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SIXTY YEARS
OF

INDIAN AFFAIRS

Political, Economic, and Diplomatic

1789-1850

By

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Chapter III

FEDERAL RELATIONS WITH THE NEW YORK TRIBES
1789-1796

The people who inhabited the frontier of the state of New York were very similar to the pioneers of other states in that they were all apparently thirsting for Indian lands and trade. Strict prohibitions against the purchase of land from the aborigines had existed during the latter part of the colonial period. Upon the formation of the state government in New York in 1777, an article was incorporated in the Constitution, which continued in full force for years, declaring invalid all purchases of territory from the natives since October 17, 1774, and forbidding cessions in the future without the permission of the state legislature in the manner provided by law. It was made a crime to deal with the Indians for the sale of lands on private account; such bargains were void, and the persons found guilty were punishable by fine and imprisonment.¹ The Congress of the United States passed, as previously stated, a similar act on July 22, 1790.²

Despite rigid legislative enactments, the speculators continued their activities with increased vigor. The New York Genesee Company of Adventurers in 1787 was composed of eighty-two members, several of whom were members of the legislature. In that year the company leased thousands of acres of land from the Iroquois for nine hundred and ninety-nine years (Livingston's lease). The agreement called for a yearly payment of two thousand Spanish milled dollars.³

Another tract was obtained the next year from the Oneidas for a similar period, for the payment of \$1,000 the first ten years, and increasing after that at the rate of \$100 annually until it reached

¹ Article 17, Constitution of 1777; a similar prohibition in Article 6, Sec. 12, Constitution of 1821; Article 1, Sec. 16, Constitution of 1846.

² *Stat. L.*, I, 137-138. The federal government passed similar prohibitory acts in 1793 and in 1834.—*Ibid.*, IV, 730.

³ F. B. Hough, *Proceedings of the Commissioners of Indian Affairs* . . . in the *State of New York*, I, 119-121 and note. Hereafter cited as Hough, *Proceedings*.

\$1,500; which sum was to remain the annual rent afterwards. The company also agreed that for whatever posts and storehouses were erected at the places designated the Indians would receive \$100; and in case of the discovery of mines to allow the natives their share of the profits.⁴

In February, 1788, while a member of the land company and a representative in the state assembly, Livingston memorialized the legislature to recognize the leases. He and his cohorts bribed several of the Indian chiefs to petition that body for the same purpose, but the contracts were summarily rejected. The agents of the company then proposed to turn their claims to more than a million acres over to the State for certain remunerative considerations, but the latter flatly refused.⁵

The Onondagas ceded all of their possessions within the State of New York to the State in the treaty of September 12, 1788, in return for which reservations were given to them for their use. The tribe was paid one thousand French crowns and two thousand pounds in clothing, and five hundred dollars in silver annually forever, unless they preferred raiment and provisions. All intruders were to be expelled and kept off of their lands by the State.⁶

⁴ *Ibid.*, pp. 122-123.

⁵ *Ibid.*, pp. 124-126, 138-139.

⁶ *Ibid.*, pp. 198-201. The whole of the reservations described in this cession have long since passed out of the hands of these Indians. The remnant of that tribe now living in Oneida and Madison counties reside upon lands belonging to them individually. The relinquishment of title occurred as follows:

On September 15, 1795, a portion of the reservation was sold for \$2,982 and an annuity of \$2,982, with the conditional sale of other parts for \$3 annually per 100 acres. June 1, 1798, another part was sold for \$300 and an annuity of \$700. March 5, 1802, a further cession was made for \$900 and an annuity of \$300. March 21, 1805, another cession was made. March 13, 1807, the Christian quit-claim to a part of their tract for an annual rent at six per cent at the rate of \$0.75 per acre. The sum of \$600 was advanced, February 16, 1809; the Christian party sold the remaining part of their Fish Creek Reservation, 7,500 acres, with certain stipulations as to the right of fishing for \$600 in cash, \$1,000 in July following, and an annuity of \$120. On February 21, 1809, the Pagan party sold their lands east of Oneida Creek for an annual rent of six per cent on the lands sold rated at \$0.56 per acre. The sum of \$1,000 was advanced in part payment. March 3, 1810, and February 27, 1807, the Christian party sold parts of their tract at \$0.56 per acre, part paid down, and the balance secured in an annuity at six per cent. July 20, 1811, the Oneidas released their claims upon the Stockbridge and Brotherton lands for \$1,200.

