



N.Y. (State) Treasurer, Nov 1811
Ref to Oneida's
Land Sales (Claims)

DANIEL D. TOMPKINS

GOVERNOR OF NEW YORK

1807—1817

MILITARY—VOL. II.

WITH AN INTRODUCTION BY

HUGH HASTINGS, STATE HISTORIAN.

PUBLISHED BY THE STATE OF NEW YORK.

ALBANY

J. B. LYON COMPANY, STATE PRINTERS

1902

Photographed from an oil painting in the possession of Mrs. Lydia D. Ditcham, his
grand-daughter.

JONATHAN GRAY'S TOMPKINS,
Portrait of Daniel D. Tompkins.

You are accordingly hereby notified, that Brigadier General Benjamin Moores has been designated and appointed for that purpose and you will accordingly apply to him for military aid to sustain the Custom House officers in the enforcement of the laws when ever in your opinion it becomes necessary and proper.

Genl. M. L. Woolsey.

ONCEIDA INDIANS NEGOTIATE FOR THE SALE OF LANDS.

Gentlemen: Several of the Oneida nations of Indians have come to this city with a view to negotiate for the sale to the State of the land lying on the Fish Creek, between Thompsonfield's bridge and the Oneida lake. It is therefore expedient that the Legislature should determine whether they will authorize such purchase.

Feby. 11, 1806.

Daniel J. Tompkins.

The powers aforesaid, which instructions and general rules the collectors shall be bound to obey: And if any action or suit be brought against any collector or other person acting under the directions of, and in pursuance of this act, he may plead the general issue, and give this act and the instructions and regulations of the President in evidence, for his justification and defence. And any person aggrieved by the acts of any collector, in either of the cases aforesaid, may file his petition before the district court of the district wherein the collector resides, stating the facts of his case, and thereupon, after due notice given to the district attorney and the collector, the said court may summarily hear and adjudge thereupon, as law and justice may require; and the judgment of said court, and the reason and facts whereon it is pronounced, shall be filed among the records of said court; and if restoration of the property detained or taken in custody, or permission to land as aforesaid, shall be decreed, it shall be upon the party's giving such bond with sureties as is or shall be required to be taken in similar cases by the collector, and not otherwise; but if the said court shall adjudge against such petition, the collector shall be entitled to treble costs, which shall be taxed for him, and execution awarded accordingly by the court.

Sec. 11. And be it further enacted, That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces or militia of the United States, or of the territories thereof as may be judged necessary, in conformity with the provisions of this and other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody any ship or vessel, or of taking into custody and sending any specie, or articles of domestic growth, produce or manufacture, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons, resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the laws relating to an embargo, or otherwise violating, or assisting and abetting violators of the same.

Sec. 12. And be it further enacted, That all penalties and forfeitures incurred by force of this act, unless herein before otherwise directed, and all penalties and for-

Gentlemen: Pursuant to the authority contained in concurrent resolutions of the legislature, a contract has been made with the Christian party of Oneida Indians, for the purchase of the lands mentioned in said resolutions: it therefore has become necessary that provision should be made by law for the payment of the moneys contracted to be paid, which will require an appropriation of about two thousand dollars for immediate payments.

I beg leave also to mention to the legislature, that some of the pagan party of Oneida Indians are now at the seat of government, for the purpose of selling to the State a part of their lands, upon terms which appear to be equitable and highly

advantageous by force of the act, intitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," or by virtue of the several acts supplementary thereto, may be preserved, sold for, and recovered by action of debt, or by indictment or information, any law, usage or custom to the contrary notwithstanding; and if recovered in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, intitled "An act for the government of the navy of the United States;" and if otherwise, shall be distributed, and accounted for in the manner prescribed by the act, intitled "An act to regulate the collection of duties on imports and tonnage." An act to provide for making or retaining fortifications, garrisons, and establishments situated in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and thirty-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred and thirty-one, or other persons entitled to a part or share of any of the fines, penalties or forfeitures aforesaid, may, if necessary, be a witness on the trial thereof, but in such case he shall not receive any part or share of the said fine, penalty or forfeiture, but the part or share to which he would otherwise be entitled shall revert to the United States.

Sec. 12. And be it further enacted, That the President of the United States be, and he hereby is authorized to hire, arm and employ thirty vessels, not exceeding in tonnage one hundred and thirty tons each, belonging to citizens of the United States, and so many more as shall be necessary to man the same, for immediate service, in enforcing the laws of the United States on the sea coast thereof, and so distant the same from service, whenever he shall deem the same expedient: provided however, that such hiring, arming and employment shall not be for a term exceeding one year. And the said ships or vessels, when so hired and armed, shall be employed under the direction of the Secretary of the Treasury.

Sec. 13. And be it further enacted, That the powers given to the President of the United States by the seventh section of the act of March the seventh, one thousand eight hundred and eight, to grant permission to citizens having property of value in places without the jurisdiction of the United States, to despatch vessels for the same, shall nevertheless cease.

Sec. 14. And be it further enacted, That this act shall be in force from and after the passing thereof, during the continuance of the act, intitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and no longer: Approved, January 9, 1806.

advantageous to the state. The advice and direction of the Legislature, in relation to a purchase of the last mentioned Indians, is respectfully requested.

Albany 14th February 1869.

Daniel P. Tompkins.

