

# EXHIBIT V

## **Exhibit V**

### **Opinion of Attorney General William Bradford, June 16, 1795**

New-York Historical Society, O'Reilly Papers, vol. 11

The Attorney General has the honor of stating his opinion upon the question propounded to him by the Secretary of War, viz: Whether the State of New York has a right to purchase from the Six Nations or any of them, the lands claimed by those nations and situate within the acknowledged boundaries of that State, without the intervention of the general government,

By the Constitution of the United States, Congress has the power to regulate commerce with the Indian Tribes and by the act of March, 1793, it is expressly enacted that no purchase or grant of lands, or of any title or claim thereto, from any Indian or nation or tribe of Indians within the bounds of the United States shall be of any validity in Law or equity, unless the Same be made by treaty or convention entered into pursuant to the Constitution, that it shall be a misdemeanor in any person not employed under the authority of the United States in negotiating such treaty or convention directly or indirectly, to treat with any such Indian nation or tribe of Indians, for the title or purchase of any lands by them held or claimed.

The language of this act is too express to admit of any doubt upon the question unless there be something in the circumstance of the case under consideration to take it out of the general prohibition of the Law.

Nothing of this kind appears in the documents submitted to the attorney General. It is true, that treaties made by the State of New York with the Oneidas, Onondagas and Cayugas, previous to the present Constitution of the United States, those nations ceded all of their lands to the people of New York, but reserved to themselves and posterity forever for their own use and cultivation, not to be sold, leased, or in any other manner disposed of to others, certain tracts of their said lands, with the free rights of hunting and fishing. So far therefore as respects the lands thus reserved, the treaties do not operate further than to secure to the State of New York the right of preemption: but subject to this right they are still the lands of these nations, and their claims to them, it is conceived, cannot be extinguished but by a treaty holden under the authority of the United States and in the manner prescribed by the laws of Congress.

# EXHIBIT W

## **Exhibit W**

### **Confirmation of land rights of Senecas and Onondagas, March 17, 1802**

National Archives, RG 75, Records of the Secretary of War, Indian Affairs, Letters Sent, vol. A, pp. 192-193; also in Logan Papers, vol. 11, Historical Society of Pennsylvania, Philadelphia; and Haverford College Library, Haverford Pa., Indian Committee Records, Manuscripts Box 1.

By authority of the President of the United States.

To all people to whom these presents shall come, Greeting.

Whereas it has been represented by some of the Chief men of the Seneca and Onondago nations of Indians that they are entitled to certain reserved Tracts of land lying on the Cattaraugus Creek and on or near the Allegany, and which has been surveyed, laid off, and the lines regularly run and distinctly understood, but that they are not in possession of deeds securing to them the peaceable and undisturbed occupancy thereof. As well therefore to remove all apprehensions from the minds of the Chief men and on behalf of the Government of the said United States, That all lands claimed by and secured to said Seneca and Onondago Nations of Indians by Treaty, Convention or deed of conveyance or reservation, lying and being within the limits of the said United States, shall be and remain the property of the said Seneca and Onondago Nations of Indians forever; unless they shall voluntarily relinquish or dispose of the same. And all persons, Citizens of the United States, are hereby strictly forbidden to disturb said Indian Nations in their quiet possession of said land.

Given under my hand and the seal of the War Office of the United States, this seventeenth day of March in the year one thousand eight hundred and two.

Henry Dearborn  
Secretary of War

# EXHIBIT X

## Exhibit X

### **Memorial from Jacob Reed and three other Oneidas to “the Great Men of the State of New York,” February, 1788**

Hough, ed., *Proceedings of the Commissioners*, pp. 124-125 (excerpt)

... Brothers: We are your Allies, we are a free People, our Chiefs have directed us to speak to you as such ... [The Memorial recapitulates the role of the Oneidas in the Revolutionary War and the Treaty of Fort Herkimer.]

Brothers: It is needless for us to recapitulate the Speeches that were made on that Occasion [at the Treaty of Fort Herkimer.] You have probably wrote them in a Book; your Chiefs may well remember how reluctantly we entered on a Treaty for the Sale of our Lands. They may also remember the Method we then took to evade it, which was by making a Proposal to them to lease a certain Part of our Country. The Contempt with which they received our Offer is doubtless still fresh in their Memory; it is in ours. In Compliance however with their urgent Solicitations, we at length consented to sell them a Part of our Lands in Consequence of the solemn and repeated Assurances your Chief Sachems then made, that this should be the last Application that our Brothers the Legislature of the State of New York would ever make to us for Land.

Brothers: We are determined then never to sell any more; the Experience of all the Indian Nations to the East and South of us has fully convinced us, that if we follow their Example we shall soon share their Fate. We wish that our Children and Grand Children may derive a comfortable Living from the Lands which the Great Spirit has given us and our Forefathers. We therefore determined to lease them; our Friends in different Parts of the Country hearing of our Determination, and being willing that we should still continue a Nation, have offered to take our Lands by Lease, and give us a generous Rent. We were loth to affront you again by the Offer of our Lands on such Terms, and have therefore agreed to the Proposals of our Friends.

Brothers: Since we have been upon the Road, a lying Bird has passed by us and reached your Council Fire, and told you we have not leased our Lands; we say, Brothers, the Suggestion is False, and we hope you will treat it as such.

Brothers: We are surprised to hear that you are displeased because others have accepted that, which your Chiefs have told us is beneath your Nation. But, Brothers, we are more surprised still, to learn you claim a Right to control us in the Disposal of our Lands; you acknowledge it to be our own as much as the Game we take in hunting. Why then do you say that we shall not dispose of it as we think best? You may, Brothers, with as much Propriety, when one of our Hunters comes to your Market with a Pack of Beaver, point out the Persons to whom he shall sell, and to no other.

Brothers: We wish you to consider this Matter well, and to do us Justice. We have now leased our whole Country excepting what we reserved for our own Use, to People who we doubt not, will pay us according to Agreement, and if there be anything which you can do to encourage them in the Settlement of it, we wish it may be done.

Brothers: This is all we have to say.

# EXHIBIT Y

Massachusetts Historical Society  
*Microfilm Publication: Number 2*

The  
Timothy Pickering  
Papers

Frederick S. Allis, Jr. *Editor*  
Roy Bartolomei *Associate Editor*



Boston, Massachusetts

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## STANDARD BIBLIOGRAPHIC MICROFILM TARGET

## Section I Original Material (as filmed)

Author (s) TIMOTHY PICKERINGAuthor's date (s) 1745-1829Title THE TIMOTHY PICKERING PAPERS

Publisher, if a book

Publication Date (s)

or period covered 1758-1829

in Original

No. of Vols./ ( 66 VOLUMES ) Pages ( ) Other ( 6 BOXES )Place of Publication BOSTON, MASSACHUSETTS

Edition

Editor, or Translator

VOLS. 1-4; MR. JOHN PICKERING, SALEM, MASS.Holder of Original Material VOLS. 5-66 & 6 BOXES; MASSACHUSETTS HISTORICAL/SOCIETYEditor and Publisher of Microfilm Edition FREDERICK S. ALLIS, JR. MASS. HIST. SOC.Holder of Master Negative MASSACHUSETTS HISTORICAL SOCIETYRestrictions, if any, on use SEE PRECEDING FRAME.

## Section II Technical Microfilm Data

Producing Laboratory

Date

Film Size - 35 mm ( ) 16 mm ( ) Reduction Ratio 14X ( ) 20X ( ) Other, Specify ( )

Image Placement - IA ( ), IIA ( ), IB ( ), IIB ( ), Duplex ( ), Duo ( )

NOTE that this form is to be used for books, manuscripts, records, maps, periodicals and newspapers interchangeably.

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Figure 2

April 1792

(1) <sup>{This should have been bound in vol. 62 - See that?}</sup>  
 Good Peter's Narrative of several transactions  
 respecting Indian Land.

Brother  
 & Friend.

The other day, you may remember I men-  
 tioned to you that several things lay with weight upon my  
 mind, which I would take another opportunity to disclose.

You know we have met with a great loss, in our  
 young brother, who could talk your language. We have  
 another [meaning Jacob Reed] who can talk your language,  
 but we can never fix his attention. We have however  
 another brother, a Turoora who has some knowledge  
 of your tongue; and we brought with us our father  
 the minister to assist him.

