

TO THE SENATE

United States, January 2, 1795

Gentlemen of the Senate: A spirit of discontent from several causes arose in the early part of the present year among the Six Nations of Indians, and particularly on the ground of a projected settlement by Pennsylvania at Presqu'isle upon Lake Erie. The papers upon this point have already been laid before Congress. It was deemed proper on my part, to endeavour to tranquilize the Indians by pacific measures. Accordingly a time and place was appointed at which a free conference should be had upon all the causes of discontent. And an Agent was appointed with the Instructions of which No. 1. herewith transmitted a copy.

A numerous assembly of Indians was held at Canadarqua in the State of New York, the proceedings whereof accompany this message marked No. 2.

The two treaties the one with the Six Nations, and the other with the Oneida, Tuscarora and Stockbridge Indians dwelling in the Country of the Oneidas, which have resulted from the mission of the Agent, are herewith laid before the Senate for their consideration and advice. The original engagement of the United States to the Oneidas is also sent herewith.

This is a true and complete copy of a document found in The Writings of George Washington from the Original Manuscript Sources 1745-1799. Prepared under the direction of the United States George Washington Bicentennial Commission and published by authority of Congress. Vol. 34

Philadelphia Jany. 22, 1795

Sir,

I received your letter by your son, and was happy to find you alive: for news-paper reports has consigned you to the grave. Dr. Hopkin's advice which I forwarded from Oneida, you duly received. The advice of the Drs Mancins and Woodward from Albany, it seemed had not reached you. These gentlemen advised a light and milk diet--contrary to the prescription of Dr. Hopkins. I have now taken the advice of Dr. Rush, which is inclosed. Some of the medicines which he prescribes he has sent to me, and I have now delivered them to your son. I consider Dr. Rush as one of the finest Physicians in America and I know of no man in whose advice I should place equal confidence. I shall indeed be happy if in following it you find relief.

I have delivered to your son a certified copy of the ratification of the treaty with the Six Nation, which as soon as convenient should be delivered to the Chiefs at Buffalo Creek. I send with it a message addressed to the Sachems Chiefs and warriors of the Six Nations, which I wish to have interpreted to them, together with the ratification of the treaty.

Should an answer to my letter be received from Captain Brant, I would wish to have it forwarded without delay: if it should come addressed to you, it may be well to take

a copy before you forward it. If any intelligence reaches you relative to the designs or wishes of the Western Indians, it will be important to have it forwarded by the first post, or other earlier opportunity.

I remain, with sincere esteem,

Dear Sir,
your most obt. servant,
Timothy Pickering

This is a true and complete copy of a document found in the Henry O'Reilly Papers. MSS Collection. New York Historical Society. New York City. Vol. 11

Canandaigwa May 6, 1795

Sir,

You mention it is probable the Oneidas Stockbridge and Tuskarora Indians will be set off to the care of some Agent in their vicinity and if so perhaps the salary of the Agent in this place will undergo another change. I would willingly agree to the first proposition as I believe it would be best on many accounts as they are at such distances from us makes it almost impossible to attend to them so far at the East and those on the other extreem living so far to the westward. The latter it has been conceived to be more important to attend to than the former. The Oneidas however have not complained to my knowledge excepting in the case of their schoolmaster and blacksmith which I believe will ever be attended with complaint. They have those now in service who they chose. I have given Wemple encouragement to work since my Fathers death and I believe he will do as well as any would do in that situation. The Oneidas observed to me the other day the U.S. believed them to be like beaver as a beavers legs are short and cannot run fast therefore the people of the states supposed they could not run away and do them any mischief on the frontiers and I told them the U.S. had a disposition to as well by them as those at the westward and that their past services would be rewarded.

But I'm not to forget the salary I believe you cannot but suppose by what you have seen the troubles of the Indians are very considerable but not so much to an individual as it is to a family which they think they have a right to call was it for a short time it would be easily be dispensed with-but the repeated burden of them during the year and the trouble and

embarrassment of the family is such as to render it impracticable to attend to much other business and many times it is more than I can attend to to wait on them and to attend to their various calls and appreciations, besides the trouble at home I shall often have to go to Genesee River and Buffalo Creek and other places where they live so that it will occupy the whole of my time in their service in consequence of which I must be obliged to hire considerable labour not only to manage my farms but to assist me in many things for the Indians-- Mr. Parrish receives 300 dollars for interpreting and considers that only to be his business and he lives at a distance from me. I have but little assistance from him otherwise.

