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The Revolution’s Impact on Tribal Land-Holding in New York State, 1776-1790

The Post-Revolutionary War Iroquois Confederacy.

The Revolutionary War had a devastating impact on the Iroquois Confederacy. For the Iroquois, the Revolutionary War has even been sometimes characterized as a civil war, because the Confederacy could not agree on a common response, and Iroquois factions ended up fighting on both sides. Much of the fighting also occurred in Iroquois territory. Perhaps the greatest single disruption came in 1779 when, by command of General Washington, Continental troops invaded the territory of Iroquois tribes allied with Great Britain and forced many Iroquois to flee for protection to British-held Fort Niagara. According to British sources, “More than five thousand Indians fled to Niagara and were drawing rations daily in October” of 1779.¹

Iroquois leaders weighing their post-War options were especially conscious of the two most recent phases of their history: the era from about 1754 until 1774 when the Confederacy had been masterfully manipulated on behalf of the British Crown by Sir William Johnson, and then the chaotic era of the American Revolution. Sir William was unique, and his political dominance arguably inimical to Iroquois interests. But to many Iroquois leaders viewing the wreckage left by the Revolutionary War, the Johnson era looked like a Golden Age.

¹ Colin G. Calloway, *The American Revolution in Indian Country*, New York: Cambridge University Press, 1993, 136.

Modern commentators have also occasionally succumbed to the myth of an Iroquois Golden Age. The image of a longhouse of nations extending east-west along the fertile southern shore of Lake Ontario is so compelling that it has fostered an impression that the Confederacy endured virtually unchanged century after century, until shattered by the Revolutionary War. But the “Six Nations” had always been involved in history, acting as well as acted upon. The very name “Six Nations” reflects this fact, since the Iroquois Confederacy was known as the “Five Nations” before the inclusion of the Tuscaroras who emigrated from North Carolina in the early eighteenth century. Groups had also left the Iroquois Confederacy, such as the Catholic converts who emigrated to settlements in French Canada, or the emigrants who settled in western regions conquered by the Iroquois. While Iroquois groups remained attached to their home regions, they were also drawn to possibilities elsewhere, and emigration in response to wider opportunities was never ruled out.

In place of the five geographically distinct tribal homelands disposed like a longhouse south of Lake Ontario, with a central ceremonial fire at Onondaga, there had emerged after the Revolutionary War a number of scattered Iroquois settlements and four larger enclaves. These enclaves were:

- 1. *Oneidas and their pro-U.S. allies in central New York State.*** Choosing to support the Revolution, the Oneidas had been attacked by pro-British Iroquois and obliged to seek U.S. military protection and flee their homes near Oneida Lake. Returning after the War, the Oneidas tried to compensate for population loss by inviting members of other pro-Revolution tribes to settle in their ancestral territory.
- 2. *Southern Senecas and others joined with them on the Allegheny River and westward to Lake Erie.*** These Iroquois were inclined to cooperate with the United States, if only

because their most convenient trade route was through Pennsylvania, although some were not so much pro-U.S. as anti-British, having fought for the French prior to 1760 and again in Pontiac's 1763-64 rebellion.²

3. *Northern Senecas and other Iroquois centered at Buffalo Creek.* Buffalo Creek (modern Buffalo, New York) had become the principal home of Senecas and other pro-British Iroquois expelled from their towns by the 1779 U.S. invasion. Close cooperation was maintained with British forces occupying Fort Niagara on eastern bank of the Niagara River at its mouth.

4. *The Six Nations Reserve.* Land on the Grand River north of Lake Erie was set aside by British Canadian Governor Frederick Haldimand on October 25, 1784, to serve as a “safe and Comfortable Retreat” for British-allied Mohawks and “others of the Six Nations, who have either lost their Settlements within the Territory of the American States, or wish to retire from them to the British.”³ Most of these “others” moved to Grand River from the refugee settlements of the Niagara region.

Where many Iroquois groups would finally settle was still unresolved. The future of the Confederacy was even more uncertain. Was the Iroquois Confederacy doomed, on the road to regeneration as a third force balancing between the United States and British Canada the way the Iroquois had once balanced between French and British imperialists, or reconfiguring itself into two successor Confederacies, one British-allied, one U.S.-allied? A “safe” existence on a reservation at a distance from the new international border clearly had attractions, but the future

² Anthony Wallace, *The Death and Rebirth of the Seneca*, New York: Vintage, 1972, 169.

³ Isabel Thompson Kelsay, *Joseph Brant, 1743-1807, Man of Two Worlds*, Syracuse: Syracuse University Press, 1984, 363.

avored by ambitious chiefs centered around the possibility of consolidating uprooted Iroquois groups near Buffalo Creek and establishing there an independent buffer state between British Canada and the United States.

The Buffalo Creek-Niagara region, geographically central to the now-dispersed elements of the pre-Revolutionary War Confederacy, was where these alternatives were most intensively debated. Buffalo Creek's claim to "Six Nations" pre-eminence was symbolized by the post-War transfer from Onondaga to Buffalo Creek of the Confederacy's ceremonial fire. Equally indicative of Buffalo Creek's centrality was Joseph Brant's decision to move from the Bay of Quinte north of Lake Ontario to Grand River north of Lake Erie, in response to a plea from Iroquois at Buffalo Creek that he settle with his Mohawk followers closer by.⁴ Brant and other pro-British Iroquois leaders of the post-War years such as the Cayuga chief Fish Carrier looked upon the Six Nations Reserve along Canada's Grand River as a safe haven, but regarded Buffalo Creek as the current center of the "Six Nations." The Niagara region's exposed location well exemplified the problematic quest for autonomy favored by many Iroquois on both sides of the international border over a strategy of meekly accepting the protection of either Britain or the United States.

Post-Revolutionary War New York State.

For New York State as well as for the Iroquois, the Revolutionary War's aftermath posed numerous difficult choices. The era immediately preceding the Revolution, in which the Crown attempted to centralize North American decision-making, had proved particularly adverse to formerly favored New York, whose royal governor had once been in effect viceroy of the North

⁴ Kelsay 350-1.

American interior. In 1756, many aspects of this viceregal role had been assigned to the British military Commander-in-Chief, and then in 1774 to the Governor of the royal Province of Quebec, to which was allocated much territory New York had long considered within its own boundaries.