Gentlemen: Pursuant to concurrent resolutions of the Legislature of the 15th Instant, a contract has been made with the Pagan party of Oneida Indians, for the purchase of their lands east of Oneida Creek, supposed to contain twelve or thirteen thousand acres of land. The payments to be made immediately, on this contract, will not exceed two thousand dollars; for the performance of which, an appropriation by Law is necessary:

Albany, February 20th, 1869.

Daniel D. Tompkins.

MILITARY STORES AND HOW RESTRICTED IN THE EARLY WINTER OF 1865.

Gentlemen: I have the honor of laying before you the annual report of the Commissary of Military stores. In the Journals of the Assembly, I observe a separate communication of the commissary, relative to rifles, and badge barrels, has been referred to a committee. I beg leave to mention that the latter, being an equipment of ordnance and field artillery, is already provided for by the Act authorising the purchase of an additional quantity of ordnance, arms and ammunition for the use of this State, and for other purposes, passed April 5th, 1868. I cover in recommending the purchase of from five hundred to one thousand rifles. A provision for that purchase will not

COMMONWEALTH OF MASSACHUSETTS, Council Chamber, Boston, February 22nd, 1830.

SIR: Agreeable to the request of the Legislature of this Commonwealth, I transmit to you their Resolution, disapproving the enactment to the constitution of the United States, proposed by the State of Virginia on the 1st of January 1793.

His Excellency The Governor of New York.

Levi Lincoln.

COMMONWEALTH OF MASSACHUSETTS. In Senate, February 15th 1830.

Resolved, That the alteration proposed by the Constitution of the United States, by a resolution of the General Assembly of the State of Virginia, on the 1st day of January in the year of our Lord, one thousand eight hundred and eight, so as "that the Senators in the Congress of the United States may be removed from office by the vote of a majority of the whole number of the members of the respective Legislatures, hereby dissolved by the Legislature of the Commonwealth; and that the same is from this Commonwealth, in the Congress of the United States, be instructed, and the Representatives be requested, to oppose the said alteration.

RESOLVED, that His Honor, the Lieutenant Governor be requested to transmit a copy of the foregoing resolution, to each of the Senators and Representatives in Congress from this Commonwealth, and to the Executive of each State.

In the House of Representatives, February 25th, 1830. Reed and Cochrane Timothee

Beaton, Speaker.

Secretary's Office, February 25th, 1830. Trust Coffey, Agent, Wm. Tupper, Secretary of the Commonwealth.

THE ONONDA INDIANS BY TREATY PAID WITH A PORTION OF THEM

LANES.

Gentlemen: Pursuant to concurrent resolutions of the Legislature, contracts have been made with the Christian and Pagan Parties of the Onondaga respectively, for the purchase of part of their lands, copies of which contracts are now submitted to you.

It is necessary that the Legislature should make provision by law for fulfilling by the stipulations and engagements on the part of the State.

Daniel D. Tompkins.

Albany, March 10, 1830.

At a treaty held in the City of Albany, on the 31st day of February, in the year of our Lord one thousand eight hundred and nine, by His Excellency Daniel D. Tompkins, Governor of the State of New York, with the deputies of the Christian nation of Indians, fully empowered for that purpose, it is agreed and covenanted as follows to wit:

The said Indians sell and forever quit claim unto the people of the said State all their lands still belonging to the said Christian party of the Onondaga nation of Indians, on

both sides of the Fish Creek, which empties itself into the Wood Creek, near the head of the Onondaga Lake, containing seven thousand five hundred acres, be the same more or less, reserving therefrom three hundred acres, to be laid out by the direction of the Commissioners of the said State, in such manner as shall be least injurious to the residue of the said tract for the benefit of Abraham Van Eps Esq., being in full for all his demands against the said Christian party, and of every individual person of the State of New York, and the said deputies, on the part of the said Christian party of the Onondaga nation of Indians, have hereunto set their hands and seals the day and year above mentioned.

Daniel D. Tompkins [L. S.]

his

mark

Jacobus N. Barney [L. S.]

his

mark

John N. Reed [L. S.]

his

mark

James N. Spencer [L. S.]

his

mark

Signed, sealed and delivered in the presence of
Signed Deputie, John Taylor, Ezra Lilliamwooden, August De Fortrier.

At a treaty, held at the City of Albany, on the twenty third day of February, in the year of our Lord One thousand eight hundred and nine, by His Excellency Daniel D. Tompkins, Governor of the State of New York, with the Chiefs or Sections of the Pagan Party of the Onondaga nation of Indians, it is agreed and covenanted as follows, to wit:

