

# EXHIBIT H

PROCEEDINGS

OF THE

Commissioners of Indian Affairs,

APPOINTED BY LAW FOR THE

EXTINGUISHMENT OF INDIAN TITLES

IN THE

STATE OF NEW YORK.

PUBLISHED FROM THE ORIGINAL MANUSCRIPT IN THE  
LIBRARY OF THE ALBANY INSTITUTE.

WITH AN

*Introduction and Notes,*

BY FRANKLIN B. HOUGH,

MEMBER OF THE ALBANY INSTITUTE.

VOL. II.



ALBANY:

JOEL MUNSELL.

MDCCLXI.

Niagara, 18th June, 1789.

Sir: Having before wrote to some of your principal People, on the Subject of our Lands at Canajoharie, which we have never as yet had any Answers to, probably owing to their not having received them; having a safe Opportunity beg leave to mention to your Excellency that we are informed a Mr. Clock,<sup>1</sup> who we found troublesome before the Commencement of the late unhappy War, is again striving to take Advantage of us, in order to deprive us of our Right in that Part of the Country, which when at the last Treaty at Fort Stanwix in 1784, you was with a Number more of your principal People kind enough to assure us, as our Lands were not confiscated at the Close of the War, we should not be deprived of our just Right; we therefore look up to your Excellency for Justice, and which from your Character we have no doubt but we will obtain. The Reason of our not exerting ourselves relative to this Matter before now, was owing to our being employed in Business in the different Parts of this Country, being obliged to attend at the different Treaties, which has made us neglect paying that Attention to our private Concerns which we otherwise should have done.

From the great Scarcity of Cattle at present amongst us, owing to our having lost Numbers this last Winter, we would wish to dispose of our Canajoharie Lands and would take part Cattle in payment and give a just Deed of the same. Your Excellency being at the Head of the State, we have thought proper to first mention it to you and shall wait your Answer, which we hope will be soon, that an End may be put to the Business.

I flatter myself we will give you every Satisfaction in any Purchase which may be made from us, as what we ourselves do we shall wish to abide by. I have the Honor to be

Your most obedt. humb. Servt.,  
in behalf of the Mohawk Nation.

GEORGE CLINTON, Esq.,

Governor of the State of New York.

<sup>1</sup> Mr. Klock resided at Canajoharie, concerned in large Land Patents in Onondaga County. and with Henry Rensen and others was

To his Excellency the Governor of the State of New York, &c.

Brothers:

We have been informed of the Purchases you made of some of our young Men, both of the Onondaga and Kayuga Country, and we have considered long and seriously on the Consequences that may arise from suffering Individuals (without Authority) to dispose of Property that was given by the Great Spirit to our Forefathers and handed down by them to their Children the Five Nations in general. We have not been hard with the white People who has made an open and fair Application for Lands at our Council Fire; but we have accommodated them, and we hold the Sales sacred, because it was done in full Council and at a proper Place; but what is partially purchased from Individuals, at improper Places, we are bound by the ancient Customs of our Forefathers to disapprove of.

Brothers:

We did not expect that you, after advising us to shun private Treaties with Individuals and avoid selling our Lands to your disobediant Children, that you would yourself purchase Lands from a few of our wrong headed young Men, without the Consent or even the Knowledge of the Chiefs; therefore we have at present only to communicate our Disapprobation of those Sales, and request that you will not make any further Settlements or Surveys on the Lands till the Money is paid us agreeable to the Sales we made at Buffalo Creek last Summer. It is not that we have any Objections to you having the Lands; it is equal to us who has it, as we have sold it in public Council at our Council Fire like Men and do not mean to deviate from it like Children; but we expect to be paid the Money we then agreed for with Dr. Benton, and to have the Distribution of it ourselves, and not that a few Individuals shall run away with the whole, to the Prejudice of all the Five Nations & to the Disgrace of your Brothers. Buffalo Creek, 2nd June, 1789.

SHARONGYOWANON,

KAKONDENAYEN, in Behalf of the  
Onondaga Nation.

OJAGECHTE, } in Behalf of the  
 OCHNIOKWENTON, } Cayuga Nation.  
 OCHNENRAYEWAGHS, } in Behalf of the  
 SKENTYOCHKEVADOCH, } Seneca Nation.  
 JOS: BRANT or TEKANAWETER, in Behalf  
 of the Mohawks, &c., &c.

Resolved, That Samuel Jones and Ezra L'Hommedieu, Esqrs., prepare Answers to the said Letters and lay them before this Board with all convenient Speed.

At a Meeting of the Commissioners for holding Treaties with the Indians within this State, at the House of John Tayler at Albany, on Tuesday the 14th Day of July, 1789.

Present: His Excellency the Governor,  
 His Honor the Lieut. Governor,  
 Abraham Ten Broeck,  
 Ezra L'Hommedieu,  
 Samuel Jones, Esqrs.

Mr. Jones and Mr. L'Hommedieu, to whom were referred the several Letters from Joseph Brant, and from the said Joseph Brant and six other Indians at Buffalo Creek, and from the Sachems, Chiefs & Warriors of the Oneida, Onondaga and Kayuga Nations, reported Answers thereto respectively, which being read and amended were approved, and are as follows:

Brothers:

Your Speech delivered at Fort Stanwix in June was communicated to me by Mr. Tayler, Agent to the Commissioners. It informs me that a Man has settled at the Onondaga Eel wares, near the Cross Lake and built a House there. This Person has no Right to settle on those Lands, and you will be justified in turning him off, if he will not depart peaceably. I will give Orders to our Surveyors to direct him to depart from that Place, and also direct the Surveyor General, in running out the Land, to reserve one Mile Square to

comprehend the Eel wares on both Sides of the River, for the use of your Nation and such white People as may stand in need of Fish. I have given no Permission to any Person to settle on the Lands reserved for common use at the Salt Springs, and no Person shall remain there contrary to the Agreement made between us. Shew this Letter to Major Hardenbergh, our Surveyor, and he will direct that Man to move off when you desire it.

