

VI

**The “Six Nations” at Newtown
and the “Five Nations” at Philadelphia, 1791-92**

Redefining the Iroquois Confederacy.

The July, 1791 treaty conference at Newtown (modern Elmira, New York) was the first convened with the full “Six Nations” by the federal government under the Constitution, and though no written treaty emerged, this conference was a crucial first step in the process by which Robert Morris and Timothy Pickering---a very odd couple indeed---transformed “Six Nations” land rights and reconceptualized the “Six Nations” as a U.S.-dominated alliance.

When Pickering had first outlined in his January 8, 1791, letter to President Washington a few vague thoughts that had occurred to him about an agricultural Iroquois future, Pickering’s Iroquois contacts encompassed only the “Senecas and others” he had met at Tioga. But between January and July of 1791, Pickering had conferred not only with Robert Morris’s agents but with Philadelphia Quakers and other missionary groups interested in the Iroquois. Above all, Pickering had “discovered” the Oneidas, who already possessed a compact reservation suitable for family farming, were staunch U.S. allies, and a good many of whom were Christian. The Oneidas quickly became for Pickering proof that the Senecas too could be successfully transformed. By this route, Pickering managed to persuade himself that helping reservationize the Senecas to accommodate Robert Morris’s desire to develop the bulk of their homelands for his personal profit was virtuous, even righteous.

Secretary Knox seems to have used the term “Six Nations” as meaning simply *those*

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elements of all six Iroquois nations now resident in Seneca territory. This was the way Knox spoke in a letter to Washington of December 27, 1790, alluding to “the Senekas and the six Nations” and again in a letter to Washington of May 30, 1791, alluding to “the propriety of assembling the Senekas, and others of the six Nations.”¹ For his part, Robert Morris evidently thought of the “Six Nations” as simply *that entity that negotiated Seneca land sales*; if you wanted to buy Seneca land, you convened the “Six Nations.” Timothy Pickering’s contribution was to transmute Morris’s crass perspective into a benevolent vision that recognized the “Six Nations” Confederacy as an historically significant entity that should now be disbanded to allow individual Iroquois to become private agriculturalists on U.S. soil.

By the spring of 1791, Pickering had begun to fancy himself an Iroquois shaper in the tradition of the now-mythic Sir William Johnson. Sir William was famed as a risk-taker who boldly armed and centralized the “Six Nations” Confederacy confident that he could turn it to his own political ends. Through his ability to manipulate not only the Mohawks but all “Six Nations,” Sir William became an imperial power broker. Pickering, who had yet to receive a regular federal job, imagined that he too might enhance his career prospects by building up the “Six Nations” Confederacy and making it his instrument. Thus, when instructed by Knox to convene the “Six Nations” and informed that “husbandry” was to be on his agenda, Pickering decided that this must be a gathering not of Senecas and others living among them but of the full pre-Revolutionary “Six Nations.” This meant that the Oneidas resident near Oneida Lake had to be included, and tribes resident in British Canada, and for good measure why not even invite Sir William Johnson’s brother-in-law Joseph Brant? If this was to be a watershed reconvening of the

¹ Twohig 7:126, 8:223.

historic “Six Nations,” at which they would ceremonially abandon war and hunting and adopt instead the lifestyle of peaceable yeoman farmers, every surviving Iroquois group had best be represented. Or so Pickering reasoned, in a manner that could scarcely have been further removed from the pragmatic caution exemplified and advocated by President Washington, who was touring the southern states and unaware of what had been set in motion in his absence from the capital.

Pickering, Red Jacket and Good Peter Debate the Future of the Confederacy.

Iroquois leaders were certainly impressed when Pickering’s invitation arrived. On May 21, the Buffalo Creek chief Young King expressed amazement that the federal government had “called all the nations, from the Grand river to the Oneidas.”² The response from Iroquois groups far and wide was overwhelming. More than a thousand Iroquois set out for Newtown, where sessions began a mere two weeks late on the Fourth of July. The stage was set for a duel of wits between the high-minded Pickering and high-aspiring Iroquois chiefs who hoped to resuscitate the “Six Nations” Confederacy and if possible enlist the federal government as a patron. Instead of the ritual political suicide Pickering had in mind, activist chiefs converged on Newtown intent on political revival.