It never was considered and objected with my Father at 700 Drs. but I believe managed the business merely on account of the benefits of the settlement as it appeared very necessary some person should take charge of them. The same principals induced me to take his place and also as it was their particular request. Before the Indians were knowing to my appointment they made a speech to the President and your self requesting you earnestly that I might be apptd. to succeed my father in office. I would give you a copy of their speech if it was necessary but it was as strongly in my favor as I would wish their principal Chiefs were present and about two hundred warriors and to evince the truth of what a number of gentlemen have told you in my favor. I herein send you an extract of Capt. Brants letter which is as follows--Niagara 22 Apr 1795--Sir--Should any meeting be held with the Indians I hope you will be the person to transact

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business. Your Father managed business to give us general satisfaction and as you must know his plans and order of dealing with us and the knowledge we have of you, makes me think you a fit person to fill his office and that you may be appointed is much our wish, as your Father ever transacted business with openness and fairness, and I know had the sincere wish of doing justice to his employers and to the Indians. Signed Jos. Brant.

But believe me Sir to do strict justice to the United States and to the Indians will ever be the object of my pursuits, but to do it for a less sum than five hundred dollars will by no means compensate my family for their repeated troubles from the Indians and myself for the many fatigues which I shall be compelled to undergo.

My Father had determined to make some addition of buildings for the accomadation of the Indians. A small house for them keep in when here would relieve me from considerable trouble of them as they would not throng my house so much. Also a store for their provisions and goods would be necessary. I think Government has made provision for these buildings, but I would thank you to write me your oppinion concerning them.

I have often thought it would be best for me to lay in a flock of provisions in those in the fall of the year when I would procure Wheat Corn Beans pork and beef for a year, as by not having them on hand, I am obliged to give higher for them in other times in the year. Your advice respecting this and other matters will be kindly accepted of by

Sir, with great Respect
and Esteem your
obedt servt
JC

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War Office April 6, 1795

Sir,

Mr. Parrish duly delivered me your letters of the 12th. ultimo, informing of the much regretted death of your father General Chapin.

The President of the United States consents to your succeeding your father as Superintendant of the Affairs of the Six Nations and you will consider yourself as hereby appointed to that office.

The public instructions formerly given to your father, and which you will find among his papers, you will at present take for the general rule of your conduct.

The circumstances which vary the condition of the Oneidas, Tuscaroras and Stockbridge Indians, living in the Oneida country from the other tribes of the Six Nations combined with their distance from your place of residence, may perhaps render it expedient to commit the care of them to some person in their Neighbourhood. Should such an arrangement take place it may possibly occasion some alteration in your pay.

The affairs of the Six Nations, I expect, will henceforward be managed with much less trouble than formerly. The treaty made with them last Fall must supercede all pre-existing causes of complaint. The treaty entered into by Mr. Jay with Great Britian will I trust, rid you of all such embarrassment as heretofore have sprung from British influence. And peace with the Western Indians is now in fair prospect. The hostile Nations have all sent in their chiefs to General Wayne to sue

for peace and a general treaty is agreed to be held at his Head Quarters, about the middle of June next.

So your principal concern will be, to protect the tribes under your superintendence, from injury and imposition, which too many of our own people are disposed to practise upon them, diligently to employ all the means under your direction, to promote their comfort and improvement, and to apply the public money and goods placed in your hands with inviolable integrity and prudent economy. A firm belief that you possessed these good dispositions was the ground of your appointment and I persuade myself that in the execution of your office, you will neither dishonour yourself nor disappoint the expectations of your friends.

The perplexities and increased burthen of managing the affairs of the Six Nations, induced an increase of your fathers salary from five hundred to seven hundred dollars a year. Those perplexities being at an end, and the burthen materially lessened from the causes before recited, the salary of the superintendant of the Six Nations is now to be five hundred dollars a year.

