

Hamden
College
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NOTICES

PETTER PENNET,

His Operations among the Oneida Indians,

A PLAN PREPARED BY HIM FOR THE GOVERNMENT
OF THAT TRIBE.

THE ALBANY INSTITUTE,

January 23d, 1865.

By FRANKLIN P. HOTTEN.

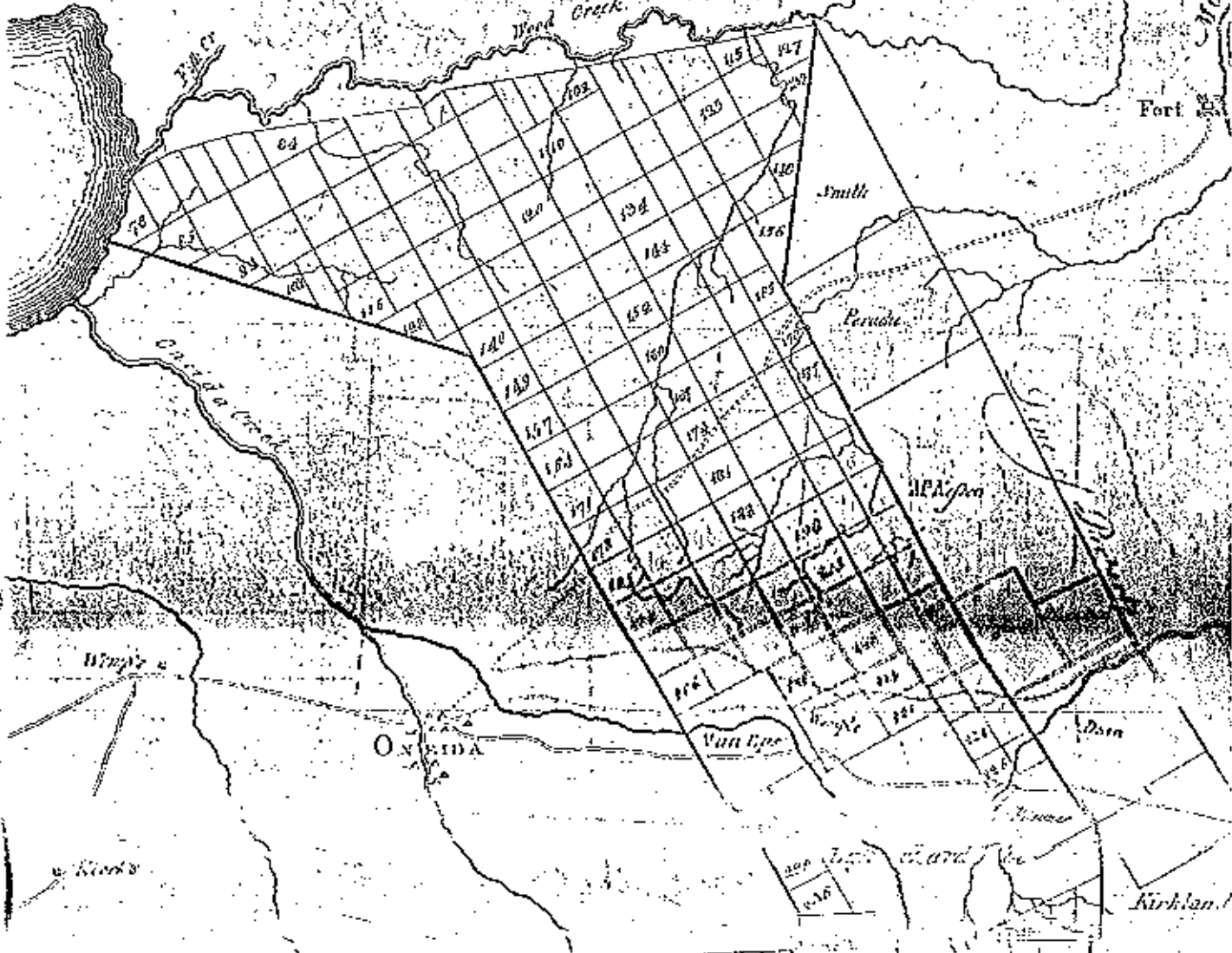
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LOWVILLE N.Y.
1865.