Much larger than at Tioga the previous fall, Pickering’s entourage at Newtown included U.S. Senator John Rutherford of New Jersey, three Philadelphia Quakers led by John Parrish, the land speculator Oliver Phelps, and Robert Morris’s sons Thomas and William Morris. Eleven-

² ASPIA 1:165.

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year-old Timothy Pickering, Junior also accompanied his father.³

With one eye on these spectators, Pickering eloquently exhorted the Iroquois to abandon their centuries-old political independence and clan-based social structure in favor of a life as U.S.-resident yeoman farmers. In one flight of fancy, Pickering assured the Iroquois that the

English and other white nations were once like you....[S]ome of them painted their bodies as you do; and...war and hunting were their chief employments; but...by laying aside their old customs, and becoming farmers and artisans, they had vastly increased in numbers and strength, and possessed abundance of all things; and...by learning to read books, they had got hold of the knowledge of the wise men of old times, and were now become very wise.

Meanwhile tribal hunters in North America “once...numerous and strong, were now...few in numbers, and...weak, and...probably some whole nations had perished, so that now even their

³ Edward Hake Phillips, *A Timothy Pickering at his Best: Indian Commissioner, 1790-1794*, @ *Essex Institute Historical Collections* 102(July, 1966):173

names were unknown.”⁴ But the Iroquois could save themselves from the doom history had decreed for tribal hunters:

Brothers, I will tell you one thing more, which alone is sufficient to overthrow the opinion, that the Great Spirit made Indians only to be hunters. Brothers, on the other side of the Great Waters, far beyond the nations of white people, there are many nations of Indians who have dark skins, black hair and black eyes, like you. But these Indians are farmers, carpenters, smiths, spinners and weavers, like the white people. They also know a great many other things such as white people know. They read and write, they build towns and large cities, as the white people do. The vessels of the United States sail to those Indian countries, and bring back silks, callicoes and other cotton cloths of the best kind, abundance of saltpetre to make gunpowder, and many other things. But above all tea is brought from those countries, and from those countries alone. The tea which you may see the people of the United States drinking every day; the tea which is used by the English, French, and other white nations, all comes from people of your colour on the other side of the great Waters. These muslim cloths of mine, and this silk handkerchief, were made in those distant countries by people of your colour. Brothers, of these things perhaps you never heard before. Yet because they are new you are not to disbelieve them. I would not deceive you. Many of my fellow citizens here present know them to be true. Brothers, a multitude of the white people know those Indian countries, and though many thousand miles distant, find their way to them as easily as you find your hunting ground when you cross a lake.⁵

Odd as it may seem, Pickering, a native of Salem, Massachusetts, an active center of maritime commerce with Asia, was better acquainted with India than with the assembled “Indians” he hoped to convert to the plow and the loom.

⁴ TPP 60:87.

⁵ TPP 60:86. Speech dated July 5 but probably delivered on the 6th. No sessions were held on the 5th, as everyone recovered from hangovers caused by celebrations of the Fourth of July following opening ceremonies.

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Red Jacket was not amused. Had Pickering really convened the “Six Nations” in wartime just to lecture them? “Listen, Brother Connisauty,” retorted Red Jacket, using Pickering’s newly conferred Iroquois name, meaning Sunny Side of the Hill,