The said Indians sell and for every quit claim unto the people of the said State all their right and title in and to the following lands, to wit: part of the tract called the Onondaga reservation, which belongs to the said Pagan party, by virtue of an agreement or deed of partition of the said tract, reserved in the office of the Secretary of State, that in to say, all the lands belonging to the said Pagan party as aforesaid east of the Onondaga creek, and extending from the Onondaga Lake to Mud-creek, which empties into the said Onondaga Creek, southward of the Seneca turnpike road, reserving out of the same for Logan Cook, son of Lewis Cook, and for his posterity, unalienable, one hundred acres, as nearly in a square as may be, on the east side of the said creek, and also to comprehend the improvements made by the said Colonel Landis; reserving also for the widow of John Denton, deceased, for her and her posterity, unalienable, two hundred acres, to be laid out as nearly in a square as may be, on the south side of the said Onondaga creek opposite to the last described reserve; reserving, also, for the said Shannawadee, William Grant, and Zachariah P. Gilbert, as tenants in common Corneilus Dockstader, William Grant, and Zachariah P. Gilbert, as tenants in common in fee simple, all that triangular piece of land bounded on the South by lots number seven, eight, nine, eleven, and twenty of the lands along the Seneca turnpike road, owned to the people of this State in the year One thousand seven hundred and ninety eight, on the West on the northern continuation of the West bounds of said lot number eleven, on the West on the north east by the lands formerly ceded by the said Onondaga Indians to the people of this State, in consideration of which the said Governor now gave to the said Chiefs or Sections, for the use of the said Pagan party, One thousand Dollars, the residue whereof is hereby acknowledged by the said Chiefs or Sections. And further, it is covenanted and agreed, on the part of the said people, that the lands hereinafore described shall be surveyed, and the doubt of acres therein contained (distinguishing therefrom the several parts of land heretofore mentioned and reserved) shall be certified to the said Indians, by the surveyor-general of the State, together with the sum to which the same will amount, at the rate of fifty six cents per acre; and that the said people shall annually forever hereafter pay unto the said Pagan party such annuity as shall be equal to the interest of six per cent calculated on the residue of such sum, after deducting therefrom the sum of One thousand dollars now paid as aforesaid, which annuity shall be paid at such times and places as are or shall be agreed or stipulated for the payment of the other annuities due from the said people to the said Onondaga nation of Indians.

In testimony whereof, the said Governor, on the part of the people of the State of New York, and the said Chiefs of Sachems, on the part of the said Indian Party of the Oneida Nation, have hereunto set their hands and seals, the day and year above Recited.

Daniel D. Tompkins	[L. S.]
his	
Quetta X Owascheweska	[L. S.]
her	
John Taylor	
Henry X. Throop	[L. S.]
his	
John X. Feschelbauer	[L. S.]
his	
Captain X Peter	[L. S.]
and Thirteen other Chiefs and Warriors	

FOR THE PUBLIC DEFENSE.

PROGRESS OF THE WORKS AT THE NARROWS WITH THE EXPENSE OF CONSTRUCTION.

Gentlemen: By the Act to contribute to the defence of this State, and for other purposes, passed April 6th, 1808, it is provided that the person administering the Government of this State, shall transmit to the Legislature at their next session, an account of the expenditure of the several sums of money thereby appropriated for public objects. No part of the sum of Twenty thousand dollars, appropriated by the second section of the aforesaid Act, has been drawn or applied. The sum of Twelve thousand five hundred Dollars, drawn from the treasury pursuant to the first Section of the said Act, has been advanced to the Commissioners of Fortifications, whose report, together with a summary account of the expenditure of \$50741.73 thereof, previous to the 20th Instant, together with a specification of the objects to which the same has been applied, you will herewith receive.

Accurate plans of the ground belonging to the State, and of the works referred to in the report of the Committee, are also

submitted to the examination of the Legislature, with a request that after they have been inspected and satisfactorily examined, they may be returned to me.

Albany, March 22, 1809.

Daniel D. Tompkins.

New York, February 10, 1809.

We have the honor of transmitting herewith to your Excellency an account of the expenditures under the commission for erecting fortifications at the Narrows, on Staten Island, with which your Excellency has been pleased to honor us.

This Account, as your Excellency will perceive, is up to the 10th of the present month.

In executing the trust committed to us, it has given us great satisfaction to find that the humane intentions of the Legislature, in the Act appropriating a sum to be expended for the defence of this harbour have been answered: and without any unnecessary expenditure of the public money.

From two hundred to two hundred and fifty persons who are deprived of the ordinary means of subsistence, by the critical state of our national affairs, have been employed during the winter, and to considerable advantage; for the labor to be performed was but little retarded by any inclemency of the season.

In perusing the items and expenditures, your Excellency will perceive that a large proportion has been for buildings, &c. which would be at all times necessary when military works were to be constructed at that place; these consist of a barracks, for the accommodation of the laborers, an office for the Clerk and superintendent, a smith's shop and wharf.

As we presumed it would be acceptable to your Excellency to be informed of the progress which has been made in the construction of the Military works, we have procured from Mr.

THE GOVERNOR EXPRESSES HIS VIEWS ON THE PROPOSITION TO PASS

FOR A CONFIDENTIALITY OR PARDON.

Albany, Feby 24, 1810.

Sir: Your letter in relation to Piercey's pardon was duly received last evening. I expect that at the spring session of the Judges &c. at the State prison, upon laying the papers before them, they will recommend him to pardon, in which case the pardon will issue of course. I mentioned to Mrs. Piercey that I could not pardon before that time.

The crime of forgery or passing counterfeit money has become so prevalent that it becomes the duty of public officers to become extremely circumspect as to any acts which may countenance or extenuate that crime. I sympathise with the connections, and as an individual would gladly relieve them from their anxiety, but as an officer, I feel bound to postpone any interference until the Spring session of the State prison board.

Oliver Waldron, Junr. Esqr.