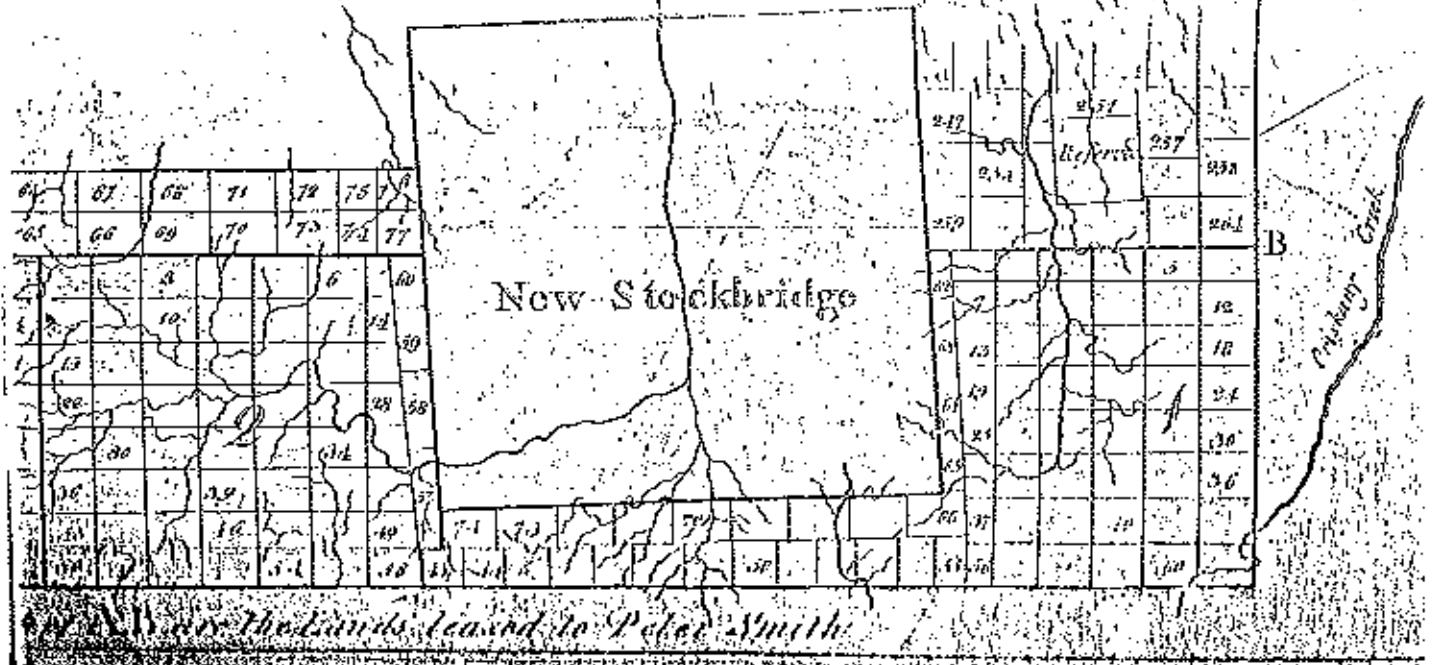
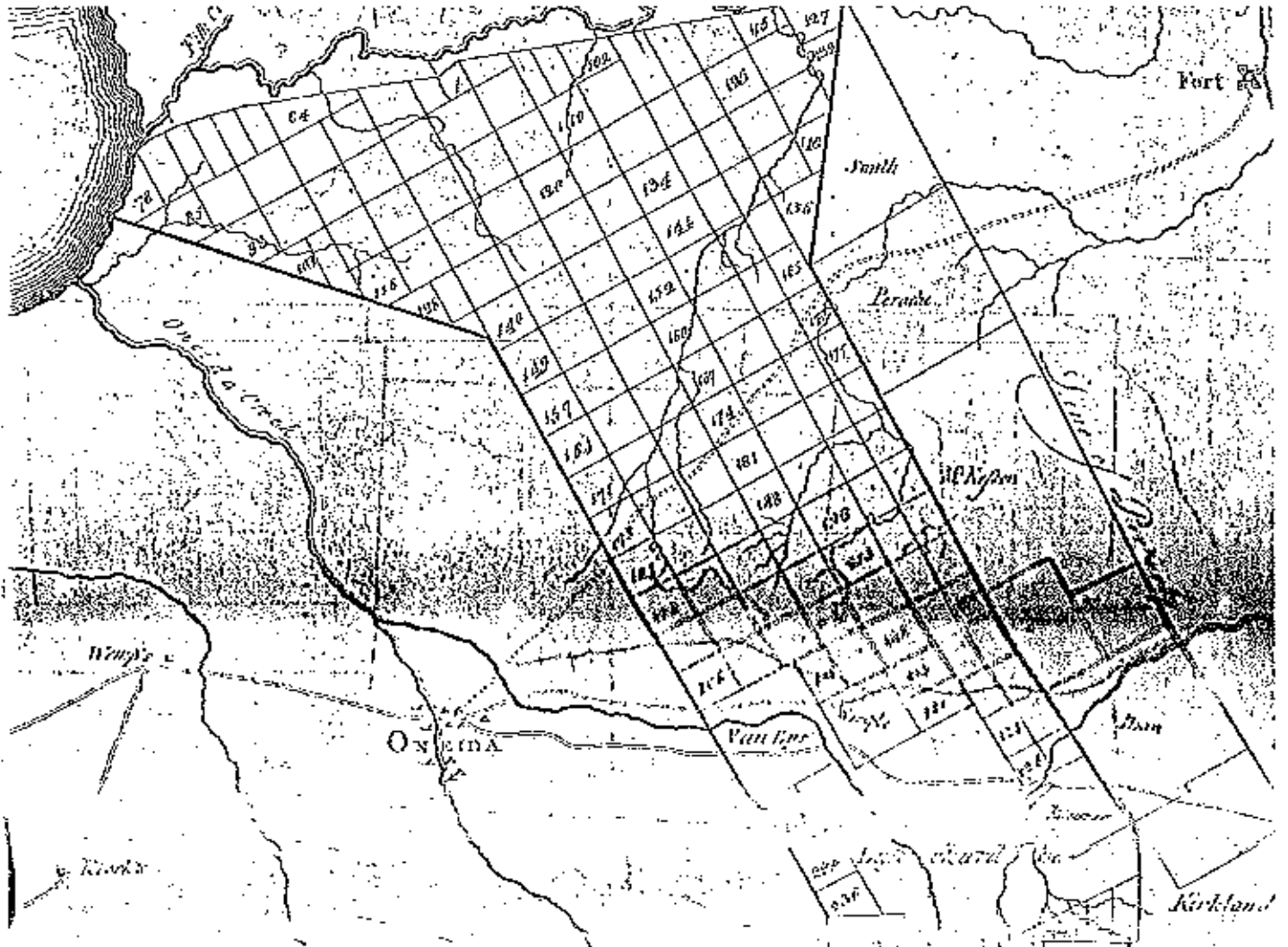
A MAP
ONEIDA RESERVATION
Leased to Peter Smith



64	67	68	71	72	75	76
65	66	69	70	73	74	77
		3		6		10
						14

New-Store-bridge

247	251	257	258
259			261
2		3	12



The lands leased to Peter Smith



Notes, South of N.B. & M. Co.

MILLIAR IAN D S

EILDAN LAKE

Chillicothe Creek

Chillicothe Creek

Grassden Creek

Woods Creek

Woods Creek

Woods Creek

Miles

Scale 0 1 2 3 4 5 6 7 8 9 10 Miles

L I T T L E I A W D S

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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O X L E Y I S L A N D M A K E

MAP
of the OXLEY ISLANDS
including the IAWDS

NOTICES OF PETER PENNET.

The history of our Indian tribes is diversified by many plans and projects, in which schemes, of ambition and profit, were disguised under the plausible appearance of measures for the public good. The ignorance and credulity of the aboriginal race, vain of personal ornament, easily won by presents, and grateful for favors, presented an inviting opportunity for crafty and selfish men. The early and earnest competition of the French and English colonists, for the trade and friendship of the natives of North America, should have made them quite familiar with these artifices, yet we find long afterwards, and among a tribe that had for nearly two centuries been familiar with Europeans, a successful attempt at imposition by a plausible stranger, for purposes of gain or ambition. This project has been but slightly noticed by historians and never fully presented. We refer to the schemes of Peter Penet, a Frenchman, among the Onondas, soon after the close of the revolution, and purpose to present in a connected form, the scattered items of his memoirs furnished by the public records, and such details of his operations at Onondag, as we have been able to collect. His *Plan of the Government for the Onondas*, is now here first presented in book form, and will repay a careful perusal, by those interested in our local history and aboriginal annals.

This passage has left but few materials for his history.

Peter Penet among the Oneida Indians.

ply and these chiefly indicate the career of a speculator and an adventurer, of great personal vanity, with a stamp of great profits, and a conscience unscrupulous in the attainment of his objects. He appears to have won over to his confidence the sachems of the Oneidas, but never received the support of more than a part of the tribe, and from the nature of his pretensions, at once excited the opposition of the state government from the moment that the character and tendency of his operations became known.

Peter Penet, a merchant of Nantes, France, appears to have first arrived in America, on the 10th of December 1775. He landed at Providence, R. I., in a vessel of Capt. Rhodes, who had been sent to the West Indies for powder. Penet and his partner De Plaine, came from Cape François, having letters and credentials of character, and proposed to undertake to supply arms and munitions to the colonies or to congress, through their business connections in France.