Brother:

We hear Provision is very scarce among you; we have therefore sent you some Corn, which will be delivered to you at Fort Stanwix, to relieve your present Wants and as a Testimony of our Friendship for you.

Your Friend & Brother,

GEO: CLINTON.

To the Onondagas.

Albany, 14th July, 1789.

Brothers:

Mr. Tayler, our Agent, after his Return from Fort Stanwix, delivered to me the Speech of your Nation with a Belt, and I was happy to find that your Nation are so well satisfied with the Treaty made with us at Albany last Winter. You may be assured that Agreement will be kept inviolate on our Part, and we make no Doubt but the same will be faithfully observed by you.

I am sorry to hear from you, that some of our disobedient Children intrude on your reserved Lands; listen not to the Birds that tell Lies and say you have been deceived. The Mothers, the female Governesses, the Sachems and Warriors, may fully rely upon the Governor and Chiefs of New York to fulfil all their Promises. They will take effectual Measures to prevent any Intrusion on your reserved Land, and I recommend to you not to suffer any white Man to settle on your Land.

Brothers:

I have sent the Surveyor to mark out your reserved Lands, so that they may be always known by you and your

# **EXHIBIT I**

Catandagwa March 4<sup>th</sup> 1794

The Indians who were proceeding to Albany agreeable to the  
Governors Request, Call on me and the following speech I received  
from them - Chief Sky spoke as follows -

Brother. You recollect at Bufffald we mentioned to you  
respecting our meeting you said it was not yet arrived  
but Fish Carriers who were present, agreed to burn, and return  
ed on account of danger.

Brother. The Governor has been very kind in sending me of Consequen  
ces of the meeting. I have been very much surprised at that Council  
a message was sent to me by the Governor of Albany to  
Albany to be present at the meeting. I have been very much surprised  
at the message. I have been very much surprised at the message.  
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at the message. I have been very much surprised at the message.  
come forward together with the message to see what will be done  
I what Contract will take place.

We read the Governors message, and was glad to hear it, as we wish  
to see the Governor and reveal our mind to him. As he has not  
before that attention to the principal Chiefs which he ought,  
as he has been trading with but few of the Indians living  
at Cayuga and Onadago, which we consider as it were but  
children, with whom he has traded, which was not properly  
intended to dispose of the Lands without our consent.

[illegible]







# EXHIBIT J

P R O C E E D I N G S

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ALBANY:  
JOEL MUNSELL,  
MDCCCLXI.

Pretexts or from Motives of private Interest, will pretend to be your Advocates and Friends; offer You their Counsel and Advice, but at the same time will throw in the Way all the Difficulties and Embarrassments in their Power.

Brethren! We recommend You to embrace the present Opportunity, lest, if this be lost or neglected, some unavoidable Accident or unforeseen Event may render a future one precarious and possibly less favorable to your Interest.

Brethren! The Right and Power of managing all Affairs with the Indians, not Members of any of the States, is vested in Congress, who have, as We are informed, appointed Commissioners for the Purpose. We are appointed by a Law of the Legislature of this State, to superintend Indian Affairs within the same, by Virtue of which We are authorized and required to enter into Compacts and Agreements with any Indians residing within this State. It is in Consequence of this Law and these Powers that We appear now to treat with You our Brethren, with whom, when our present Differences are adjusted, We are inclined to live as heretofore, on Terms of the most sincere Friendship: in Testimony whereof we give You this Belt.

Brethren! By your Letter of the 11th Day of August last which We received from Captain Brandt, You inform Us that You are sent by the six Nations in Alliance with You to settle some Points necessary to be arranged previous to a more general Meeting; what those Points are, We shall be glad to know. We on our Part attend agreeable to the ancient Custom in which Treaties have been conducted between You and Us and our Ancestors; but your being thus sent, is out of the ancient Mode. We would therefore desire to know the Reason of this new Way of proceeding on a Business of this Nature, and whether You have sufficient Powers delegated to You on this Occasion, so that when We see that You have competent Powers for these Purposes, We may proceed farther upon the Business.

To which the Deputies made Answer:

Brothers! Now You have finished this Day, at this Council which You have called here, and We have heard what You

had to say and fully comprehend it: We would now observe to You that it is the Custom of the six Nations to consult and consider before We answer, and wish You to keep an open Ear, in Expectation to hear what We have to say.

Sept. 6th, 1784.

Was a rainy Day and the Deputies not ready to deliver their Answer until Tomorrow.

September 7th, 1784.

At a Meeting of the Commissioners of Indian Affairs; The Governor being indisposed.

Present:

Abraham Cuyler, Henry Glen, Esqrs.,  
Peter Schuyler, Commissioner.

Abraham Yates, Mat: Visseher,  
Robert Yates, Genl. Gansevoort,  
Abraham Ten Broeck, John Livingston, Esqrs.,  
P. W. Yates, Associates.

Colo Munro, Mr. Vaughan,  
Colo Wemple, Mr. Van Kips,  
Colo Van Dyck, Mr. Kirkland,  
Mr. Moris, Mr. Peter Ryckman, Interpreter.

The Commissioners informed the four Nations by their Deputies, to wit,

*Mohawks*—David Hill, Karongyote; Cap. Jos: Brant, Thayendangea.

*Onondagas*—Kashightoghare; Hatheghserarun.

*Cayugas*—Oghniogueuton; Karonghyageten.

*Senecas*—Kayentwaghegh or Capt. Abeel; Kawaweatiner.

*Ojebwas or Oneidas*—Atoghsreronge; Kanawendon.