I am, with much esteem

Sir

Your obedient Serv^t

Timothy Pickering
Secy of War

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Canandaigua May 6, 1795

Sir,

Your letter by Mr. Parrish of the 6 ultimo was duly recd. in which I found I was appointed to succeed my Father in the office of Superintendent to the Six Nations of Indians, and to take his instructions which were given him by the former Secry at War, for the rule of my conduct. I have accepted the affair and it will ever be my concern so to conduct myself as to not dishonor myself or to disappoint my friends who have had the goodness to reccomend me to the office. It ever will be my ambition to support and maintain that mutual friendship and entercourse which has so happily existed between the Six Nations and the people living on this frontier and I shall endeavor at all times to make use of the strictist integrity and acconomy in manageing the property of the United States and I hope in every respect whereby I shall be concerned, my conduct will be such as to be approved.

The situation of the Oneidas and those in their neighbourhood living at such a distance from this place makes it difficult for the Superintendant to pay so strict attention to them as would be necessary and should they be set of to the care of some other Agent to over see and conduct their affairs in their neighbourhood as suggested in your letter I believe it would be attained with good consequences.

Two hundred and upwards of the Senekas Onondagoes
Cayugas from Buffaloe Creek & (line missing)
I find by my Fathers instruction it was necessary for me to take

and subscribe to an oath for the faithfull discharge of my
duty & which I have done and is herewith transmitted to you.

I wish you Sir to have the goodness to write me in
what manner you propose to get the goods for the Six Nations
and at what time. I find by examining there is more on hand
than I suspected when I wrote you by Mr. Parrish--

I am Sir with Great Respect

Your Obedt. Servt.

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Tim. Pickering Esq.

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Society. New York City. Vol. 11.

The President of the United States

War Office July 21, 1795

Sir,

On the 16th inst. I received from Govr. Jay an answer to my letter of the 3d relative to the intended negotiations with the Onondagas, Cayugas, & Oneidas for the purchase of their lands. In my letter was enclosed the opinion of the Attorney Gen'l, that those negotiations could not lawfully be had without the intervention of the Government of the United States. A copy of the Governors answer I have now the honor to enclose.

This day I have received a letter dated the (?) from Governor Jay, covering a copy of a conference between the St. Regis Indians & the Agents of New York relative to the claims of those Indians to lands in the Northern part of that state, and an extract from an Act of the Legislature, providing for a negociation with those Indians to adjust and compensate their claims. Of this extract, & of the Governors letter enclosing it, copies are herewith transmitted. The conference is uninteresting. The amount of it is merely a claim on the part of those Indians to the lands mentioned, & an agreement on the part of New York, to meet them at a convenient time & place to settle those claims, the time not to be later in the next fall than while the travelling is good.

By the act of the Legislature of which an extract is enclosed, & the Governors letter referring to the subject of it, a distinction seems to have been taken between the lands in the Western part of the State claimed by the St. Regis Indians, &

those of the Oneidas, Onondagas, & Cayugas. With respect to the latter the intervention of the general Government has not been thought requisite; but in regard to the former Governor Jay has resorted to it; as the Act of the Legislature of New York authorised him to do.

Beside that no objection occurs to me to the proposed negociation with the St. Regis Indians, it would seem desirable to give facility to every measure of a state government, which conforms to the regulations prescribed by the law of the Union.

Mr. Elsworth & Mr. Sedgwick being members of Congress, & the former a senator, seems ineligible. It may be agreeable to Col. Wadsworth to take a journey to Lake George, at the season of the year proposed by the Governor for the treaty; but should you think proper to name him, his willingness to serve as a Commissioner may be previously ascertained. I take leave to mention Mr. Boudinot, late member of Congress from New Jersey, as probably disposed to undertake such a mission. One Commissioner would seem sufficient, & of the Gentlemen whom you would think fit to appoint, the assent of some one may be previously obtained. They may be enquired of in succession, in the order you shall be blessed to designate.

Yesterday I received a letter from Mr. Stephen Higginson, a well informed Merchant of Boston, & formerly a member of Congress, describing the proceedings of the late Boston town meeting, upon the treaty with Great Britain. The information it contained was evidently designed to be communicated to

the President of the United States. I therefore enclose a copy of Mr. Higginson's letter.

With the greatest respect

I am Sir & C

Timothy Pickering

This is a true and complete copy of a document found in the Pickering Papers, Columbia University.