The thirteen States and General Washington, and all the spectators, let them listen.... You know we said we were to appoint an agent, to see justice done on each side. We are tired of waiting; and now we are going to appoint an agent.... So this man [calling to him Thomas Reese, and putting his hand upon his shoulder] we will choose. We will try him for a few days first, to see whether he is capable of doing our business or not; and if he does not do right, we will go on easy with our business. Now our friendship is going on. You must consider this is the voice of the whole; and we are going to try him forthwith. For he is the man who must go to take care of the money coming from Judge Phelps to the Seneca nation, and see that justice is done in the division of it. Now you ought to be very careful to inform General Washington of this appointment.... Directly, when General Washington comes to hear this---if we have done wrong, do not let much be said about it. Let us try to make the matter easy, and mend it as quick as we can.... you said we should have a gunsmith among us to mend our guns if they got broke: *and you said we might choose him---*

“Here he named a William Harris,” Pickering recorded in his journal. “I interrupted the speaker. No! (said I) I said no much thing.” Pickering was not going to allow Red Jacket to tell him who should be put on the U.S. payroll. “Red Jacket sat down---but presently started up again and spoke these words: *‘It won’t do to talk much more---for perhaps we have been deceived in the whole!’*”⁶

The conference broke down temporarily, but two days later Pickering returned to the fray.

In regard to their choice of an agent, I told them that the man they had chosen was *their* agent merely, and not the agent of the *U. States*. That when the United States should appoint an agent to superintend and assist them in the management of their affairs, the said agent would be paid by the U. States but that the person whom

⁶ TPP 60:110A-111.

they had chosen must either be compensated by *them* or he must serve them for *nothing*; for the U. States would pay no agent unless appointed by their authority.

Pickering also informed the assembly that he

considered all the speeches made by the chiefs in council as the speeches of the Six nations; excepting one expression of Red Jacket's, which I viewed as the expression of the individual who uttered it. "Brothers (said I)...Red Jacket in his speech the other day suggested *that all the proposals of useful improvements which I had made to you were a deception*. These words, brothers, were an insult on the President and on the United States. But these I consider not as the words of the Six Nations, but of the speaker alone."

Red Jacket "acknowledged the words to be his own," noting however "that when he was speaking (to declare their choice of a gunsmith) I had stopped his mouth, striking his mouth with his hand, with a vehement motion. He continued to interrupt me, and behaved so rudely that for some time I could not proceed."⁷

This verbal dueling was attentively monitored by young Thomas Morris, who many years later recalled how Red Jacket repeatedly

pitted himself against Colonel Pickering, whom he sometimes foiled in argument. The Colonel would occasionally become irritated, and lose his temper. Then Red Jacket would be delighted, and show great dexterity in taking advantage of any unguarded assertion of the Colonel's. He felt a conscious pride in the conviction that Nature had done more for him than for the Colonel.

Morris agreed that Red Jacket was the better diplomat. Morris described him as

I suppose, at that time, about thirty or thirty-five years of age, of middle height, well-formed, with an intelligent countenance and a fine eye; and was a fine-looking man. He was the most graceful public speaker I have ever known. His manner was, at the same time, both dignified and easy. He was fluent, and, at

⁷ TPP 111A.

times, witty and sarcastic. He was quick and ready at reply.⁸

Thomas Morris and his younger brother William had been sent by their father to attend the Newtown conference after he decided not to attend. Then aged about twenty, Thomas Morris was far more amiable than his father, as evidenced for example in the interest he took in aspects of the Newtown conference not directly affecting his father's investments, such as a night-time festivity he never forgot.

It being full moon, the ceremony was in honor of that luminary. There were present, probably, fifteen hundred Indians. We were all seated on the ground, forming a large circle, excepting at that part of it where a fire was burning; and not far from which a pillar or post, representing the stake to which prisoners are tied when tortured, after having been taken in battle. A very old Cayuga Chief, much distinguished for his bravery, and called the "Fish Carrier," rose and addressed the moon in a speech of about a half an hour in length, occasionally throwing in the fire a handfull of tobacco as an offering. After this speech, we all stretched ourselves full length on the ground, the head of one touching the feet of another, and at one end of the circle, commenced the utterance of a guttural sound, which was repeated, one after the other, by every person present. Then followed the War Dance performed by young Warriors, naked to the waist-band, with bodies painted with streaks of red down their backs, representing streams of blood. Occasionally, one of the dancers would strike the post representing the tortured prisoner, and into whose body he was supposed to thrust the end of a burning stick of wood. He would then brag of the number of scalps he had taken from...[foes] of his Tribe or Nation.