*Tuscarora*—Jayahipen.

War Chiefs and several other Indians accompanying them; that the Sachens and Warriors of the Oneidas & Tuscaroras were to be present and were sent for & they soon appearing and being seated, Captain Abeel, a Seneca Chief, spoke as follows:

Brothers! You will acquaint Us when You are ready.

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JOEL MUNSELL.

MDCCCLXI.

1789, between us and our Brothers the Cayugas, and Covenants were made between us and them. They gave us their Lands, except what they choose to keep for their own use, and we gave them Money, Clothing and Provisions, and we agreed to pay to them annually a Sum of Money forever. You doubtless have heard of these Covenants.

Brothers:

These Covenants were intended as much for the Advantage of the Onondagoes and Cayugas, as for the Advantage of the State of New York, and our Brothers the Onondagoes and Cayugas, who were present at these Council Fires, declared that they fully understood these Covenants.

Brothers:

From some Messages which we have received from some of you it would seem that you are not perfectly satisfied that your People have made these Covenants with their Brothers the People of the State of New York.

Brothers:

It has always been the Custom between your Ancestors and ours, whenever there was any Uneasiness between them, to meet together at a Council Fire, and smoke their Pipes together, and to open their Minds to each other, and so they always were in Peace and Friendship.

Brothers:

This was a good Custom and we hope it will be forever observed, and therefore we wish to meet a convenient Number of you, and who may be authorised to represent and transact Business for the whole of you, at the Council Fire which we propose to kindle at Fort Schuyler on the first Day of June next. We will then fully relate to you all that passed between us and our Brothers of the Onondagoes at Fort Schuyler in the Year 1788, and our Brothers the Cayugas at Albany in the Year 1789, & we will show to you the Covenants we made with them, as they were put down in Writing, and we will do what you can reasonably expect from us, so that you may afterwards possess your Minds in Peace.

Brothers:

We shall come to Fort Schuyler prepared to stay there

only about a Week, as the other public Business of the State will not permit us to be absent longer, and we must therefore request you to be there at the time appointed.

Brothers:

We pray the Great Spirit to preserve both you and us in Health and Peace until we meet.

Sir:

I wrote to you on the 19th September last, and to that Letter I now particularly refer you.

The Legislature of the State have since continued the Commissioners in Office and they will be at Fort Stanwix on the 1st of June next, at which time and place it will be agreeable to them to meet you & such other of the Mohawk Nation as you may think proper should accompany you.

By the same Conveyance by which you will receive this Letter, the Commissioners have sent an Invitation to such of the Onondagoes and Cayugas as were not present at the late Treaties held with these Nations, to meet them at Fort Stanwix at the same time; but have mentioned to them that the Commissioners will come prepared to stay about one Week only, as the other public Business of the State will not permit a longer Absence, and I have thought proper to give you this Intimation in order that you may be there as punctual as possible.

GEO: CLINTON.

New York, April 8th, 1790.

The following Letter from His Excellency the Governor was agreed to.

Sir:

With this you will receive a Message from the Commissioners for holding Treaties with the Indians to such of the Chiefs, Sachems and Warriors of the Onondagoes and Cayugas who were not present at the late Treaties held with those Nations, and you will as speedily as possible repair to the western Part of the State and communicate this Message to the Persons for whom it is intended. The mode of Com-

# EXHIBIT L



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At Kanandaigua. 1794.

October. In the beginning of this month, about a dozen of the Oneida Chiefs came to my quarters, accompanied by General Chapin.

They observed, that they had come to this place to meet the rest of the Six Nations, on business with the United States: but the other nations not having arrived, and this being a leisure time, they wished to speak of private affairs, which concerned only their own nation.

### Encroachment on the Oneida's Land.

The Chiefs complained that encroachments were making on their land. They said, that in the sale of land to the State of New-York, the line was to run from the south-west corner of their reservation, due north to the Deep Spring<sup>†</sup>; and thence north to Canaseraga Creek. And that according to this agreement the line was originally run. \* But that lately they have run a new line, due east from the Deep Spring, which cuts off a large piece of their land. — This they said.

*On the 11th of May 1794, the Surveyor General of New-York, the line is drawn north from the Deep Spring, to Canaseraga Creek.*

*See also in Vol. 62 fol. 1711.*

said, had always been too much the case with Indian lands. Tho' there was a right understanding at first, yet afterwards the white people would come and cut off their land. They added "Now our business is that of Peace. General Chapin, you were appointed to see justice done to the Six Nations. We now apply to you and Col. Pickering for assistance, and to procure us justice."

They also complained of their being wronged in the running of their Eastern line, which, during the negotiation with Governor Clinton & other Commissioners, they earnestly desired might go straight from James Dean's southwest corner to the head of Unadilla: while the Governor insisted on running it due south from Mr. Dean's southwest corner. And that finally, in consideration of 500 dollars more to be paid them, towards building a grist mill and saw mill, they consented to have the line run from Mr. Dean's corner straight to a point in the south line of their reservation, half way between the head of Unadilla & the point due south from that corner. Notwithstanding which, the line was in fact run due south. But tho' they have been wronged in this, they give it up. But the new encroachment from the Deep Spring, they said was too much; and they

they could not relinquish it.

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### Answer to the Oneida's Complaint.

To ascertain the facts necessary to be known in order to form a right judgement of their complaint, it seemed proper that some enquiry and examination should be made on the land. I therefore told the Chief that I should return by the way of Oneida, and would then enquire into the subject of their complaint. General Chapin concurring in it as the best means of procuring them satisfaction.

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Saturday, October 11. 1794.