OSUNA INDIANS RESOURCES OF SEAGRAMM MOUNT OF PROCR EASTUS.
Gentlemen: The Christian party of the Oneida Indians have offered to sell to the state certain lands, described in the annexed Memorandum Marked A.

It rests with the Legislature to determine whether such purchase shall be authorized and to direct the time and manner of conducting a treaty upon that subject.

Albany, 25th February 1810. Daniel D. Tompkins.

A.

The Christian party of the Oneida Indians offer to sell to the State, as follows:—
After laying out a square for themselves, extending from Myndert Weoplo's tract to the turnpike fence, 114 chains to the Eastward thereof, along the turnpike road, and north thereof the same distance; then they propose to cede to the state six their land, extending from said square to the Oneida Lake, and bounded east by a line drawn from the north East corner of said square to a point on the Oneida Lake half a mile distant from the Oneida Creek, and on the West by the lands of Andrew Coe's. Also, 120 following tract:—Beginning where the road crosses the Oneida Creek, to the southwest of the Oneida Castle, and running thence in a straight line south to the line of the Indian party, then along the same east to the Oneida Creek, and then down the same to the place of beginning.

Gentlemen: The Expense and payments attending the treaty with the Christian party of the Oneida nation of Indians, amount to three thousand and fifty five dollars, and two cents, for the reimbursement of which, it is necessary provision should be made by law. The treaty, duly executed and acknowledged, is herewith sent, for the inspection of the members.

Albany, March 7th, 1810.

Daniel D. Tompkins.

THE GOVERNOR TO THE LEGISLATURE EXAMINING THE MILITARY RESOURCES OF THE STATE IN 1811.

Gentlemen: By virtue of the authority granted by the Act of the Legislature of this state, entitled "an act making further provisions for the erection of an arsenal in the city of New York, and for other purposes," passed Nov. 8th, 1808, I have caused the forces of land therein mentioned to be sold for the sum of fourteen thousand and eighty three dollars and eleven cents. That sum has been partly expended, pursuant to the fifteenth section of the supply bill of 1809, in the extinguishment of a balance of one thousand seven hundred and thirty three dollars and seven cents and an half, due the commissary of military stores upon the account of expences in erecting a powder magazine in the city of New York, and in the payment of a balance of one thousand six hundred and forty four dollars and ninety-two cents, due to me upon the arsenal account, previously audited by the comptroller, which last balance was directed to be repaid out of the proceeds of the sale, by the act first above mentioned. In consequence of those two payments the residue of the considera-

AGGRESSIONS UPON INDIANS.

GOVERNOR TOMPKINS GIVES DETAILED INSTANCES TO THE CHAIRMAN
OF THE ASSEMBLY CONCERNING ON INDIAN AFFAIRS.

Albany, February 12, 1812.

Sir: I consider it to be my duty to make you acquainted with the proceedings which have taken place under the authority given last year, relative to the purchase of Lands from the Indians.

The reverendary claim of the Oneida Nation of Indians to the Brothertown & Stockbridge tracts of Land, was extinguished at a Treaty held at Oneida Castle, in July last. A Release to the people of this State was obtained for the consideration of 1200 Dollars, which has been paid. No annuity has been allowed; therefore, the aforesaid sum with the expenses of the treaty is the whole price which that important claim will cost the State. The above treaty was held in pursuance of the fifth Section of our Act passed 29th March 1811, entitled "An act for the benefit of the Onondaga tribe of Indians, & for other purposes." The authority to treat with the Seneca Nation of Indians, for the purchase of the Islands in the Niagara River, was predicated upon a previous suggestion from some of the Chiefs, of willingness to dispose of those Islands. In May I recd. a notification, that they had changed their minds & were disinclined to negotiate upon that subject during the last year. In the course of a journey to the westward, however, I had an interview with a deputation of chiefs and warriors of that Nation which produced no change of the determination of which I had been notified in May. I took that opportunity of explaining to them the nature and slenderness of their title by shewing them that by Mr. Pick-

ering's Treaty held at Cananadaga in November 1704, the limits which they reserved were specifically described by metes and bounds, which metes and bounds excluded the aforesaid Islands, and that as by that treaty they expressly released every pretension and claim to any lands without the boundaries of their Reservation, the said Islands did now in strictness belong to the State of New York. The supposed right of Sir John Johnson to those Islands was noticed, and the consequent title of the State to them without a purchase from the Indians explained. If Sir William Johnson ever had a valid title for those Islands from the Indians, it descended upon his death to Sir John Johnson, upon whose attainment it rested in the people of this State. It was suggested to the Senecas, that the State would nevertheless manifest its friendship and liberality towards them by purchasing and paying for that which by rigid Rules might be recovered without consideration. It was barely negged by me that the prevailing circumstances ought to have great weight upon their minds in deciding upon the price of the land contained in those Islands.

I have no doubt the precarious State of our relations with Canada alone, induced the Senecas to defer any negotiation relative to the sale of the Islands in the Niagara River to some period at which a treaty might be held by them on that subject without exciting the jealousy and suspicion of the Canadian Government. If the power to make the purchase be not revoked, I feel well assured that it may be effected in the course of the ensuing year. The chiefs with whom I conversed, manifested great solicitude to maintain amity and perfect friendship with the Inhabitants of this State. They remonstrated against the intrusions upon their territory by White People, but expressed

much satisfaction at an assurance by me that I would recommend to the Legislature to punish such intruders in some prompt and summary manner.