The 1774 Quebec Act had established a royal province whose boundaries were defined as extending southward to the Ohio River, westward to the Mississippi River and eastward to the Niagara River, thereby frustrating many colonial schemes, large and small, for westward expansion and trampling upon the ancient chartered boundaries of Virginia, Massachusetts and Connecticut, as well as the imagined boundaries of New York. Alarm over the future of the North American interior became for more than a few colonists a powerful incentive to overthrow the imperial yoke, as was hinted at in the Declaration of Independence, albeit in a veiled form that disguised its real thrust. Referring to but not identifying the Quebec Act, the Declaration denounced King George III “For abolishing the free System of English Laws in a neighbouring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these Colonies.” This was not the most incendiary passage of the Declaration, but it meant much to western-oriented Revolutionaries. *Down with Quebec!* was a rallying cry that united in opposition to Great Britain a number of colonies with conflicting territorial aspirations.

When Quebec’s eastern boundary was set at the Niagara River, the swath of territory between the Niagara River and the 1768 Line of Property established by Sir William Johnson as the eastern limit of Oneida lands was not assigned to Quebec, but New York had no assurance it would ever regain it. This vital swath of Iroquois-occupied territory located between the western boundary of the royal province of New York and the eastern boundary of the royal province of

Quebec was considered by the Crown to be royally-held and directly Crown-administered for the benefit of the Iroquois Confederacy, and in theory might remain so indefinitely. Entering the Revolution with no acknowledged jurisdiction west of the 1768 Line of Property, New York State hoped to regain at least some of this western land, and on the basis of its erstwhile Iroquois connection speculatively reasserted claims not only to the swath of territory between the two royal provinces but also to most of the royal province of Quebec which lay beyond.

New York State was not alone. Massachusetts and Connecticut claimed that their chartered northern and southern borders extended indefinitely westward. Meanwhile, Virginia claimed that its chartered bounds extended well north of the Ohio River. Connecticut, Massachusetts and Virginia had all declared themselves to be independent Revolutionary states and simultaneously proclaimed their ancient Crown-chartered boundaries sacrosanct, and the Quebec Act of 1774 therefore null and void. But even these three charter-brandishing states could not escape the fact that the western territories they claimed overlapped. The Quebec Act had been a royal effort to take the Ohio region away from all old claimants and give it instead to Quebec. Following the Revolution's repudiation of the Quebec Act, old rivalries resurfaced. Boundary conflicts could once have been referred to the Royal Privy Council. With the outbreak of Revolution, independent states had to resolve these conflicts by themselves---and in negotiations with independent tribes.

The Articles of Confederation drafted in 1777 and agreed to in 1781 by the thirteen Revolutionary states included a procedure for adjudicating boundary claims, which involved appointment of "commissioners or judges to constitute a court for hearing and determining the matter" (Article IX, Clause 2). Such a court seemed likely to give great weight to the texts of ancient colonial charters, to the detriment of New York State.

In 1784, there were in a sense two New York States: one envisioned by New York leaders, relying on New York’s ancient Iroquois connection and extending at least to the Niagara River; and a second, favored in neighboring states, extending no farther west than the Mohawk River watershed. To help make the former a reality, the New York Legislature had confiscated the homelands of the four pro-British Iroquois tribes by a series of acts between 1779 and 1782. The Legislature also explicitly declared that no lands could be restored to these tribes by any other U.S. authority without New York State consent. Following the 1779 invasion of hostile Iroquois lands by a joint Continental Congress-New York State military force, the New York Legislature on October 23, 1779, pointedly proclaimed that New York had over many years “expended vast sums of money for the protection and maintenance of the Six [Iroquois] Nations” and therefore considered these tribes to be State dependents, whose lands even if forfeited because of pro-British actions should properly remain forever within New York’s jurisdiction. Explicitly exempting the pro-Revolutionary Oneidas and Tuscaroras, the Legislature asserted that the other four Iroquois tribes

have, without provocation or complaint, ungratefully and perfidiously committed the most cruel hostilities against this State, destroyed the lives of a great number of its inhabitants, carried others into captivity, demolished and burned down many settlements and villages and plundered the property of the inhabitants of the same, to our very great distress and impoverishment...and have moreover concealed in their castles and villages our implacable enemies, encouraged the disaffection of many of our inhabitants by promises and menaces; and to the utmost of their force and power voluntarily aided and assisted the king of Great Britain and his adherents in their attempt to reduce this country to ignominious bondage.⁵

In view of New York’s long record of expenditure on behalf of all six Iroquois tribes, as well as the State’s recent suffering at the hands of four of these tribes, the Legislature also served notice on the Continental Congress by this Act that New York State must be “a principal and

⁵ *Laws of New York*, 3rd Sess., Ch. 29.

contracting party...as an independent State” in any “treaty of pacification hereafter to be set on foot between the said hostile nations of Indians of the one part and the United States of America or this State on the other.” Furthermore, any such treaty was to “ask demand exact and receive...compensation and retribution for the abovementioned hostilities and injuries”--- implicitly in the form of land cessions to the State. The message of expropriation was underscored by the fact that this Act was passed one day after the Act seizing the assets of a long list of pro-monarchy New Yorkers, including Sir John Johnson, Guy Johnson and Daniel Claus: respectively, the son, nephew and son-in-law of Sir William Johnson.

Subsequently, on March 20, 1781, the Legislature passed an Act declaring all ungranted land within New York State that was not needed for State purposes available for State award to soldiers---except “lands belonging to the Oneida and Tuscarora Indians.”⁶ Then on July 25, 1782, the Legislature set aside a tract between Oneida and Seneca lakes for award to officers and enlisted men, affirming that the State could grant any lands “which now are or heretofore were possessed and occupied by any of the six nations of Indians the Oneidas and Tuscaroras excepted.”⁷

While thus formally asserting its jurisdiction over the Iroquois homelands, New York State was simultaneously waging a political campaign for recognition by the other twelve states of the validity of its asserted jurisdiction. On January 29, 1780, New Yorker Philip Schuyler had confided to the Legislature his fear that the Continental Congress might force the four pro-British Iroquois tribes to cede “a part of their country, and that the territory so to be ceded should be for the benefit of the United States in general and grantable by Congress.” Congress intended to

⁶ *Laws of New York*, 4th Sess., Ch. 32

⁷ *Laws of New York*, 6th Sess., Ch. 11.

argue, General Schuyler suspected, that these Iroquois lands were “not the property of the State” and the ownership lay “either in the natives or by right of conquest in the United States.”⁸

Shortly thereafter, on February 19, 1780, the Legislature offered to cede to Congress the State’s more remote western land claims. Acceptance by Congress of this proposed cession was to have as a corollary acceptance of the legitimacy of the State’s retained claims to all land east of a north/south line passing through the western end of Lake Ontario. But Congress did not accept New York’s proffered cession for more than two and a half years, and even when this cession was accepted in October of 1782 no assurances were given about New York jurisdiction over the region east of the cession and west of the 1768 Line of Property. The possibility that Congress might still attempt to claim much of this land on the basis of having conquered the pro-British Iroquois in the fall of 1779 thus continued to haunt New York leaders.