### Parties in the Oneida Nation.

Having been informed that two parties had for some time existed in the Oneida Nation, and altho' there had been an apparent reconciliation, yet that some heart-burning remained, and that the breach was in danger of increasing. I assembled the Chief and Warriors, with a hope that on a discovery, from both sides, of the cause of their difference, means might be used to remove them, and restore their union. Such a union, at all times desirable, seemed to be particularly important at this time; the

Oneida,

Onondas forming a respectable portion of the Six Nations; and having been always friendly attached to the United States.

In a short address, after noticing that the great object of the general treaty at this place, was to renew and confirm the friendship which had now for some years subsisted between the Six Nations and the United States, I expressed my wishes to see them united among themselves; and especially that the Onondas nation, dwelling together on their own land, in our neighbourhood, and having one common interest, might live in harmony and love: observing, that this would be agreeable to the Great Spirit who delighted in the happiness of mankind; but that happiness was attainable only by union, peace, and mutual kindness.

I then desired them calmly to relate the causes of disunion among them; expressing a hope that when known, it might be practicable to remove them, and manifesting my disposition to afford any assistance in my power.

Five Strings of Wampum.

Captain John then spoke a few words to the Indians; and desiring me to keep my seat, they withdrew a little while, to converse among themselves. On their return, Capt. John delivered the following speech, on the

Cause of Disunion in the Onondas Nation.  
Another, Upon recollect, after we had heard what  
upon

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you our brother said, that we desired you to make  
your seat easy, while the Chief withdrew to consult  
of an answer. Now listen to what we have to say.

[Here he recited the substance of my speech to  
them.]

Now, Brother, I desire you to listen. I hope you  
will understand what I am going to relate.  
You will hear my voice in presence of my  
brethren who are ~~here~~ assembled.

Brother, We have given to us a sense  
to know right from wrong. You said that the Great  
Spirit regarded those who loved one another. You  
must pity our condition: we are an ignorant peo-  
ple. We have not the word of the Great Spirit so  
fully explained to us as you the white people. Still  
we have our rules of conduct - those of our forefa-  
thers, which they handed down, that they might  
be preserved and practiced by their children.

Brother, In your speech you desired we  
would lay before you the causes of difference a-  
mong us. - What I shall do, will be openly.  
What I say cannot be hid from the Great Spirit.  
In his presence, and before these people, I shall  
now relate the cause of our difference.

Brother, We have received requests from  
the different nations, time after time, that we  
should be united. Now we hear the voice of the  
United States repeating the same request.

Brother, You said if we would be united,  
it would be greatly to our advantage, & to the ad-  
vantage of the nations at large. Our property and  
interests

interest were one: why should we not be united? But I pass over these matters; repeating only a few words of the advice we have received.

Now, Brother, listen; and I will tell the cause of uneasiness among us. I will convey my ideas in as few words as possible. - Our minds are divided on account of our land. Not that we are to blame: - 'Tis you, Brothers of a white skin, who cause our uneasiness. You keep coming to our seats, one after another. You advise us to sell our land. You say it will be to our advantage. This, Brother, is the voice we receive from you.

Brother, We have received the voice of the United States, as our friend. We really believe the Government of the United States are our friends. You have often advised us to keep our land, & told us if we sold them, it would be like throwing a piece of metal into the fire, which would there dissolve.

Brother, I will now enter on a relation of facts, and in a few words; for if I should go into a full detail, it would take up too much time. I will only mention the most material.

Brother, There was a council-fire kindled at Sioga (on the Mohawk River) requesting land of us. But there was an Albany man there at the same time, who desired we should not sell, as we should injure ourselves by it.

Brother

Brother, This was the cause of our minds being broken apart: some were for disposing of our lands, and some were against it. Our Head-Chief (Good Peter) who died at Buffalo Creek, was against disposing of our lands: but other Chiefs prevailed; so that we disposed of a large country.

Brother, Afterward a Bostonian [meaning John Livingston] came forward and requested we would let him have <sup>a tract of</sup> our land. He came as far as Kanadesaga, where he kindled his Council-Fire. There we made a bargain, and disposed of a large tract of our land.

Then the Governor [of New York] kindled a Council-Fire at Fort Stanwix. He said to us, "I will break this bargain which you have made; as I have a regard for your welfare. This bargain would be to you as if your land were sunk: Now I will lift it out of the water." — After he had said he would save our lands for us, he added — "You had better sell it to me. I will do you justice." — This made us glad: for we expected to have our land restored.

Now, Brother you may think, and I well know, that we know nothing about the sale of lands. For we consented to let him have a large tract, for which he was to pay us 600 dollars a year, as long as the water should run. — There you see one of our bargains, only this sum for so large a country as we disposed of!



Then the Governor driving marks all round what was left of our land, said to us - "Brothers, you see your seat is yet large and comfortable, and that you have room to move round it." Then he desired we would not sell or leave any more of our lands to any body.

Then he gave us a paper, mentioning how large our seats were: still requesting we would not dispose of any of our lands. But, Brother, we since find that we were left, in disposing of so much: tho' it was the voice of all the Chiefs to do it.

Brother, after giving us this writing, and desiring we would keep our lands, he proposed that we should leave four miles wide on the fourth side of our lands: and said he, "I will attend to it for you; as you are not acquainted with dealing for land."

Brother, These are the heads of the treaty with the Governor, at Fort Stanwix.

Brother, At the same time there was a great man there, a citizen of the United States. He kept a full table for us, treated us well; and after the Governor had completed his business, then he came with his petition, requesting we would let him have a tract of land. This also we granted.

Brother, This is the manner in which we have been imposed on by the white people.

We

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We are sensible that we were then very much left. After these things had taken place, the difficulty arose in the nation which still subsists: for, as I said, some were for leasing, and some were opposed to leasing.

Brother, You requested we would lay before you the cause of the division in the nation: this is truly the cause which I have been relating - the letting our land go, from time to time. We acknowledge before you, that herein we have acted very foolishly.

