter shall be eligible to any office named in this Constitution or Charter, and all officers elect shall be inducted into office, and if necessary shall be impeached by the use of such forms and regulations as shall be prescribed by law.

SEC. 12. The compensation of members of the Council shall be one Dollar each per day while in session; but no member shall receive more than twenty-six Dollars during any one year. The compensation of all the officers shall be prescribed by law.

SEC. 13. The council shall meet annually on the first Tuesday of June, and Extra Sessions may be convened by the President at any time he shall think proper.

SEC. 14. The council shall have power to make any laws not inconsistent with the Constitution of the United States or of the State of New York.

SEC. 15. All offences which shall not be punishable by the laws of United States or of the

State of New York, shall be tried and punished in the Peace Makers' Court, or before the council as shall be prescribed by law.

SEC. 16. The rights of any member of the ancient Confederacy of the Iroquois to the occupancy of our lands and other privileges shall be respected as heretofore; and the council shall pass laws regulating for the admission of any Indian of other tribes or nations to citizenship and adoption into the Seneca Nation of Indians by his or her application for his or herself or family.

SEC. 17. This Charter may be altered or amended by a council of the people convened for that purpose on three months previous notice, by a vote of two-thirds of the legal voters present at such convention.

SEC. 18. The Saws Mills on the different Reservations now in operation are hereby declared to be National property, and the funds accruing therefrom shall be by the Council appropriated to National purposes. But nothing in this charter shall be construed as prohibiting the erection of Mills and other works for manufacturing or other purposes by any private individual upon his own premises, provided that in so doing he do not trespass upon the rights of any other individual; and all such erections by individuals shall be respected as strictly private property.

SEC. 19. The laws passed by the legislature of the State of New York for the protection and improvement of the Seneca Nation of Indians, and also all laws and regulations heretofore adopted by the chiefs in legal council assembled shall continue in full force and effect as heretofore except

so far as they are inconsistent with the provisions of this Constitution or Charter.

SEC. 20. And in order to carry this form of Government into effect we hereby provide and declare that Solomon McLane shall be President, and that John Cook, George Deer, John Green Blanket, John Bennett, Charles Kennedy, Little Joe, George Green Blanket, Andrew John, and John Luke, shall be members of the council, and that William Jemerson shall be clerk, and Andrew John Treasurer of the Nation, and John Hudson Superintendent of Schools, and Joe White, John Tallchief and John Shanks Overseers of the poor, and Peter Snow, Solomon Obail, and Thomas Shango Assessors, and Joseph Dudley, Stephen Silverheel, and John Pierce Overseers of the Highways, and Stephen Silverheel, Marshall and Wm. Logan and Allen Jameson Deputy Marshalls and John Kennedy, jr., John Hudson, and John Cook Peace Makers for the Cattaraugus Reservation.

And that Soloman W. MacLane shall be superintendent of Schools, and David Shango, Robert Watt, Benjamin Lewis, Peter Jameson, John Snyder, Hamilton Shongo, Mash Pierce, James Long John, and Jabez Jones Councilors, and John King, John Jameson, Samuel Jones, Overseers of the poor, and Benjamin Williams, Jesse Plummer, and Dodge Fatty, Assessors, and Joseph W. Pierce, John Taylor, and Peter John Overseers of the Highways, and Ruben Jackson, Marshall, and James Tandy, Bush Pierce Deputy Marshalls, and Samuel W. Patterson, Tandy Jameson, and Benjamin Pierce, Peace Makers for the Allegany Re-

servation,—until the election of officers on the first Tuesday of May next.

Done in a general council of the people held at the Council House on the Cattaraugus Reservation on the 4th day of December, A.D. 1848.

S. McLANE, Chairman.

WM. JEMERSON, Clerk.