I have been induced by considerations of prudence, to forbear to open a treaty with the St. Regis Indians pursuant to the authority granted last Session, in consequence of the delicate situation of affairs between the United States and Great Britain. The most open and cordial negotiation with an Indian Tribe divided in their attachments & affections between Great Britain and the United States, resident upon the boundary line between us and Canada, could not have failed during the last year to excite jealousy and alarm amongst our Canadian neighbours, or to be construed into an attempt indirectly to tamper with the Indians upon the eve of an apprehended rupture. I trust my determination to defer for that reason, to a more convenient session, the execution of the power vested in me by the concurrent Resolution of 23d March last, will be judged to have been discreet and worthy of your approbation.

With respect to intrusions upon lands of the Oneida Indians, I have only to say, that cases come, under my own observation during the Treaty at the Castle, which excited my sympathy for the persecuted individuals of that nation, who had been violently expelled from their farms, gardens & plantations by white people. I made enquiry into one of the complaints, the faultier being present at the Treaty; confessed the fact, and being alarmed by the indignation which I expressed at his conduct, and by an assurance that on my Return from the Westward, I should inquire to his sorrow, he abandoned his usurpation and surrendered possession to the injured Indians before my Return.

With Respect to Trespasses upon the public lands owned by the State, the complaints from Oswego, Niagara and other places, of the waste and destruction of Timber &c by intruders, have been numerous & various. The law confirming a purchase from the Oneidas expressly declared that there should be no right of preemption to those lands with a view to discourage trespassers upon that tract. Notwithstanding which, One Pahur amongst a variety of Trespassers, went and took possession of a lot on the Turnpike Road adjoining the Oneida Creek, at the head of Navigation, where is an eligible site for an important village. An ejection was brought when Mr. Van Yechten was Attorney General, but has not yet been tried. He has built a dwelling house, Shed and other conveniences for a Tavern, and pays no regard to the orders or measures of the Public Officers.

The timber on Grand Isle, in Niagara River, belonging to the Senecas is some of the best in the vicinity of the Lakes. My information from the Senecas and from others, together with my own observation, in passing the Island by land and by water last summer, enables me to say that the destruction of timber by the White Inhabitants both of the American and Canada sides has been great.

Complaints have also been repeatedly made to me by the St. Regis Indians of trespasses of white people upon their lands.

It will not, perhaps, be expected by the Committee that I should state my opinion as to the remedy for intrusions upon State lands or Indian Territory, other than that suggested in my public communication to the Legislature. In the year 1788, An Act was passed giving authority summarily to expel Intruders from the possession of public lands, and declare such intru-

sions to be an indelible offence, which act was executed with salutary effect. Perhaps the Attorney of the District would be the most proper person to take notice of the Complaint of intrusion in the first Instance, and to draw and present the necessary process. The first Judge of the County might be the Judicial Officer to award the process, and the Sheriff the proper officer to execute it.

A warrant for apprehending the offender to give bail for his appearance at the ensuing Court, and a warrant for removing his family and goods would perhaps be the only needful process.

Thos. P. Grosvenor, Esq^r., Chairman of the Committee on Indian affairs.

THE GOVERNOR ACKNOWLEDGES MR. CURTISS'S POLITENESS IN FORWARDING AN OFFICIAL RETURN HEREON.

Albany, February 12, 1812.

Dear Sir: I feel much obliged by your politeness in procuring & sending to me an official Return of the Census. I send you a check for the amount of the Clerk's bill, which bill I will thank you to have receipted and enclosed to me by mail. As the expenditure was for the State it will be necessary for me to have a voucher for it.

I have no right to give you this additional trouble, but I trust to your usual kindness for a compliance and will add that whenever an opportunity presents of returning the favour it will give me pleasure to embrace it.

Peter Curtiss, Esq^r.

THE GOVERNOR TO GENERAL MORTON ON FINANCIAL AFFAIRS, WITH A CHECK FOR MR. FLEWELLING.

Albany, February 12, 1812.

Dr Sir: Yours of 29th January, arrived at a season of great trouble & business in my office, which must be received as my apology for delay in answering it. I have drawn on Mr. Flewelling in favour of the Commissioners for \$1250, with which you will proceed to pay Mr. Smith & others & then send me your account, vouchers and Annual Report. I see no just grounds arising out of the Communication which were made to me in January, to fix any other Rule for the compensation of Mr. Smith, than that which was adopted last year, and as it falls upon me to determine that point I request you to settle his account accordingly.

Genl. Jacob Morton.

P. S. Why hinders your return for promotion.

Albany, February 12, 1812.

Dr Sir: I enclose a check on the State Bank in your favour for \$1250, which I will thank you to carry to the credit of the Commissioners of Fortifications.

Samuel Flewelling.

GOVERNOR TOMPKINS RECOMMENDS MR. HEARD AS CONSUL GENERAL TO LONDON.

Albany, February 17, 1812.

Dr Sir: I am informed that there is a vacancy for a Consul in London occasioned by the Death of Mr. Lyman. Mr. Nicholas P. Heard, late of New York has resided in London for some years past and contemplates making it his future residence, should he be honored with the above mentioned office.