Now, Brother, as I before mentioned, after the Governor had made a bargain with us, he gave us liberty to lease a piece of our land, four miles wide. A man came forward to lease it. The Sachems consented, thinking it would throw an annual payment into the nation. But our Head Warrior rose against it, and was very angry with the Sachems for disposing of the land. However, the bargain took place.

Brother, This lease was given to one Peter Smith. During the time of making the bargain, our Head Warrior was talking against it: but we persevered in leasing the land, contrary to his good advice.

After the lease was given, we sent warriors of one party to attend the surveyors in measuring out this tract of land, which had

liked

liked to have produced a greater difficulty in the nation than what you now see. Our minds were greatly broken apart: we did not know that we should ever again bring them together.\*

Brother, you requested that we would lay before you the whole cause of our difference: I repeat, that it is our land. I am tender hearted; and my mind is easily flattered & led away. I am willing to accommodate any brothers of a white skin; and have always listened to their voices. The reason has been, that I thought they would not be pleased if I did not comply with their requests. And we comply because we wish to live in friendship with our brothers the white people.

Brother, I have mentioned the heads; it would be too tedious to mention all the particulars which have caused our difference.

Brother, The United States planted a tree of peace for us, and desired that we would sit under its shade and smoke our pipes, and think of nothing but friendship. The path of peace was opened for us by the United States, and we were desired by our brothers to walk in it. We have kept in this path with our brethren of the U. States; and we have kept in it among ourselves, except in

[\* I have been told that both parties arrived.]

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in the case which I have mentioned.

Now, Brothers, you have heard what the  
Sachems have to say on their part, of the  
causes of difference in the nation. Now I send  
you speech to the Chief Warrior, to see if he has  
any thing to say, contrary to what I have  
spoken.

[He then handed my five strings  
to Peter, the Head Warrior.]

Speech of Peter, the Chief Warrior.

Brother, Listen.

Brother, You requested that we would  
lay before you the causes of the difficulty in the  
Oneida Nation. You have heard the voices of the  
Sachems: they mentioned the heads thereof.

Brother, You perfectly recollect, that  
at the time you held a Council. Five at  
Newtown Point, I there heard your voice, as  
did a number of the Chiefs now present. You  
gave us advice that we should quit our hunt-  
ing, and informed us how the white people  
lived, how much better and more comfortable.  
Further you recommended that we should learn  
the ways of the Great Spirit.

Brother I will just mention the heads of  
your advice, tho' not necessary for you, as you  
must perfectly recollect what you told us at  
Newtown. You advised us to keep our land,  
as

as our facts were small. But whenever we should desire to dispose of any part of them, that we should make our minds known to the President, who would appoint a person to see justice done us. This was your advice.

Brother, You advised us in a number of cases; how to live, & what to do. It would be tedious to mention the particulars. You must recollect them.

Brother, You must recollect that we told you at that treaty, that we considered you as our brother, and accepted of your advice, which we thought was good. You pointed out a particular path and rule for us to go by. You just now heard, by the voice of our sachems, how we have since conducted. If you find that we have strayed from the path, and gone contrary to your advice, we desire you to bring us back: perhaps we have gone astray.

Brother, We now return your strings. You desired we would lay our difficulties before you, as it was possible you could remove them.

[He then returned the strings.]

Having heard these speeches, I told them the subject was important - that I would well consider it; and on Monday give them my advice.

Monday, October 18th 1794.

Answer to the two foregoing speeches.

Brothers. When I had heard your speeches reciting the causes of trouble and disunion among you, I told you the subject was important - that I would think of it - and when ready, again meet you in Council, and give you my opinion and advice.

Brothers. I have thought a great deal of the condition of the natives of this land, who suffer and grow out of it and once possessed it all. I have earnestly wished that some new path might be discovered in which they might walk with more safety, and in following which they might find all the good things which mankind can enjoy.

Brothers. Some of you have heard the sentiments I formerly expressed on this subject: your War Chief has reminded me of them. One thing,

Brothers, is known to all men of understanding, who look round among their brethren; that it is our own conduct which makes us happy or wretched. I can speak with certainty of people of my colour. Among them those who are industrious, prudent and temperate, get a plenty of good things, and are happy. Those who are lazy, imprudent and intemperate, become poor & miserable. Among all people, as well those of a white as

of a dark skin, some are good, honest and friendly; and some are bad, dishonest & unkind. Among the whites, bad men often hunt the good; and they would hurt them much more, did not the laws restrain and punish them. Among the whites, the poor, the ignorant and the young, who cannot take care of themselves, are under the guardianship of the laws. Those laws mark out the path in which such helpless people are to walk, and persons are appointed as guides to keep them from losing the path, & to prevent people more knowing, but having bad hearts, from leading them astray.

now, Brothers, you the natives of this land - you whose forefathers grew out of it, are in the condition of the helpless people just described; and need the guardianship of our laws, in respect to many things, but especially in the management of your lands. And you have acknowledged candidly, that you know nothing about the sale of lands. You told me that you had a sense of right and wrong, tho' you had not the advantages of knowledge like the white people. You have indeed, brothers, a sense of right and wrong among men you are of excellent understandings. The Great Spirit who made those of a white skin, made you also: and the original powers of your minds are equal to ours. And yet even your wise men suffer imposition from bad white people of just