Governor Cooke, of Rhode Island, received them favorably and gave a letter of introduction to General Washington, then at Cambridge. They immediately repaired to head quarters, and were very courteously received by the commander-in-chief, who cautiously referred them to congress, without committing himself to any endorsement of their plans. Their reception was however quite flattering, and they were sent at the public expense to confer with congress then in session at Philadelphia. General Washington also gave them letters to Governor Trumbull of Connecticut, requesting that cartridges might be provided for forwarding them to their destination. Governor Trumbull examined their proposals, and added his own approval. They left New Haven on the

American Archives, IV Series, IV, 207.

7th, 1775.

Peter Penet among the Oneida Indians

24th December, and repaired to congress, of their plan, and the secret committee connected with Messrs De Plaine, Penet and Co., of a large amount of arms from France, correspondence of that period, it appears, the separate proposals to New York, Virginia colonies for the sale of cannon, ordnance and arms, and that among the orders received, Virginia, for twelve six pounder cannon. met with this contract, made with the secret congress, and only learn incidentally, that its shipment of tobacco in payment direct to Parliament mode of exportation having formerly of England.

This arrangement having been completed left America in March 1776, in a vessel hired for sending him and another of his countrymen. Mr. Penet was entrusted with letters to our agents coming directly from the scene of action, and exciting great interest in Europe, was able to nation and details of value to the colonial he returned from Philadelphia empty, having required diplomacy of no ordinary ability emergencies that arose in attempting to fulfil M. Dubourg, in writing to Dr. Franklin in June "Mr. Penet appears a faithful, active, intelligent very much the commissioner in arms of every have been led to think, that your committee him sufficiently to trust with large pecuniary to only engage themselves to repay amply his and he is not in condition to do great things in the ever good his disposition is true. This is a all the operations, which might have been in

American Archives, IV Series, VI, 781.

7th, IV Series, VI, 497.

9th, 1776.

ried if you had somebody here duly authorized to make bargains, and to pass engagements in the name of the Thirteen United Colonies, on terms which would be readily owned agreeable."

He was first received with that caution due to a stranger in a delicate negotiation, where the action and intentions of the French government were as yet concealed under an assumed reserve, yet when M. Dubourg assured him of the favorable wishes of the court and nation in behalf of the colonies, he saw upon his countenance such a natural diffusion of joy, as completely determined him that he might confide in him."

Penet was recalled from Nantes to be secretly presented to the minister of foreign affairs, for consultation upon the condition, resources and prospects of the colonies, and he managed to procure and forward a considerable amount of arms under his contract. The following letter to General Washington, indicates the progress of these negotiations:

Nantes, August 8, 1776.

"My General: I am pleased to present you my respects, and to inform you of the success of my operations in France; I can assure you, you need not fear the want of ammunition. I have found the means to furnish your armies, and to provide your garrisons. There will go to you immediately four subjects, two of which are of distinction and great merit, and who will deliver into proper hands, the political state of France, England, Spain and Portugal. We wish every success to your armies, and also if possible, that we may lend a hand. The letter which will be sent to you by one of these gentlemen, will inform you well of interesting and advantageous circumstances, which I cannot communicate to you but by them. I have, my General,

American Archives IV Series, v, 779.

167711

Statistics Washington, vi, 143.

Diplomatic Correspondence, i, 11.

a demand to make of you for a favor, which I desire to obtain, and which I hope to merit. I have wrote concerning it to Dr. Franklin. It is, that you would grant me the honor of the title of your first aid-de-camp, and that you will permit me to wear the uniform and also the ribbon. I ask no pay but the honor only of being in your service, I hope you will grant me that favor, in consideration of my attachment, and the desire I have to serve with fidelity; the nation of the Thirteen United Colonies of North America. I shall make my residence at Nantes, and don't intend to return to the continent before the end of the war, my presence being necessary for your operations, and not being able to trust such secret affairs but to myself. If I can be so happy as to be of any service to you, I am entirely at your disposal. Dr. Franklin can forward your letters to me, and also the brevet of aid-de-camp, which I hope you will not refuse me, and which I shall receive with the greatest pleasure.

I beg my best respects to Madame Washington, and assure her, that I have the honor to be, my General, her and your most obedient servant.

P. PENET, and Co. "

To GENERAL WASHINGTON.

On the 7th of October, the commander-in-chief addressed the president of congress, enclosing this letter, and asking their leave to grant this request, which was done on the 11th, by a resolution appointing Penet an aid-de-camp by brevet."

It appears that the inquiries of our commissioners in France, did not increase their confidence in Mr Penet's ability to negotiate advantageously, and in their letter to the secret committee of congress, dated Jan 17, 1777, they say:

"We also think it advisable that you should be so firm on your ground, with respect to Mons. Tonet, as not to deviate

American Archives V Series, ii, 225.

276, 1298.

from the original contract made with him, as we cannot learn that he is known to be a person of substance: at the same time, it is but justice to say, that he appears to be active, industrious and attentive to your interest. He is, indeed, connected with a very good house in Nantes, M. Gruel, but we do not know the terms of that connection, or how far M. Gruel is disinterested. It seems to us that those houses which are connected in Great Britain, are to be avoided."

On the 11th of February, 1777, Arthur Lee wrote to the secret committee of Congress: "Upon examination I find your commercial connection here greatly damaged. It appears to have been the first plan of the committee, to place Mons. Schweighauser as a check over Mons. Penet. The established character and credit of the former, were to control the confidence reposed in the latter, who, the committee say, had not such recommendations as they could wish. For this purpose, the consignments were to be made to Mons. Schweighauser, out of which he was to pay Mons. Penet for issued goods as were shipped on four account, after being inspected and approved by the former. This was certainly a wise plan, and a necessary precaution. In my humble judgment, it still continues to be absolutely necessary; but instead of the consignments having been made to Mr. Schweighauser, they have been chiefly addressed directly to Penet; in consequence of this, the latter has not submitted the goods sent to the inspection of the former, and Mr. Schweighauser has reason to complain of his being neglected, since an express promise given him of your consignments, without his being able to conceive in what he has offended. These are facts, which I think it my duty to state to you, Mons. Montaudine and Mons. Schweighauser, are certainly the first in rank and reputation here. It is of more consequence, that merchants of this description

tion should be your correspondents here than it is in England, because they have an influence with the government which those of an inferior order have not. Of this order Mr. Gruel, and still lower Mr. Penet; but the credit and character of the former are exceedingly well established.

About two years later, we find Mr. Penet petitioned Congress for encouragement in the establishment of an armory, and on the 2nd of January 1779, the committee whom the petition of Messrs Penet and Couloux, proposing to establish a manufactory of fire arms, side arms, had been referred, made a favorable report. It proposed to contract for one hundred thousand muskets and bayonets, at twenty six and a half pence each, in specie of which twenty thousand were to be delivered in two or three half years, and the rest in six or seven years. It would also undertake to make any other kind of arms the board of war was authorized to contract upon the terms, and on the 8d of February, the name of the contracting firm was changed to Penet, Windel & Co.^s This arrangement was never carried into effect probably from the inability of Penet to meet his part of engagement.