Brother Council-sanity, who was expressly appointed  
 by the President to confer with us upon the concerns  
 of our nation, we now request your particular  
 attention, while we mention some things which lie  
 heavy upon our mind. We shall now speak with  
 freedom; for this liberty was given us by the Great  
 Chief of the U States. And he expressly mentioned,  
 in his address to us, that one design of our being  
 invited here, to the great council, was to have  
 every difficulty and uneasiness removed from  
 our mind.

Pres. Gen. Rep. of the L.C. of the 13. U.S. to confer with us  
 on our present right - you continue to ~~listen~~ listen to my  
 words. From the beginning of your trouble, in the  
 late revolution, to the time you publicly ~~announced~~ <sup>declared</sup>  
 yourselves a free and independent people, I, my  
 nation, were a constant spectator - not only a constant  
 spectator - but our minds united with yours in  
 that final declaration; as all hopes of a reconcili-  
 ation were then passed. - The frequent & repeated  
 declarations of the King, that the Amer. with all  
 who joined them, would be reduced to wretched-  
 ness, had no effect upon the mind of my  
 nation. And on the other hand, his promises of a  
 rich reward, on condition of our adhering to  
 his councils, did not excite covetous desires in us;  
 but the love of peace, and the love of our land  
 which gave us birth, supported our resolution.

Pres. I did not then expect that I should we  
 be reduced to our present situation. We then  
 thought we should be the sole proprietors of our  
 own land; and that our disposal of it should  
 be optional with us, in case of ~~final~~ <sup>final</sup> suc-  
 cessful issue.

Pres. It seems to us that we are not really  
 free men; nor have had the real disposal of our  
 property.

property. If we understand what is meant, by being <sup>(3)</sup> free and independent, as to his own property, he may either lend, or sell his property, or any portion of it, as he pleases. a person 1212

Pr. We had determined never to sell any more of our land; but to reserve it for the benefit of our children and grand children. This we had determined upon, on a conviction that our forefathers had trifled away our land.

Mr. We had said amongst ourselves, that our children <sup>might</sup> ~~should~~ by some transgression <sup>might</sup> forfeit this native right to our land - that it should be their fault - not ours - if it was disposed of.

Mr. See ~~captain~~ <sup>is from</sup> ~~the~~ <sup>the</sup> ~~place~~ <sup>the</sup> was negotiating, and our nation were quartered at Schenectady, colonel John Harper <sup>is from</sup> had agreed for a piece of our land, near Onondaga - 4 miles on one side of the river; and 2 on the other back from each ~~sides~~ <sup>the mouth of</sup> shore of the river, from Unadilla downward to the line of Pennsylvania. Soon after our nation returned to their dwelling place, Onida, this agreement of colonel Harper came to the knowledge of the governor of N. York. Upon which he immediately arose, and summoned a council fire at the German Flats, to which he called the whole nation. When we arrived there, he told us we had lost so much of our land

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as Colonel Harper had proposed to purchase. He told us that that man would cheat us; and that in the end it would be all loss, and in gain. He then told us that he would negotiate with us for that land, and that he would do us justice. We replied, that we were not willing to part with it, now that our whole nation were collected together. And truly we had all agreed, before we left our town, not to sell that land. But the gov<sup>t</sup> ~~still~~ persisted to press the matter upon us; and told us it would be for our advantage. Still we utterly refused it. The Gov<sup>t</sup> then produced a heap of money, & told some of our nation to take up a handful; but they could not consent to do this: it was too heavy. He then ~~himself~~ <sup>himself</sup> grasped a few handfuls, and gave to one and another, ~~and so~~ (tho' perhaps not to more than three or four persons) and said, all this shall be yours, on condition that you ~~will~~ follow my advice. He then shewed a large pile of goods, for the same purpose.

Our Brother, Gov<sup>t</sup> of New York, then told us, he meant by his proposed purchase, ~~to purchase~~ to put a final stop to any future purchases of our lands: but if we did not consent to his present proposed purchase, ~~we~~ <sup>we</sup> must never there after tell him of our being cheated out of any of our lands; for he would not hear our complaints.

Bro. Another<sup>thing</sup> now I wish to mention, which you may think was a transgression on our part; after several times mildly declining, and at length utterly refusing to accede to the Gov.<sup>l</sup> proposal, - we made this proposal to him - That instead of selling, we would lease out a tier of townships, on the line of property, to any poor people of his state, who had no lands; and that we would do this on reasonable terms. To this the Gov. with his commissioners, soon made a reply - That it was a dishonourable proposal: that he and his Com<sup>rs</sup> were not ~~in~~ in the condition of tenants; and that they should be ashamed to return home with such an account of ~~the~~ of the negotiation.

Bro. Let this suffice for the foregoing subject. I <sup>ask</sup> ~~wish~~ your attention to another.

About two years after this conference with the Gov.<sup>l</sup> a Mr. Livingston of New York passed thro' our town, on his return from the Seneca country: but did not call upon us. He proceeded on, and lodged with Mr. Dean; from whence we soon heard that he (Livingston) had had a conference with Seneca Nation, on the subject of their land. Col. Louis, and captain David of our nation, we soon heard, were present at that conference. And we were informed that this Mr. Livingston would

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would soon return, to confer with us on the same subject, and desired that we would resolve it in our minds.

Accordingly Mr. Livingston, in a short time, made his appearance in our town, & entered the house of my friend Shannondoub, and verily, by his appearance and company, we supposed they came from the Great Council of that state, and would not deceive us. — Upon his making propositions to us, respecting our land, one and another replied, that it would not be for our advantage to lease a small piece to one and a small piece to another, or to listen to every one that should say to us — Cut me off a slice from your loaf — it may be better for us, that one Great Man should undertake to manage the whole.

Then Livingston <sup>fully</sup> opened his design to us, and made propositions to us of leasing our whole territory. We deliberated long upon the matter. It was new to us. We did not know what was right in such a case. This one thing we knew — that we loved our land; and thought we were the sole proprietors, & might dispose of little or much, as we pleased.

I myself, at that time, was a principal negotiator with Livingston: and I was fully determined that Justice sh<sup>d</sup> be done to my nation, as far as my influence extended; and that we would be the judges of what part of our lands we should give up, as our necessities might require. — We thought <sup>that</sup>

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that we should determine the quantity of land that we should give up, and as to the price of it, we would refer it to Livingston and his company to determine, according to what was customary and right. But ~~this was not the case~~ even this claim of ours could not gain admission.

At length, he made us fully acquainted that his intention was to leave the whole of our territory. This gave us much anxiety and great pain. We laboured in council for two days and nearly one whole night. Towards the close <sup>of the business</sup>, it was urged, that the season was far advanced, the roads would soon be bad, the rivers would break up, and they could not return. This was presented as a powerful argument to bring the business to a conclusion. — Widely different is this from the conditions of us Indians, who may long urge with the white people more forcible arguments in vain!

I then mentioned a certain boundary to be agreed on between us: but this could not be <sup>by any means</sup> acceded to by Livingston & his party. I then enlarged the bounds, and even a third time. At length it was <sup>by Livingston & his party</sup> said, that our reservation should be of equal extent with the walks of our ~~settled~~ domestic animals. Upon this I was greatly distressed: and had I not been left unsupported, ~~the event would not have been~~ such as it was.

Finally, after much disputing, and on our part <sup>in</sup>



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in a mild, the earnest manner, it was agreed, that our reservation should begin at the fourtheef corner of the township of land we had given to our brothers the Stock bridge Indians. From thence run westwardly to the end of the Pines called Caghe-negh-tot-ha: from thence to the Onida Lake: and then a little <sup>northerly</sup> distance ~~from our settlements~~ round to the place of beginning. We reserved the Lake and Fishing place for ourselves. This was his last proposal. When I saw that I could <sup>keep my</sup> hold no longer, I let go. But I thought, at the time, that I did not understand the term for which the lease was to endure. As I understood him, it was to be as long as the water sh<sup>d</sup> run & the grass grow. It is true he mentioned 999 years: I then thought with myself, ~~that~~ if I did not ask the question - Whose property it should be when Jesus sh<sup>d</sup> come to finish his work in this world - if the grass should not grow nor the water run until that time. However, this I must add, that he agreed to give us what I then thought was a great sum.

(9) Thursday Evening April 5. 1792.

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Bro.

At Our last conference I closed the subject of the Great Lease to Livingston. I mentioned only the leading facts on that subject. To enter into a particular detail of the transaction, would take a long time; tho' I could do it, were it necessary. After this transaction, the voice of the bird from every quarter, cried out - you have lost your country - you have lost your country - you've lost your country! You have acted unwisely - and done wrong. And ~~what~~ increased the alarm was - that the birds who made this cry, were white Birds.