Earnest efforts were now made by the State to obtain a cession from the Oneidas. As an inducement to surrender a very large tract of their lands, the sum of \$2,000 in specie, \$2,000 in goods, and \$1,000 in provisions was offered to them immediately upon signing the agreement, and a perpetual annuity of \$600. The tribe agreed except to the yearly payment; the chiefs thought that they should be paid \$1,000 annually. The commissioners refused to grant the desired amount, but they did agree to give \$500 toward erecting a grist mill and saw mill within their village. These terms were accepted, and the contract was signed, September 22, 1788. A few tracts were also reserved for certain individuals who became owners in fee.⁷

On February 25, 1789, the Cayugas ceded all their lands to the State. In return New York promised the tribe reservations which it could hold forever. The State paid \$500 in silver, six months later \$1,625, and agreed to pay \$500 annually in silver or goods as the tribe might prefer.⁸

In 1789 the federal authorities negotiated a treaty with the Six Nations—the second treaty thus negotiated. The first and only covenant with the New York Indians secured by the central government between 1776 and 1789 was at Fort Stanwix in 1784. The agreement of 1789 renewed the stipulations at Fort Stanwix; an additional cession of land was obtained by the government; the Indians in return received \$3,000 worth of presents; and criminals were to be turned over to the United States to be punished by its laws.⁹

Five years later, with the frontier population ever restless and continually pressing westward, and the situation demanding action, the central government secured another agreement with the Six Nations. On March 3, 1815, the Christian party released several lots at \$1 per acre. March 27, 1817, the Christian party sold 600 acres to obtain funds to build a church. August 26, 1824, February 13, and October 8, 1829, and April, 1833, they conveyed portions of their lands with an agreement to remove to Green Bay. In the forties practically all of the various Christian parties ceded all of their remaining lands to the state. Many of these reservations were made in behalf of individuals and families who thus became owners in fee.—*Ibid.*, pp. 198-199 and note.

⁷ *Ibid.*, pp. 233-234, 241, 247, 249.

⁸ *Ibid.*, pp. 306-311.

⁹ C. J. Kappler, *Indian Affairs, Laws and Treaties*, II, 23-24. Hereafter cited as *Laws and Treaties*.

Nations in which perpetual friendship was established and a new boundary designated. Certain reservations were secured to the Indians forever, and the tribes were never to claim any other lands in the possession of the United States. The treaties previously negotiated with the tribes by the State of New York were confirmed, and no retaliation for offenses was to be attempted on the part of the natives, who were to report the offenses to the federal government. In consideration of these concessions, the federal authorities agreed to pay the Six Nations in goods to the value of \$10,000, and \$4,500 yearly forever.¹⁰

In December of the same year, the national government procured a treaty with the Oneida, Tuscarora, and Stockbridge Indians, the latter dwelling in the Oneida country. Since the two former tribes were allies of the Americans during the War with England, and since they had lost their homes in the services of the colonies, the United States had previously recognized its obligations to them but had been unable financially to compensate them for their misfortunes. Now that the central government had been strengthened both financially and politically, it agreed to pay them \$5,000 for their losses. Some of the meritorious Stockbridge Indians lived among the Oneidas and Tuscaroras, and they were to be included in the stipulations. Grist mills and saw mills were to be erected among them for their convenience and use, millers were to be employed, and \$1,000 given them to erect a church to take the place of the one burnt during the war. These tribes were to forego any other claims, except individual ones, against the central government.¹¹

In May, 1796, the United States invited the Seven Nations of Canada to attend a conference at the City of New York. The latter accepted the proposal and a treaty was negotiated, which stipulated for the cession of all of their lands within the state of New York, except a very small reservation. To remunerate them for this grant the national government and the state authorities agreed to pay them \$1,233 6s 8d, and the further sum of £213 6s 8d, "lawful money of the said State," and the latter amount annually forever.¹²

¹⁰ *Ibid.*, pp. 34-37.