Among the commissions received by Penet from American Colonies, was an order from Pennsylvania arms, munitions, standards for the use of her troops, a seal with the state arms engraved. In a letter dated Nantes, May 20, 1780, apologizing for delay and explaining its causes, he solicits the appointment of state agent and reminds the governor of a promise made before his departure, that he would make a motion in his behalf to the council, promising that if he could be so happy a

1 *Systematic Correspondence*, ii, 33.
2 *Ibid.* to 34, 35.
3 *Annals of Congress*, Fulwells Edition, p. 1, 31.

obtain that mark of confidence, his conductor should soon
crisis the utility and propriety of their choice.¹

Penet is next found operating upon the confidence of
the governors of New York and Pennsylvania² by offer-
ing for sale some new discoveries; a cheap metal for
sheathing ships, and a machine for preserving iron from
rust, but in neither instance did he succeed in his nego-
tiation. In the very plausible letters in which he set
forth the merits of the new invention, he intimates that
they had been tested and approved in the royal navy,
and were coming into general use in Holland and France.
He states that manufactures had been established and
himself appointed sole agent of the company, to export
their metal and machinery to America. Of himself he
says:

"The reputation of my late partner Mr. Platone, has, I
believe, reached you. I am known in America since the
year 1775, when first I carried to Cambridge, Gunpow-
der, arms and other military stores to defend your liberty.
I have, from that time, supplied several states with the
like articles, besides clothing and accoutrements for your
troops. Being concerned in your welfare and indepen-
dence, I make bold to offer you my humble services. I
propose at the same time, to furnish you the metal and
machinery on the following terms, etc."³

At about this period, Penet was employed by the state
of Virginia, to borrow money in France. We have met
with no statement of the success of this effort, but learn
from a letter of Dr. Franklin, dated on the 14th of De-
cember, 1782, its result. He says: "Penet, who was
employed by that state, to borrow money here, is broke
and absconded. His creditors are all worrying me with
their complaints, who have nothing to do with his affairs."

¹ *Transatlantic Journal*, vol. 257.

² *Colonial Register*, 4018, Oct. 7, 1782.

³ *Pennsylvania Spectator*, ix, 479, same date as above.

We have put faith in every adventurer, who pretend
have influence here, and who when he arrived, had
but what your appointment gave him."¹

The next trace we find of this adventurer, is in
whom his name appears in the Albany county re-
cords,² as a purchaser of "a certain messuage and
his actual possession now being, in the city of Sab-
tady," which he purchased of John Chrysler, for \$1,050
whom from other accounts, appear to have been a dwel-
ling and store. This property was in 1788, still known as
"Penet place," and afterwards passed into the hands
of Charles Martin. It was on the north side of State
one lot west of Church street. There were at one
time two lots owned by Penet adjacent, and with 25 an
feet fronts respectively, Amsterdam measure. In
conveyances, Mr. Penet is mentioned as a merchant
Philadelphia.

In 1787, we find him mentioned as a trader with
Oneidas, in their village near Oneida Lake, and some
portion of those people he acquired a great ascend-
Upon the appointment of commissioners by the state
New York, to determine the territorial claims of
Oneidas, in 1788, Mr. John Taylor agent for settling
litigations, found it expedient to consult with him, &
ask his aid in promoting these measures. Messrs T
and Parsoche, were then his mercurial agents at Oneida
Penet was one of the witnesses of the Oneida t
signed at Fort Schuyler (now Rome), on the 12th of
tember, 1788. At the same time and place where this t
was concluded, the commissioners held a treaty with
Oneidas,³ whose claims upon the favor of the state,

¹ *Spencer's History of Franklin*, ix, 448.

² *Deeds*, x, 887, Oct. 7, 1788; also *Deeds* 5 successively, O, 212, 1
1788.

³ *Indian Treaties of New York*, i, 122, 123.
⁴ *Id.*, i, 232.

could stronger than those of any other tribe, of the Five Nations, on account of their services in the revolution.

In pointing out the boundaries they wished to have reserved, they at first included all the lands on the north side of Wood creek and the Oneida lake, with a large tract south; but upon further consideration, they agreed to cede all north of the lake and creek, excepting a narrow reservation along its banks, upon condition, "that the commissioners would agree to make a compensation to Mr. Penet out of it, for his benevolence and services to them."

In a speech made by Good Peter, an Oneida orator, he alluded to his friend in the following terms:

"Brother Governor! you know our minds. When our business is completed, and we take leave of each other, whatever we have to say to you, we will always communicate to you through our father the French gentleman, (pointing to Mr. Penet), and we request that you'll make him the channel of communication of whatever you have to say to us. He is a just and righteous man; he will deceive us in nothing; but will declare to us the very truth; and if not been for him, we should have been ruined. We know that you have entered into a firm covenant and alliance with our father the French king, and that you have one heart and one mind, which you have told us often, and now we see it verified."

A string of six words of black wampum.

Brother, our chief I now call for your attention, that you will in very deed open your ears and hear our speech.

I have already congratulated you with the thanks of all the nation, that you, my brother of New York, with my father, the French, took us hold by the hand, and drew us out of the way, and now you see us settled here in peace.

The orator is addressing the French, always used the term father, and when speaking to the English called them brothers.

"Brother: It is beyond a doubt that the Great Spirit above, put it into the mind of my father, the French, assist the injured and distressed at this critical moment. You also, my brother, have partaken of the advantages an alliance with that nation equally with us, the Oneida his children.

"As we have nothing to give our father the French gentleman, but our mind and our thanks, by this, presenting a large belt to Mr. Penet, we express our gratitude and return him the thanks of our nation.

"Suffer me now to express our wish to both of you representing, as I may say, Nations, that you exert yourselves to preserve the friendship and strengthen the alliance between you. I know that you have respectively the power, and that government will bind nations together. I also know, that every nation throughout the world, liable to changes and subversion, and it is possible, that some future period, the Evil Spirit may destroy this connection between you. It requires, therefore, your utmost circumspection to preserve it."¹

In consequence of this stipulation, the Oneida treaty of September 22, 1788, was made to embrace the following article:

* * * * "And further, that the people of the State of New York, shall, as a benevolence from the Oneidas to Peter Penet, and in return for services rendered by him to their nation, grant to the said Peter Penet, or the said ceded lands lying to the northward of the Oneida lake, a tract of ten miles square, wherever he shall elect the same."²

From the speech of Good Peter we infer, that the pretensions of Penet, as a representative of the King of France, were of the most extravagant kind, and that in the mind of the orator, there was no distinction of rank

¹ *Indian Treaties of New York*, p. 205, 206.
² *Id.*, 205.

between him and the governor of New York. The Plan of Government to be hereafter adopted is dated about a month later than the treaty, and was probably then under consideration, although it is not recorded in the proceedings that attended that negotiation.