After the rum drunk during this ceremony had begun to produce its effect, an Oneida Warrior struck the post, and imprudently began to boast of the number of Indian scalps he had taken during the War of the Revolution, when the Oneidas, alone, had sided with the Americans, and the Senecas, Cayugas, Onondagas and Chippawas with the British. This boast excited the anger of the others; knives were drawn; and there would have been bloody work, had not old Fish Carrier, who was venerated both on account of his age and his bravery, interposed. He arose, and addressing himself to the young Warriors, told them that when any of them had attained his age, and had taken as many scalps as he had, it would be time for them to boast of what they had done; but until then, it better became

⁸ "Mr. Morris's Narrative" in *Historical Magazine*, June 1869, 373.

them to be silent. He then struck the post, and kicked it over, and caused the fire to be put out; and they dispersed peaceably.⁹

While warriors who had fought on opposite sides in the Revolutionary War tried to resolve their differences, chiefs were re-establishing working relations as leaders of a revived Confederacy. The pro-British Cayuga chief Fish Carrier for example, in addition to quelling this fracas at the full moon ceremony, introduced in council the pro-U.S. Oneida chief Good Peter, saying to Pickering, “Listen---we have something to say. It might come through particular chiefs; because everyone does not know how to speak. But still it is the voice of the whole. Now the Oneida nation is going to speak: but they will speak for the whole.” Pickering assured Fish Carrier and Good Peter that he did indeed accept their public utterances “as the speeches of the Six nations” and considered that Red Jacket alone had spoken as an individual rather than as “the voice of the whole.”¹⁰

Good Peter seems to have been exhilarated by the assembling of more than a thousand Iroquois. In a speech formally addressed to his “Brother” Pickering but which he clearly hoped would stir all Iroquois present, old and young, Good Peter declared,

Now Brother, I must mention a few of our ways of war in old times. When we fought, nation against nation, we did not fight for land; but for bodies. Now when the white people fight, they fight for land. Those who conquer keep the lands they go over. But when the Six Nations are victorious, they do not keep the lands from whence they drive their enemies. Excuse my telling you of these things. Now you know that we do not fight for lands. After we have done fighting, we do not think we have the lands in our grasp. This is the rule of ancient times. Now we have just

⁹ “Mr. Morris’s Narrative,” 374. Morris’s figure of 1500 is presumably an exaggeration. Pickering, who was in charge of supplies, estimated total Iroquois attendance at Newtown at about 1050.

¹⁰ TPP 60:109, 111A.

found for what you fight---that it is for land.¹¹

¹¹ Good Peter at Newtown, July 13, 1791, TPP 60:103.

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In addition to admonishing Pickering, Good Peter listened with great care, and thought he heard Pickering say that the federal government meant to protect the lands which the Oneidas held under New York State grant. The reason for this may have been that Pickering decided to repeat at Newtown the explication of the Indian Trade and Intercourse Act, including Section Four dealing with land sales, which he had been instructed to give *to the Senecas* at Tioga the previous fall. This explication had received President Washington's approbation, so Pickering repeated it at Newtown, thereby apparently conveying the impression that the land sale provisions in Section Four applied equally to all kinds of land rights held by the "Six Nations" under all U.S. jurisdictions. Good Peter, who had been actively involved in land negotiations with New York State since 1785 and was not happy about the results, a year later "remembered what our Brother Conmissauty told us at Newtown Point, that although we had been cheated heretofore about our lands, yet we should be cheated no more, because all negotiations about our lands must now be transacted under the eye of the President of the U. States."¹²

Ebenezer Allen's Seneca Daughters and the Cayuga Reservation Lease.