(Signed by the representatives of the people of the Seneca Nation of Indians)

ANDREW SNOW,	DAVIS x ISAAC,
JOHN x BALDWIN,	JOHN x BARK,
ALLEN x JIMESON,	JOHN x GENERAL,
JOEL x SUNDOWN,	JOHN x CATTERCOOK,
JACK x KENJOCKEDEY,	BIG x CHIEF,
HENRY x PHILIPS,	JIMY x CORNPLANTER,
JOHN x JONES,	THOMAS x SNOW,
JOHN x TALLCHIEF,	PETER x SNOW,
HENRY x JACOBS,	JOHN x JIMESON,
YOUNG x JACKSON,	OLD x HEMLOCK,
ALLEN x SNOW,	WM. x RUBEN,
JOHN x SHANKS,	YOUNG x GENERAL,
PAUL x PETER,	JOHN x BENNETT,
ANDREW x FOX,	LITTLE x JOE,
WM. x SPENCER,	DAVID x BUTTON,
PH'P x KENJOCKEDEY, Sr.	JOHN x DICK,
JAMES x GORDON,	JOHN x SPRUCE,
JOHN x WILSON,	JOE x LOGAN.
FOSTER x TURKEY,	CHARLES KENNEDY,
MAJOR x HARRIS,	WM. x LOGAN,
YOUNG x FARMER,	JOHN x GREENBLANKET,
HENRY x MOSES,	GEORGE x DEER.
THOMAS x SHONGO,	STEPHEN SILVERHEELS
JOSEPH x JIMESON,	JOHN x LUKE,
JOHN x DEER,	CAPT. x JACKSON,
JOHN x STEPHENS,	GEORGE x JIMISON,
GEORGE x GREEN,	DAV. x GREENBLANKET,
SOLOMAN x OBAIL,	ABRAM x JOHNNYJOHN,

YOUNG x JOE,	PETER x JOHNSON,
JOHN x PIERCE,	GEORGE x WHITE,
JOHN HUDSON,	JOHN x JOE,
ALEXAN'R x TALLCHIEF,	THOMAS x HALFWHITE,
WM. x TALLCHIEF,	LAFAYETTE x BROOKS,
DAVID x SHONGO,	THOMAS B. GRAYBEARD,
WM. x JOHN,	JOSEPH x DUDLEY,
JOHN x COOK,	LORENZO x SUNDOWN.

I hereby certify that the above Copy has been examined and compared with the original now on file in the archives of the Seneca Nation of Indians by me, and is a correct transcript of the same and of the whole of said Declaration, Constitution and Charter.

WILLIAM JEMERSON, Clerk of the

Seneca Nation of Indians.

Cattaraugus Reservation, Erie Co., N. Y., Dec. 5th, 1848.

SIR,—

You are hereby nominated, constituted, and appointed an **Embassador, Envoy Extraordinary, and Minister Plenipotentiary** to the seat of Government of the United States of America, by the constitutional Convention and Government of the Seneca Nation of Indians, residing in the State of New York, to represent them in their names and behalf, with full powers and privileges of said office to take charge of the interests and affairs of your Government and Nation: and whatever you may do in our names and behalf will be binding upon us, and of the same effect as if we had been present and consenting thereto; and you are hereby authorized and empowered to proceed with the business of your nation as they shall from time to time direct, and as you may deem just and proper.

You are also hereby authorized and requested to proceed immediately to the seat of the United States Government, and present this, your credentials, to the proper authorities.

You are also informed that your official duties commences with the date of this commission and appointment as an officer of the Seneca Nation of Indians.

By order of the Convention and Government of the Seneca Nation of Indians.

S. ■McLANE, *President,*

WILLIAM JEMERSON, *clerk.*

Cattaraugus Reservation, Erie County, N. Y.,

December 5th, 1848.