¹¹ *Ibid.*, pp. 37-38.

¹² *Ibid.*, pp. 44-46.

THE SETTLEMENT OF THE MASSACHUSETTS CLAIMS IN NEW YORK

As a result of the ambiguities of the colonial charters, Massachusetts claimed a large part of the lands of New York. The question was submitted to the Continental Congress, but the dispute was not settled until December 16, 1786, by commissioners at Hartford. To New York was given the right of jurisdiction over the disputed territory, but to Massachusetts was granted the right of preemption of the Indian title to the soil west of a meridian drawn through Great Sodus Bay, and a part of Seneca Lake, from Lake Ontario to the Pennsylvania line, excepting a strip a mile wide along the Niagara River, and the island in that stream. This tract was estimated to embrace about 6,144,000 acres. In addition there was granted to Massachusetts a tract of 230,400 acres, known as the "Boston Ten Towns." The preemption right to this tract was sold to John Brown for \$3,300 and the Indian title was bought on June 22, 1787.¹³

In 1788 the large tract was sold by Massachusetts to Oliver Phelps and Nathaniel Gorham. They failed to meet their obligations in full, so a part was resold in 1791 to Robert Morris.¹⁴ The Senecas were the only Indians claiming rights within the great purchase, and Phelps, Gorham, and Robert Morris were the only persons who possessed the authority to buy, except those who derived their title from them.

THE PHELPS AND GORHAM PURCHASE

A deed of cession was completed on July 8, 1788, by which the Seneca tribe sold to Oliver Phelps and Nathaniel Gorham a large tract of land, extending across the state of New York from Lake Ontario to the Pennsylvania line. It contained approximately 2,600,000 acres without any reservations. It was confirmed by the Massachusetts legislature, November 21, 1788.¹⁵

¹³ F. B. Hough, "Indian Tribes of New York," *Sen. Ex. Doc.*, 48th Cong., 2nd sess., No. 96, Vol. II, Part 2, Chap. 18, p. 340. See also Hough's *Proceedings of the Commissioners of Indian Affairs* . . . , I, 138-140.

¹⁴ Hough, "Indian Tribes of New York," *loc. cit.*

¹⁵ *Ibid.*, pp. 340-341. I have gone into this purchase because it was a very important economic and political question until after 1850, and it will have to be considered at various intervals throughout this study.

THE COMPLAINTS OF THE INDIANS

There was subsequently much complaint as to the terms of this agreement. The Indians insisted that an annuity of \$500 was due them and that the original payment was to have been \$10,000.¹⁶ Upon the establishment of the federal government in 1789, the natives appealed the next year to President Washington for redress.¹⁷

In answer to the appeal of the red chiefs to Washington, the President said:

I am not uninformed, that the Six Nations have been led into some difficulties, with respect to the sale of their lands, since the peace. But I must inform you that these evils arose before the present Government of the United States was established, when the separate States, and individuals under their authority, undertook to treat with the Indian tribes respecting the sale of their lands. But the case is now entirely altered; the General Government, only, has the power to treat with the Indian nations, and any treaty formed, and held without its authority, will not be binding. . . . No State, nor person, can purchase your lands, unless at some public treaty, held under the authority of the United States. The General Government will never consent to your being defrauded, but it will protect you in all your just rights. . . .

Washington then continued: "But . . . when you find it to your interest to sell any part of your lands, the United States must be present by their agent and will be your security that you shall not be defrauded in the bargain you may make."¹⁸ The chiefs then in Philadelphia were given presents by the Secretary of War as a token of friendship.¹⁹

¹⁶ Hough, *Proceedings*, I, 160n.

¹⁷ *Ibid.*, pp. 160-161 and note.

¹⁸ *A. S. P.*, I, 4, No. 23 (A), 142. Washington clearly informed the Indians that in the future the sale of their lands would depend upon themselves; that they had the right to retain or sell their country, but to part with their territory required the sanction of the President and Senate.