In June, 1784, Mr. John Jay, who was employed to visit the Indians, and pay the annuities stipulated in the treaty. At Fort Saluyler he met the Ojibwas and their chief, in a speech on that occasion said:

"Brother: We were happy to have in the time of the late troubles, that an alliance should have formed between your nation and the great King of France and from time to time, we heard where would be a lasting peace between the two nations, and this alliance could spread its influence over us all in every quarter of a globe, and in his love for us, he sent over a Great Man (meaning Peter Penet) to take care of our affairs. We had no doubt several times, since the opening of the spring, that in would soon make his appearance, and the days were not far distant when we should see us in our country; and the Great Man (meaning the Ambassador) and our mother the Ojibwa had been meeting the Marchioness, was to secure every thing for us, and we expected them previously to your coming as in this ground. Now, brother, we want to know if you are of you, if you know any thing of the Ojibwas or the Indians become of our Father Penet?"

To this inquiry the agent replied, that he was informed that each government had an ambassador in the name of the other, but that they did not appear in the name of the subjects of the others.

"You must see the propriety of this, and that I should therefore say no more on that head. As you are a Great Man (as you call him), I can inform you no more on this subject."

The Ojibwa de Montic, who was employed to receive the Ambassador de la Louverture at Montreal, from New York. The Marchioness de Mifon, a sister-in-law of the Ojibwa, these persons had attended the Ojibwa treaty.

his commission from the King of France, that his acquaintance with the ambassador was last summer Albany: he came into this country as a merchant, and entered into Indian affairs without any authority, and may be assured that no transaction of a public nature yet passed through his hands.

"It is reported at Schenectady that his house is and it is not publicly known where he is gone.

"Brother: The governor at the last treaty, exhorted you to attend to your own affairs, and hoped that you would not be misled by idle and foolish tales, which might cause to deceive children, but ought not to be credited by men. I wish you would attend to his advice and keep in the path he placed you in."

Thus disconcerted in their assurances, and perplexed the conflicting statements concerning Penet, twenty One united in a letter to Governor Clinton of which the following is a copy:

"Brother: This is to inform you our situation, that the three tribes of Ojibwas, are divided into two parts that is to say, the Sachems follow Mr. Peter Penet, Frenchman's advice; and we the chief warriors and majority of our nation, even women, follow the State of New York. We therefore make a petition, and enquire you we look upon you as a true loving brother, and as you father of the State, &c, &c.

"Brother: At the first arrival of Mr. Peter Penet in our castle, he delivered his speech to us (about ten years ago), as follows: My children, attend: I am appointed by the Great King and the Marquis de la Fayette, as Deputy Superintendent over some of the tribes of India here in America, &c. I am safely arrived here in your castle. The great King of France, and the Marquis de Fayette long to see you happy. You are now the first man I entered into, and I see you are happy and glad to see me here, and I must therefore choose your nation to be his subjects, and you must obey what I say to you, because it is the will of the Great King of France, &c. &c.

from the Great King, and you must behave yourselves as a people, and for that reason, the westward and all other nations of Indians may come and confederate with you and with us. I come not to demand you about your lands, (as your brethren the Americans have done already to you these many times), but I am come here to do you good, and make you sensible of what you have already done to yourselves. But if you don't mind what I say to you, your brothers the Americans will take all your lands away in a few days: but if you will obey me you'll flourish and be the happiest people in America.

* Brother: But now Mr. Penet informs us this spring that he was sent by the ambassador, who now resides in New York, on that business. Mr. Penet, at the same time, begs of us a piece of land by dream, which was granted, ten miles square north of the Oneida lake, though some of us remember his several speeches, and try to stop our lands, but could not prevail.

* Brother: Wherefore beg your Excellency to enquire, that whether this Penet is authorized by the king of France or no, to do public business to the Indians or to the Oneidas only. But if these important affairs are unknown to you, you will be pleased to make enquiry of the ambassador, whether these things are so or not; and if he is appointed by the king, and by the marquis, and then what trade and delay coming to us and is unknown to us, and this is what made us to distrust him; and as for the agreement made between us and you, we, the chief warriors, are firmly united to all our transactions, and we are sensible and very well know, that there is one authorized from the king of France to act and transact with the United States—that is the ambassador, and that there is no other ambassador besides him that we know of. And another thing we would let you know, that there is a French priest, named in this place, and told us he was

Father Penet. He had gone before 1792.

sent by the ambassador, according to the desire of our sachems; which we are afraid, that our day will grow worse and worse, both in temporal and spiritual. We wish to have but one sort of religion and that is, Mr. Samuel Kirkland. Further, we would know, that our sachems have sent a letter to the ambassador in a private manner, to let us know what they say in their letter; but what we write to you we should know that what our sachems write of this should know that what our sachems write of this from the whole nation.

Done in council at our council house of Oneida twenty-third day of August, one thousand, seven hundred and eighty-nine.

To this, Governor Clinton replied in a letter, dated York, September 12th, 1789:

* Brothers: I have received your letter, and now give you an answer. Mr. Penet is only to be considered among you as an adventuring merchant, pursuing his own private interests. He holds no office, nor sustains any public character in this country; attempts to deceive you, therefore, when he says sent by the king of France and the Marquis de la Fayette, to transact business with you, you ought not to believe his speeches nor pay any regard to his dreams. If of France is our good friend and ally; he has an authority here (whom you saw with me at Fort Stanwix), to transact business and maintain friendship with the United States, but he has nothing to do with any Oneida, or the Indians residing within it. You are not, therefore, to believe Mr. Penet when he says he is sent by the king of France. I presume the prayer you made at the request of Mr. Penet, and your friends, that they have a right to worship God in their own way, is not agreeable to them, but I approve of your

* Signed by twenty Oneidas, and witnessed by six Stockporting
Carriers.—*Indian Traditions*, II, 266, where the names of the signers

Peter Penet among the Oneida Indians.

to adhere to your old minister, for I fear the
presenting of different doctrines among you, will not only
be to people and puzzle your understandings, and dis-
visions either with respect to your temporal or spiritual
concerns, may prove dangerous to your welfare and pros-
perity.

Brothers: I am happy to hear that you are firmly
united as to our late agreement, and you may rest assured
that it will be faithfully observed on the part of the state.
Let me exhort you to sobriety and industry, for it is this
alone, by the blessing of the Great Spirit, that you can
secure your comfort and happiness.

"I am your Friend and Brother,
"George Clinton."