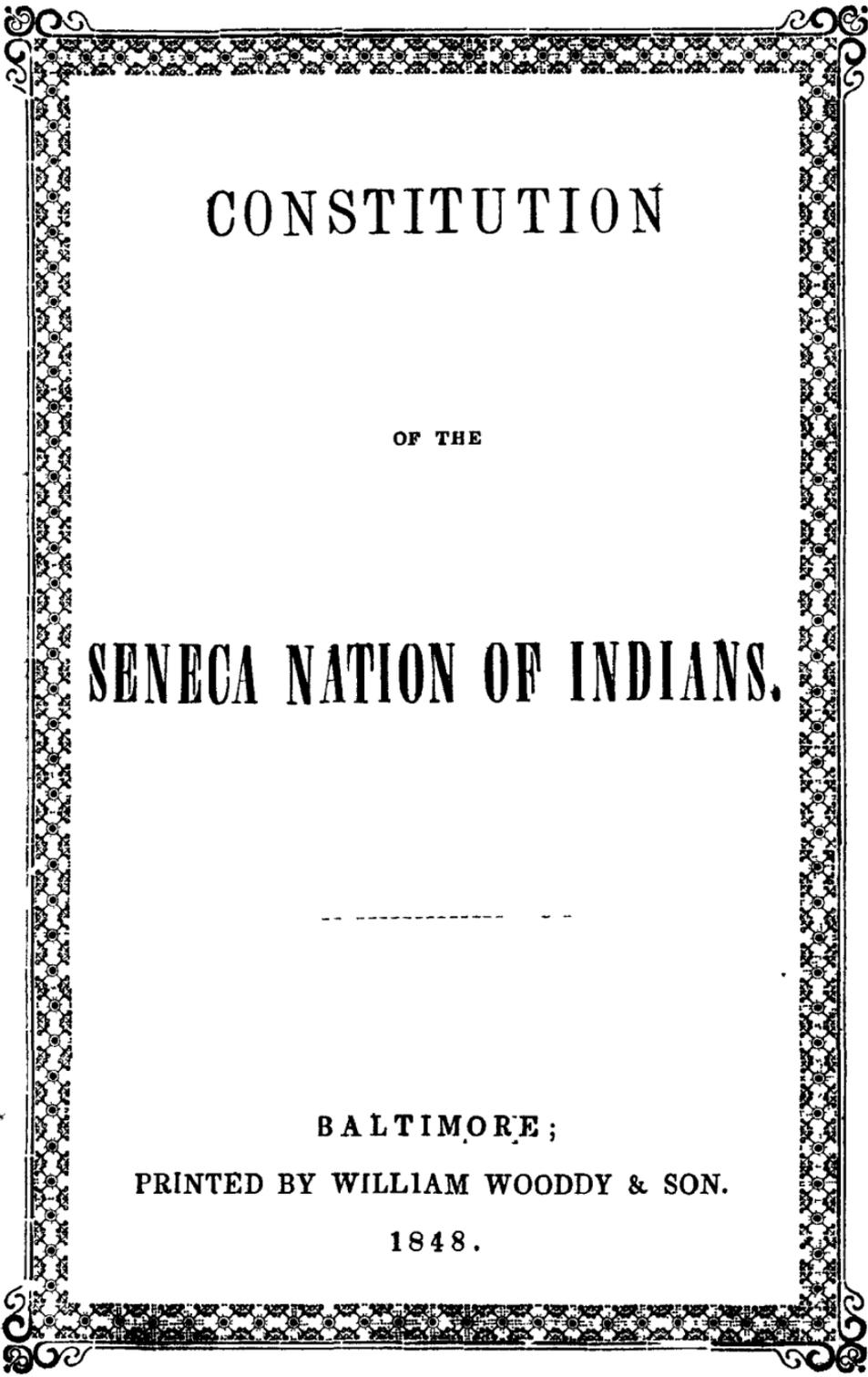
To HAI-WA-NOH, (*Philip E. Thomas,*)

Embassador, &c., &c.,

Baltimore, Maryland.

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sent of the relatives of our friend Sagaoh, that the name Sagaoh shall cease to be his name, by which he was called and known among us, and that hereafter his name shall be Hai-wa-noh (Embassador, representative, or Charge d'Affaires) because he is to represent our nation and people, by which appellation he is henceforth to be known among us, and that the ceremony of christening be immediately performed. [Whereupon the ceremony of changing the former Indian name and christening Philip E. Thomas, of Baltimore, was performed, according to our customs and usages, by Sa-dye-na-wa (John Hudson), and declared that the said Thomas may hereafter be known by the name of Hai-wa-noh. (Great sensation and applause of approbation.)