¹⁹ *Ibid.*, p. 143.

Chapter I

INTRODUCTION: THE INDIAN POLICY TO 1789

The American people acclaimed the Treaty of Paris in 1783 with considerable emotion. They had terminated a victorious war and concluded a triumphant peace. But independence was accompanied by serious problems that demanded speedy solution. Indian troubles persisted, foreign intrigues for the control of the fur trade increased to dangerous proportions, internal disputes appeared to grow more alarming, states obstructed commerce to the detriment of all, and the national government fought grimly to find a solution to the embarrassing financial problems that continued to harass the nation. Because of governmental weaknesses, internal jealousies and dissensions, the new nation, under the Articles of Confederation, felt that western territory was slipping into the control and possible future possession of Spain in the Southwest and of Great Britain in the Northwest. The ever present and pressing Indian problem compelled an early consideration. The formation of a sound and practical policy would mean an important factor in the final elimination of foreign control over the red men.

The Continental Congress recognized quite early the gravity of the problem by passing the act of July 12, 1775, which divided the Indian country into three geographical divisions, called departments, for administrative purposes—northern, middle, and southern—each with commissioners who were authorized to treat with the Indian tribes, to preserve their peace and friendship, to appoint agents to watch the conduct of the King's superintendents and their emissaries, and to arrest the British agents found inciting the red men to hostilities against the colonies.¹ Congress furthermore sent an address to the Six Nations urging them to remain absolutely

¹ *Journals of the Continental Congress*, II, 176. (Hereafter cited as *J. C. C.*) Three commissioners were to be appointed for the Northern and Middle departments respectively; five for the Southern, but South Carolina was authorized to nominate three of the commissioners for Indian Affairs in the Southern department.—*Ibid.*, pp. 175, 176, 188, 192, 194. The commissioners from the Southern department were to receive from the Continental treasury \$10,000;

neutral in the struggle with England.² Subsequently, Congress solicited the natives to enlist in the Continental army with the same pay as that of the American soldier, plus bounties for English prisoners. No material aid, however, resulted.³

One of the chief issues that appeared in the writing of the Articles by the Continental Congress was the proposal to give the central government the power of regulating Indian affairs. South Carolina stubbornly resisted the proposal because she desired to engage in an unregulated but profitable trade with the southern tribes. Georgia, however, desired central regulation because of her extensive and unprotected frontiers.⁴ She was tired of playing the rôle of a buffer state to her northern neighbor. South Carolina continued to oppose the surrender of state control over such matters as regulation of Indian affairs and trade until a compromise clause was inserted. Moreover, the Virginia delegation, according to James Madison, was largely responsible for the clause in the Articles which safeguarded the rights of the states in the management of Indian relations.⁵ The Articles as finally adopted gave to Congress the sole and exclusive power of "regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any State, within its own limits be not infringed or violated."⁶

Despite the fact that Congress was given the sole and exclusive power to enter into treaties and alliances, the proviso pertaining to Indian relations constituted a loophole for the states to negotiate

the Middle and Northern departments \$6,666% respectively for defraying the expense of treaties and presents to the Indians.—*Ibid.*, p. 175.

It is of considerable interest to note that on July 1, 1775, Congress resolved that in case any agent of the British ministry should induce the Indians to commit actual hostilities against the colonies or to form an offensive alliance with them, the Continental Congress should forthwith enter into alliances with as many tribes as possible to oppose the British troops and their Indian allies.—*Ibid.*, p. 128.

² *Ibid.*, pp. 178-182.

³ *Ibid.*, IV, 394-395. On May 12, 1776, the Continental Congress deemed it necessary to procure the assistance of the Indians against the British throughout the original Thirteen States, but in particular to urge them to take Niagara. For this purpose attractive remunerative offers were made.—*Ibid.*

⁴ *Ibid.*, VI, 1077-1079.

⁵ Gaillard Hunt, ed., *The Writings of James Madison*, II, 91-93.