A worried Legislature consequently devised yet another unilateral move, proposing in the spring of 1783 to relocate the pro-Revolutionary Oneidas and Tuscaroras, whose homes were in what is now the central part of the State, to what is now western New York State. The Oneidas’ ancestral homelands would become available for settlement by New York citizens, the Revolutionary War service of the Oneidas and Tuscaroras would be respected by the assignment of ample lands to them, and New York’s jurisdiction would be concurrently affirmed. While this plan might have served New York interests well, it was unacceptable to many in Congress, and also to the pro-Revolutionary Oneidas and Tuscaroras, who did not want to move west for numerous reasons, among them the fact that such a move might have incurred the hostility of the

⁸ *Report of the Regents of the University on the Boundaries of the State of New York*, Albany: Argus, 1874, 137-41.

other four Iroquois tribes by precluding the emergence of a sovereign “Six Nations” polity headquartered at Buffalo Creek.

At this critical juncture, General Schuyler made a momentous proposal. As an alternative to the New York Legislature’s tribal land swap based on the permanent exclusion from the State of the four Iroquois tribes that had fought for Britain, Schuyler proposed on July 29, 1783, permitting them to return to live within New York’s claimed bounds if they would agree to do so not as sovereign nations but rather as occupants of State-owned hunting grounds. When these lands were subsequently needed for white settlement, Schuyler argued, the tribes’ use right could be readily purchased for little or nothing. To insure this, the tribes’ hunting ground use right would be defined as worth no more than the value of the commercial game animals remaining on the land. If this was done, the price of tribally-occupied land would perforce dwindle along with the availability of game. Tribes prevented from selling their land for more than the value of the game on it would be inclined to emigrate to richer hunting grounds “as our settlements approach their country...and thus leave us the country without the expense of a purchase, trifling as that will probably be.”⁹

Schuyler’s July 29, 1783, letter to the President of Congress outlining this approach was referred to a committee chaired by New Yorker James Duane, who solicited the views of the Commander-in-Chief. Replying to Duane’s inquiry on September 7, 1783, General Washington enthusiastically endorsed Schuyler’s plan. Before seeing it, Washington had been wrestling unsuccessfully with the question of how the United States might honorably acknowledge what he called the tribes’ “right of preoccupancy” in a way that would not entirely preclude the gradual

⁹ Schuyler to Thomas Mifflin, July 29, 1783, *Papers of the Continental Congress, 1774-1789*, Item 53, 3:601-07, National Archives, Washington, D.C.

extension of white settlement.¹⁰ Washington realized that the United States could not afford to buy every acre of tribal land at market rates, yet a policy of unending coercion had seemed to him the only alternative---until Schuyler proposed recognizing a tribal occupancy right that would over time *dwindle* in value. Finally, General Washington believed, a just way had been found to guarantee that tribes could support themselves on protected lands for the time being and also enable the United States to acquire tribally-occupied land later at little or no cost. If the future purchase price of all tribally-occupied land was set at the outset as a function of the amount of commercial game remaining at the time of purchase, lands left in tribal hands would not rise in value decade after decade; rather, their purchase price would steadily go down. Washington was hopeful that this mode of proceeding could win voluntary tribal acceptance because he presumed that subsistence hunters didn't think like white land speculators. Freed from a burdensome moral dilemma, Washington exuberantly endorsed Schuyler's plan and informed Duane's Committee that "Every advantage that could be expected or even wished for would result from such a mode of procedure."¹¹

Following its endorsement by General Washington, Schuyler's proposal was presented by Duane's Committee in a report which was approved as Continental Congress policy on October 15, 1783.¹² This policy directed that treaty commissioners were to meet with tribes that had fought against the United States, and inform them that by rights they had lost all claims to any lands within the bounds of the United States, but that if they would agree to surrender all claims to sufficient land to "be speedily improved into a fund towards the security and payment of the national debt" they would be accorded within portions of their former homelands hunting

¹⁰ Fitzpatrick 27:17.

¹¹ Fitzpatrick 27:136-140.

¹² *Journals of the Continental Congress* 25:680-95.

ground use rights, the sale value of which would be a function of the quantity of commercial game remaining at the time the lands were sold.

After his plan had been applauded by General Washington and adopted by Congress, General Schuyler assumed that Congress would authorize him to preside over negotiations with the four Iroquois enemy tribes. Others could negotiate with other tribes, but surely no one other than New Yorker Schuyler could be trusted to handle the sensitive matter of offering delimited land rights within the State's bounds to erstwhile enemy tribes. So little did Schuyler imagine the possibility of being bypassed by Congress that on January 11, 1784, Schuyler held a preliminary meeting in Schenectady to prepare the way for the up-coming Congress treaty session over which he expected to preside.

In opening remarks at this Schenectady meeting, the formerly hostile Iroquois lamented that the sun had “fallen from his place, and... a thick darkness had overspread the earth---that the path of peace was so overgrown with brush” that they had only with difficulty reached Schenectady. Resisting this implied criticism, Schuyler rejoined, “It is true that the sun has long been [so] obscured to you that the path of peace has been obstructed and rendered impassible. But the Americans have not in the least been the occasion of this, they wished to maintain a friendly intercourse with the Indians” yet instead were subjected to “barbarous and atrocious conduct... and none of the Six Nations except those trusty men who sit there, the Oneidas and Tuscaroras, fulfilled their engagements.” Even so, Schuyler rhetorically “plucked the Hatchet out of our heads with which the Indians had struck us, buried it, collected our bones, covered them, as also the ruins of our buildings, burnt by the Indians lest our resentment should rekindle at the sight.” With “a magnanimity and generosity peculiar to a free people,” Schuyler informed the Iroquois, the Continental Congress had resolved to offer to re-establish friendly relations with

their former enemies, on terms that had not yet been announced but which Schuyler felt confident Congress had a “right to visit upon” them and which “will doubtless be such as the Indians ought thankfully to accept.” Schuyler concluded by urging the chiefs to “come to the General Meeting with truly pacific dispositions reflecting on the past, the present and the future, and to regulate their Conduct with regard to the Americans in such manner as not to afford fresh cause of complaint.”¹³

At this Schenectady meeting in January of 1784, Schuyler exuded confidence that he could successfully serve as an intermediary between the New York Legislature and Congress on the one hand and the four formerly pro-British Iroquois tribes on the other. But Schuyler was bypassed when Congress appointed Iroquois Treaty Commissioners on March 4, 1784; in fact no New Yorker was appointed. The reason for this seems to have been that in the fall of 1783 Massachusetts had decided to lay formal claim to territory in what is now western New York State, and Congress did not wish to do anything prejudicial to Massachusetts interests prior to the adjudication of this claim.