On this occasion some of our brothers the white people seemed to pity us - while others laughed us to scorn. The transaction soon came to the ears of <sup>our Bro.</sup> the Gov. of New York, and he spoke & told us our land was sunk - that we and our country were gone, as if swept away by a deluge. However Brothers (said he) I will handle a council fire in the Spring, and you shall hear farther my sentiments on the subject. He added - I am able to recover your lost country & to raise it out of the waters. - This voice of the Governor seemed to quiet our fears - that he could restore to us our lost country: - it gave joy to all who could feel for our situation.

Accordingly, in the Spring following a Council fire was kindled at Fort Stanwix to which we were

all

all invited, both Sachems & Warriors. At which council were present the French ambassador, and some other of the French King's subjects, who encamped at a little distance from the Governor. These, we supposed, only came on a friendly visit, to hear what should pass at this Council.

After a little visiting had passed between us, from one encampment to another, <sup>I heard that</sup> the Governor made this enquiry - What do you think of your present situation? - It is my mind to recover your lost territory, and take the management of it into my own hands. I think that I can raise it from its present drowned condition: and if you do not agree to this - I shall do nothing - but let it go. Upon this declaration of the Governor, I saw that difficulties and embarrassments were going to spring up. We had <sup>expected from</sup> ~~thought~~ the Governor's love to us, <sup>that</sup> his intention was, to recover our lost, and drowned country, and restore it to us - saying - "Now, Brothers, take your lost country, and possess it."

Oh! Brothers, were I to relate the particulars of these past transactions - they would be endless. Therefore let it suffice for me only to mention the principal facts. We did not apprehend there was anything in the way of the Governor's <sup>again</sup> putting us in possession of our lost country; as we had not received any consideration upon our agreement with

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with Livingston, which was the usual practice, to confirm an agreement had we received a valuable consideration; ~~the~~ the governor might have been embarrassed.

Our minds, on this occasion, were much agitated, and drawn various ways. Some said it was the Governor's intention solely to restore to us the possession of our country, said to be lost: others said his ultimate design was to get fast hold of it himself. Seeing difficulties arising, I had determined, for my own part, not to be a principal actor, but to let some other one of my nation take the lead. — At length one who then belonged to our nation, but formerly from Canada, and who was acquainted with the conduct of the French towards the Canadian Indians — Told us it might be good for us that we should lease our lands to the governor, instead of selling them. — Upon this we appointed him with the one who the other day was put under the ground, in this city, to be the immediate negotiators with the Governor, ~~upon this~~ in respect to our lands; as they understood each others language, and the one from Canada was acquainted with the method <sup>and</sup> ~~there~~ of leasing lands & receiving rent, and thereby the business would be expedited. These were to be the <sup>between</sup> medium of communication ~~for~~ the parties. They undoubtedly <sup>in</sup> talked much with the governor & his ~~in~~ <sup>from day to day</sup> ~~about~~ <sup>in</sup> room, and brought us various accounts of

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of their progress: and sure enough, in the end, the Governor took fast hold of our land. It seemed to us, upon the conclusion of the negotiation, that the persons whom we had appointed, were not able to carry any point, with respect to our interests, but ~~that they~~ that they yielded entirely to the terms prescribed by the Governor.

My Dear Friend, I see that it is laborious to write: therefore I will avoid, as much as possible the reciting of many particulars. It might suffice to say, that the Govt carried all his points. After much disputing upon the subject, our agents made this report, with respect to the <sup>boundary of the</sup> reservation we now possess: That it should begin <sup>near</sup> the southwest corner of our grant to our brothers the Stockbridge Indians, and run westwardly south of the noted place called, The Deep Spring. They could obtain no more on that line. From thence, as we understood by our agents, the line of reservation was to extend to the west end of the Onondaga Lake; and then round the north side of that Lake (with a reservation of half a mile square in every distance of six miles, for fishing places) to the Head of the Lake, at the place called The Royal Block House. We also supposed, by the report of our Agents, that we were to ~~the~~ have the exclusive right to the fishing places in all the streams which empty into the lake: as it was urged on our part, that they ~~they~~ were a great means of subsistence to us Indians. They often <sup>yielded</sup> ~~afforded~~ us both food and clothing: and our brothers the white people found no difficulty in getting their subsistence out of the ground. Besides,

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we had been their sole proprietors from the beginning,  
by the gift of the Great Spirit.

The Governor then, in reply to our agents, asked them whether it might not be right for him to throw in a fish hook, into one stream and another as he should pass by; and what he should do in case large fish should appear about his hook - whether he might <sup>not</sup> thrust ~~his~~ spear into them? They answered - By all means - he might have this privilege: but not make a business of it.

It appears by this that we erred by giving that liberty we opened the door. It had been better if we had forbid the casting in the hook; and retained the exclusive right to ourselves: for by opening this door, we find they use every stream and fishing place equally with ourselves.

Another circumstance I would now mention relative to the Fish-Creek, so called. The Governor agreed, that half a mile should be reserved on each side of the river, as a barrier to the river, that the fish might not be driven <sup>away</sup>; and on these strips of land, no trees were to be cut by white people.

Another thing I want to mention with respect to the eastern boundary of the reservation. - Our agents first agreed to set off as a place called Canada Creek. Then to run southwardly to the north west corner of a grant of a small tract of land which we made to Pirache, a Frenchman, near the

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the land called ~~Hamagotag~~. This grant was originally to have ~~extended~~ two miles on the line of Property for ~~called~~, and one mile in breadth: but since, it seems, that it is laid out two miles square. We, that as it may: It was agreed that <sup>the</sup> line of reservation should strike his north-west corner: and <sup>run</sup> then along his western line to the grant made to Mr. James Dean.

April 11. 1792. <sup>(Wednesday)</sup> Good Peter proceeded.

From thence (Mr. James Dean's grant) it was to run southerly ~~to~~ along Mr. Dean's western line to his south-west corner, and from thence a southerly ~~line~~ <sup>course</sup> till it should intersect ~~the~~ <sup>the</sup> southern boundary line of our reservation. Here arose a dispute, whether this point of intersection would be four, <sup>or</sup> eight miles from the point in the line of property from which we set out. - We supposed, by the report of our agent (Col. Louis) that this corner was to be at a place called Oghstaghlaho, instead of the Head of Unadit-  
<sup>and thence to run a due west line.</sup>  
 la. - So much for the boundary of the ~~old~~ Reservation.

After the boundaries were agreed on, as our agents could ~~not~~ maintain nothing but what the Governor pleased - the Governor proposed that we should have a strip four miles wide on the south side of our reservation, which we might lease out at our own discretion: but the settlers should be considered as his subjects: and the produce of their labours (or rents) should go to the Onondagas.

after this, the Governor of New York said to us; -  
 You have now leased <sup>to me</sup> all your territory, exclusive of the reservation.

as long as the grass shall grow & rivers run. We did not say "I buy your country" - Nor did we say - "We sell it to you."

The Gov. then said - In twenty one years we will again converge together on this subject. And now we agree to give you six hundred dollars a year, for the leasing of your country. - Not six hundred pounds but six hundred dollars.

We Indians are unwise: And our want of wisdom is owing to our want of knowledge of the ways of white people. White people say to us - "This Measure will be for your good." <sup>And</sup> We have always been accustomed to obey this voice, without inquiring into it; ~~and have been deceived~~ as we <sup>very</sup> thought our white brother meant good to us; and hence we have been ~~misled~~ deceived in respect to our lands.

(Do tell this to my Friend. I am not just now <sup>looking</sup> ~~looking~~ for a new path, <sup>in which my steps may be</sup> ~~to direct my steps~~: it is the one I now mention I have long ago ~~been~~ discovered to my satisfaction.)

Let me <sup>now</sup> recur to the sum stipulated for the loan of our land - Six hundred dollars! - Six hundred dollars, without any increase! - We had always conceived that upon the leasing of land there was to be a growing up of an annual increase after a certain time. This had <sup>once</sup> before been mentioned to us: but when <sup>the time of the</sup> first annual payment ~~arrived~~, behold! it was fixed down to six hundred dollars, forever! - This ~~was~~ alarmed us in looking forward to our children & grand children, who should come after us. Now see what took place ~~again~~ in consequence



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consequence of this fixed sum, left spring, when the annual payment was made. Behold, we had increased in our numbers, and that stipulated sum seemed to be diminished: it scarcely amounted to a dollar to each individual. In a few years more, should we multiply, under the blessing of the Great Being above, - it may be reduced to a half dollar - to a shilling - and even to a penny a piece! - How astonishing the contrivance! While we are thus finishing in our interests, - our brother of New York has every thing springing up ~~from the~~ in great abundance from the ground we leased to him, whereby the wealth of his people is greatly increased. He is rising up - and I am finishing down!