half their understanding. What then gives the whites this superiority over you? 'Tis the knowledge they obtain from books and from the many useful customs and employments practised by the white people, but a very few of which have even <sup>been</sup> seen by you. How then (Brothers can you become equal to the whites? Only by adopting their ways - such of them as are good and useful. For, Brothers, we have some bad ways as well as many good ones: and unfortunately, Indians have been ready enough to learn the bad, while they have refused the good. Hence it is that you have suffered so many impositions from white people. For bad people among the whites, knowing that you are incapable of computing the value of your lands, take advantage of your ignorance, & deceive you: and knowing also your principal failing, they pretend to a great deal of generosity, and provide a plenty of liquor; and when your hearts become cheerful, and your heads grow giddy, then they make their bargains with you, and get your Chiefs to sign their papers. But as soon as you are sober, you find, to your sorrow, that your beds have slipped from under you. Another misfortune, Brothers, attends these bargains, that true interpretations are not always given of the papers you sign. Perhaps sometimes the interpreters purposely deceive you: but at other times the interpretations are not exact because we have no words in our language by which

the meaning of the English words can be expressed. Now even of the white people understand all those words: and they are not necessary to be introduced into papers which convey your lands. They ought not to be introduced: and you ought never to set your hands to a paper unless the interpreters first say, in the presence of the Great Spirit, that they have faithfully interpreted every word. If this were done, brothers, such papers would contain but a few words: and the fewer the words the less the danger of your being deceived. <sup>But</sup> I must not enlarge on these matters:

(Brothers. The principal object I have in view, is to heal the wounds which have been given by the disposing of your lands, and to point out <sup>in</sup> way in which you may avoid future strife.

Brothers, At Newtown Point, I explained to a number of your Chiefs a Law of the United States intended to guard the Indians from the imposition of White People. The most important article in this Law respects your lands. This article declared, that no sale of Indian lands should be valid, unless made at a public treaty held under the authority of the United States. -

Now Brothers, it is my opinion that the lease of your lands to Peter Smith, is by this law - made void. This lease you say was the first cause of heart-burning among you, and will <sup>in</sup> right <sup>bring</sup> you to the shedding of each others blood.

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This lease, I am told, was a sale of your land<sup>17</sup> for twenty one years: and that altho' the land leased contained near one hundred square miles, yet he is to pay you a rent of only two hundred dollars a year!

Brothers, I have already observed, that advantages are taken of you, because you cannot calculate the quantity & value of your lands. I will give you some Idea of that large piece which you leased to Peter Smith.

As it amounts to near one hundred square miles, it contains land enough for three hundred good farms. These 300 farms would support 300 families upon them with good houses, and barns, horses, oxen, cows, sheep, hogs, wheat, corn, cloathing and all the necessaries and comforts of life, in great plenty. I will just observe further, Brothers, that these 300 families would probably contain between two & three thousand people, or perhaps three or four times as many as the whole Oneida nation; and all might be so abundantly supported only by the strip of four miles wide on the south side of your reservation. How rich then, Brothers, you still are, notwithstanding all your losses! and rich may you remain, provided you no more throw away your land in foolish bargains. Let the knowledge of this make your minds easy. Let the minds of the Warriors be easy, even if what has already

been leased, should not be restored.

Brothers, I have now given you some idea of the value of this one piece of your land. But what are you to get for it. Why truly, for every such farm, which would support a large family, in plenty of all good things, a whole year, you are to receive two thirds of a dollar, or what will every year buy you a quart of rum! So ~~that~~ you see <sup>that</sup> for a quart of rum you give away a farm!

Brothers, you appear struck with this representation. I hope you will remember it; and never again barter away a valuable farm for a drum.

Brothers, There is, I have heard, a fresh cause of uneasiness among you, which I suppose you forgot to mention; I mean the sale of six miles square of your land to Mr. Van Dps, for six hundred and fifty dollars a year. This was lately agreed on, and tho' a better bargain than the former, is nevertheless an unwise <sup>one</sup>. I am well informed that good men stand ready to give you twice that sum, for a smaller piece of land.

Besides, like the former, the sale was made in the bushes; and not at a council fire kindled by the United States; and is therefore of no strength, and can no more bind you than a thread of rotten bark. And, Brothers, not only the sale is void, but the person negotiating it is liable to forfeit one thousand Dollars, and to be imprisoned.

imprisoned twelve months. . . .

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Brothers, I hold in my hand, & now give you, that article of the law of the U. States which was made to protect your land: keep it, and show it to every one who shall tempt you to part with them. I have explained to you what I take to be the true meaning of the law: and I believe I am not mistaken. Perhaps some may tell you that the President and Great Council of the U. States have no right to meddle with your lands, not even to keep you from being cheated out of them: But pay no regard to such men. Consider them as deceivers, who want to take your lands from under you. The makers of the law were wise & good men, who would not do what they had no right to do. Keep fast <sup>hold</sup> of your lands, therefore, and do not give up even those you have leased, until ~~some~~ wise men, who understand all our laws, have examined into the matters and found who is right.

Brothers, Perhaps you will now ask, how shall we make our lands useful to us, as we cultivate but a very small part of them our selves? Brothers I will tell you; listen to my advice.

1. When any of you think it would be for your good to lease or sell any part of your lands, either for a number of years or forever, let all your Sachems assemble, and let runners call the Chiefs and Warriors to meet with them.

In that assembly consider the subject well, and let every one speak his mind. When you have heard all the reasons for and against it, count all ~~with~~ the Sachems, Chiefs and Warriors; and then, if as many as two thirds of the Sachems, two thirds of the Chiefs, and two thirds of the Warriors put their minds together, to lease or sell the land, let it be leased or sold. When the determination is thus made, any who are of another mind ought to submit to the strong voice of their brethren, and be easy.

2. When you have thus agreed, inform the Superintendent, appointed by the United States to watch over your interest, and desire him to write to the President, and request that he would appoint one or two faithful men to be present when you make the bargain, to prevent your being cheated in the price of your lands, and to draw up the treaty or agreement by which you convey it. And Brothers let the price be paid you every year, and not all at once; for you know if all be paid at once, it will soon take wings and fly away. But if paid every year, then there will be something to comfort and support you and your children after you.