Canadaigua July 31 -795

Sir - I have this day recd. your letter of June 29th & July 3rd, and which are the only letters I have recd. since my appointment except that forwarded by Mr. Lewis by way of the Oneida. In your letter of July 3rd you mention you had written respecting the treaty, but unfortunately for me it never came to hand, and the neglect by way of conveyance I can not acct for--had I recd. these letters before & which I long expected I should have known better how to conduct the business which I am sorry to mention to you that has taken place ----

Genl. Schuyler Genl. Cantine Col. Brooks, & John Richardson Esq. have come forward as Commissioners for the State of New York and have purchased the Cayuga reservation for 1800 Dollars to be paid to them annually excepting reserving to the Cayuga Nation six square miles, to them & their children forever.

They have also purchased the Onandago reservation for 2000 Dollars annually reserving to the Onandagos a piece of land about four mile & a half square, and have proceeded to the Oneida to purchase their land or part of it. I was to the law of the United States respecting holding treaties with the Indn. Nations, and not having any directions from you, I have endeavored to not interfere in the business as I supposed the Commissioners were fully authorized by the Government of the United States as well as that of their own with full power to transact the business. I have petitioned them to find me the law of the State, whereby they were authorized to hold

the treaty, but they have been backward to do it, or even to show it to me when at the treaty, and which I have not as yet seen--The Indians all requested me to go with them to the treaty which I according did, but have not used my influence with them, as I very soon see they were determined to manage the business as a separate interest from the United States. I inquired of Genl. Schuyler how he construed the law of Congress in regard to holding treaties with the Indian tribes? he made very little reply by saying it was very well where it would correspond with that of an individual State. Had I recd. your letter I could have managed the business more to your mind but as I had supposed the Government of the State of New York had applied to the General Government and had obtained sufficient power to call the Indians to the treaty, and in that it would have been an imprudent act for me to persuade the Indians not to adhere to their invitation, as the business first originated at this place and delivered to your charge in order that Commissioners properly authorized might come forward to make the purchase before recited. And as they have presumed to make the purchase, who were well acquainted with the law whereby they were authorized, will plead an excuse for me who have not had opportunity to hear a word of information respecting the business. And had Mr. T. Morris to whom you refer in your letters had been as attentive to his Constituents as to give information in Phila. the business would have been managed more to your satisfaction. I shall set out for the Oneida tomorrow and will engage the treaty will not take place there under the present Commissioners--I shall be there in season as Genl.

Schuyler is going first to Oswego falls to view them for the purpose of placing locks -- I have been cautious to not furnish the Indians who have been to the treaty out of the United States property or in any way to have it appear on the part of the United States as I had no special directions & therefore attended as a private individual without speaking or having any thing to do in their Council more than another individual --- You mention you wish to have a copy of the letters written me by one of the Commissioners. You will excuse me at present as the Indians are now present on their way from the treaty & my House is thronged. The substance was that they were about to hold the treaty at Scipio and wished that Parrish would go to invite the Indians to attend --- and mentioned, he could not find the law which was the ground work for their calling the Inds. to the treaty; as it was very lengthy to copy etc. --
signd. John Richardson

I shall write you more fully from Oneida.

I am Sir with

great Respect

your obedt. servt

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Vol. 11.

New York 18 July 1795

Sir,

The nation or tribe of Indians called the St. Regis Indians, residing partly in this State and partly within the British dominions, and also some other Tribes who distinguish themselves by the name of the Seven Nations of Canada have set up a Claim to lands in the Northern part of this State. Whether this Claim is a joint one, whether the St. Regis tribe is one of those Seven, or a distinct one I cannot as yet ascertain. The client of the Claim or Claims in question is also uncertain, but it is suggested to comprehend all the lands between Lake Champlain and Lake George on the East, the River St. Lawrence on the West, and almost as far South as Fort Edward. Although this Claim can have no just foundation (the Indian Title to that Country, if any remains, being in the Mohawks) yet it will probably be expedient from consideration of peace and prudence to endeavour to extinguish it unless their demands should be extravagant.