You are accordingly hereby notified, that Brigadier General Benjamin Moores has been designated and appointed for that purpose and you will accordingly apply to him for military aid to sustain the Custom House officers in the enforcement of the laws when ever in your opinion it becomes necessary and proper.

Genl. M. L. Woolsey.

ONCE INDIANS NEGOTIATE FOR THE SALE OF LANDS.

Gentlemen: Several of the Oneida nations of Indians have come to this city with a view to negotiate for the sale to the State of the land lying on the Fish Creek, between Johnsonfield's bridge and the Oneida lake. It is therefore expedient that the Legislature should determine whether they will authorize such purchase.

Feb'y 11, 1809.

Edw'd. T. Tompkins.

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Sec. 12. And be it further enacted, That all penalties and forfeitures incurred by force of this act, unless herein before otherwise directed, and all penalties and for-

Gentlemen: Pursuant to the authority contained in concurrent resolutions of the Legislature, a contract has been made with the Christian party of Oneida Indians, for the purchase of the lands mentioned in said resolutions; it therefore has become necessary that provision should be made by law for the payment of the monies contracted to be paid, which will require an appropriation of about two thousand dollars for immediate payments.

I beg leave also to mention to the Legislature, that some of the pagan party of Oneida Indians are now at the seat of government, for the purpose of settling to the State a part of their lands, upon terms which appear to be equitable and highly

reputed by force of the act, intitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States;" or by three of the several acts supplementary thereto, may be procured, sued for, and recovered by action of debt, or by indictment or information, any law, usage or custom to the contrary notwithstanding; and if recovered in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, intitled "An act for the government of the navy of the United States;" and if otherwise, shall be distributed, and accounted for in the manner prescribed by the act, intitled "An act to regulate the collection of duties on imports and tonnage;" passed the second day of March, one thousand seven hundred and ninety-three, and may be mitigated or remitted to the manner prescribed by the act, intitled "An act to provide for mitigating or remitting forfeitures, penalties, and disabilities accruing in certain cases therein recited;" passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred and one; or forfeitures aforesaid, may, if necessary, be a witness on the trial thereof, but in such case he shall not receive any part or share of the said fine, penalty or forfeiture, but the part or share to which he would otherwise be entitled, shall revert to the United States.

Sec. 12. And be it further enacted, That the President of the United States be, and he be authorized to hire, arm and employ thirty vessels, not exceeding in tonnage one hundred and thirty tons each, belonging to citizens of the United States, and so many rampes as shall be necessary to man the same, for immediate service, in enforcing the laws of the United States on the sea coast thereof, and to discontinue the same from service, whenever he shall deem the same expedient: Provided however, that such hiring, arming and employment shall not be for a term exceeding one year, and the said ships or vessels, when so hired and armed, shall be employed under the direction of the Secretary of the Treasury.

Sec. 13. And be it further enacted, That the powers given to the President of the United States by the seventh section of the act of March the twelfth, one thousand eight hundred and eight, to grant permission to citizens having property of value in places without the jurisdiction of the United States, to dispatch vessels for the same, shall be forever ceased.

Sec. 14. And be it further enacted, That this act shall be in force from and after the passing thereof, during the continuance of the act, intitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States;" and no longer. Approved, January 9, 1809.

advantageous to the state. The advice and direction of the Legislature, in relation to a purchase of the last mentioned Indians, is respectfully requested.

Albany 15th February 1862.

Paul J. Tompkins.

COMMISSIONER: Pursuant to concurrent resolutions of the Legislature of the 15th Instant, a contract has been made with the Pagan Party of Oneida Indians, for the purchase of their lands east of Oneida Creek, supposed to contain twelve or thirteen thousand acres of land. The payments to be made immediately on this contract, will not exceed two thousand dollars; for the performance of which, an appropriation by Law is necessary.

Albany, February 20th, 1862.

Daniel D. Tompkins.

MILITARY STORES AND HOW RESTRICTED IN THE EARLY PART OF 1830.

GENTLEMEN: I have the honor of saying before you the annual report of the Commissary of Military stores. In the Journals of the Assembly, I observe a separate communication of the commissary, relative to rifles, and lodge barrels, has been referred to a committee. I beg leave to mention, that the battery, being an equipment of ordnance and field artillery, is already provided for by the Act authorising the purchase of an additional quantity of ordnance, arms and ammunition for the use of this State, and for other purposes, passed April 8th, 1808. I concur in recommending the purchase of from five hundred to one thousand rifles. A provision for that purchase will not

COMMONWEALTH OF MASSACHUSETTS. Council Chamber, Boston, February

2nd, 1869.

Sir: Agreeable to the request of the Legislature of this Commonwealth, I transmit to you that Resolution, desiring the amendment to the constitution of the United States, proposed by the State of Virginia on the 13th of January, 1868.

His Excellency The Governor of New York.

Jesse Lincoln.

COMMONWEALTH OF MASSACHUSETTS. In Senate, February 13th 1869.

Resolved, That the alterations proposed by the Constitution of the United States, by a resolution of the General Assembly of the State of Virginia, on the 13th day of January in the year of our Lord, one thousand eight hundred and eight, so far as that vote of a majority of the whole number of the members of the respective Legislatures, hereby disapproved by the Legislature of the Commonwealth, and that the Senators representing be requested, to oppose the said alteration.