In leaping from one to six nations at Newtown, Pickering did so lacking relevant information about New York State's land policy, and made assumptions that would cause him severe embarrassments. Some of these embarrassments, such as those involving Good Peter's

¹² Good Peter at Philadelphia, April 24, 1792, TPP 60:132.

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Oneidas, only came to a head several years later;¹³ others erupted almost immediately. In August of 1791, Pickering would learn to his sorrow a lot about New York State law, a month too late to prevent him from “certifying” and “ratifying” two contracts which made sense to him as steps toward the promotion of “husbandry” but which happened to be illegal under New York State law.

One of these transactions involved two sisters, Mary and Chloe Allen, who were the daughters of a Geneseo Seneca woman and a white man named Ebenezer Allen. Allen wanted the Senecas to deed to his daughters a tract of land which they could call their own. Allen’s request had been discussed by the Senecas with British Colonel John Butler the previous year at Navy Hall, on the west side of the Niagara River. Butler had approved of this land transfer, and offered to keep the deed in his files. Later, on the advice of British superiors, Colonel Butler dissociated himself from the matter and told Allen that he must seek the approval of U.S. rather than British authorities.¹⁴ For this reason, Allen had made a special effort to come to Newtown to meet Pickering. In his journal, Pickering gave this account of what then took place:

During the treaty, Ebenezer Allan (named by the Indians Jen-uh-sheo, usually pronounced Geneseo) applied to the Seneka nation to confirm to his two daughters by a Seneka woman a tract of land six miles square....A day or two afterward, the Farmer’s Brother introduced the matter in full council of the Six Nations, spoke in approbation of the assignment and said that *Col. Butler* (of Niagara) *told them the deed ought to be ratified by the Commissioner of the U.*

¹³ See below, Chapter Ten.

¹⁴ State Historical Society of Wisconsin, Frontier Wars Series, Draper Collection, Series U, 23:193-96, Minutes of a meeting at Navy Hall, August 27, 1790.

States at this treaty.

When he had done speaking, I took the deed in my hand, and explained the extent of the grant, showed them that if I had been rightly informed....their deed was to convey to each of Allan's children five times as much land as would fall to the share of any other person in the Seneka nation....¹⁵ I asked if they loved Jen-uh-sheo's children so much better than their own....The whole council manifested their displeasure at the impositions which I had detected; and as soon as I had finished my observations the Farmer's Brother took the deed, and said he was glad he had got hold of it again as it was quite beside their intention....Little Billy (as I was informed) said their supposed good friend Col. Butler joined in the deception and was to have half of the land for his pains....Allan was greatly alarmed. Good God (said he to me) am I to be ruined?....Allan afterward persuaded the Chiefs to agree on an assignment of a tract of land four miles square....The deed was fully explained in council, and to give them an idea of the extent of the assignment I told them it would contain 32 such tracts as among white people were sufficient for 32 farmers and their families. "Very well (said Red Jacket) there are two of them." Having explained the deed, they said they understood and agreed to it. It was then executed by the Seneka chiefs, and I certified that it was done at a public treaty held under the authority of the United

¹⁵ Pickering based this assertion on a calculation contained in his files that "The Senekas have left about 3,500,000 acres. The number of souls in the Seneka nation estimated at 2500; by which divide all their land and the share of each individual will be 1400. Consequently, the proper share of Allan's two children would be 2800 acres. But a township of six miles square (which the deed mentions to be granted to them) contains 23,040 acres, or 11,520 acres to each child; that is, above eight times as much to each, as any other person in the nation would have left for his share. But if Mr. Phelps' purchase be included, then one in 2500 would be entitled to 800 acres more, estimating that purchase at 2,000,000 acres. This would make each share 2200 acres, two children's share 4400 acres, granted more than their share 18,640'23,040." (TPP 61:256.)