When the names of Congress’s Iroquois Treaty Commissioners were announced, Schuyler became so alarmed that he drafted a resolution for the Legislature, which would have directed New York’s Governor Clinton not to permit “any commissioners on the part of the united States...to hold any Conference or negotiate any cession of Country from or to the said Indians without the express permission of the Legislature” because such a cession would be “in direct violation of the Sovereignty rights and powers of the people of this state.”¹⁴ This resolution apparently never left Schuyler’s desk, but the thinking behind it motivated the

13 *Philip Schuyler Papers*, New York Public Library.

14 *Philip Schuyler Papers*, New York Public Library.

Legislature's April 6, 1784, authorization for Governor Clinton to negotiate as soon as possible with the Iroquois on behalf of the State in open competition with Congress. Realizing the seriousness of their mistake, Congress belatedly asked Schuyler to accept appointment as a Congress Treaty Commissioner, but New York was now committed to defiance and Schuyler spurned the Congress offer.¹⁵

Shortly thereafter, on May 11, 1784, the Legislature once again asserted its jurisdictional claims. Although previous State laws had referred in general terms to the need to preserve certain tracts for public purposes, these tracts had not been specifically identified. The Legislature now listed them methodically, from Lake Champlain on the east to the Niagara River on the west. Two square miles, one on each side of the mouth of the Onondaga River (now the Oswego River), to serve as a buffer surrounding Fort Oswego, were on the list. Similarly reserved for State use was a vaguely described one-mile-wide strip running the entire length of the east bank of the Niagara River.

As New York's Governor Clinton prepared for his defiant effort to beat Congress's Commissioners to the Iroquois treaty ground, he had available to him the good wishes and advice of General Schuyler, with whom he conferred on August 14, 25 and 26;¹⁶ and also of James Duane, who had also decided to oppose the Commissioners appointed by Congress to implement the tribal policy he had himself helped draft the previous fall.

Duane understood both the political and legal risks of what New York was contemplating. "Great Difficulty arises," he warned Clinton, "from the Interference of the proposed Treaty with the Authority and the Views of Congress." Since some in Congress might

¹⁵ *Laws of New York*, 7th Sess., Ch. 22; Henry S. Manley, *The Treaty of Fort Stanwix*, 1784, Rome, N.Y., 1932, 49.

¹⁶ Hough 19-33.

well argue that Iroquois tribes were “*independent Nations*, detached from the State,” Duane insisted on the “indispensable Necessity that these Tribes should be treated as *ancient Dependents on this State*.”¹⁷ Duane recommended that Clinton confer with the formerly hostile Iroquois as if this were not a “treaty” at all but rather a meeting with a group of former New York residents who desired to return to live within the State. Duane in other words recommended that Clinton assert New York State’s rightful, already perfected jurisdiction over the ancestral homelands of these dispossessed refugees, and greet them as outside petitioners with no current rights. As it turned out, Clinton was unable to proceed as Duane urged because the Iroquois would not acquiesce, and Congress provided them with options.

Competing New York State-Congress Treaties at Fort Stanwix, September-October, 1784.

With James Monroe attending as an observer, Clinton opened his Iroquois conference on September 5. Since the Iroquois chiefs were aware that Congress’s Treaty Commissioners would arrive in two weeks, Clinton directly addressed the question of jurisdiction. “Brethren!” he proclaimed,

The Right and Power of managing all Affairs with the Indians, not Members of any of the States, is vested in Congress, who have, as We are informed, appointed Commissioners for the Purpose. We are appointed by a Law of the Legislature of this State, to superintend Indian Affairs within the same, by Virtue of which We are authorized and required to enter into Compacts and Agreements with any Indians residing within this State.

Two days later, on September 7, Joseph Brant replied on behalf of the former enemy Iroquois, subtly apologizing for the “Difficulty in our Minds, that there should be two separate Bodies to manage these Affairs, for this does not agree with our ancient Customs.” The chiefs,

¹⁷ Hough 21n-24n. Emphasis in original.

Brant confessed, were disposed to think “that We should meet Commissioners of the whole thirteen States and after that if any Matters should remain between Us and any particular State, that We should then attend to them.”

Convinced that no agreement was possible, Clinton departed on September 11, leaving behind a deputy instructed to “frustrate” any attempts by Congress’s Commissioners to injure State interests.

On October 3, with James Madison and the Marquis de Lafayette observing, Congress’s Iroquois treaty commenced. Congress’s Commissioners proved to be far more aggressive negotiators than Governor Clinton had been, and after several contentious exchanges they ordered their escort of New Jersey troops to seize a few Iroquois delegates as hostages; others were compelled to agree to Congress terms. Long before matters reached this dismal point, Brant had returned to Canada.

By the dictated Treaty completed on October 22, 1784, the “Six Nations” renounced all claims to territory west of a line four miles east of the Niagara River as well as to a six-mile-square tract surrounding Fort Oswego, and were then “secured in the peaceful possession of the [other] lands they inhabit.” Where these lands were, and under what jurisdiction they might fall, were not mentioned. At this time, the four formerly pro-British Iroquois tribes were still mainly encamped under British military protection near Niagara, and thus on land to which they had been compelled to renounce all claims, without being offered any specific alternative. In similarly Delphic terms, the Treaty proclaimed that the pro-Revolutionary “Oneida, and Tuscarora nations shall be secured in the possession of the lands on which they are settled.”