Now, Brother, it appears to me, that my country, the vast tract of land which I owned, is merely left for the petty consideration of six hundred dollars per annum, and my ~~grandchildren~~ posterity will find this to be the case.

My friend, Now I now come to the last existence of my territory. Suffice it, what I have said. My feelings have been sufficiently expressed. - In other circumstance I want to print out.

Oh! Much advantage might be taken, could I multiply words, by descending to particulars. But alas! the labour of writing!

Now a circumstance a little aside from  
which

what I have said. <sup>(7)</sup> The French ambassador, <sup>129</sup> the Comte Moustier, was present at the last treaty held by the Gov. of New York. After staying a few days, he (the Comte) addressed us in the following words —

"My Children,  
I came with a view to make you a short visit. I have much business at New York. I must ~~for~~ leave you soon. But Mr. Penet will stay here, and attend to what is going on. I exhort you, my children, to take heed ~~of~~ what you do. Mr. Penet will give me information <sup>of</sup> what shall be transacted at this meeting."

Oh! How soon many evil things spring up, while good things proceed with difficulty! — ~~Proceeding~~  
At the close of this transaction with the Governor of New York, it came to our ears, that the Governor himself had made a present of ten miles square of our land to Penet! And soon after our return to our village, a voice again was heard, <sup>not</sup> from any precise quarter, that it ~~was~~ belonged to Penet's Children, <sup>[the Oneidas]</sup> to make <sup>him</sup> some compensation — if they should think proper — for his great love to them! —

We do not say, that this voice ~~came~~ directly from the Governor, or some other persons. However, considering that the former <sup>[ten miles square]</sup> grant ~~was~~ did not ~~proceed~~ originate from us, — we judged it proper to make him some present from our selves.

selves. We were induced to this by two motives. The strong affection we have always borne to the French nation; and the alliance which had taken place between them & the Americans, resembling that of two brothers. These two considerations, it seems, misled us.

Tuesday Evening April 24. 1792.

While we were sitting round our fire sides, a voice came to us (whether directly, or indirectly from the Gov. of New York we could not determine, but supposed the latter) which said - it would be wise for us to consider father Penet, and provide for him a dish. - In our deliberations upon the subject, we had proposed four miles - whether this was four miles square - or four square miles (according to the way of reckoning among white people) we ~~could~~ did not then know; as Louis was the interpreter & negotiator. Furthermore, we proposed that this four miles should be on the north side of the lake. - No sooner had we made this known to our father Penet, than he thanked us, and said he considered it as only complying with the Governor's intimation on the subject, and added, that he would sleep upon it, before he made a reply.

On the morrow, we reminded our father Penet of his proposing to dream, the night before, upon the subject of our conversation yesterday. He answered - Since my children, I have dreamed, and thought I was travelling the road which leads thro' the Five Nations; and behold I came to the place where the light broke forth. I considered with myself, - This is a delightful place; and not far removed from the settlements of my children. "I thought in my dream - Here

Here let me reside, where I can keep my eye continually upon my children, and watch over their interests; as my intention is, to promote their happiness. - We then conversed but a little while upon the subject of his dream; and concluded, to remove the four miles from the North Side of the Lake to this place, called Kanaghsoragy, which had so pleased him in his dream.

I will now pass by the various talks upon this subject, which took place among ourselves; and observe, that in the conclusion, we acceded to the purport of his dream. Upon which he replied as follows. - My children, I thank you that you have hearkened to my dream. Altho' the Earth which you have loaned me as a dish be but small, out of it I shall endeavour to feed my posterity. Still you are to consider the right to the earth as remaining in you. It is only loaned to me. I wished for it in no other view, but to sit down near you, and revive the friendly treatment which you formerly received from your ancient father. You know that he never purchased, but borrowed your earth from you; and let you share with him in the profits, or fruits, which should grow out of it. Now my children; I will settle here, in this dish, some Germans, it may be some Englishmen, and some of my own nation.

I have observed <sup>that</sup> many things which were said; I shall pass by, as they are not essential to the detail of this transaction; and only add here some further remarks made <sup>by</sup> our father Benet, which were these - My children, I only mean to make one trial to promote your real happiness.

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happiness, and in doing this I shall exercise great patience. When I have filled up the dish with settlers, I shall wait three years for their rents to be collected and poured forth upon you. In the mean time, if individuals should apply for some ~~small~~ portion of the fruits of the earth you have loaned me, I shall not regard such applications; as my object is the interest of the whole body. If nothing shall be collected the third year, I shall wait till the fourth; and if no rents then come in, I shall wait till the fifth year. And should there not then be a sufficiency for all to partake, I shall despair of attaining the object I have in view; and say to my children - 'Here! Take back the dish you gave me! and we will then part in great peace and friendship. Altho' I failed in this attempt to promote your interest - I shall still consider you as my children.'

After this declaration was made, we put our names to the paper which conveyed the dish.

Soon afterwards, the news of this transaction came to the ear of our brother the Gov. of New-York. He expressed ~~an~~ hatred of it; and wrote to us, and said in the writing, it was a violation of the covenant we had before entered into with him at Fort Stanwix. He also said, we had taken a <sup>poisoned</sup> ~~fruit~~ into our bosom, and he was whispering in our ear.

Upon this we thought within ourselves - What shall we these poor ignorant creatures do? - And very soon a division took place in our nation. One party were for adhering strictly to their covenant with the Governor; and proposed that our father should be immediately driven out of our country. But we who were of the other party, were disposed to wait till the voice

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voice of some higher power should be heard upon  
the subject.

In the mean time, our father Penet took boat to go to France, ~~and~~ and carried the writing, of conveyance with him, to show to the Chief in that country, and soon to return to us, ~~to~~ with their opinion of what we had done. But behold! It was three years before he returned. And then he informed us, that the disturbed state of that country prevented their deciding upon it. The few great men who saw it, expressed a high degree of approbation; and said that they must roll up the writing for the present, until their affairs ~~were~~ settled; after which they would fully consider of it. — He also told us, that the disorders in that country prevented his residing there; so he went to the French Islands, where he had resided, ~~after~~ <sup>since</sup> he left them, but constantly heard of their troubles and divisions. He saw them as though they were present before his eyes. At length the Great Man upon the Island proposed to him, to come over and visit their children the Envidas, and see if it was true, that they had broken their agreement with him. Upon which Five Frenchmen; one a very rich man, came over with our father Penet; and when they had arrived at our village, acquainted us with all these things, and many more; and said they would go and see the dish which we had given him. And no sooner had they reached the place (called Kaniaghsonagy) than Col.<sup>o</sup> Henryery, head of the other party, warned him.

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him off the ground, as likewise did Col. Calbraith, who was returning from his expedition to the Cayuga Reservation, where he had been to drive off the white settlers from it. At the same time he said, if Penet had brought a written permission from the Governor, he would have assisted him.

After Penet's return from Kanaghsoraggy to our village, he called a council, and addressed us in substance as follows.

My Children, The affair of Kanaghsoraggy is over. I have no expectations of any thing from that quarter. You have a strip of four miles wide on the south side of your reservation, which by treaty you are allowed to lease for 25 years. I will now take the charge of this if you will lease it to me for that term. You may do as you please; I stand in need of nothing: but I pity you my children. I look forward to the good of your grand-children; and as this was agreeable to your bargain with the Governor of New-York, it will occasion no evil stories. In the term of 25 years, fields may be cleared & fenced, houses built, and a town formed, and then all becomes yours, for your profit, and ten thousand dollars which I will give you for the loan of it during that time. He twice mentioned the sum of ten thousand dollars. It appearing a little extraordinary to us, I questioned him about the sum; and he ~~mentioned~~ <sup>again</sup> mentioned ~~therefore~~ it twice. And he added, that in five years he would give them 250 dollars, which was nearly half that the Governor was to give them for their whole territory. — He again said, Thus  
in

in the present Spring (1792) he would make them a present of three wheel ploughs and a pair of oxen to each, as a free gift, and not as a part of the consideration for the land.