A Deputation from the St. Regis Indians came to Albany respecting this business, when the Legislature set there in Seventeen hundred and ninety four and they repeated their visit during the last Session in this City when a Conference took place between them and Agents appointed by the State. You will find herewith inclosed copies of the speech from the Agents to them, their answer and the reply of the Agents. In pursuance of the engagements of the Agents that we would meet and treat

with those Indians, the Legislature made the requisite Provision by inserting in the annual support Bill passed the Ninth day of March last, a clause of which I also enclose a Copy

No measure in pursuance of this act had been taken when I came into office. The Subject was important and I was uninformed. Hence it happened that I was not able to make a more early application relative to it.

If I am not mistaken, the Indian department is annexed to that of war, and therefore it appears proper through you to request the President of the United States to appoint one or more Commissioners to hold a Treaty with these Indians at furthest by the middle of September, at the place still called Fort George, on the South end of Lake George - to the end that the negociation of this State with them relative to the Justice and extinguishment of their Claim or Claims may be conducted and concluded conformably to the act of Congress of 1 March 1793.

As Mr. Sedgwick, Mr. Wadsworth, Mr. Elsworth and other proper persons reside within a convenient distance from Lake George, perhaps it may be expedient to appoint one of them.

All the arrangements necessary on my part are ready to be called into operation. I shall appoint three Agents or any two of them to manage the business on the part of this State, and as my proceedings must necessarily be suspended until I receive your answer, I must request the favor of you to hasten it as much as possible.

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If, as I understand, the President has gone to Mount Vernon and you should think it would promote expedition to send an express to him I will provide for the expence.

I have the honor to be

with great respect

Sir

your most ob. & hble. Serv.

John Jay

The Honb. Timothy Pickering Esq

Secretary at War

This is a true and complete copy of a document found in the George Washington Papers, Columbia University.

War Office June 29, 1795

Sir

I have received your letters of May 6th & 22d & June 4th.

I have now the time only to answer that of May 22d respecting the proposed treaty called for by the Commissioners of New York, to purchase the lands of the Oneidas, Onondagas & Cayugas: and I have now to instruct you, that you will give no aid or countenance to the measure; as it is repugnant to the law of the United States made to regulate trade and intercourse with the Indian tribes. The Attorney General of the United States has given his opinion that the reservations of those tribes within the State of New York form no exception to the General Law: but whenever purchased, the bargains must be made at a treaty held under the authority of the United States. Besides giving no countenance to this unlawful design of the New York Commissioner (for it seems that only one of them wrote you on the subject, & I wish to know his name--and to have a copy of his letter) you are to tell those tribes of Indians that any bargains they make at such a treaty as that proposed to be held at Scipio, will be void; and as the guardian of their rights you will advise them not to listen to the invitation of any Commissioners unless they have authority from the United States to call a treaty.

The conduct of that Commissioner is the more extraordinary, seeing as Mr. T. Morris informs me, the act of the legislature of New York expressly directed the Commissioners they appointed,

to apply to the General Government to call the treaty; but Govr. Clinton, denying the authority of that Government in this matter, would not make the application.

I have sent to Governor Clinton a copy of the Attorney General's opinion, & now inclose one to you.

You may expect soon to hear again from

your obt. Servant

Timothy Pickering

Capt. Israel Chapin

P.S. All Difficulties on this subject I expect will cease as soon as Mr. Jay's administration commence. I shall advise him of all that has passed.

T.P.

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OPINION, ATTORNEY GENERAL Wm. BRADFORD'S
WITH LETTER OF TRANSMITTAL TO SECRETARY OF WAR

The Attorney General has the honour of Stating his opinion upon the question propounded to him by the Sec^y of War, Viz, whether the State of New York has a right to purchase from the Six Nations or any of them the lands claimed by those nations and situate within the acknowledged boundaries of that state, without the intervention of the general government.

By the Constitution of the United States, Congress has power to regulate commerce with the Indian Tribes, and by the act of 1 March 1793, it is expressly enacted, That no purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians, within the bounds of the United States, shall be of any validity in Law or equity, unless the Same be made by a treaty or convention entered into pursuant to the Constitution, that it shall be a misdemeanor in any person not employed under the authority of the United States in negotiating such Treaty or convention directly or indirectly to treat with any such Indians, nation or tribe of Indians, for the title or purchase of any lands by them held or claimed &c.