General Schuyler had anticipated that a joint New York State-Continental Congress Treaty would simultaneously set forth in detail the land rights of the formerly enemy Iroquois

and confirm the boundaries of New York State. Neither of these issues was resolvable by a Congress-Iroquois treaty that excluded New York State. Instead, Continental Congress Treaty Commissioners unilaterally “secured” to the four Iroquois tribes that had fought against the United States (the Mohawks, Onondagas, Cayugas and Senecas) undefined land rights within territory claimed by New York State. The Treaty also reserved for “the United States” lands in the Niagara region and around Fort Oswego where no tribal rights were recognized. While New York State’s future hopes to see its western boundary claims recognized were not explicitly precluded, because no state’s claim to this territory was recognized, New York State’s current jurisdictional stance was ignored. In fact, New York State was not even mentioned in the Treaty. The boundaries of Pennsylvania were referred to, but the new line four miles east of Niagara established through territory claimed by New York State was described only by reference to geographic features. The Treaty disregarded the procedure specified by the New York Legislature on October 23, 1779, and the 1782 New York law creating a Military Tract in the area now “secured” to the “Six Nations” as well as the New York law of May 11, 1784, setting aside for State use lands surrounding Fort Oswego and along the Niagara River.

Reception of the completed Treaty was predictably rancorous. Ratification by Congress was not required, but New York delegate Melancton Smith succeeded in adding to the resolution that the Treaty be “published” a proviso affirming “that no purchases which have been or hereafter may be made from the Indians, at any treaties held or to be held with them, of their right to soil within the limits of any state, can, ought or shall be considered as interfering with the right of any such state to the jurisdiction of the soil.”¹⁸

¹⁸ *Journals of the Continental Congress* 28:423-6, 430, 234-37, 239.

The 1786 Hartford Compact.

Because Congress's Treaty had "secured" former enemy tribes undefined land on defined terms east of a line described in the Treaty, these tribes were free to imagine that they still possessed as absolute proprietors everything they had possessed before the War east of this line, despite the fact that New York State had confiscated all their lands and begun awarding some of it to Revolutionary War veterans. Clearing up the resultant confusion would take time, so to accommodate the needs of those who had been granted land in what was now a contested region, the Legislature on May 5, 1786, passed an Act declaring that

whereas by virtue of acts heretofore passed, for granting bounty lands, sundry locations have been made, on lands belonging to the Onondaga Cayuga and Seneca nations of Indians, and whereas an attempt to settle such lands by the persons entitled to letters patent therefore by virtue of the said acts may involve this State in a disagreeable controversy with the said Indians. Therefore *Be it enacted by the authority aforesaid*, That it shall and may be lawfull to and for any person having made such location as aforesaid to withdraw such location

and choose land elsewhere.¹⁹ The same Act established a second Military Tract to replace that laid out in 1782 just west of the lands of the Oneidas and Tuscaroras. This second Military Tract was located in erstwhile Mohawk territory far to the north, where the State's jurisdiction would hopefully not be contested.

A second dilemma for New York State resulting from Congress's 1784 Treaty was what to do next to establish in the eyes of the other twelve states New York's claim to jurisdiction west of the 1768 Line of Property. To resolve their conflicting claims, New York and Massachusetts had prepared for legal proceedings under the Articles of Confederation (Article IX, Clause 2). But after numerous delays, the two states decided to meet on their own, using

¹⁹ *Laws of New York*, 9th Sess., Ch. 67.

substantially the same people who would have represented their states before a Congress-appointed court. Discussions began in Hartford, Connecticut in late November of 1786, and were successfully concluded on December 16.²⁰

By the December 16, 1786, Hartford Compact, a bilateral agreement between New York State and the Commonwealth of Massachusetts, New York for the first time obtained recognition of its claimed western boundary from one of the other twelve states. To secure this desperately needed acknowledgment, New York State accepted Massachusetts's claim to own a large area of what is now western New York State and delegated to Massachusetts the task of defining Iroquois land rights within this area. What rights Iroquois tribes would have within this area was left to Massachusetts and the Iroquois to work out. New York however insisted on confining the Massachusetts-Iroquois area east of a line running the entire length of the Niagara River one mile east from the shore. The Hartford Compact in other words preserved all pre-existing New York rights in what came to be called the One Mile Reserve, a more precisely described reworking of the Niagara reserve created by the Legislature on May 11, 1784, where New York retained sole title for public purposes because of its strategic importance.

The Hartford Compact was approved by the Legislatures of New York and Massachusetts early in 1787. These two states then attempted to have the Compact "filed in the secretary's Office" of the Continental Congress, but on October 8, 1787, this motion was defeated. In addition to New York and Massachusetts, only New Hampshire, Connecticut and Pennsylvania voted for this motion indirectly endorsing the Hartford Compact; New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia voted against it. New York had

²⁰ Whipple 105-111. See also Harold C. Syrett, ed., *The Papers of Alexander Hamilton*, New York: Columbia University Press, 1962, 3:702-03.

once again failed to gain recognition of its western boundary claims from Congress. Three of New York's neighbors had however joined with Massachusetts in favor of it, demonstrating the significance of New York's successful transformation of Massachusetts from an interested claimant hostile to New York claims into an interested collaborator.²¹ The Hartford Compact did endure, and was finally accepted by the federal government when the 1797 Treaty of Big Tree, which was based on the Hartford Compact, was federally ratified. But as of 1787, New York officials had no reason to halt their continuing efforts to gain acknowledgment of the State's claimed borders.

New York's State Treaties, 1785-89.

In the wake of the 1784 Fort Stanwix fiasco, precipitated by the insistence of the assembled leaders of the entire Iroquois Confederacy on negotiating first with Congress, New York State had finally embraced the strategy recommended by James Duane, of negotiating about land rights with each Iroquois tribe separately. The first manifestation of this approach was the Treaty of Fort Herkimer between New York State and the Oneidas, concluded on June 28, 1785. Since the Oneidas had supported the Revolution, and New York State and the Continental Congress had both repeatedly assured the Oneidas that their land rights would be protected, there was no question about whether the Oneidas rightfully occupied the lands guaranteed them by the 1768 British Treaty of Fort Stanwix, by the New York Legislature in 1779 and again confirmed to them by Article Two of the 1784 Congress Treaty of Fort Stanwix. In keeping with all these guarantees, the 1785 Treaty of Fort Herkimer purchased a tract of Oneida land for a negotiated

²¹ New Hampshire shared a border with New York State until 1791 when Vermont, which New York State had claimed, entered the Union as the fourteenth state.

price.²² Though the price was agreed, the nature of the land rights sold and retained by the Oneidas seems to have been understood differently by New York State on the one hand and the Oneidas on the other. New York State adhered to the post-1763 British theory, as revised by General Schuyler, endorsed by General Washington and adopted by Congress in 1783, that the Oneidas held only hunting ground use rights on Crown-owned land, acquired from the Crown by New York State on July 4, 1776. The Oneidas on the other hand, though they accepted New York's terms at Fort Herkimer, were unreconciled to the new U.S. definition of Iroquois land rights and hoped to return to the pre-1763 British concept that the Iroquois were absolute proprietors of their lands retaining full ownership rights.