RESOLVED, that His Honor, the Lieutenant Governor be requested to transmit a copy of the foregoing resolution to each of the Senators and Representatives in Congress from this Commonwealth, and to the Executive of each State.

In the House of Representatives, February 2nd, 1869. Read and Concurred Unanimously.

Secretary's Office, February 2nd, 1869. True Copy, Attest, Wm. Tudor, Secretary of the Commonwealth.

THE ONONDIA INDIANS BY TREATY PARTY WITH A PORTION OF THEIR

LANDS.

Gentlemen: Pursuant to concurrent resolutions of the Legislature, contracts have been made with the Christian and Pagan Parties of the Onondia respectively, for the purchase of part of their lands, copies of which contracts are now submitted to you.

It is necessary that the Legislature should make provision by law for fulfilling by the stipulations and engagements on the part of the State.

Albany, March 10, 1869.

Daniel D. Tompkins.

At a treaty held in the City of Albany, on the 30th day of February, in the year of our Lord one thousand eight hundred and six, by his excellency Daniel D. Tompkins, Governor of the State of New York, with the deputies of the Christian nation of Onondia, fully empowered for that purpose, it is agreed and covenanted as follows to wit:

The said Indians sell and forever quit claim unto the people of the said state all their lands still belonging to the said Christian party of the Onondia nation of Indians, as

both sides of the Fish Creek, which empties itself into the Wood Creek, near the head of the Onondia lake, containing seven thousand five hundred acres, to be the same more or less, reserving therefrom three hundred acres to be laid out by the direction of the Commissioners of the land office, in such manner as shall be best injurious to the residue of the said tract for the benefit of Abraham Van Eps Esq., being in full for all his demands against the said christian party, and of every individual people of the State of New York, and the said deputies, on the part of the said christian party of the Onondia nation of Indians, have heretofore set their hands and seals the day and year above expressed.

Daniel D. Tompkins (T. S.)

his

Jonathan N. Ferry (L. S.)

mark

his

John N. Reed (L. S.)

mark

his

Edward N. Shubocler (L. S.)

mark

Signed, sealed and delivered in the presence of Simon Perry, John Taylor, Ezra Livingston, Angel De Ferrer.

At a treaty, held at the City of Albany, on the twenty first day of February, in the year of our Lord One thousand eight hundred and six, by his Excellency, Daniel D. Tompkins, Governor of the State of New York, with the Chiefs or Sachems of the Pagan Party of the Onondia nation of Indians, it is agreed and covenanted as follows, to wit:

The said Indians sell and for ever quit claim unto the people of the said State all their right and title in and to the following lands, to wit: Part first of the tract called the Onondia reservation, which belongs to the said Pagan party, by virtue of an agreement or deed of partition of the said nation, recorded in the office of the Secretary of State, and divided of partition of the said Pagan party as aforesaid east of the Onondia creek, and extending from the Onondia lake to Mud-creek, which empties into the said Onondia Creek, southward of the Seneca turnpike road, reserving out of the same for Logan Cook, son of Lewis Cook, and for his posterity, unalienable, one hundred acres, as nearly in a square as may be, on the east side of the said creek, and to comprehend the improvements made by the said Colonel Lewis, reserving also for the widow of John Deane, deceased, for her and her posterity, unalienable, two hundred acres, to be laid out as nearly in a square as may be, on the south side of the said Seneca creek opposite to the first deserted reserve; reserving, also, for the said Seneca creek opposite to the first deserted reserve; reserving, also, for Cornelius Deckerhoffer, William Grant, and Zachariah P. Gillet, as tenants in common in fee simple, all that triangular piece of land bounded on the South by lots number eleven, on the West on the northern continuation of the West bounded at said lot number eight, on the north east by the lots formerly ceded by the said Onondia Indians to the people of this State, in consideration of which the said Governor now pays to the said Chiefs or Sachems, for the use of the said Pagan party, One thousand Dollars, the receipt whereof is hereby acknowledged by the said Chiefs or Sachems. And further, it is covenanted and agreed, on the part of the said people that the lands heretofore described shall be surveyed, and the number of acres therein contained (including therefrom the several tracts of land heretofore mentioned and reserved) shall be returned to the said Indians, at the rate of fifty cents per acre; and that the said people shall generally forever hereafter pay unto the said Pagan party such annuity as shall be equal to the interest of six per cent calculated on the residue of such sum, after deducting therefrom the sum of One thousand Dollars now paid as aforesaid, which annuity shall be paid at such times and places as are or shall be agreed or stipulated for the payment of the other annuities due from the said people to the said Onondia nation of Indians.

In testimony whereof, the said Governor on the part of the people of the State of New York, and the said Chief of Sachems, on the part of the said Pagan Party of the Oneida nation, have hereunto set their hands and seals, the day and year above mentioned.

Daniel D. Tompkins	(L. S.)
his	
Guinea X Owebroughen	(L. S.)
Mark	
his	
Henry X Patecoo	(L. S.)
Mark	
his	
John X Tosechloose	(L. S.)
Mark	
his	
Caplain X Peter	(L. S.)
Mark	
and Thirteen other Chiefs and Warriors	

FOR THE PUBLIC DEFENSE.

PROGRESS OF THE WORKS AT THE NARROWS WITH THE EXPENSE OF CONSTRUCTION.