A few days after, three Oneidas addressed the following
letter to the governor:

Brother: We, your Brothers, the chief warriors, did
send a letter a few days ago to your Excellency, wherein
we informed you that we, the Oneidas, are divided into
two parties, the Sachems and some of the warriors are
for the French, that is to say, Peter Penet, and we and
some of the chief warriors are for the State of New York,
and this is now informed you again, that we, the warriors,
are sorry for our situation. We conversed with our sachems
yesterday, in order to unite again, but our sachems
report to us contrary to our opinions; they say they
will make us sensible of our error at Mr Penet's return
from Canada, and then we will unite with us at present.

Brother: We tried to remember all our agreements and
instructions with you, and will hold it as long as we can,
but our sachems have not a good deal about our errors;
but we the warriors, are sensible that our sachems do not
understand so much as Mr. Penet. Our sachems have
sent another piece of land to one of Mr. Penet's men!

On the 14th of March, 1780, the tract was two miles square, and in the

Peter Penet among the Oneida Indians.

near Connersville about one mile square, besides that
near Connersville about one mile square, besides that
miles granted to Mr. Penet, without our knowledge
which did hurt to our nation good deal; we therefore
beg you not to establish, if this French people should
come to you in order to have you to confirm their deed
because it is not for the whole nation and we will
dispose of any of our lands.

"Ouchin, September 20, 1780."
[Signed by three Oneidas.

Attest, Jacob Bezan, Clerk."

The divisions thus excited among the Oneidas
threw to disturb them, and a few weeks later, the
French party, one portion favoring the Rev. Samuel K
hand and opposed to the French party, as then known, re-
addressed the governor as follows:

"Brother: We received your answer the 10th of
month, dated the 12th of September last, to which we
happy to hear the truth, that Mr. Penet is nothing else
a mercenary pursuing his own interest."

"We and our Sachems were all together, and Col
Louis was present, when your letter was delivered,
could not persuade our Sachems and Louis to make
believe your letter; and though they believed your
friendly it is declared to be in satisfaction for an injury done to them
of the Oneidas.

"Ten miles.

"*Indian Treaty* ii, 232.

Col Louis Cash, or Ahyongahongren, was a St. Regis Chief who
traveled to the English, took a decided stand in favor of the colonies
revolution, and led off quite a number of Cayuga, Seneca and St.
Lawrence. He lived with the Oneidas several years, but when the
war was restored to the northern border he returned to St. Regis. It
is reported in all the records made by the Canada Indians relative
to New York, and was employed in the greater part of his life in the
service of his people. In the revolutionary war, he received a com-
mission as Lieutenant Colonel. He again entered the service in the war of 1812
in an advanced age, and died of sickness near Buffalo towards the
close of the war—History of St. Lawrence and Franklin Counties.

Indians did it, and so our people were put to trouble for it. So Brothers, we wish you would stop your people of serving us so.

"Oneida, October, 28, 1789."

[Signed by thirteen Oneidas.]

"Attest Jas. Raza, Clk."

The expected return of Penet with his presents, was never realized by his deluded friends, yet the bitterness between the parties excited by him, long continued to distract the Oneidas, and may be still traced among them.

Mr. Kirkland, the Presbyterian missionary, who had long labored among these people, became the especial subject of hatred among the friends of Penet, who violently assailed his character and services, and even threatened his life. But his presence and the address of his friends, averted this peril! This feeling soon abated and a reaction followed in his favor.

The French priest who appeared at Oneida, and took up his residence near the lake, claimed to have been sent up by the French ambassador at New York, in pursuance of an application from the Oneidas themselves. At a council held May 29th 1789, a letter from the ambassador was produced, in which he "grounded the mission of the Romish priest to their country; on their application to receive him kindly, give him a globe of three hundred acres, clear a field, and build a house." This letter was attributed to Penet or some of his party, and excited the strongest opposition to the measure. The priest, however, continued to reside some time at the lake, and Mr. Kirkland speaks very bitterly of him and his party, in his correspondence. The letter of Governor Clinton, already quoted, did much to confirm Mr. Kirkland and to weaken his opponents.

Lobrey's Key of History, 278, 279.

1/4, 1/4.

writing, yet they still hold Mr. Penet, that he is sent from the King of France, and Louis is trying to scare us and said, that he would make us sensible in a few days, and would make us sorry because we don't believe Mr. Penet. We are much surprised of his interruption; and further, he says, in the council, that he will make us sleep very fast, so that we cannot wake up again; and we look upon our Sachems, they are still the same as they were in the first of our division or worse, quite contrary to our opinion; and the said Louis blames us much, and said we did send for him from Canada the beginning of the late war; therefore he thought then that we would mind what he would say to us; but we say he is mistaken about that. The Continental Commissioners of Indian affairs did send for him. This said Louis has despised the governor and can't deny it; but when we told him he should not despise the governor, he said he would do so before your excellency, and he added and said to us; "You had despised Mr. Penet, because you will not believe him, therefore you shall not expect any presents of him at his return, and let Governor Clinton give you presents more than you ever had; you think you are a free people, but I say you are slaves to the State of New York; but if you are free from the State, I myself will make you slaves. Let your minister, Mr. Kirkland, prove that you are free.

Brothers: We remember all our transaction of the late treaties; you always tell us that we are free people, and we look on our nation as free people. Can Col. Louis make us slaves, when he is a stranger to us? Can a single nation make a nation slaves? We think it is too impossible, we never [have] and cannot recollect we ever gave him commission to reign over us as a king.

Brothers: We are little sensible that we have a little kind of slavery, our neighboring brothers the white people, do not use us very well, our young warriors were among them; when the white people saw our Indians they kill their neighbor's dogs, and hold their neighbors that the

of the present village of Clayton, Jefferson county, N. The soil is excellent, although thin in some places, a the harbor one of the best on the river. The square included in the present town of Clayton and Oriskany and was of course excepted from the great sale to Mason in 1781.

The land commissioners ordered a survey of the tract on the 8th of August, 1780, and a return was made November of that year.¹ Penet, by an instrument dated January 23, 1780, having made Mr. Dumont his attorney the latter, on the 19th of November of that year, received a patent for the tract.² On the 18th of July, 1790, Dumont conveyed to James Watson and James Greenleaf New York, for the nominal sum of five shillings.³

We cannot here trace the chain of title, by which it was finally confirmed to the actual settlers. The greater part after diverse truces and conveyances, came into the hands of the late John La Farge, formerly of Harre, but subsequently a prominent capitalist of New York city.

But for many years after the settlement of the surrounding lands, there was no resident agent, and at length came to be regarded as the common property of those who might choose to settle upon it. This belief attracted a large crowd of irresponsible squatters, who cut timber, cleared lands and made potato, without regard for title, other than that given by actual occupation. If to this, we add proximity to a foreign frontier, the absence of revenue officers, and the facility afforded by the Thousand Islands for a contraband trade with Canada, and we may rest assured that the *speculators*, as they came to be known, would gain an infamous notoriety in the civil courts, and present difficulties of no common magnitude in the quiet assumption of title by those holding the legal right to the soil. But Mr. La Farge proved equal to the task, and did

¹ *Land Office Minutes*, ii, 56.
² *Land Papers*, xlvii, 169.
³ *Not recorded*.