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Clerk of the Seneca Nation of Indians.

Cattaraugus Reservation, Erie County, N.Y.,

December 5th, 1848.

DECLARATION
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Changing their Form of Government,
AND ADOPTING A CONSTITUTIONAL CHARTER.

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SEC. 10. All officers named in this constitution or charter shall be chosen at the same time, in the same manner and for the same term as members of the council, and vacancies occurring in any office shall be filled in the manner to be prescribed by law, and every male Indian of the age of twenty-one years and upwards, either residing on one of the Reservations (the Cattaraugus, Allegany, or Oil Spring,) or owning, possessing and occupying any lands upon either of said Reservations, and which lands may have been taxed for highways or other purposes, shall be entitled to vote at all elections.

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SEC. 13. The council shall meet annually on the first Tuesday of June, and Extra Sessions may be convened by the President at any time he shall think proper.

SEC. 14. The council shall have power to make any laws not inconsistent with the Constitution of the United States or of the State of New York.

SEC. 15. All offences which shall not be punishable by the laws of United States or of the

State of New York, shall be tried and punished in the Peace Makers' Court, or before the council as shall be prescribed by law.

SEC. 16. The rights of any member of the ancient Confederacy of the Iroquois to the occupancy of our lands and other privileges shall be respected as heretofore; and the council shall pass laws regulating for the admission of any Indian of other tribes or nations to citizenship and adoption into the Seneca Nation of Indians by his or her application for his or herself or family.

SEC. 17. This Charter may be altered or amended by a council of the people convened for that purpose on three months previous notice, by a vote of two-thirds of the legal voters present at such convention.

SEC. 18. The Saws Mills on the different Reservations now in operation are hereby declared to be National property, and the funds accruing therefrom shall be by the Council appropriated to National purposes. But nothing in this charter shall be construed as prohibiting the erection of Mills and other works for manufacturing or other purposes by any private individual upon his own premises, provided that in so doing he do not trespass upon the rights of any other individual; and all such erections by individuals shall be respected as strictly private property.

SEC. 19. The laws passed by the legislature of the State of New York for the protection and improvement of the Seneca Nation of Indians, and also all laws and regulations heretofore adopted by the chiefs in legal council assembled shall continue in full force and effect as heretofore except

so far as they are inconsistent with the provisions of this Constitution or Charter.

SEC. 20. And in order to carry this form of Government into effect we hereby provide and declare that Solomon McLane shall be President, and that John Cook, George Deer, John Green Blanket, John Bennett, Charles Kennedy, Little Joe, George Green Blanket, Andrew John, and John Luke, shall be members of the council, and that William Jemerson shall be clerk, and Andrew John Treasurer of the Nation, and John Hudson Superintendent of Schools, and Joe White, John Tallchief and John Shanks Overseers of the poor, and Peter Snow, Solomon Obail, and Thomas Shango Assessors, and Joseph Dudley, Stephen Silverheel, and John Pierce Overseers of the Highways, and Stephen Silverheel, Marshall and Wm. Logan and Allen Jameson Deputy Marshalls and John Kennedy, jr., John Hudson, and John Cook Peace Makers for the Cattaraugus Reservation.

And that Soloman W. MacLane shall be superintendent of Schools, and David Shango, Robert Watt, Benjamin Lewis, Peter Jameson, John Snyder, Hamilton Shongo, Mash Pierce, James Long John, and Jabez Jones Councilors, and John King, John Jameson, Samuel Jones, Overseers of the poor, and Benjamin Williams, Jesse Plummer, and Dodge Fatty, Assessors, and Joseph W. Pierce, John Taylor, and Peter John Overseers of the Highways, and Ruben Jackson, Marshall, and James Tandy, Bush Pierce Deputy Marshalls, and Samuel W. Patterson, Tandy Jameson, and Benjamin Pierce, Peace Makers for the Allegany Re-

servation,—until the election of officers on the first Tuesday of May next.

Done in a general council of the people held at the Council House on the Cattaraugus Reservation on the 4th day of December, A.D. 1848.