The next morning we deliberated upon this proposal full its advantages. It appeared to us ~~that~~ it would be for the benefit of our grand children, and even some of us might live to reap the fruits of it. <sup>5 Sept. 1795</sup> We therefore concluded that it would be good for us, on condition that his word could be verified, and his promises fulfilled. But we remembered what our Mother Cornsantay told us at Newtown Point. That altho' we had been cheated heretofore about our land, yet we should be cheated no more; because all negotiations about our lands must now be transacted under the eye of the President of the U. States. This we told to our father Pesket, and agreed to it on this condition. That it should meet the approbation of the President & be confirmed by him. And Pesket replied that it was perfectly agreeable to him. For ~~the~~ General Washington was the greatest man in the world; and if it was not approved by him, both parties should throw their papers into the fire.

Pesket once more observed that on condition they should like his conduct, at the expiration of twenty one years, a new writing should then be given for another term, and so on, at the end of every 21 years, and not one writing which should reach to the end of the world, at the coming of the Lord Jesus.

Pesket



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Penet further observed, that it was the rich from whom they must expect to see money; & not from the poor. The poor might furnish a little product: but the people who came with him from the Islands would enable them to see money.

He ~~then~~ having thus agreed with us, ~~the writing~~ the writing was drawn & we put our names to it. Penet then said he would go down to Schenactady & Albany, & confer with some of his friends, & the citizens of the State of New York. He soon after returned, and told us he had a most pleasant conference with them on the subject, and they expressed their strong approbation, and said "Now the Oneidas will receive ~~from~~ some profit from their lands." He told us that the Minister of Schenactady ~~highly~~ expressed his <sup>high</sup> approbation of it. He Penet also said, that in the opinion of ~~his~~ his friends, two things were wanting - the first that the names of the Chiefs and their respective tribes should be specified in the Writing; & the second, <sup>might</sup> that the bargain should be so fixed that it ~~should~~ be as ~~the~~ durable as the land itself. - He mentioned other proposals which had been talked of between him and his friends in Schenactady, which I could not ~~for~~ ~~through~~ comprehend. He said that the Rulers of the ancient Church in Schenactady should have the guardianship of the Oneidas interests ~~and~~ ~~the~~ involved in this agreement. And from pity to our children they proposed to educate two of our children in the academy at Schenactady. We then agreed to these amendments to the first bargain, and a second writing was drawn and executed. This we did, because the whole was to be referred to

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to General Washington for his confirmation. This Penet said pleased him, because Genl. Washington was his great friend, and loved him much, & he also ~~was~~ was a friend to the General & loved him.

Penet again observed, That instead of three ploughs, he should send them six, & that in case any of the oxen should die a natural death, he would replace them: but if they were killed by bad people, he should not replace them.

Penet also told us, That it was three years since our agreement with the Gov. of New-York, & that strip of land had lain idle: but now, said he, the cloud shall be broken up: which word you do not understand.

~~Now~~ I have got to the end of this long path, and I am now conscious of having made any deviation from the line of truth.

# EXHIBIT Z

## **Exhibit Z**

### **Confidential Conference between Black Cap and Kakiktoton and the Commissioners, September 4, 1788**

Hough, ed., *Proceedings of the Commissioners*, pp. 183-84

On the 4<sup>th</sup> of September, Tehonweaghsloweaghte alias Black Cap and Kakiktoton (the two Onondaga Chiefs) and two Chief Warriors attended at the Commissioners Quarters and having intimated that they came agreeable to Invitation to converse with the Commissioners confidentially respecting the Business of the Treaty, the Governor addressed them as follows.

Brothers!

As it is my Intention at this Council Fire to consult our mutual Interest it is necessary that we should open our Minds to each other freely that We may be able to determine what is best to be done.

You are sensible that the State has never wished to take your Lands from You. When the War was over We immediately kindled up a Council Fire at this Place to renew the ancient Covenant and brighten the Chain of Friendship which had subsisted between our Forefathers and between you and us. We then cleansed it of the Rust it had contracted during the War. At that Time I told you that We did not covet any of your Lands, but if at any Time you wanted to dispose of any Part of them it was to be done according to the ancient Custom in the Presence of the Governor, who would always take Care to see that the Lands were properly described and you honestly paid for them.

It gave me great Pain to hear last Year that some of our young Men had of their own Accord and without our Consent gone into your Country and purchased your Lands of you contrary to the old and wholesome Rule established between and us. It was wrong of you to receive those Men among you & to make Bargains with them. They are disobedient Children who have violated the Laws made by their Fathers and will defraud you of all your Lands, unless some Means be devised to prevent it. When I was informed of the Conduct of those disorderly Men, our Chief Men who were convened at Poughkeepsie were much offended at it, and then directed me to kindle up the Council Fire and to concert with you the proper Means to prevent the Mischief. It gave me great Pain to observe that while we were sending Messages, and inviting you to meet us here upon Business which so nearly concerned your Interest, some of your Brethren were encouraging our young Men and sitting in Council with them at Buffaloe Creek. I have Orders from our great Council to punish these Men for their Disobedience to our Laws; and you have been Witnesses that I have sent one of them from this Place. It is essentially necessary that we should consult together and determine what is best to be done to correct the Evils which have taken Place among you, and prevent the like in future. Some of my Brethren who are here with me have already had some Conversation with you on this Subject; they informed you that Mr. Livingston and his Associates had obtained a Lease for all your Lands, and that the Indians who had assembled at Buffaloe Creek last Summer had signed it. Reflect a Moment. Is it reasonable to expect that Men who will cheat their Fathers and disobey their Orders will pay You honestly for your Lands? It is a Bargain made without the Consent of the State and contrary to its Laws

and our ancient Custom. They have promised you Money and a yearly Rent. If they refuse to pay you, how are you to compel them to it. It is not reasonable to expect that the State will interfere in your Behalf in a Business conducted against their Will. Those People will settle upon your Lands, they will soon become too strong for you, and if you should go to War with them, their Scalps will neither cloath nor feed you. It might involve both you and us in great Difficulties and Trouble. You will easily perceive therefore the Necessity that effectual Measures be concerted to prevent it, and it was for this Purpose that we invited you to this Council Fire. Open your Minds to us then freely. Tell us what you think is best to be done. We will do the like to you, and by explaining our Minds to, and reposing Confidence in each other, we may be able to adopt the best Measures to correct the Evils in which we are involved.

Black Cap then arose and answered as follows:

Brother! I am happy to meet the Governor this Day and to hear him express such favorable Sentiments: you may rest assured that we are disposed to do every thing that you can wish. We had also an Invitation to meet your disorderly young Men at Kanadasagea, but we refused to go, and determined to attend at the Council Fire which you had kindled, and to finish the Business here. We are fully authorized to do it. If you are willing to take a Lease of our Lands we are willing to give you one. If not we are ready to enter into such other Agreement as you shall propose, as best calculated to promote our Interest. Matters were not conducted properly at Kanadasegea, and we determined to come here and set Things right.

The Governor then mentioned to them that as the War had for a Time interrupted the friendly Intercourse between us and them, and might have introduced some Changes in the Manner of transacting their Affairs, he therefore requested them to inform him whether the Onondagoes were so represented as to be able to transact Business at this Council in a satisfactory Manner, and so as to prevent all Disputes upon that Subject with the Nations. To which the Black Cap replied as follows: This is an important Question. We will consult our People upon it in Council, and will tomorrow give our Brother the Governor an Answer.

# **EXHIBIT AA**

## **Exhibit AA**

### **Speech by Black Cap at the Treaty of Fort Schuyler, September 10, 1788**

Hough, ed., *Proceedings of the Commissioners*, pp. 196-97

Brother Chief and our other Brothers Commissioners, Attend! We have met to smoak our Pipes together this Morning. We have all been deliberating upon the Subject of the Conversation which we had together some Days ago. We have made up our Minds on the same.

Before we open the Business we mention to you that we have brought a Person here to be our Mouth to you (namely, Colo. Louis), as you have one Person to be your Mouth to us. Brother, our Chief, & Brothers here present, now open your Ears.

We have all considered the Conversation which has passed between us since the Beginning of this Treaty. Two things were proposed us: The one a great and immediate Good, the other a continuing Good to us and our Children after us.

Brother! In your Wisdom you exhorted to great Deliberation on the Subject. We have therefore chosen the latter Proposal you made to us. We have chosen to convey to you our Country in a Way in which we may receive a continual Benefit; and when the Cold comes we may be kept warm, & when hungry we may have something to subsist on.