States.¹⁶

The second contract was a twenty-year lease to John Richardson of all but one mile of the Cayugas' one-hundred-square mile State-granted reservation. Pickering

explained the terms of the lease in full council of the Six nations, and then asking the Cayuga chiefs if they understood and agreed to this they answered in the affirmative, and the terms were conformable to the bargain they had made.

Pickering initially

¹⁶ TPP 60:112-112A.

doubted the right of the Cayuga nation to make any disposition of their land, except to the State. But by the information of Col. Paine, a judge of Tioga County, and others, it seemed that they had a right to lease them for a term not exceeding 21 years, and that Governor Clinton declared so much to them at the treaty last year at Fort Stanwix. Grounding my procedure on this information, and expressly referring to it, I gave a public ratification of the lease.¹⁷

Misinformed, Pickering had made yet another mistake that would cost him dearly.

Pickering's full report of the Newtown conference mentioned his approval of the Ebenezer Allen and Cayuga reservation contracts. But he said nothing about them in his first post-conference letter dated August 10th. It is therefore uncertain what first drew them to Washington's attention. Quite probably the President, who returned to Philadelphia on July 6, 1791, learned of them from Governor Clinton, whose State's law was violated by the Cayuga lease, or from Robert Morris, holder of the fee title preemption rights to the aboriginal Seneca lands illegally assigned to the Allen sisters.

The tenor of the protests that reached the President can be surmised from a letter to Pickering written by Major Abraham Hardenbergh. A New York State official resident in western New York State in regular touch with Governor Clinton, Hardenbergh berated Pickering for having "in full Treaty and by your approbation" ratified a lease of the Cayuga reservation to John Richardson, whom Hardenbergh labeled an "intruder" who had "acted in violation of the Constitution and Laws of the State." Any such lease, Hardenbergh informed Pickering, was a violation of New York State law, which had assigned the Cayuga reservation to the Cayugas "for their own use and Cultivation but not to be sold or in any other manner disposed of to others."¹⁸

¹⁷ TPP 60:112-112A.

¹⁸ TPP 61:257-58.

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Hardenbergh predicted dire consequences, including the possible expulsion and prosecution of Richardson, and dangerous resentment among the Cayugas. Hardenbergh's letter did not reach Pickering until August 17, and so was not itself the reason for Pickering's abject letter of apology and explanation, dated August 16. But between August 10 and August 16, Pickering was made to understand from some source that his approval of the Cayuga lease and the deed to the Allen sisters had been calamitous mistakes. Addressed to Knox, Pickering's August 16th letter didn't even attempt to defend the Cayuga deal. He had thought, he explained, that the lease was legal under New York State law. Since it wasn't, that ended the matter. Pickering did try to defend the attempted transfer of four square miles of Robert Morris's land to the Allen sisters as a transaction that though illegal deserved to be salvaged. Although Robert Morris had not come to Newtown, Pickering knew that Morris's plan to relegate the Senecas to small reservations of tilled land, freeing up the majority of their hunting grounds for Morris to develop, had only been postponed, and therefore assumed that measures compatible with Morris's long-range objectives would be applauded, especially if done with full Iroquois support. Pickering admitted knowing that "Messrs. Morris and Ogden, as the grantees of Massachusetts, had the right of preemption" but said he had "ratified" the transaction anyway because he thought it consonant with the federal program of promoting "husbandry"; and because "Mr. Allen declared that he would make to Messrs. Morris and Ogden a reasonable compensation for their preemption right to the lands assigned to his children."¹⁹ This much said, Pickering had to concede that this attempted transfer

¹⁹ ASPIA 1:170.

of land to Mary and Chloe Allen also could not stand.