New York State's next step came in the months between New York's July 26, 1788, ratification of the federal Constitution drafted in the summer of 1787, and its formal inception at noon on March 4, 1789. During these months, New York's Governor Clinton negotiated separate treaties with the Oneidas, Onondagas and Cayugas. The Onondaga treaty was signed September 12, 1788; that with the Oneidas on September 22, 1788; that with the Cayugas was delayed, and not finally completed until February 25, 1789, just days before the Constitution took effect.

These three treaties seem to have been motivated not only by New York State's apprehensions about the effects the Constitution might have on State jurisdiction over tribal lands but also by the fact that all Iroquois leaders---the pro-Revolutionary Oneidas as well as the enemy Mohawks , Onondagas, Cayugas and Senecas---remained openly determined to revive the pre-1763 concept of absolute Iroquois proprietorship. This Iroquois disposition had been catered to in 1787-88 by a group of private land speculators who offered formal deference to Iroquois land ownership claims in return for a 999-year lease. This ploy had been declared illegal by the

²² Hough 67-109.

New York Legislature, but not before it had made clear to New York officials how eager Iroquois chiefs were to preserve their nominal status as absolute proprietors.

To address both these challenges, all three New York State treaties, negotiated after hard bargaining just prior to the inception of the federal Constitution, began with almost identical words. That with the Oneidas read, “The Oneidas do cede and grant all their lands to the people of the State of New York, forever.”²³ New York State then *granted back* to each tribe a portion of the lands ceded. As a result, prior to the inception of the new federal government, *all* lands claimed by these tribes were acknowledged by them to be within the jurisdiction of New York State, and held by State grant. The three central Iroquois tribes were New York’s main concern because the easternmost tribe, the Mohawks, had by 1784 mostly relocated to Canada; the Tuscaroras had no separate tribal lands of their own; and New York had ceded to Massachusetts ownership of almost all lands occupied by the westernmost Iroquois tribe, the Senecas. New York was no less concerned about preserving its jurisdictional rights in Seneca territory, but had formally yielded sole authority to define tribal land rights there to Massachusetts.

Years of Crisis, 1788-1790.

Massachusetts had only a financial interest in the western New York lands acquired by the 1786 Hartford Compact. On April 1, 1788, the Massachusetts Legislature sold its rights to Nathaniel Gorham and Oliver Phelps (although Gorham and Phelps, strapped for funds, soon returned more than half of this tract to the Legislature). In order to realize a profit, Gorham and Phelps had to do something about the former enemy Iroquois, who had been told by the Continental Congress in 1784 that they possessed some sort of land rights beginning four miles

23 Hough 243-44

east of Niagara. On July 8, 1788, at Buffalo Creek, in territory still militarily controlled by the British and with British officials as well as a representative of the Massachusetts Legislature looking on, Gorham and Phelps reached an agreement with the Iroquois “Five Nations” by which, in exchange for “two thousand one hundred pounds lawful money of the State of New York,” the “Five Nations” ceded their claims to the lands that Gorham and Phelps wanted to sell, lands located principally between Seneca Lake and the Genesee River. This tract was sold without any reservations within its bounds, reflecting the fact that the Iroquois who had occupied this region prior to 1779 were now mostly settled elsewhere, primarily at Buffalo Creek and along the Grand River in British Canada.

The “Five Nations” signing were the Mohawks, Oneidas, Onondagas, Cayugas and Senecas. The land was mostly traditional Seneca territory, but in keeping with Sir William Johnson’s unitary theory of Confederacy control of the lands of individual “Nations” as well as with the concept of an undivided region ascribed to the “Six Nations” by Congress’s 1784 Treaty of Fort Stanwix, this 1788 Treaty was with five of the “Six Nations,” the landless Tuscaroras excepted. Joseph Brant signed as a representative of the Mohawks even though, like a number of other Iroquois chiefs agreeing to this sale, Brant now lived in British Canada. Not surprisingly, subsequent complaints about this Treaty came principally from U.S.-based Senecas.

1787-88 was thus a busy time in what is now western New York State. In other parts of the United States, similar maneuverings by land speculators were underway. Discussion of the federal Constitution, drafted in the summer of 1787, ratified state-by-state in the subsequent year, and which then took effect on March 4, 1789, proceeded against a background of near-frenzied anxiety about the Constitution’s possible impact on state boundaries and state jurisdiction over tribally-occupied lands within claimed state boundaries. Drafted with the realization that

ratification by states was imperative, the Constitution was worded cautiously, leaving vague the extent of federal authority over state boundaries and tribally occupied lands within state boundaries. While not spelled out, federal powers with respect to state boundaries and tribal lands were expected to be extensive, and it thus behooved states and individuals holding rights by state grant to do all they could to shore up their respective positions prior to March 4, 1789. Just how direct the linkage was between discussion of the Constitution and speculation in tribal lands is evidenced by the fact that Nathaniel Gorham was a member of the Constitutional Convention, signed the draft Constitution on behalf of Massachusetts---and then proceeded almost immediately into tribal land negotiations as a holder of preemption rights granted him by Massachusetts.

New York State's Governor Clinton was in other words not the only person focused on tribal land rights in the months leading up to George Washington's assumption of the new office of President of the United States. The Constitution itself was so tersely worded that President Washington was left wide discretion in deciding how it would be implemented. Well aware of the extent of his responsibility, Washington tried hard to balance the competing interests of states and tribes in such a way that the all-important survival of the Union would be furthered rather than jeopardized.

The New Federal Government Confronts Tribal Issues in New York State.

The federal Constitution (Article Six) explicitly affirmed that Continental Congress treaties would remain in force under the new U.S. federal government. As it happened, the Continental Congress had been almost as busy negotiating treaties in its last months of existence as had states and private individuals. Among the early dilemmas awaiting President Washington

upon his inauguration on April 30, 1789, was what disposition to make of two Continental Congress Treaties completed at Fort Harmar on January 9, 1789. One of these involved renegotiation of the controversial 1784 Treaty of Fort Stanwix. On May 25, Washington sent the two Treaties to the Senate “for your consideration and advice.”²⁴ Accompanying the Treaties was a letter from Secretary of War Henry Knox to the President, dated May 23, in which Knox argued,

That it may be proper to observe that the Indians are greatly tenacious of their Lands, and generally do not relinquish their right, excepting on the principle of a specific consideration expressly given for the purchase of the same.