Brother! We would now assign a Reason for our Conduct. We have heard of a Treaty at Kanadasegea and another held at Buffalo Creek. We were not concerned in either of these Treaties. We sent some Persons there to be Hearers or Spectators, but we had no Agency in either of those Treaties, & utterly disapprove of what was there transacted. The Lands are our own, and we appeal to you Brothers, how would you feel if People at a Distance would undertake to sell Lands which belong to you and on which you live, and therefore we must attend to our Interest and endeavour to secure something to us & our Children after us.

Brother Chief! Now we will describe to you the Boundary of the Territory of our Country as received by us from ancient Tradition.

# **EXHIBIT BB**



## **Exhibit BB**

### **Speech by Black Cap at the Treaty of Fort Schuyler, September 12, 1788**

Hough, ed., *Proceedings of the Commissioners*, pp. 204-205

The Great Spirit above has chosen out this Day for finishing the Business of the Council Fire, at which we have revived the ancient Custom between your Forefathers of New York and Albany on the one Part and the Onondagoes on the other Part, even so far back as the Time of Queder Corlaer, al[ia]s Peter Schuyler.

Brother! You have been pleased to remark that Wisdom, Openness and Good nature have attended the whole of our Negotiation. You acknowledged that for this we are indebted to the Great Spirit above; we on our Part heartily join with you in this acknowledgement, and we are happy to observe that Friendship and a tender Regard for our Interest has marked every Step of your Conduct towards us on this Occasion.

Brothers! No sooner had you heard of what had been done at Kanadasegea last Fall, which endangered our Interest, than you appointed this Council Fire to establish that which we should have forever lost, without your Interposition.

The Agreement which we have this Day entered into, we consider as done in the Presence of the Great Spirit, and we call upon all here present, and all Nations around us, especially the Americans, to bear Witness to it.

Our Children and Children's Children to the latest Generation, will look back to the Transactions of this Day. You have now secured to us and our Posterity what we consider as a Territory sufficiently large for us and all our Posterity to live upon, and every Privilege arising from our whole Territory we enjoy and shall continue to enjoy.

# **EXHIBIT CC**

## Exhibit CC

### **Speech by Governor Clinton at the Treaty of Fort Schuyler, September 20, 1788** Hough, ed., *Proceedings of the Commissioners*, pp. 223-24 (excerpts)

. . . You mentioned to us that . . . that some of our People had without any Authority from us, obtained from you a Lease of your Lands, and you request us that we would first give our Advice and Sentiments as to the best Means for preventing the injurious Consequences which might arise from this Departure from the ancient Covenant . . .

We told you that we have as much your Good as our own for our Object; unless you can believe us sincere in this Declaration, we shall find it very difficult and perhaps impossible to convince you of what will be best for you and your Posterity . . .

Brothers! Be not deceived in supposing that it was our Intention to kindle a Council Fire at this Time in Order to Purchase Lands from you for our People. We have already more Lands than we have People to settle on them. If we had wanted lands for our People to settle on, we would have told you so and requested you to have sold us some and would have paid you a reasonable Price for them. . . .

Brothers! The Voice which you observed had reached our Ears, that some of our disorderly People had without any Authority from us, been among you & obtained Leases from you for all your Lands, occasioned much Surprise and Grief to our great Council the Legislature; and the only Reason with them for sending us to meet you at this Council Fire, was that we might here renew our ancient Covenant, and by a new Agreement place Matters on such a Footing as to prevent these Things for the future.

Brothers! You will be sensible that it is very difficult for us, in a very extensive Country, to watch our People, they get at a Distance from us and then privately make Bargains with you, without any Permission from us. For this Reason we advised the Onondagoes to cede to us all their Lands, reserving to themselves a convenient Tract for their own Use and Habitation where none of our People should come to settle, and of such Extent only that if any of our People should come there it would be immediately discovered. . . . This was our Advice to the Onondagoes, and we give you the same Advice. . . .

You have given a Lease of your Lands, and the People to whom you have given the Lease have promised to pay you an annual Rent. If we were to suffer them to come & settle on your Lands they would soon be stronger than you, and if they should then refuse to pay the Rent, how will you compel them? If we were to suffer them to take Advantage of the Lease against you, you would then have parted with your Lands and have no Security that you will receive any Compensation. By this Time we suppose that you are sensible that you have not any Means in your Power to compel the Payment of the Rent. These People at the Time they took the Lease knew that it was not in their Power to give you any Security, and they also knew that you were ignorant of this Matter and suffered you to remain in Ignorance. Thus these People have deceived you, and Nothing but the Interposition of our Great Council the Legislature, can defend you against such Injuries. You will always be exposed to Impositions unless they protect you. Your whole Dependence must be on them, and it will not be in their Power to assist you unless you agree to what we have proposed to you.

# **EXHIBIT DD**

## **Exhibit DD**

### **Speech of Good Peter, prior to the execution of the deeds at the Treaty of Fort Schuyler, Sept. 22, 1788**

Hough, ed., *Proceedings of the Commissioners*, p. 235 (excerpt)

. . . We are this Day come together with our Pipes in Peace. We have been deliberating upon Matters of the greatest Importance respecting us all here present. We now return you our Thanks, Brother Chief, that you have brought to a happy Close the Business of this Treaty. My Nation are now restored to a Possession of their Property which they were in danger of having lost. Had not my Father the French Gentleman discovered it we should have been drowned; had it not come to your Ears, we with all our Property would have been buried very deep in Ruin; therefore we do heartily congratulate you this Day upon having accomplished the Treaty and thereby secured to us so much of our Property which would otherwise have been lost.

# **EXHIBIT EE**

## Exhibit EE

### Letter from the Oneida Council to Governor Clinton, January 27, 1790

Hough, ed., *Proceedings of the Commissioners*, pp. 360-361

Brother: We the Sachems and chief Warriors of the Oneida Nation take this Opportunity to address you in Writing. We hope you will attend to our Words. When you kindled the late Council Fire at Fort Schuyler and called us to sit around it with you, we were told that our Interest as well as yours was to be consulted, and that our mutual Happiness and Prosperity was to be the Object of the Treaty. It is unnecessary to repeat all what was said on the Occasion; you have it all in Writing. We returned home possessed with an Idea that we had leased our Country to the People of the State, reserving a Rent which was to increase with the increase of the Settlements on our Lands until the whole Country was settled, and then to remain a standing Rent forever. This, Brother, was our Idea of the Matter. We supposed that we had at the same time reserved a sufficient Tract of Country for our own Cultivation; but since we had time to consult the Writings and have them properly explained, and have seen the Proceedings of your Surveyors, we find our Hopes and Expectations blasted and disappointed in every particular. Instead of leasing our Country to you for a respectable Rent, we find that we have ceded and granted it forever for the Consideration of the inconsiderable Sum of Six hundred Dollars per Year. We find our Reserve much smaller than we expected, as your Surveyors by beginning at a wrong Place, different from what was agreed on, have run the East and West Line almost by our Doors.

Brothers: Tho' the Agreement is so very different from what we supposed at the time, yet as we have no Hopes that the State will ever relinquish so advantageous a Bargain, we do not ask it; we only ask such an Addition to the Consideration Money as may amount somewhere near to a Compensation for the Cession of so large and fine a Country. As to our Reserve, we request that the Lines may be run according to Agreement. We mean particularly the East and a certain Place on the *Unadilla Creek* called *Otstenghregowa* or the Great Rock.

Brothers: We look to you to see that Justice is done in that respect. We ask for nothing more; we wish to live in Peace and Quietness. We are a free People; you have ever acknowledged it. We choose to regulate our Affairs and to conduct our Concerns by the Rules and Maxims of our Ancestors, without being governed by the Laws of our Brothers, the white People, which are not calculated for a People so little civilized as we are.

Done in Council this twenty-seventh Day of January, one thousand seven hundred and ninety. [Signed by nine chiefs and warriors]

# **EXHIBIT FF**



## Exhibit FF

**“Proceedings of the Negotiations between the Oneida Nation and the Commissioners of the State of New York, Simeon DeWitt and John Cantine at Oneida, November, 1793, followed by treaty negotiations with the Onondaga Nation at Onondaga, November 1793” (excerpt only of the treaty negotiations at Onondaga)**

New York State Archives, (A-1823), Legislative Assembly Papers, vol. 40, pp. 140-149; also in *Iroquois Indians: A Documentary History*, reel 42.

In obedience to the directions of an Act of the Legislature entitled “An Act relative to the lands appropriated by the State to the Use of the Oneida, Onondaga and Cayuga Indians passed the 14<sup>th</sup> day of March 1793,” We make the following Report of our proceedings relative to the duties enjoined on us by the said Act. . . .