Gentlemen: By the Act to contribute to the defence of this State, and for other purposes, passed April 6th, 1808, it is provided that the person administering the Government of this State, shall transmit to the legislature at their next session, an account of the expenditure of the several sums of money thereby appropriated for public objects. No part of the sum of Twenty thousand dollars, appropriated by the second section of the aforesaid Act, has been drawn or applied. The sum of Twelve thousand five hundred Dollars, drawn from the treasury pursuant to the first Section of the said Act, has been advanced to the Commissioners of fortifications, whose report, together with a summary account of the expenditure of \$9504.75 thereof, previous to the 20th instant, together with a specification of the objects to which the same has been applied, you will be pleased to receive.

Accurate plans of the ground belonging to the State, and of the works referred to in the report of the Committee, are also

submitted to the examination of the Legislature, with a request that after they have been inspected and satisfactorily examined, they may be returned to me.

Albany, March 22, 1809.

Daniel D. Tompkins.

New York, February 16, 1809.

We have the honor of transmitting herewith to your Excellency an account of the expenditures under the commission for erecting fortifications at the Narrows, on Staten Island, with which your Excellency has been pleased to honor us.

This account, as your Excellency will perceive, is up to the 20th of the present month.

In executing the trust committed to us, it has given us great satisfaction to find that the humane intentions of the legislature, in the Act appropriating a sum to be expended for the defence of this harbour have been answered; and without any unnecessary expenditure of the public money.

From two hundred to two hundred and fifty persons who are deprived of the ordinary means of subsistence, by the critical state of our national affairs, have been employed during the winter, and to considerable advantage; for the labor to be performed was but little retarded by any inclemency of the season.

In perusing the items and expenditures, your Excellency will perceive that a large proportion has been for buildings, the which would be at all times necessary when military works were to be constructed at that place; these consist of a barrack, for the accommodation of the laborers, an office for the Clerk and superintendents, a smith's shop and wharf.

As we presumed it would be acceptable to your Excellency to be informed of the progress which has been made in the construction of the Military works, we have procured from Mr.

THE GOVERNOR EXPRESSING HIS VIEWS ON THE PROPOSITION TO PAR-

DON A CONVICT PRISONER ON PAROLE.

Albany, Feb'y 24, 1810.

Sir: Your letter in relation to Pierce's pardon was duly received last evening. I expect that at the spring session of the Judges, &c. at the State prison, upon laying the papers before them, they will recommend him to pardon, in which case the pardon will issue of course. I mentioned to Mrs. Pierce that I could not pardon before that time.

The crime of forgery or passing counterfeit money has become so prevalent that it becomes the duty of public officers to become extremely circumspect as to any acts which may countenance or extenuate that crime. I sympathise with the connections, and as an individual, would gladly relieve them from their anxiety, but as an officer, I feel bound to postpone any interference until the Spring session of the State prison board.

Oliver Waldron, Junr. Esqr.

OSTINDA INDIANS POSSESSIONS OR SELLING SOME OF THEM: JANES.

Gentlemen: The Christian party of the Oneida Indians have offered to sell to the state certain lands, described in the annexed Memorandum Marked A.

It rests with the Legislature to determine whether such purchase shall be authorized and to direct the time and manner of conducting a treaty upon that subject.

Albany, 26th February 1810.

Daniel J. Tompkins.

A.

The Christian party of the Oneida Indians offer to sell to the state, as follows: After laying out a square for themselves, extending from Alexander Winters's tract to the Cayuga river, 112 chains to the Eastward thereof, along the turning the road, and north thereof the same distance; 1250 they propose to give to the state, all their land extending from said square to the Oneida lake, and bounded east by a line drawn from the north East corner of said square, to a point on the Oneida lake half a mile distant from the Oneida Creek, and on the West by the lands heretofore sold; Also, the full width thereof; Beginning where said creek crosses the Oneida Creek, to the southward of the Oneida Creek, and running thence in a straight line south to the lake of the Oneida party, then along the same east to the Oneida Creek, and then down the same to the place of beginning.

Gentlemen: The Expense and payments attending the treaty with the Christian party of the Oneida called of Indians, amount to three thousand and fifty five dollars and two cents, for the reimbursement of which, it is necessary provision should be made by law. The treaty, duly executed and acknowledged, is herewith sent, for the signature of the members.

Albany, March 10, 1810.

Daniel D. Tompkins.

THE GOVERNOR: TO THE LEGISLATURE REGARDING THE MILITARY RESOURCES OF THE STATE IN 1811.

Gentlemen: By virtue of the authority granted by the Act of the Legislature of this state, entitled "an act making further provisions for the erection of an arsenal in the city of New York, and for other purposes," passed Nov. 8th, 1808, I have caused the acres of land therein mentioned to be sold for the sum of fourteen thousand and eighty three dollars and eleven cents. That sum has been partly expended, pursuant to the fifteenth section of the supply bill of 1809, in the extinguishment of a balance of one thousand seven hundred and thirty three dollars and seven cents and an half, due the commissary of military stores upon the account of expences in erecting a powder magazine in the city of New York, and in the payment of a balance of one thousand six hundred and forty four dollars and ninety-two cents, due to me upon the arsenal account, previously audited by the comptroller, which last balance was directed to be repaid out of the proceeds of the sale, by the act first above mentioned. In consequence of those two payments the residue of the considera-