⁴ See Hough's *Hist. Jefferson Co.*, pp. 49 to 51.

In 1703, we meet with another reminiscence of Penet, in the journal of some French agents, who were returning from their first visit to the Castorland tract, on the Black River. One of this party was Marie I. Brunel, then a young political wife in America, and who afterwards became illustrious as an engineer in England. These travellers coming to the Onondaga village, in the early part of November, were welcomed as Frenchmen, and directed to the house of the venerable Schenando, then seventy-six years of age, who with his aged wife, did their best to extend a hospitable welcome. But the culinary dainties of those kind hearted people, could scarcely be swallowed by their Parisian guests, who managed to complete their repast from some large wooden bowls full of fresh milk.

In the course of the evening Schenando, having learned that the party had lately returned from the northern wilderness, enquired about the lands which the Onondagas had given to Penet, who had come some years before with some other Frenchmen to settle at Schenectady; he said, that having conveyed the Indian villages, he made them unnecessary purchases of an advantageous trade, but that he had left America without paying his debts, these lands were sold at ten cents an acre, although the best located in the country. Schenando showed them some property which had belonged to Penet, and lodged them in a bed which he had

also remitted to the Onondagas by the Onondagas to Penet, who was situated by the name John Dumont, a merchant of Schenectady, the corner of the square corresponding with the principal streets, and the north-west corner of the square upon the

¹ *Land Office Minutes*, ii, 56. His age was then reported at 110 years. There appears to be an error of 11 years somewhere. See *Land Office Papers*, p. 56.

² *Land Office Minutes*, ii, 56. The present location of the city of Schenectady is the site of May, 1721. The present location of the city is Schenectady, New York.

³ See Hough's *Hist. Jefferson Co.*, pp. 49 to 51.

hesitate to employ the legal remedies suited to his need. Although bitterly opposed, calumniated, and threatened he, at length, succeeded in compelling the settlers to acknowledge and respect his title. A man less scrupulous, or less artful, would have certainly failed in this undertaking.

Among the conflicting titles that arose in this litigation, were some derived from Hippolyte Penet, a brother of Peter Penet, residing in Andes, Delaware Co., N. Y. but there were never confirmed.

Of the subsequent history of Penet, we have no authentic data. About 1821, the question of this title came before the legislature, and the attorney general was ordered to examine and report. There were then about three hundred and twenty families who had been induced to locate on the tract, and were interested in this decision. In the report upon this memorial, it is stated that Penet returned to France, and died there. So far as ever appeared in the trials before the courts, he died without heirs, and probably unmarried.

Plan of Government adopted by the Oneida Nation.

[Printed three weeks as an advertisement in the Albany Gazette, February 1780.]

ART. 1. To fix the bounds and limits of the sovereignty of the Oneida nation, to let their vacant lands be properly surveyed, laid out into lots and numbered, and have an exact map made of the same:

ART. 2. Two men shall be appointed by the Grand Council, that are known to be men of principle and interest in the nation: they shall be invested with power to act and

History of Jefferson Co., 159, 208, &c.

History of Jefferson Co., 210. The final title of Mr. La Foye upon which he chiefly relied, is believed to have rested upon a compiler's deed for the sale, which forever set at rest any doubts that might have been previously entertained concerning it.

transact all business concerning the leasing and dividing the said land or lands into equal shares, to each person or family, and they shall be obliged to render a true and just account of all their proceedings, from time to time, to the National Council.

ART. 3. From the Lines of Property, a certain tract of woodland shall be reserved for the benefit of each party to wit: the farmers of the states, and the farmers of the proprietors of the Oneida nation, to prevent any difficulties that may arise on either side.

ART. 4. A tract of land of four miles in breadth, an extending from the Line of Property to the western boundary of the Oneida territory, secured by the treaty at Fort Stanwix, shall be rented out for the sole benefit of the said nation: which said land shall stand for a town ship forever.

ART. 5. The Oneida territory, (except that which is fixed by treaty), to be rented out must be equally divide into equal shares, to every man, woman and child of the Oneida nation, without any exception. One tract of the said land to remain forever, as a national fund, without any part thereof being alienated: and the revenues, arising from the same, are to defray all public charges the way or shall hereafter accrue. The administration of this said tract, to be ordered and directed by the Chief in Council, who shall render a true and just account twice in every year, to the Grand Assembly of the said nation.

ART. 6. No man, woman or child, of the said Oneida nation, shall have it in his or her power, to sell one foot of land that shall fall to his or her lot or share, except it be to one of their own nation. All other bargains for such land shall be void and of none effect.

This line agreed upon in a treaty with Sir William Johnson, Nov. 1768, commenced on the Tennessee River and ended at Wood Creek, where extended from the source of the Unadilla river to a point on the creek about seven miles west of Towne.

Art. 7. If any mine or mines, shall be discovered in any part of the Oneida territories, by any inhabitants settling their lands, he or they shall immediately acquaint the Chief of said nation, and he shall take notice of the same. If it proves of value, the Oneida nation shall receive the tenth part of the same. If any salt spring or springs are discovered, or shall be discovered, they must be reserved for the benefit of the nation in general.

Art. 8. The Grand Council of Oneida shall have power to inform the several families of our nation at Niagara, or elsewhere scattered abroad, and, if when we call on them to return to their native place, they shall return with us, they shall be partakers of all our happiness and benefits, and we will be as one in everything to the promoting of our welfare. But, if after one year and one day, they do not mind to return, after being timely warned, they shall not afterwards be benefitted by any of our favours that shall hereafter arise, by virtue of our lands and tenements; but their rights must be forever confiscated to the use and benefit of us now present.

Art. 9. The Grand Council shall have power, (so soon as the lands are rented out, and the rents drawn in), to pay all debts which are due to every one in the nation. Every one, however, to be paid out of his or her own share of land so rented out.

Art. 10. The Grand Council shall have power to call on the state, to have an act or law passed, that in case any person or persons settling on our lands, shall not comply with their articles of agreement, we may appeal to the first justice of the peace that may be found in any county next to our territory, for rectifying our grievances, be they of what nation soever. The same justice and law shall also take place in this Grand Council, against any man, woman or child, who shall hurt, wrong or defraud any person or persons, inhabiting any of our said hired lands.

Art. 11. The National or Grand Council, shall consist

of nine members: two Chiefs and one Head Warrior each tribe. The nomination of the nine chiefs shall be by the Great Assembly of the nation. No person to approach in time of business, without being called for by the chiefs of said council. These nine members of the council shall be vested with power to act, and transact and every business belonging to the nation; and in behalf of the same, shall once in every year, call a General Assembly; in which every person who is eighteen years old can have a hearing; and, where every business of that year shall have a hearing.