After we had finished our business with the Oneidas we immediately proceeded to Onondago, whither we had sent word that we were to be there to treaty with them in behalf of the State respecting their Lands. After our arrival and the usual introductory speeches, We addressed them with the following Speech.

Brothers—We thank the great Spirit for preserving us on our way to the ancient council fire of the six Nations and that we now find our Brothers the Onondagaes enjoying health and prosperity. May we all be preserved by that same good Spirit during our stay together and enabled to brighten the Chain of friendship between us and Separate in peace.

Brothers of the Onondago Nation:

The great Council of our State have heard [from] your Nation and that you were willing to lease them for rents to be paid to you and your children every year forever hereafter. Brothers, our great Council suppose that you would rather lease your lands to the state than to individuals because you must know the State always pays its Debts the moment they become due & that individuals often neglect to pay till they are compelled by our laws which are attended with expense and trouble. Brothers, we are therefore sent by our great Council to enquire of you which Lands you are inclined to lease and which to keep for yourselves to live upon. After we know your minds on this subject we will tell you what we will allow you as an annual rent from the State for the lands so to be leased, and what we will besides now pay down to you.

Brothers—While we rejoice to see your people living in harmony together and reverencing your chiefs & your old men who have grown wise through the long experiences of their lives, it grieves us to find our Brothers the Oneidas so divided into parties that they could not bring their minds together when they were called to council on the affairs of their Nation and to deliberate on what would be most for their own happiness. We hope to see a continuance of unanimity among you & that each of you in this treaty will lay aside every other thought but what is directed to the welfare of your people.

Brothers—the great Council of the State has a particular regard [for] your Nation and whatever they shall Judge to be for your Good, they will always be ready to do. They will always hearken when you apply to them for advice or relief. This, Brothers, is what we Desire you to believe and we trust you will not doubt what we say.

Answer of the Onondagaes. Kahiktoten speaks.

Brothers—you have arrived here among us, sent by the great council of your State, and have this day made a speech to us; we have taken it into consideration and since we perfectly understand it, it is not necessary to repeat it.

Brothers—you laid your minds before us; we now lay our minds open to you. We wish to remind you of our agreement at Fort Stanwix. We have it here in order to shew it to you; we are satisfied with it and never expressed any uneasiness about it. We never sent to the Governor to create difficulties and find fault with it, as our Children the Oneidas and Cayugas have done. You have told us that you have come here at our call. We will tell you how this has happened. It was not our voice that you have heard but that of some of our Nation who live to the westward. Our Chief at Buffaloe Creek wishes to dispose of the whole of our Lands and we are deaf to him.

Brothers—you told us at the Treaty at Fort Stanwix that no encroachments should be made on our reservation. Let it be so, in order that our young men, our wives and children may remain on it and possess their minds in peace. We agreed that our contracts should remain inviolate to the latest posterity. We are happy to meet with you at this time to renew those covenants between us. Here is the Copy of it, we wish you to take it and peruse it that your minds may be refreshed on the subject. This is all we have to say at this time.

We then returned the following Speech.

Brothers of the Onondaga Nation attend. Yesterday we heard your voice; we thank the great spirit that he has preserved us in health and safety through the night past, has permitted us once more to bring our pipes together in peace.

Brothers—we fully understand your speech of yesterday; attend therefore to our Reply. You told us that the voice which our chiefs have heard, and which has occasioned our visit to you was not your voice but that of some of your Nation to the westward, that one of your Chiefs in that quarter was disposed to sell the whole of your reservation, but that you were deaf to him, that you were satisfied with the bargain you had made with the governor of the State of New York, that you choose it should remain unaltered, that your children & your grand children and latest posterity might have a place to sit upon in the land of their ancestors. Brothers, your words, please us well; they will please the great men who sent us and will also be agreeable to all your brothers the people of the state of New York. They will rejoice to hear that their ancient Brothers the Onondagaes, the Keepers of the great council fire of the six Nations, are determined not to quit the

Country which was given them by the great Spirit but to enter the Earth in company with their brothers the white people of the state.

Brothers, attend—We did not come to buy your land. Our Chiefs will never send to you on any such business. No Brothers, they wish you ever to live among us, they choose rather to strengthen and confirm you in your seats; the white people knows how to make a little land productive of more than you are, they have long been accustomed to matters of that nature. Your reservation now produces you but little—our great men, if you chuse, will take [care?] of such part of your Land as you do not need for cultivation, and will pay you an annual rent for the same as long as the Earth shall continue. Thus, Brothers, our Chiefs are desirous to make your reservation productive to you after not even a striped squirrel shall remain thereon, and thus you see that our chiefs are willing to confirm and strengthen you in your present seats forever, by giving you a greater income annually for your Land than it ever would produce by hunting. Whenever therefore Brothers, you shall point out to us such parts of your reservation you may wish to lease to our great men, we will, as observed yesterday, tell you how much we are direct[ed] to obligate the state to pay you annually forever and how much we are authorized to pay you in hand when our business is closed.

Brothers this is all we have to say at present. You will consider our words and give us your answer when you shall have agreed.

After deliberating on our last speech the Onondagaes informed us that they had agreed to lease part of their Reservation; several proposals were made with respect to the bounds of the lands to be leased, till at length we agreed on those written in the deed which they executed to us. We proposed to them also to vest their land in the Attorney General of the state and the Clerk & Treasurer of the County for the purposes pointed out by the law, to which they answer[ed] that they would rather hold it under the protection of the State, as they had hitherto done. That they considered us, in consequence of former covenants, already sufficiently bound to guard their property, and could not see the necessity or propriety of any thing more about it.

They also told us, at the conclusion of our business, that their only inducement to part with their property was their apprehension that those of their Nation who reside at Buffaloe Creek would sell the whole of their reservation and leave no part for them to remain upon, and that a just dividend would bear to those Indians, if they would choose to attend when annual payments were made.

They also executed and delivered a deed to us granting half a mile square to the State, in trust for Ephraim Webster, a white man whom they consider as one of their nation and employ as interpreter; with a request that the State should likewise grant him half a mile in addition to it, and adjoining his westerly boundary. He now resided upon the land, and has made valuable improvements upon it; he is considered as a person of good character among them and has always conducted himself in a manner friendly to the State.

We would have proceeded likewise to the Cayugas, but were prevented by a Message from General Chapin who transmitted a speech from one of their chiefs purporting that those of them who were at Buffaloe Creek had particularly requested that our business with them might be postponed, assigning as a reason that some there, who wished to attend the Treaty, would be prevented by sickness, which then prevailed among them, but would be ready to treat in the Spring. We lamented the want of General Chapin's assistance, who was also detained at home by sickness in his family at the time.

We have only to observe on the whole of our transactions, that we have conducted them in such a manner as we judged best calculated to accomplish the [ends?] of the State, that no expense has been incurred which we did not suppose absolutely necessary in the business in which we were engaged, in order to obtain a probability of success, and we trust that from the accounts which will be delivered to the auditor it will appear that all possible economy has been observed.

We have the Honor to be, Sir, Your Excellency's [illegible]

[Signed]  
John Cantine  
Simeon DeWitt

# **EXHIBIT GG**

## Exhibit GG

### Speech of the Onondagas at the Treaty of Onondaga, November 13, 1793

New York State Archives, A4016, vol. 21—This appears to be the original version of the speech made by Kahiktoten to Cantine and De Witt at the Onondaga Treaty. It can be compared with the version that is in the Legislative Assembly Papers, vol. 40 (A1823)

Onondaga 13 Nov. 1793

Speech of the Onondagoes in answer to the speech of the Commissioners of this morning.

Br[others] The Gr[eat] men of the State of New York attend[.] We propose to give an answer in reply to your Speech. You will excuse us if we do not Repeat your speech but what we say you may depend will be the real sentiments of the Onondagoes.

Br. At the Treaty of F. S. we entered into a solemn agreement which should never be infringed but it seems you now speak a different language. We were satisfied with it & suppose[d] our Br. were also satisfied with it. Now Br. We wish you to point out to us how large our reservation is what your papers point it out to be & how large it is.

B[rothers] It has been observed that we made a strong covenant with you that the lands round the Salt Lake should be common property & not be engrossed by you. We made a firm covenant which was to be [illegible] at the Salt [work?] You were pleased with it as [illegible] We here wish not that you will not be offended if we refuse your request. We cannot wish on this occasion to offend you we will grant your request.