That the practice of the late English Colonies and Government in purchasing the Indian claims has firmly established the habit in this respect, so that it cannot be violated, but with difficulty and an expence greatly exceeding the value of the Object. That the treaties of Fort Stanwix and Fort McIntosh, do not state, that the limits therein defined are by virtue of a purchase from the Indians. That the said treaties have been opposed and complained of....²⁵

Knox also noted that a year earlier, on July 2, 1788, the Continental Congress had decided to abandon its previous policy of distinguishing between tribes that had fought for the Revolution, whose pre-Revolutionary land rights were to be protected in full, and those tribes that had fought against the Revolution, some of whose land rights were to be taken as punishment in the context of a post-War peace settlement. Henceforth all tribes regardless of their Revolutionary War conduct were to be deemed to have an equal right to occupy their traditional lands, and were to be paid compensation when these occupancy rights were extinguished.

This new policy of purchasing all tribally occupied land had been adopted in response to a report to Congress by Knox, dated May 2, 1788, in which he pointed out that tribes had

24 De Pauw 2:3

25 De Pauw 2:4-6.

expressed the highest disgust, at the principle of conquest, which has been specified to them, as the basis of their treaties with the United States, and in consequence of which, the limits of their hunting grounds and territory, have been circumscribed and defined.

That the practice of the British government, and most of the Northern colonies previously to the late war, of purchasing the right of the soil of the Indians, and receiving a deed of sale and conveyance of the same, is the only mode of alienating their lands, to which they will peaceably accede.

That to attempt to establish a right to the lands claimed by the Indians, by virtue of an implied conquest, will require the constant employment of a large body of troops, or the utter extirpation of the Indians. That circumstanced as they are at present, being in alliance with, and favorably treated by, the British government, the doctrine of conquest is so repugnant to their feelings, that rather than submit thereto, they would prefer continual war....

Your Secretary humbly apprehends that the United States may conform to the modes and customs of the Indians in the disposal of their lands, without the least injury to the national dignity...[and] conceives that the Commissioners may negotiate an extinguishment of the Indian claims, to the territory described by former treaties...without calling in question the validity of the said treaties. In case of a new purchase, or the modification of the former boundaries, a sum of money may be given according to the Indian custom, on the chiefs signing the deeds in the usual form.

Knox suggested pragmatically forgetting about punishment of Revolutionary War crimes in future treaties, and even revisiting old treaties and retroactively adjusting their terms. This would ordinarily be done, Knox surmised, in the context of new treaties acquiring additional land.

Disliked treaties would not be invalidated; rather, they would be replaced by new treaties that, in the context of amicable acquisition of yet more tribal occupancy rights, would quietly pay tribes something for rights taken earlier without compensation as punishment for war crimes.

In using the terms “purchase”, “right of the soil” and “deed of sale”, Knox endorsed a continuation of the British practice of conciliating tribes who claimed to own their ancestral lands as absolute proprietors. But Knox did not imagine that he was making a change in the policy proposed in 1783 by General Schuyler and adopted by Congress after its endorsement by General Washington, that by aboriginal right, tribes were to be said to be able to claim only a

hunting ground use right of negligible sale value. Knox thus proposed “purchase” *but not large payments* for the tribes’ severely limited “right of the soil.”

The 1784 Fort Stanwix Treaty was prominent among the Continental Congress Treaties Knox described in his May 2, 1788 Report as disliked by tribes. Pursuant to Congress’s July 2, 1788 resolution approving Knox’s proposed new approach, two new Treaties had been concluded at Fort Harmar (near the mouth of the Muskingum River, modern-day Marietta, Ohio) on January 9, 1789. One of these Treaties was with the “Six Nations” and restated the boundary line four miles east of Niagara contained in the 1784 Treaty, but also made significant changes in the earlier Treaty’s terms. In keeping with Knox’s 1788 recommendations, a \$3000 payment was now made for the lands west of the boundary line taken in 1784 as punishment for war crimes. The Treaty stated that the “Six Nations...do release, quit claim, relinquish, and cede to the United States of America” all lands west of this line “for them, the said United States of America, to have and to hold the same, in true and absolute propriety, forever.” In return, the Treaty stated that

the United States of America confirm to the Six Nations, all the lands which they inhabit, lying east and north of the before mentioned boundary lines, and relinquish and quit claim to the same and every part thereof, excepting only six miles square round the fort of Oswego, which six miles square round said fort is again reserved to the United States by these presents.

Whereas the 1784 Treaty had been evasive about whether the Continental Congress or one or more states was to acquire the land relinquished by the “Six Nations” west of the line four miles east of Niagara and surrounding Fort Oswego, the 1789 Treaty strongly implied that these territories were to be the property of the central U.S. government, and not the property of New York State or Massachusetts. After all, the U.S. government was paying the bill.

At Fort Harmar on the same day that the two Continental Congress Treaties were completed, the state of Pennsylvania independently negotiated a Treaty by which the “Six Nations” relinquished to Pennsylvania, in return for a payment of \$2000, all their land rights west of the same north/south line four miles east of Niagara that might in due course turn out to be within Pennsylvania’s limits. In return, Pennsylvania promised that the Senecas would have some reservations in Pennsylvania---if Pennsylvania’s boundaries turned out to extend as far east as Lake Chatauqua.

Henry Knox, who had been Secretary at War under the Continental Congress and was asked by President Washington to stay on as Secretary of War in the new federal government, was troubled by the January 9, 1789, Treaty with the “Six Nations” because “the reservation in the treaty with the six Nations of six Miles square round the Fort at Oswego, is within the territory of the State of New York and ought to be so explained, as to render it conformable to the Constitution of the United States.”²⁶ Significantly, Knox made no comparable observation about the territory west of the line four miles east of Niagara. He expressed no opinion as to whether or not these lands were within the bounds of New York State, or whether fee title to any or all of these lands belonged to New York State, Massachusetts, Pennsylvania or the federal government.

The Erie Triangle Controversy, 1788-1790.