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

Nothing of this kind appears on the documents submitted to the attorney General. It is true, that by treaties made by the State of New York with the Oneidas, Onondagas and Cayugas, previous to the present Constitution of the United States, those nations ceded all their lands to the people of New York, but reserved to themselves and their posterity forever (for their own use & cultivation, but not to be sold, leased or in any other manner disposed of to others,) certain tracts of their

said lands, with the free right of hunting & fishing &c. So far therefore as respects the lands thus reserved the treaties do not operate further than to secure to the State of New York the right of preemption: but subject to this right they are still the lands of those nations, and their claims to them, it is conceived cannot be extinguished buy by a treaty holden under the authority of the United States, and in the manner prescribed by the laws of Congress.

June 16 - 1795

June 16 - 1795

Sir/

I do myself the honor to transmit to you my opinion
on the question states in your letter of the 13 instant
and am

with great respect & esteem

Your most ob^t Sv^t

Signd/

The Sec^y of War

Wm. Bradford

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War Office July 3, 1795

Sir,

I have received your letter of June 13th.

When you informed me that one of the Commissioners of New York had desired that Mr. Parrish might go to Buffalo Creek to invite the Cayugas & Onondagas to a treaty, I did not expect that he would proceed without orders. In a former letter I informed you that such a treaty could not be held without the authority of the United States. Mr. T. Morris told me the Act of the Legislature appointing the Commissioners directed them to apply to the General Government to appoint a treaty & a commissioner to hold it; but that Governor Clinton would not do it. I am persuaded his successor will. I have only now to add, that unless a commissioner of the U. States holds the treaty neither you nor Mr. Parrish are to give any countenance to it; but on the contrary to tell the Indians that it will be improper & unsafe.

I am Sir

your obt. Servt.

T. Pickering

Capt. Israel Chapin

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War Office June 19, 1795

The Secretary of War respectfully presents to the President the name of Mr. George Clymes for one of the Commissioners to hold the treaty with the Creek Indians.

Mr. Fitzsimons, it is understood, will contest Mr. Swanwick's election for the city of Philadelphia.

Mr. John D. Cox is highly esteemed for his integrity and candor--his law knowledge and sound judgement: But he is thought to bestow in conceiving, and particularly exposed to be led astray by artful, designing men.

Mr. Clymes proposes that requisite abilities, integrity, experience in business, and firmness.

Timothy Pickering

This is a true and complete copy of a document found in the George Washington Papers. Columbia University.

*To THE SECRETARY OF WAR

Mount Vernon, July 27, 1795

Dear Sir: On Saturday morning I received your letter of the 21st instt with its enclosures. The Post of tomorrow from Alexandria is the first by which I could answer it.

If the meeting of the Commissioners, appointed to treat with the Onondagoes, Cayuga and Oneida Indians, took place at Albany the 15th. instant, as was expected by the extract of Genl. Schuylers letter to the Governor of New York; any further sentiment now on the unconstitutionality of the measure would be recd. too late. If it did not take place, according to expectation It is my desire that you would obtain the best advice you can on the case and do what prudence, with a due regard to the Constitution and laws, shall dictate.

With respect to the meeting which is proposed to be held with the St. Regis Indians the proposition of Govr. Jay is regular; and I can think of no better character than Colo. Wadsworth or Mr. Boudinot to attend it on the part of the U States. If both should decline the service any other respectable and well known disinterested character would meet my approbation equally.

The extract from Mr. Higgenson's letter, which you were so obliging as to send me, places the proceedings of the town of Boston in a different point of view than might have been entertained from the resolutions wch. were sent to me by Express, accompanied with a letter from the Selectmen of that

place. But (much indeed to be regretted!) party disputes are now carried to that length, and truth is so enveloped in mist, and false representation that it is extremely difficult to know through what channel to seek it. This difficulty to one, who is of no party, and whose sole wish is to pursue, with undeviating steps a path which would lead this Country to respectability, wealth and happiness is exceedingly to be lamented. But such (for wise purposes it is presumed) is the turbulence of human passions in party disputes; when victory, more than truth, is the palm contended for, "that the Post of honor is a private Station." With much esteem etc.