S. McLANE, Chairman.

WM. JEMERSON, Clerk.

(Signed by the representatives of the people of the Seneca Nation of Indians)

ANDREW SNOW,	DAVIS x ISAAC,
JOHN x BALDWIN,	JOHN x BARK,
ALLEN x JIMESON,	JOHN x GENERAL,
JOEL x SUNDOWN,	JOHN x CATTERCOOK,
JACK x KENJOCKEDEY,	BIG x CHIEF,
HENRY x PHILIPS,	JIMY x CORNPLANTER,
JOHN x JONES,	THOMAS x SNOW,
JOHN x TALLCHIEF,	PETER x SNOW,
HENRY x JACOBS,	JOHN x JIMESON,
YOUNG x JACKSON,	OLD x HEMLOCK,
ALLEN x SNOW,	WM. x RUBEN,
JOHN x SHANKS,	YOUNG x GENERAL,
PAUL x PETER,	JOHN x BENNETT,
ANDREW x FOX,	LITTLE x JOE,
WM. x SPENCER,	DAVID x BUTTON,
PH'P x KENJOCKEDEY, Sr.	JOHN x DICK,
JAMES x GORDON,	JOHN x SPRUCE,
JOHN x WILSON,	JOE x LOGAN.
FOSTER x TURKEY,	CHARLES KENNEDY,
MAJOR x HARRIS,	WM. x LOGAN,
YOUNG x FARMER,	JOHN x GREENBLANKET,
HENRY x MOSES,	GEORGE x DEER.
THOMAS x SHONGO,	STEPHEN SILVERHEELS
JOSEPH x JIMESON,	JOHN x LUKE,
JOHN x DEER,	CAPT. x JACKSON,
JOHN x STEPHENS,	GEORGE x JIMISON,
GEORGE x GREEN,	DAV. x GREENBLANKET,
SOLOMAN x OBAIL,	ABRAM x JOHNNYJOHN,

YOUNG x JOE,
 JOHN x PIERCE,
 JOHN HUDSON,
 ALEXAN'R x TALLCHIEF,
 WM. x TALLCHIEF,
 DAVID x SHONGO,
 WM. x JOHN,
 JOHN x COOK,

PETER x JOHNSON,
 GEORGE x WHITE,
 JOHN x JOE,
 THOMAS x HALFWHITE,
 LAFAYETTE x BROOKS,
 THOMAS B. GRAYBEARD,
 JOSEPH x DUDLEY,
 LORENZO x SUNDOWN.

I hereby certify that the above Copy has been examined and compared with the original now on file in the archives of the Seneca Nation of Indians by me, and is a correct transcript of the same and of the whole of said Declaration, Constitution and Charter.

WILLIAM JEMERSON, Clerk of the

Seneca Nation of Indians.

Cattaraugus Reservation, Erie Co., N. Y., Dec. 5th, 1848.

SIR,—

You are hereby nominated, constituted, and appointed an **Embassador, Envoy Extraordinary, and Minister Plenipotentiary** to the seat of Government of the United States of America, by the constitutional Convention and Government of the Seneca Nation of Indians, residing in the State of New York, to represent them in their names and behalf, with full powers and privileges of said office to take charge of the interests and affairs of your Government and Nation: and whatever you may do in our names and behalf will be binding upon us, and of the same effect as if we had been present and consenting thereto; and you are hereby authorized and empowered to proceed with the business of your nation as they shall from time to time direct, and as you may deem just and proper.

You are also hereby authorized and requested to proceed immediately to the seat of the United States Government, and present this, your credentials, to the proper authorities.

You are also informed that your official duties commences with the date of this commission and appointment as an officer of the Seneca Nation of Indians.

By order of the Convention and Government of the Seneca Nation of Indians.

S. ■McLANE, *President,*

WILLIAM JEMERSON, *clerk.*

Cattaraugus Reservation, Erie County, N. Y.,

December 5th, 1848.

To HAI-WA-NOH, (*Philip E. Thomas,*)

Embassador, &c., &c.,

Baltimore, Maryland.