⁶ Allen Johnson, ed., *Readings in American Constitutional History*, p. 80.

treaties with the Indian tribes. Friction between the states and the National Congress naturally resulted. A dispute, for example, relating to Indian trade and management arose between North Carolina and Virginia. Colonel A. Campbell wrote of the former state, July 10, 1782: "I observe a jealousy of Virginia in assuming the whole agency with the Indians, and a monopoly of the trade. Perhaps this is such a national concern that it may be best accommodated by regulations of commerce. For I doubt whether Carolina would be competent to the task were it relinquished in their favor."⁷

When the agents of Congress were in the process of negotiating the treaty of Fort Stanwix in 1785, New York deliberately endeavored to thwart their success. Although the Articles empowered the central government with the supervision and regulation of Indian affairs, the original Thirteen States managed, in the main, their own relations with the Indians. The states, nevertheless, in times of Indian troubles, did not hesitate to call upon Congress for military aid. When the Northwestern tribes, for example, threatened Kentucky in 1786, Virginia urged the central government to send troops against the frontier tribes⁸ to force them to bury the hatchet.

In response to this request, Charles Pettit made a motion to the effect that Congress was not possessed of sufficient evidence of the aggressions of the Western Indians to warrant carrying war into the Indian country. For the prevention of future incursions Congress should proceed without delay in the reorganization of the Indian department, "and such other measures, as shall effectually secure peace to the Indians and safety to the citizens inhabiting the frontiers of the United States."⁹

As a matter of record Congress had already introduced a measure to reorganize the Indian department for the purpose of augmenting its powers so that Indian relations might be more effectually regulated and controlled to curb the independent action of the states and to thwart the ambitions of irresponsible traders and adventurers.¹⁰

⁷ W. P. Palmer *et al.*, eds., *Calendar of Virginia State Papers*, III, 218.

⁸ *J. C. C.*, XXX, 372-374.

⁹ *Ibid.*, p. 374.

¹⁰ *Ibid.*, pp. 368-372. The report was made to Congress, June 29, 1786.

After considerable deliberation and debate, Congress passed the pending ordinance on August 7, 1786. Instead of three geographical divisions for administering Indian affairs, the measure provided for two—a northern and a southern with a superintendent¹¹ and two deputies for each. The superintendents and deputies were compelled by law to execute such regulations as Congress should establish respecting Indian affairs.

There shall be communications of all matters relative to the business of the Indian department, kept up between the said superintendents, who shall regularly correspond with the Secretary at War, through whom all communications respecting the Indian department shall be made to Congress; and the superintendents are hereby directed to obey all instructions, which they shall, from time to time, receive from the said Secretary at War.

The superintendents were likewise to render an annual account of the expenditures in the form of provisions and presents provided by Congress to the board of the treasury.¹²

The superintendents were authorized to license Indian traders, but only citizens of the United States were to trade with any tribe within the territorial bounds of the red men, and even special probation of the superintendent was necessary to travel within the Indian Country.¹³ Finally, each superintendent was required to take the following oath before entering upon his appointed duties:

I, A B, do swear that I will well and faithfully serve the United States in the office of superintendent of Indian Affairs, for the district: that I will carefully attend to all such orders and instructions as I shall, from time to time, receive from the United States in Con-

¹¹ Richard Butler was the first Northern superintendent and James White, the first Southern superintendent. The superintendents received \$1,000 annually and deputies \$800.—*J. C. C.* (contemporary ed.), XI, 101, 105-107, 126-129, 136. The superintendent of the Northern department was authorized to appoint two deputies, but the superintendent of the Southern department received no such expressed power.—*J. C. C.*, XXXI, 490-493.

¹² *Ibid.*, p. 491.