3. When the business shall be <sup>for</sup> accomplished, the faithful man or men whom the President ~~shall~~ appoints, will carry the written treaty to him, and he will lay it before his Council of

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old and wise men, and with them consider whether the treaty is fair and honest, & for the advantage of your nation: and if they find it so, then it will be made strong; the President <sup>will put</sup> his name to it, and the Great Eagle of the United States will be annexed. Brothers, without this examination & approbation of the President and his wise Council, no treaty or agreement for the disposing of any of your lands, will have any strength. And this is a new and important security against your being cheated, and shows the faithful care which the U. States now mean to take for the protection of your lands.

4. Brothers, As the bargain you made with Peter Smith for 21 years, was not conducted according to the law of the United States, the land you leased to him ought to be restored to you, and I would advise you to send a petition to the President, praying that he would cause it to be restored. And if <sup>it</sup> should be restored, then I would advise you to lease it for 21 years; doing it in the way which I have already pointed out. But, Brothers, before you make any bargain, get the Superintendant to give notice of your intention, in the printed papers, which our runners carry all over the country, from Boston to Philadelphia. Let this notice be given six months before the day appointed to make the bargain. Then a great many people will know it, and will come, to get the land; and when so many lovers of land appear, you will get a good price for it.



5. In making the treaty, care should be taken that the land should not be spoiled in using it for 21 years. You know that among white people a great deal of timber is necessary, for houses, barns and fences, and for fires to cook with and keep the houses warm in winter. You know also that the same land planted with corn for a great many years, grows poor, and will bring but small crops, hardly worth the hoing. Now, Brothers, the treaty should provide for keeping a sufficient quantity of timber on every farm, and for preventing the making of the land poor. Good farmers, brothers, can always do this. And if the farms are kept in good condition, then at the end of 21 years, you or your children can lease them for a great sum of money.

6. Brothers. I have spoken fully of that part of your land which Peter Smith has got hold of. That was all you had a right to dispose of, without the consent of the State of New York. For in the great paper signed by your chiefs - which ~~conveyed~~ conveyed your County to the State, all the other land in your reservation was to be held by you and your children after you forever, only for your & their own use and cultivation; but not be sold, leased, or in any manner disposed of to others. This I presume you well know; and this being your agreement, you ought to make no bargain about the remainder of your lands, with any persons, unless appointed by the State for that purpose.

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7. But, Brothers, on this important subject<sup>23</sup>  
listen to my advice: It will be good for you,  
and I am authorised to give it by the law of  
the United States. My advice may offend some  
white people; but that I regard not. I am seek-  
ing the good of your Nation, and the peace of the  
United States.

Brothers, I have just told you that by your  
own agreement you cannot sell or lease the re-  
mainder of your land, except to persons appoint-  
ed by the State of New York. But I now tell you  
further, that the State itself cannot buy it, unless  
the agents appear at a Council-Tree, kindled by  
the United States, and in the presence, & with the  
approbation of the Commissioners appointed by  
the President, agree on the price. And after this,  
the paper containing the articles of the treaty signed  
by the Chiefs, must be laid before the President,  
& his Council of wise men, and be approved by  
them, before it can have any strength.

Brothers, I desire you to remember my words.  
I know you will be told the State has all the  
power over your lands, and that the President  
and his Council have nothing to do with them.  
But, Brothers stop your ears when any men  
come to you with such talks, and do not believe  
them. The Great Council of all the United Sta-  
tes have declared, and their words are strong, that  
your <sup>land</sup> shall not be taken from you, unless by a  
treaty of which the President & his wise men shall  
approve. But, Brothers, even if the right of the

United States to interfere were doubtful, your own right is certain. The land is yours, and the State cannot take it from you without your own consent. And if any agents come to you to buy it, tell them plainly, that you will make no bargain but in the presence of the faithful men whom the President shall appoint; and that when the bargain shall be made it shall not have any strength untill the President and his Council approve it. Speak <sup>strong</sup> and be not afraid. Follow this advice, and nobody can hurt you; for the United States will protect you.

S. Brothers, I could say a great deal more on this subject: but I have said as much as ~~much~~ you can remember, and enough to preserve your lands, if you will follow my advice.

If you had kept in the path I marked out for you at Newtown Point, disputes would not have arisen among yourselves, and you would still have kept hold of your land; or if you had parted with it, you would have received a good price for it. Brothers, let me again entreat you to remember the advice I have now given to you, & to walk in the plain & straight path I have made for you. For if when good advice is given, you forget it, or despise it, and turn aside into crooked paths, then those men who are your friends will forsake you, and all your beds will be taken from under you.

*Answer of the Indians.*

*When*

[When I had delivered the foregoing Speech, the Chiefs desired to consult together about an answer, and I, with the Friends and other Spectators, withdrew. After a little while they gave notice that they were ready, & desired us to meet them —

[Captain John spoke in substance as follows.]

Brother, When you had withdrawn, we desired the Chief Warrior to speak his mind on the subject of your advice. He answered that he approved of it, but had nothing to say upon it. And then he and the warriors went <sup>away</sup>. We were very sorry for this; because it looked as if <sup>he</sup> was still dissatisfied. Those whom you see remaining here, are Sachems and Counsellors —

Brother, After we related to you the other day the causes of the disputes and uneasiness ~~in~~ in our nation, we expected that you would have told us who was to blame — whether we or the Chief-Warrior and his party. If you had spoken plainly on this point, you would not have offended us. For my own part, I confess with shame, that I have acted imprudently in the disposing of our lands. We recollect your advice at Newloun Point; and if we had attended to it, we should have escaped much trouble.