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War Office Augt. 26, 1795

Sir,

I received your letter informing of the treaty held at Scipio where the Commissioners of New York purchased the land of the Onondagas and Cayugas; and that you proposed to go to Oneida where you supposed that tribe might be influenced to avoid a sale. Seeing the Commissioners were acting in defiance of the law of the United States, it was entirely proper not to give them any countenance; and as that law declares such purchases of the Indians as those commissioners were attempting to make, invalid, it was also right to inform the Indians of the law and of the illegality of such purchase. But having done this much, the business might there be left. The negotiation is probably finished ere now: if not, you may content yourself with giving the Oneida the information above proposed, & there to leave the matter.

I am, Sir,

your obt. Servant

T. Pickering

Mr. Israel Chapin

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Vol. 11.

Israel Chapin to Timothy Pickering

Canadaigua Oct. 9th 1795

Sir,

Your letter of Sept. 12th is this moment recd, and therein enclosed one thousand dollars which I have recd. and enclosed a receipt for you for the same. I mentioned to you in my last I was under necessity for money for the use of the Six Nations, and had borrowed of Mr. Till 200 Drs. & presumed to draw on you for the same & notwithstanding I have now recd a further supply I hope you will have the goodness to pay to Mr. Till the 200 Drs. & make me accountable for the sum, and for the expenditures of the whole I hope reasonably to ans. for. I am told by Mr. Morris lately from Albany that the Oneidas have there sold to the Commissioners of New York one hundred thousand acres of their reservation the sum they sold for I have not been able to learn - Capt. John the Oneida Chief died with sickness while at Albany - Govr. Simcoe has had the Senekas in Council at Fort Erie and I am told by Mr. Wadsworth he gave them a written speech in which he speak very disrespectfull of you - I hear the Inds. are about to bring it forward to shew to me, I intend to copy the same & to let you know that their mischievous instructions towards us are not yet suspended.

The Six Nations remain very quiet & are repeatedly inquiring of me when their supply of goods etc. will arrive.

Copy of a letter to Col. Pickering
Oct. 9th, 1795

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(Private)

War Office May 22, 1795

Sir,

You may remember that your father agreed to allow the Seneka War Chief Little Billy, an annuity of fifty dollars. Your father informed me that he had authority from the late Secretary of War to stipulate such annuities to meritorious chiefs. With regard to Little Billy, your father consulted me when I was at Kanandaigua, and we agreed that it would be expedient to allow him fifty dollars a year for life. Billy reminded me of this at his late visit in Philadelphia; and was very importunate in his application for a certificate to evidence his right to demand that annuity but I declined giving him one because an ill use might be made of it when known to some people; and because it would give umbrage to other chiefs who might deem themselves at least equally deserving. You will therefore keep the matter to yourself, and take such a mode of paying the annuity as may prevent its being made public. Horatio Jones may be cautioned not to divulge it.

It does not appear to me necessary to give any other annuities to individual chiefs, and you therefore will make no agreement for such a purpose.

I have sent the money (5000 dollars) due to the Oneidas and their friends the Tuscoraras & Stockbridge Indians by the treaty made with them last December, to compensate their losses and services in the late war. Mr. Kirkland & Mr. Dean assisted me

in ascertaining the sums due to the individuals and they will make the distribution.

I inclose copies of the treaties made with them, and with the whole of the Six Nations, last year, as you may have frequent occasion to recur to them.

I am, Sir,
with great regard,
your obt. servant
Timothy Pickering

Captain Israel Chapin

Superintendent for the Six Nations

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Canandaigua Aug 19th -795

Sir,

Immediately after I wrote you on the 21st ult^o. I proceeded to Oneida, part of the Commission were there & the others came in a short time.

I explained to the Indians the contents of your letter, which they heard with attention. The Commission then made known to the Indians the business which brought them there, that they might make their lands more productive to them & they offered them four thousand Dollars annually for the land they would wish to purchase, and reserve to the Indians Ninety eight thousand acres.

The Indians considered on the offer day after day without returning any answer, some were for selling as they wished to enjoy the money they should receive annually for in a short time they would be of the stage and it would be left for their posterity to enjoy, others for reasons I had impressed upon them did not to sell and on the ninth day consideration made their reply to the Commission in telling Genl Schuyler what fine things he had promised them the beginning of the war, that if they would remain peaceable they should never want for nothing and as they had formerly got their lands for a trifle and as they came out to do them good they wished they would pay them the just value, and the sum they had offered them was not equal to the value of their land.

