

INDIAN JUSTICE.

We were present at the Circuit Court held at Buffalo, in the county of Erie, on the 19th inst. where an Indian Chief of the Seneca nation, called *Soo non-guire*, or Tommy Jimmy, was arraigned for the murder of a Squaw of that nation, within the territory reserved by the Indians, and over which they claim exclusive jurisdiction and sovereignty. The novelty of the case created an unusual degree of excitement, and the utmost solicitude was evinced for the fate of the prisoner, not only by his red brethren, but among the white people assembled at the trial. Judge Yates, who presided at the circuit, directed that a convenient part of the court room should be allotted to the Indians, and the principal warriors and sachems of the nations were called as witnesses on the occasion.

It appeared upon the inquest of the coroner, that the deceased had been accused of witchcraft before the assembly of chiefs, and that she was formally condemned to die for that offence; and the prisoner, in confessing the murder, alleged in extenuation, that she was by their usages an outlaw—that he acted as a minister of justice, in compliance with their custom from time immemorial, sanctified to them by the traditions of their ancestors, and in revenge of the death of various individuals of his tribe, who had perished by the sorceries of the defunct.

The ridicule which this doctrine excited among those to whom it was promulgated, was warmly resented by the chiefs and warriors; and the famous Red Jacket, upon being told of the absurdity of a belief in witchcraft, indignantly exclaimed—“What! do you denounce us as fools and bigots; because we still continue to believe, that which you, yourselves, sedulously inculcated two centuries ago? Your divines have thundered this doctrine from the pulpit—your judges have pronounced it from the bench—your courts of justice have sanctioned it with the formalities of law—and you would now punish our unfortunate brother for adherence to the superstitions of his fathers!—Go to Salem! Look at the records of your government, and you will find hundreds executed for the very crime which has called forth the sentence of condemnation upon this woman, and drawn down the arm of vengeance upon her. What have our brothers done more than the rulers of your people have done? And what crime has this man committed by executing, in a summary way, the laws of his country and the injunctions of his God?”

Exceptions were taken to the jurisdiction of the court, on the ground that the Seneca nation of Indians were an independent nation, and claimed by treaty the exercise of jurisdiction and sovereignty in the punishment of delinquents of their own nation, for offences committed within their reservations, upon their own people; and various witnesses were called to prove the frequent exercise of this right, by the assembly of chiefs, in the punishment of criminals, or in directing atonement to the relatives of the party destroyed.

The evidence of Capt. Jones, the sworn interpreter, who had been in his infancy taken prisoner by that nation, who was brought up among them, and had imbibed a thorough knowledge of their manners and customs—and the testimony of the chiefs who were sworn as witnesses, discovered some singular practices among them, which we do not recollect to have noticed before.

Red Jacket, the orator, and principal of the pagan party, presented himself to take the oath; and upon being questioned whether he believed in a Supreme be-

ing, and in the doctrine of rewards and punishments hereafter, fixed the “lurking devil of his eye” upon the questioner, and replied—“Yes! much more than the white men; if we are to judge by their actions.” His testimony, and that of Capt. Pollard, the head of the christians of the nation, corroborated by that of Capt. Jones, disclosed that it was the province of the chiefs to take cognizance of capital offences, and to decree the extent of the punishment, or the mode of commutation or atonement—that frequently the parties aggrieved were satisfied without resort to sanguinary retribution, and were willing to receive pecuniary commutation; others were appeased by the tender of a belt of wampum as an acknowledgment of guilt and evidence of contrition.—But frequently blood was required; and one or more lives were taken to satisfy the revenge of the surviving relatives. That it was not unusual for the chiefs to decree that the murderer should be spared, and one or more innocent persons be immolated in his stead. These were generally selected from the dearest and most respectable relatives and friends of the murderer, who was thus made to feel the enormity of his crime, by bearing about a stigmatized existence, embittered by the reflection that his misdeeds had been instrumental in the destruction of all that was valuable to him in life.

There is, at first, something horribly revolting to our feelings, in the idea of accountable beings destroying the innocent for the punishment of the guilty, and were these people conversant with our notions of theology, we should suppose, it an impious attempt to imitate the system of divine punishment; but of this they cannot be suspected. Their mode, however, is the most dreadful and effectual retribution, that, consistent with their habits and feelings, could be devised—and must have originated in a high souled people, to whom the terrors of conscience, and the agonizing regrets for departed relatives and friends, must have been known in their greatest extent. An Indian is taught to despise death. The taking of life is therefore no punishment; and the doctrine of “*whoso killeth with the sword shall be slain by the sword*,” which is inculcated among us, as it carries with it no terror for the guilty, cannot operate as a preventative of crime among them; it therefore becomes necessary to devise that, which fixes a stigma, like the mark of Cain, upon the criminal, and forces him to exclaim, in the language of the first murderer, “My punishment is greater than I can bear.” Nor does this system, to them, appear cruel or unjust: accustomed from infancy to look upon the transit from time to eternity with complacency, they are of ten emulous of this species of sacrifice, inasmuch as it is an evidence of their consideration in society: And that passion which takes deep root in every noble mind, and which looks to the affection of surviving friends, and the approbation of posterity, for consolation, deprives death of its only remaining terror—the parting pang. This, with the hope of beatification in immortality, frequently renders the death doom of the savage, immolated for his virtues, a festival of joy instead of cause of mourning.

[Buffalo, pap.]

* There is not perhaps, in nature, a more expressive eye than that of Red Jacket; when fired by indignation or revenge, it is terrible; and when he chooses to display his unrivalled talent for irony, its keen sarcastic glance is irresistible.