Brother, All nations have a head, or officers to manage their business. The Indians have them. Among us, the affairs of peace are conducted by the Sachems and Counsellors. But to speak the —

tain truth, our Head Warrior wants to interfere & control them.

(Brother, Your Speech was long, and tho' I perfectly understood it, yet I cannot pretend to repeat it. But, among other things, you told us, that tho' we had Chiefs who were men of good sense, yet they were often overreached by white men of not half their natural understanding. This Brother, is too true. The fact is, that these whites come to us with smooth voices, desiring to buy our land, We are averse to it: but they bring a bottle with them, and pour out a glass. We drink - and we drink, again. By and by our hearts grow light, and we do not well know what we say. - But we part, for that time. The next day we meet again. The white man tells us that we agree on such and such things. We don't remember it: but he says tis true, and insists upon the bargain. We are unwilling to be thought liars: and we perform what he says we promised: and then our land is gone.

Brother, The advice you have given us is good; and as it was very long, we are glad that you have told us that you will repeat it to us when we meet at Oneida. We are determined to follow it: and when we sell any more land, we will inform the Superintendent, that he may give six months notice of it, thro' the country, from Boston to Philadelphia.

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Brother, We are glad to hear that there is a prospect of getting our lands restored. We request your assistance herein. The restoration of our lands would restore peace to our nation. The want of harmony among ourselves, afflicts us more than the loss of our land. —

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Having heard their answer, I assured them that I would give them the assistance they requested. I desired them to make their minds easy: for altho' they had lost much of their country, yet they had land enough, if properly managed, to make the whole nation comfortable and happy: that we would talk more on the subject when we should meet at Oneida: and that in the mean time I would take occasion to converse with their Chief-Warrior, and endeavor to effect a reconciliation. —

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# EXHIBIT M

system justice and confirm the Convention's Great observance  
and that Joseph Elliott, a better Man, situated in every  
way, has been employed to lay off the reservations, executed and one  
on the approved plan - to him therefore the Indians were directed  
concerned, will give them directions for lay out of the same -  
I am also to inform the Seneca Nation that Joseph Elliott  
is a person of integrity, and that the Nation may confer to him  
the lay out of the reservations above said, having no doubt he will ex-  
ecute the trust with fidelity, and impartial justice -

I evidence upon the stock of the Board of the United States  
themselves with the one hundred thousand dollars for the use and  
benefit of the Seneca Nation of Indians will be laid out by me;  
the first movement about the matter of the next, which will be  
submitted to the Seneca Nation, on such manner as they shall  
direct - and their orders in the execution of Indian movement  
when they are laid, will be as they are attended to -

(wishing you health, I am Brothers,

(S. J.)

Josephus Benedict Stewart

James H. Henry

Secy of War

Conference  
held with the  
Seneca

Congressmen on the Seneca Lake is the President of the  
United States.

Brother,

Deputation

I thank the Great Spirit now that I have  
a very bright day to talk with the Great Spirit, to our white Bre-  
thren - it is the Great Spirit's doing, he has appointed me  
that purpose - The Great Spirit looks down upon us -

The Great Spirit has appointed you my  
representative in the spirit, to direct our people on earth - I


am your friend and your brother - I am your friend and your brother -



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allowance one to guide my people and your people, you know the  
the master me to begin with my my people first, and that is the  
reason why I have been sitting in coming to my White Brothers.  
I am very much troubled to find that my  
brothers, and my White Brothers, have gone away - they both  
are are lost because they made too much use of my White Book  
and I want but I hope that this is the last, and that they  
will not make use of any more. It is the reason why we do  
not love like Brothers. I have now come forward to make  
no love one another again again, with your advice -

Even White Brothers are lost for taking all  
our home from us but the great spirit has told me to come  
and tell them of it. If we only step out of our doors, and look round  
we can see all the bad lands we have left - and that that we  
hope, and wish, our White Brothers will give us a walking on water  
for it, so that we can hold it fast. If we do not walk all our lives  
into that we are now on, the Great Spirit will send a great fire  
into among us all - but if we can walk all our business, health &  
happiness will come and the seed of the People, and the Spirit will  
come forward -

Our lands are empty because we do not think in  
the Great Spirit, but we are now going to win our minds &  
think on the Great Being who made us all - that which we have  
our words in the Great Spirit may grow and increase like the  
leaves on our trees -

The four spirits appointed with me to walk  
the People on earth, tell me that if any man wishes to see me  
he will look on the Great Being who made us all, and so the people on  
Earth will be happy and the Great Spirit will be pleased.

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He is a free man, doing no evil in these days. He says he will  
punish him more here - but when those days are out he says he  
will take him to himself.

The title of this was never known before - There he  
says he employs men to ride on any man of any rank where  
it may be, if he be a good man, who looks up to the Great Spirit  
above - but if he be a bad man and does not look up to the Great  
Spirits, I cannot release him, and he cannot be released if he be  
found of a liquor.

Dear Brother, the Lord has considered your case  
He will do what he pleases, we can wait all our lives - He will  
take care of us both, and you often, if you will take notice of the  
voice of the Spirit.

The Lord sends me to bid you love -  
young men of my people, that I know to be good. God sends me  
to take care of all our people here - there are Charles & David &  
George.

There is my brother Captain Comstocker. He is cured -  
known by the Indians of Buffalo Creek which you very well know  
but it is not my work, for I very well know that he has done the  
work for the benefit of our Nation - He is a sober man, and  
one who is to make all our young men sober and good. He is  
known at Buffalo Creek by all our men & we like him.

I am now talking to you, with much you to  
know that half of my spirit is for our Nation, and the other  
half is with the Great Spirit above - and I wish you to see  
that my language and my Nation well, that we may continue  
in peace and brotherhood and when that time shall come I will  
show you to the Great Spirit of my white Nation - and  
I will show you to the Great Spirit of my red Nation.

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