¹³ *Ibid.*, pp. 491-493; *American State Papers, Indian Affairs*, I, No. 2 (1), 14. (Hereafter cited as *A. S. P., I. A.*) That part of the act pertaining to trade will be discussed more fully in a subsequent chapter. This ordinance gave no power to the superintendents to appoint agents other than deputies. They were probably appointed by the superintendents as the successors of the former commissioners.

gress assembled, or the Secretary at War; that I will not be concerned, either directly or indirectly, in trade with the Indians; and that, in all things belonging to my said office, during my continuance therein, I will faithfully, justly, and truly, according to the best of my skill and judgment, do equal and impartial justice, without fraud, favor, or affection.¹⁴

The Ordinance of 1786 constituted the most important legislation thus far enacted to establish the necessary governmental machinery for the regulation and more effective control of Indian affairs. The act made the Secretary of War unquestionably the directing head of Indian affairs. The passage of the act within less than ten months of the convening of the Constitutional Convention in Philadelphia is significant.

The management of Indian affairs by Congress under the Articles, as previously observed, appeared confused, haphazard, and often in conflict with the states. In fact, there were fourteen different policies, each competing with the other. Nevertheless, despite the pessimism of the leaders of the nation during the "Critical Period" and the feebleness of the early government, there evolved an Indian policy of considerable direction and energy, challenged at times by the states.

From 1775 to 1779 the Continental Congress controlled Indian relations through a committee on Indian affairs. All correspondence and recommendations pertaining to Indian matters were turned over to the members of the committee,¹⁵ who did laudable work even though no consistent policy emanated from that source. The Revolutionary experiences had now demonstrated the necessity of effecting a change in organized control of Indian relations; therefore, Indian questions and problems were referred to the Board of War, which in turn made its reports and recommendations to Congress.¹⁶ Commissioners who were appointed to make peace with the

¹⁴ *J. C. C.*, XXXI, 492. The deputy superintendents had to take a similar oath. The superintendents and deputies had to give bond "with surety to the board of treasury, in trust for the United States," the former to the amount of \$6,000 and the latter \$3,000.—*Ibid.*, p. 493.

¹⁵ On May 4, 1779, the Continental Congress appointed the last Committee on Indian Affairs. James Duane, John Armstrong, Thomas Burke, Henry Laurens, and Roger Sherman composed the Committee.—*Ibid.*, XV, 1446.

¹⁶ *Ibid.*, XI, 829; XIII, 411; XIV, 698; XVI, 162; XVII, 1067. For some light upon the question of disposal of Indian commissioners, see *A. S. P., I. A.*, I, 123.

Indians likewise received their instructions from Congress.¹⁷ The important Ordinance of 1786 gave the Secretary of War considerable power in organizing and directing Indian affairs, but the general national situation during the next two years prohibited an effective use of the authority thus received.

The Congress, nevertheless, laid the foundation of the future Indian policy of the federal government. Following the cession of the western lands to the national government the Congress, in the Ordinance of 1785, gave the nation a definite system of surveying and selling the federal lands to the interested public. The Ordinance of 1787 gave the nation a definite colonial policy, but the act applied only to the Northwest because the lands south of the Ohio had not yet been ceded by the southern states. These ordinances proved to be two of the most important laws in American history because they were applied to every organized territory.

The older frontier lay south of the Ohio. Here discontent pervaded the isolated settlements. Too distant from the home government, the people desired to govern themselves and demanded statehood. As the population increased the desire grew until agitation for statehood became practically a continuous affair. The passage of the Ordinance of 1784 stimulated these impulses. The inhabitants of the Tennessee country, thinking that statehood was near, established a government, christened the country the State of Franklin, elected John Sevier governor, and requested admission as a state. To aggravate matters further, North Carolina ceded its western lands but before Congress acted on the cession the State withdrew its offer. After considerable resistance on the part of Tennessee, North Carolina regained political control. It was not until 1789 that the cession was finally completed. Frontier resistance, Indian hostilities, and Spanish intrigues probably convinced the parent State that the struggle to retain the frontier lands against such obstacles would be too hazardous and expensive.