Br. We wish to be gratified as is [illegible]

B. We will take our share to the East & you will take your part to the west which will gratify us both. B. We shall then consider ourselves as having made a second our new agreement with you instead of the old one.

Now B. this is the 2<sup>nd</sup> covenant we have entered into let it be the last let the subject be never again mentioned.

B. This is the reply we have to make to your last speech.

Cayadota

B. We will now inform you what is the motive for parting with our lands now. Some of our people reside to the westward with one of our principle Chiefs and we are afraid that they might be inclined to dispose of our whole country but we are desirous of continuing here and remain with you.

# EXHIBIT HH

## Exhibit HH

### **Proceedings of conferences between Governor Clinton and the Onondagas from Onondaga, held February 13-15, 1794 in Albany (excerpt)**

New York State Archives, (A-1823), Legislative Assembly Papers, vol. 40, pp. 167-190; also in *Iroquois Indians: A Documentary History*, reel 42

At a meeting of the Onondago Nation  
With his Excellency the Governor at Albany  
15<sup>th</sup> February 1794

#### Kakechtoten's Speech

Brothers—we are not uneasy in Respect to our lands. Last fall two of your Chiefs were Sent from you. I would not have agreed with them if I had any apprehensions that we should loose any part of it. We supposed that they came from you and therefore we were safe in agreeing with them. Now that agreement is finished and done with and we are Contented with it. Our Brethren to the East and the west were often uneasy and frequently went to New York, but we always staid at home peaceably and never troubled you. But now we supposed it would be pleasing to you that we should come and see you as you were so near us therefore are we come and are glad to see you.

Brother—I have done every thing in my power to keep all our agreements and perhaps this will be the last time that ever I shall meet with you. There is my Son and if our Nation meets you again he will Speak to you. Now Brothers the agreement on your part you have fulfilled and we wish to abide by it on our part. I present you with these Strings of Wampum in confirmation of that agreement which we are determined to Support.

Now Brothers, you see some of the principal men of our Nation. Here is a message from the Women that we have left at home their wishes are that the path may be forever kept open between us and that there may be no obstructions. These Strings I now present are from the Women. The land belongs to them they are fully satisfied with the Agreement and they express their wish that the path may forever be kept open between you and us.

#### The Speech of Gasconegachte

Brothers—we have now brought our pipes together. You observe perhaps that some of our people have drank too much but Brothers, possess your minds in peace about that it stands on the Table before us. Brothers last fall two of your Chiefs came to our Castle and kindled a Council fire we recollect that the agreement at Fort Stanwix was that the lands reserved to us was our own, that no more bargains could be made to take them from us. Now Brothers we have already told you that we were Satisfied with the arrangement made with your two Chiefs last fall. Some little amendments however may be made to that bargain for our advantage and it is our wish that you will send men to do it next Summer. It is about the boundaries only we want that our Reservation on the west Side of the Creek should extend to the Genesee Road which would enlarge it about a mile in



length on that Side of the Creek, also to have the half mile on the west Side of the Creek enlarged so as to make it about one mile. Brothers, by the agreement at Fort Stanwix a mile round the lake was reserved for your use and ours in common. The white people have settled on the East Side [illegible] three Salt works and have got a [illegible] town there. Now Brothers, we are willing to have them remain on that Side if you will allow us to have the west Side for our Use and we hope you will keep that side for us and desire your people not to Settle on it. There is none of your people on that Side as yet with respect to our friend Webster we open'd our mind fully on that Subject last fall, we need not repeat it now. Viz. Asa Danforth, Patrick Campbell and Comfort Tyler we know their mind and wish to have them remain among us and hope you will not remove them but let them have the preference of buying a small piece from you, we also wish that as Moses Dewitt is our Neighbor and friend, he with those we have mentioned before may have directions to take care of our affairs. Brothers, by the agreement at Fort Stanwix we understood that we were to have a Mile on each side of the River at the Eel wire or fishing place since which we have heard this is not the Case which is Contrary to our expectation. Our uneasiness and this business is that this is at most the only support we have to keep us and our wives and children alive in the Spring when our corn and provision is gone, we then go there and draw our living from the fishing place.

Brothers—this is the first time we have troubled you and we hope you will hear our voice. We must also mention Patrick Campbell he has assisted us with money and provisions on our way here. We hope you will pay him.

Brothers—now we are met we will open our minds fully on everything we have to say. One of our Chiefs you remember was killed at Oswego falls. The man who killed him you had taken up and you send him up the German Flats and some of your chiefs to punish him we believed these chiefs were sent up by you and tho our people did not wish to have this man put to death, yet we expected your Chiefs would have spoken to us and taken the hatchet out of our head and wiped away the blood but they did not do it. The hatchet remains there yet and it is Sore. We have frequently sent Letters to our Brother to which we received no Answer We suppose they were thrown in the fire before they reached you.

#### The Speech of Capt. John

Now Brothers this day we are brightening the chain of friendship which we hope will remain bright for ever. You see our principal men Sitting here around you and you are sensible we never broke any agreement we made with you. You see the chiefs of the different tribes around you. Our minds are firmly fixed we pay no Attention to the Stories of the little birds. Our Eyes and our minds are Constantly fixed on you.

Brothers—you have often told us you would protect us and our children and the generation that is yet unborn. Brother what we have been speaking now is firm and sure. We wish to take you by the hand and what is now said we hope may endure for ever. This Brothers is what has long remained in our minds. Now we open them freely to you. Brothers there is four of our nation that are growing up that we have made chiefs and we

would wish to recommend them to you that you may know them as our principal men are growing old. These are three of the men which I now present to you. The other is at home. The one is named Unontatiahe. The Second is named Guatkantegeghte, the other Karoyou. The one who is at home is Kaleateyou we wish you to put marks upon their breasts that they may be known. These men are now fixed on in future to transact our business. The necessity of informing you of this was so Strong on our minds that we sat out before we received your Message to present them to you and to have you Accept of them.

### The Governors Reply

Brothers—I have now heard what you had to Say to me. I am happy to see you here and the more so as I see you but seldom and your visit arises as from motives of friendship and affection as to transact business. Brothers from the first time I met you in Council you have always conducted yourself in a very friendly and orderly manner. We made our agreements together like Brothers without any difficulty and I have always found you holding fast the Covenant Chain between us without listening to the Stories of the little birds.

Brothers—we have also always kept agreement on our part without suffering it to be violated in any particular. Brothers, two of our chiefs were sent among you last fall by our great council. The reason they were sent was because our Council had heard that some of the Nations were uneasy and wished to make some alterations in our agreement. We chose our chief chaindrawer because you know him and another of our chief men. I am glad to hear you are Satisfied with the agreement they made with you and am particularly happy to find that our Sisters who are the owners of the land are pleased with this agreement. I request you to tell the women that the path will always be kept open between us and that nothing shall be suffered to lay in the way to obstruct it. I have listened to what you have said respecting the Inlargement of your dish and although I have not power of myself to alter the agreement, I will lay your request before our Great Council. I have taken a particular description of it in writing and I have no doubt but they will attend to your voice and be disposed to gratify you. I think your request is reasonable with respect to our agreement about the Eel wire. I have left the paper in New York; it is of too much Importance to carry it with me when I go from home, but I will send for it and will recommend to our Council to render you all the Satisfaction on this head which shall be consistent with Justice and their friendship for you. I will also mention to our Great Council your wishes a[s] to your friends that live near you and will mention your desire to have them to superintend your affairs but this is business which requires deliberation. Brothers, I have a word to say about the man who killed your Chief at Oswego Falls when I heard of it I sent men out after him in Canada and in every other direction. I had him taken and paid five hundred Dollars to have him brought back. He was put in Gael in this City and afterwards sent up to you Country to be tried and hanged. But Brothers you did not wish to have his life taken away. The Chiefs who went up to try him had power to speak to the relations of the man who was killed. The brought the murderer to trial. This was all they had power to do. Brother, I believe you have sent letters that have been thrown in the fire. This has been the case with me. We live far

apart and sometimes those who carry letters get drunk and let them fall out of their pocket and sometimes they wish not to deliver them I am glad Brothers that you have had this opportunity of opening your minds to me freely. I shall bear in mind the names of your young chiefs and will recommend to our Council to put the marks on them you wish. I have no doubt but our great Council will always take care of you and your women and children. In me you will always find a friend. Brothers I know it is time for you to be at home to prepare for your Spring hunting and as soon as you can get ready to go home I will give you a Staff and something to carry to our Sisters.