The Senate delayed their decision regarding the Fort Harmar Treaty with the “Six Nations” for several months, during which time serious altercations erupted in the area east of

26 De Pauw 2:6.

the federal Northwest Territory, of which parts were sought by Pennsylvania and claimed by New York State and Massachusetts

On June 6, 1788, the Continental Congress had taken the initiative to survey what it described as “the boundary line between the United States and the States of New York and Massachusetts.” Three months later, on September 4, 1788, before the survey was begun, the Continental Congress voted to convey to Pennsylvania the triangular tract between the western line of “New York and Massachusetts” (wherever that might turn out to be) and Lake Erie. This had precipitated a condition of near-chaos west of Lake Chatauqua, as Pennsylvania, New York State and Massachusetts jockeyed for position, and rival land claimants anxiously awaited word on where the boundary was to be. Indeed violence seemed likely, as rival groups rushed in, encouraged respectively by Pennsylvania and Massachusetts right-holders, each anticipating that this region would be theirs, once a federal boundary survey of the eastern limit of the “Erie Triangle” was completed. On August 16, 1789, Pennsylvania Senator William Maclay was briefed about

the attempt of Gorham to get the land commonly called the Triangle from Pennsylvania, or at least to delay the business until he could get a number of New England men settled on it so as to hold it by force...a Strong party is forming by Gorham. and they expect to carry it against Pennsylvania.

Nathaniel Gorham hoped to sell land rights in the contested “Erie Triangle” region, pack in settlers and precipitate a crisis. To allow time for this plan to reach fruition, in August of 1789 he sought postponement of the survey of the region’s eastern boundary authorized in 1788, much to the indignation of Senator Maclay. Describing the decisive Senate debate of August 19, Maclay lamented, “We had every Man East of the Hudson against Us...[New York Senators]

King and Schuyler managed the debate principally” on behalf of the interests of Massachusetts right-holder Gorham, while Maclay countered vociferously for Pennsylvania:

I cannot pretend to say how often I was up, but my Throat was really sore with speaking. so plain a case I never before saw cost so much trouble. under my present impression I am ready to vote every Man Void of Principle who voted against this Measure. at a quarter past three we got the resolve passed. I cannot help writing that Senatorial Honor dwells not east of the Hudson [Massachusetts Senator Caleb] Strong was most uncandid & selfish, and often up. I wish I may soon have Occasion to retract my above Opinion. it is painful to think so badly of one’s fellow Members.²⁷

The “resolve” passed as a result of Maclay’s efforts stipulated that the planned survey would proceed immediately, and not be delayed as Gorham hoped.

While Maclay and Pennsylvania won this round, a month later Massachusetts and New York State succeeded in blocking Senate approval of the Continental Congress Treaty linked to Pennsylvania’s hopes of acquiring a greatly enlarged Erie Triangle. On September 8, 1789, the Senate took up both Fort Harmar Treaties and

Resolved, That the President of the United States be advised to execute and enjoin an observance of the Treaty concluded at Fort Harmar on the 9th day of January 1789, between Arthur St. Clair, Governor of the Western territory, on the part of the United States, and the Sachems and Warriors of the Wyandot, Delaware, Ottawa, Chippawa, Pattawatima and Sac Nations.

As for the “Treaty with the Sachems and Warriors of the Six Nations,” no comparably favorable action was taken. A three-member Senate committee including Senator Rufus King of New York recommended against affirmative action on this Treaty because of “particular circumstances affecting the ceded lands.” The full Senate then resolved on September 22,

And it being suggested that the [“Six Nations”] treaty concluded at Fort Harmar...may be construed to prejudice the claims of the States of Massachusetts and New York, and of

27 William Maclay, *Diary*, eds, Kenneth R. Bowling and Helen E. Veit, *Documentary History of the First Federal Congress of the United States*, Baltimore: Johnson Hopkins University Press, 1988, 9:122-26.

the grantees under the same states respectively. *Ordered*, That the consideration thereof be postponed.²⁸

No further action was taken by the Senate.

Although it was clearly important to ascertain the eastern limit of Pennsylvania's "Erie Triangle" as quickly as possible, federal surveyor Andrew Ellicott had great difficulty proceeding with his work because the location of the line was determined by a geographic feature inside British Canada, and British authorities at this time were not eager to help the United States avert internal strife. When in 1780-82 New York State had defined its western boundary by cession to Congress, the State claimed ownership of land west of the Niagara River and north of Lake Erie, and the western end of Lake Ontario had therefore been used to define the State's newly circumscribed western limit. Subsequently, the 1783 Treaty of Paris revised New York State's northwestern boundary eastward to the Niagara River. This left the crucial landmark determining the longitude of New York State's western border south of Lake Erie in British Canada. Indeed a still-hostile Britain at this time controlled not only Canada but much U.S. territory south of the Great Lakes. The international border drawn in Paris had been based on the 1774 boundary of Quebec, and was not even close to the line of actual military control. British authorities in Canada were therefore still making energetic efforts to hold onto regions south of the Great Lakes, one reason being British Canadian concern for the future of the four Iroquois tribes that had fought for the British.

To establish a line within United States territory, surveyor Ellicott needed to enter British Canada, but was barred by the British Commandant at Fort Niagara, Lieutenant Colonel Harriss.

28 De Pauw 2:42-43. See also Francis Paul Prucha, *American Indian Treaties, The History of a Political Anomaly*, Berkeley: University of California Press, 1994, 70-74.

Ellicott was not even allowed to view Niagara Falls; Harriss told Ellicott he “cannot see the falls, too many people have seen the falls already.” Harriss even refused Ellicott permission to travel *through U.S. territory* to Buffalo Creek, and instead ordered him to proceed immediately to the Genesee River, where he finally received word that the Governor of British Canada, Lord Dorchester, had overruled Commandant Harriss.²⁹ Belatedly, Ellicott’s efforts led to a description of New York State’s western border as falling roughly halfway between the eastern, Lake Chatauqua extreme desired by Pennsylvania and the western extreme desired by New York State and Massachusetts, a result that at the very least raised a question whether politics as well as pure “science” could have affected Ellicott’s decision about precisely where amidst marshes, inlets and wetlands the western limit of Lake Ontario was to be found.

In 1763, British authorities had redefined the Iroquois as royal tenants on Crown-owned hunting grounds, as part of Britain’s long-range plans to develop the North American interior. After the Revolution, British Canadian authorities tried to restore the Iroquois to their pre-1763 status as absolute proprietors---of U.S.-claimed land. Efforts by British Canadian authorities to encourage civil disorder within the United States, and to encourage Iroquois resistance to both U.S. and New York State authority, would not end until 1794. British military occupation of U.S. territory south of the Great Lakes, combined with British promotion of an independent Iroquois “Barrier State” in western New York State, would pose serious problems for both New York State and the new federal government of President Washington in the years to come.

²⁹ Andrew Ellicott to President Washington, January 15, 1790, in *Report of the Regents of the University on the Bounbdaries of the State of New York*, Albany: Argus, 1874, 319-322.