Art. 12. All children born in the Oneida nation, shall be in subjection to their parents, till they arrive at the age of maturity: boys to twenty-one and girls to eighteen years of age; at which time or age, the father and mother may, if they have anything to bestow, bestow it on their child, if they have anything to bestow, as with the son, will it shall be equal with the daughter as with the son, will out any distinction; and in case a father dies, one third of all that pertained to him, shall be reserved for his widow, so long as she lives; but, when the mother shall be dead, the whole to be divided among the children of the deceased.

Art. 13. If any man or woman of said nation die without issue, and has not disposed of his or her lands, or good to any friend or adopted friend in his or her lifetime, the whole that is found of the deceased, shall be given to the orphan, if any such are to be found; if none, the whole to be distributed to the nation in general, so far as it will extend.

Art. 14. The Grand Council shall also be empowered to choose one man of a sober and honest character, to overlook the children in town, and see that, in general they behave well to their parents and superiors: as also to have strict look out that no strong liquors, by any merchant or trader, are sold in the castle: and from the

Council, he shall have power to break the vessels where such liquor is found, after the first warning; and if any merchant or trader shall attempt the second time, after warned not to sell any rum or any spirituous liquors, all his liquors shall be stove, and his other goods become a public prize.

ART. 15. A regular school to be opened in the English tongue, for the benefit of the Oneida nation. The nation building a house, which shall prove convenient for that purpose, and setting apart a tract of clear land, part for the maintenance of the master and family, and the remainder to be lived out by the said minister for his benefit so long as he may continue in the aforesaid service; and then to go to the one who shall succeed him.

ART. 16. At the Grand Council it is also found beneficial that they be provided with one or two surveyors to survey their lands from line to line, and then to lay all out into proper lots, with their numbers, as the maps shall direct, to prevent any trouble or debate that might hereafter arise.

ART. 17. It is also judged necessary that the Grand Council of the Oneida nation, should be furnished with one interpreter of their own; that they always may depend that he declares the truth of all business committed to his charge, to prevent mistakes, and save them from the alarm of false interpreting.

ART. 18. So soon as the revenues of the nation will permit, the Grand Council will, at their discretion, look out six young men, of the age of twelve or thirteen years, that are of quick comprehension, apt to learn, as also of good and honest morals, to travel abroad, perhaps, two to England, two to France, and two to some parts of the neighboring states, or elsewhere, as their inclination may direct them amongst the white people; to learn not only the languages, but to observe their ways and manners, which may and will prove very advantageous to the whole nation, in a few years if rightly attended to.

ART. 19. The national assembly's desire is, that rule, order, submission and obedience be paid to the Grand Council, who shall be fitted with a distinction. In consequence of the same it is required that so soon as convenient material can be procured, proper marks of distinction shall be given that purpose; three, representing the tribe of the three, the tribe of the Wolf; and three, the tribe of the Tortoise. The marks of the Chiefs of War are, a ribbon, striped on the side with red, to be worn on the side. Nine marks of distinction for the Chiefs of Councilors, with the mark of an eagle on a red ribbon round the neck, and hang between the breasts, remembered that those chiefs, whether warriors or chiefs, who wear this badge, must be men of truth and wisdom, to discharge the great trust of nation now put into their hands; and whether at home abroad, when these marks are seen, it will be remembered that they are the Grand Council, and great respect all times be shown them.

ART. 20. All things that will be for the national good and may hereafter happen to occur, which are written, will at all times, by this Grand Council, be to the satisfaction of the whole nation.

We, the Sachems, Chiefs and Head Warriors, in behalf of all the Oneida nation; after consideration of our present situation, have desired to establish a regular government, good rules, religion and principles, not only to the advancement of civilization, but also, to assure our friends and zeal to all our brethren the Americans, as well as their allies the French nation. In consideration whereof, we, the aforesaid nation, have established twenty articles of government, in the presence of the Honorable Peter Perce, Esquire, our true and trusty friend, and chosen Agent forever; to act for us, and for the good happiness of our nation: which twenty articles of government, we, the Oneida nation, in council assembled

* *Peace among the Oneida Indians.*

to, ratify and confirm, and firmly bind our-
our nations, to hold, comply with, and
mentioned articles, and every part of them,
happiness of ourselves and our posterity;
we may obtain the character of a sociable
actor, and be looked on as such by all the
world. In confirmation whereof, we have
not set our seals, in behalf of our nation;
hereof are to be drawn, one for his Excel-
lency of New York, and the other for the
Governor, now residing in New York.
The Great House of Seneca, this twenty-
eighth, in the year of our Lord one thousand
and eighty-eight, and of our New Govern-
ment.

- GASHAWENNA, his x mark.
- JAGUWOWANAGAWON, } his x mark.
- Paulist.*
- AWITLINTENONAS, } his x mark.
- Don Peter.*
- JONASCHISTINTEU, } his x mark.
- Deibel.*
- TALAGAGANDAGOVON, his x mark.
- ALOWYSTOVES, } his x mark.
- Blaeksmith.*
- KEASTAVO, } his x mark.
- Deibel.*
- KAVIRKAVON, his x mark.
- SAYOVONIA, his x mark.
- SPOKOVONEN, his x mark.
- ELANNAE SOPAHE, her x mark.
- SEYOSCHERAIK, } her x mark.
- Kontegeld.*
- KASHONONGUWA, } her x mark.
- Kontegeld.*
- KONONNEAGETE, } her x mark.
- Kontegeld.*
- ODAGISEUTE, his x mark.
- KANACHURAKA, his x mark.
- PETER OSHOETTE,
- TIASHINTOSGO, his x mark.
- TUNISWBOHSHATE, his x mark.
- JERKANDYAKON, his x mark.

Peace among the Oneida Indians.

- QUOSULIATE, } his x mark.
- Henry.*
- OSHTOVON, his x mark.
- TROHAGWANNA, his x mark.
- OSHTASIA, } his x mark.
- Boehl Tyce.*
- THACHINSHITORS, } his x mark.
- Marshall.*
- QUOXOVESGO, } his x mark.
- Abelony.*
- THACHILOWEZA, his x mark.
- SHANASISATISH, his x mark.

Seal and Sealed in presence of

- P. PEXER.
- EDWARD JOHNSON, Interpreter.
- P. CHEVALIER DE GORON.
- JAMES BAUDRON.
- VAMANT DE FOMARRE.
- J. R. LE BOY.
- Colonel LEE COOK, his x mark.

- Witness { ROMBESNUR.
- MARONETS GUARDSA, } her x mark.
- Ishegar.*

These two witnesses, one a young man, and the other a
young woman, were called by the Grand Council to our
Assembly, to remember this new plan of government,
this day ratified, confirmed and finished.

The two men mentioned in the second article, to act
and transact the national business, are nominated and
appointed by the Great Council of the Oneidas, to wit:
Colonel Lee Cook, and Peter Oshoette.
P. PEXER, Agent.