Nature had decreed the Mississippi River to be the only feasible outlet for the ever increasing farm produce of the Southwest and West. In undisputed possession of both banks of the Father of Waters south of the 31° parallel of latitude, Spain closed this

¹⁷ J. C. C., XXXI, 491-493.

great natural highway to American commerce. Possessing the desired vantage, Spain proceeded to force, if possible, the southern frontier into union with her—either as an outright annexation or as a dependent ally. To acquire the coveted prize Spain granted certain frontier leaders the privilege of using the river to New Orleans in return for their aid in effecting the secession of the Southwest from the American Union. Foremost of these enterprising adventurers was James Wilkinson, a former commissioned officer in the Revolution, and a crafty, unscrupulous soldier of fortune. There were others, such as George Rogers Clark and William Blount, whose names were linked with disloyalty and intrigue.

Tennessee had other causes of dissatisfaction in the distressing Indian situation. Indian hostilities constituted one of the important reasons for the creation of the State of Franklin in order to secure protection which North Carolina had failed to give frontiersmen. Between the settlements on the Holston and the Tennessee rivers and Spain to the southward roamed four powerful tribes—the Creeks, Cherokees, Chickasaws, and Choctaws—dwelling upon land largely within the territory of the United States and also within the region disputed with Spain. Apprehensive of her American neighbors and eager to prevent settlements within the Indian country and to protect the Indian trade, Spain formed treaties of alliance and understandings with the tribes for the purpose of resisting all encroachments of the Americans and urged them to exclude all traders from the United States.¹⁸

Since the lands south of the Ohio had not been ceded to the national government, Congress was less able to control Indian relations there than in the country north of that river where all the land claims had been surrendered by 1786. The power of the central government was confined chiefly to those tribes "not members of any state." Negotiations were undertaken with the Southern tribes but little was accomplished because of state jealousy and state rights.

The rumor that the Jay-Gardoqui proposal to close the Missis-

¹⁸ A. P. Whitaker, "Spanish Intrigue in the Old Southwest: An Episode, 1788-89," *Mississippi Valley Historical Review*, XII (September, 1925), 156-176; Jane M. Berry, "The Indian Policy of Spain in the Southwest, 1788-1795," *Mississippi Valley Historical Review*, III (March, 1917), 462-477.

issippi to the use of the Americans for a quarter of a century caused great excitement among the frontiersmen and brought the secession movement in Kentucky to the forefront. Union sentiment in that country was so uncertain that Washington likened the West unto a weathercock which the slightest breeze would turn any way. A majority apparently preferred the prospect of future statehood to a doubtful independence, but the vital issues with Spain remained unsolved and a serious danger until 1795.

A similar situation, but one not quite so acute, perhaps prevailed with regard to the British in the Northwest and to their domination of the natives. The forts were still held by the Redcoats largely for the purpose of monopolizing the fur trade. Since the national government possessed a clear legal title to these lands, Congress exercised more effective control over Indian affairs and attempted to give the inhabitants a lawful territorial government. But the questions at issue, like those with Spain in the Southwest, remained unsettled as an inheritance for the government of Washington.

Indian affairs and relations, though serious from 1776 to 1789, were largely eclipsed by more obvious and disconcerting national problems. Although in some respects the financial conditions following the treaty of 1783 had gradually improved, they were still quite unsatisfactory. The government under the Articles proved to be wholly inadequate to meet the needs of the new nation. The attempts made to strengthen the Articles by amendments proved discouraging, if not impossible. With no power to tax, Congress could raise money only through the process of requisitioning the states, by borrowing or emitting bills on the credit of the United States and after the passing of the Ordinance of 1785, through the sale of public lands. No one of these possible means of securing revenue proved satisfactory. With a depreciated national currency, foreign and domestic credit exhausted, interstate commerce at a standstill because of tariff barriers between the states, foreign commerce largely in the hands of English merchants, the British in possession of the Northwest posts, and the Mississippi River closed by Spain to American commerce, foreign powers forming alliances with the frontier Indian tribes against the United States, Indian wars threatening and the states demanding protection therefrom,

rebellion and secession in the air and Daniel Shays' Rebellion a grim reality, life and property endangered, and the national government apparently helpless, something had to be done to save the nation from dismemberment. The Constitutional Convention was, therefore, called to meet in Philadelphia in 1787 to devise a stronger and a more perfect Union.