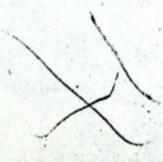
The Indians insisted to know what they would give for six miles square, the Commission offered them 691 Drs- The Inds. asked 800 Drs the Commission told them they had no authority to give them so much & if they would treat no other

way the Council fire must be covered - The Inds replied that if they would not come to their terms the fire must be covered & the business ended, as the fault was in their part and the blame lay upon them. The next morning I set of on my return to Canandaigua and left the Commission at Oneida - Jacob Reid has informed me since the Commission stayed two days after and made further proposals, but to no effect and left them without doing any business.

I am informed by the Indians they are invited to hold a General Council at Ft. Erie and I expect by the invitation originated from Govn Simcoe, as a party from Geneseo were invited to go to Niagara about three weeks ago & they tell me that Govn. Simcoe told them that they ought to come oftener, & the reason they had not recd more presents of late was their own falt as they did not come for them, but if they come this fall they should have clothing in abundance and what has not been made up to them for years past shall then be delivered, and that their minds must continue strong for their good Father the King, and not refuse to take what they can get from the Americans as presents.

I wish you Sir to have the goodness to answer my letter I have written you and especially that part which mentions more money as my circumstances are such as will not admit of private interest too much, to that of the public.

I have endeavored to make use of the strictest acconomy but necessary supplies and various expenses which I am obliged to expend cannot be done without considerable cost.



The Indians are all peaceable and contented-I hear by two Inds. from Grand River that Capt. Brant has returned and part of the Hostile Nations have concluded a treaty of peace with Gen^l Wayne-The Inds. have frequently heard Gen^l Wayne threatens an expedition against the Six Nations but I have told them to the contrary as they have no reason to believe such a report.

I am Sir with great

Respect & Esteem

Your Obedt. Servt.

I. Chapin

Coppy
Tim. Pickering Esq.

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War Office, July 16, 1795.

Sir,

I have received your letter of the 13th inst. in answer to mine of the 3d. relative to the proposed negociation, by Commissioners of the State of New York, to purchase the lands of the Onondagas & other Indian tribes. I would not trouble your Excellency with another letter but to correct a mistake into which I was led by the information of Mr. T. Morris, a member of your legislature. He told me that the act authorising the purchase of those Indian lands directed an application to the General Government for a treaty to be held. I have not seen the act itself. Your account of it convinces me of the mistake above mentioned. I cannot account for Mr. Morris's conception of it, but by supposing that a motion to amend the act, in correspondence with the information he gave me, might have taken such a course in the legislature, while he was present, as to induce a belief that the motion became a part of the law. I am sure he would have no disposition to misrepresent. And it is to avoid any imputation on myself, that I have given this detail: because in my letter to Mr. Chapin, I have repeated Mr. Morris's information: at the same time manifesting my surprize that any gentleman should attempt the negociation in opposition not only to an act of the General Government but of his own State legislature.

With very great respect,

I am, Sir,

your obt. Servant

Timothy Pickering

His Excellency John Jay Esq. Governor of New York.

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Jay Papers, Special Collections. Columbia University Libraries.

War Office Sept. 1. 1795

Sir,

Your letter of the 14th ult. anticipated the object of mine of the same date, except that the time when the Commissioners of your State would probably meet at Albany was not mentioned. I this day write Col. Wadsworth that the treaty is to commence at Fort George on the 18th instant, and inclose him the 8th Section of the law of the United States for regulating sales of Indian lands; the only part of the law which concerns his duty as a Commissioner to hold the treaty under the authority of the United States. The law passed the 1st of March, 1793.

The form of proceeding prescribed by that law is so peculiar, it may merit a little attention. Tho' the cession of Indian Land will be to the State, yet the instrument of cession is to be in the form of a treaty or convention, to be entered into "pursuant to the constitution;" of course to be ratified by the President with the advice and consent of the Senate. The State Commissioners negotiate only for the price.-- I have taken the liberty to bring this to your view, that if the matter has not already been considered, the form of the treaty may be previously arranged: otherwise the Commissioners (especially if they should not be law characters) may be at a loss, or commit some mistake, in giving shape to the negotiations.

I am very respectfully

Sir,

your most obt. Servant

Timothy Pickering

His Excellency Governor Jay

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