After receiving Pickering's August 16th letter apologizing for approving the Cayuga lease but wanly defending the Allen transaction, Secretary Knox on August 17, 1791, drafted a letter of "disavowal" to Governor Clinton, which Knox first presented to President Washington for his approval, along with a strongly worded cover letter to Washington declaring

it is to be exceedingly regretted that his [Pickering's] desire to accord to the wishes of the Indians, led him to confirm a lease of certain lands belonging to the Cayuga Nation of Indians, to John Richardson. This measure was entirely unauthorized by his instructions, is contrary to the constitution and laws of New York, and to the constitution and laws of the United States. That the State of New York possesses the undoubted right of pre-emption to the lands of the Cayugas, and that this right embraces every possible modification of said lands, with the concurrence of the United States, whether by sale, lease or otherwise....That the effect of the confirmation to Allan's children is the same as that of the Cayuga lands, although it is presumed the right of pre-emption has been conveyed by the State of Massachusetts to an individual.²⁰

Washington approved Knox's plan to send a letter of "disavowal" to Governor Clinton along with Pickering's explanation. In the letter to Clinton reviewed by Washington, Knox stated

it appears, that the commissioner's desire to accomplish the objects of his commission in the greatest degree, has led him incautiously, at the earnest request of the Cayugas present, to ratify and confirm a certain lease of lands, belonging to the Cayuga nation of Indians, to John Richardson, and to certify that a certain assignment of the Seneca Indians, to the daughters of Ebenezer Allen, was done at a public treaty, held under the authority of the United States. No copies, however of either instrument, have been retained, or produced by the said commissioner. The right of the State of New York, to the pre-emption of the Cayuga lands, is unquestioned, and also, that the said right embraces all possible alienations of said lands by the Indians, with the concurrence of the United States, according to the constitution and laws.

²⁰ Twohig 8:433-34.

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Knox's references in these two letters to "the concurrence of the United States" have been frequently cited as evidence of federal determination to exercise close supervision over New York State tribal affairs. At this early date, with lines of state/federal authority in tribal affairs still unsettled, Knox seems rather to have been simply hedging his bets by vaguely covering all eventualities while also trying to satisfy New York's Governor in the immediate crisis.

"Therefore I do," Knox's letter to Clinton concluded,

by command of the President of the United States, hereby transmit to your Excellency an explicit disavowal of the conduct of the said commissioner, relative to the said lease of the Cayuga lands to John Richardson, and also of the certificate relative to the Senecas' assignment of lands, to the children of Ebenezer Allen; and I am further ordered to inform your Excellency, that the said acts of the said commissioner were unauthorized by his instructions, and will be considered as entirely null and void by the United States....Colonel Pickering, who is going to New York, will personally wait upon your Excellency, to give you any further explanations which you may request.²¹

Pickering did call on Governor Clinton, as recounted in a letter from Pickering to

President Washington dated August 27, 1791:

Whilst at New York, I waited on Governor Clinton. He had received General Knox's letter expressing on the part of the United States their disavowal of the public sanction given by me at the late Indian treaty to the assignment of land to the two Indian children of Ebenezer Allan; and to the lease made by the Cayuga chiefs to John Richardson of the tract of land called the Cayuga reservation. He had also received a second letter from General Knox enclosing a copy of my letter in which I gave a more particular account of the grounds and inducements upon which that public sanction was given, than I had rendered in my report. A copy of that letter he told me he would lay before you; for I felt a solicitude that you should be informed of the facts therein detailed.

Governor Clinton showed no symptoms of dissatisfaction with the steps I had taken relative to the Cayuga lease. I observed to him that perhaps the terms I had used in my report and letter might have led to some misapprehension of the force or effect of the public sanctions given to the conveyances beforementioned that they amounted to more than thisCcertificates by the Commissioner of the United

²¹ ASPIA1:169.

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States that at a public treaty held under their authority those conveyances had been executed by the chiefs of the Seneca and Cayuga nations respectively; and that such certificates could neither add to nor diminish the validity of the title proposed to be conveyed by the deeds themselves, like the acknowledgments of deeds ordinary in ordinary cases before certain magistrates which are required by the statutes of several states, but which in no way affect the title of the land expressed to be conveyed; to the justness of which ideas he readily assented.²²

An embattled Pickering had here relinquished any pretension to be a plenipotentiary federal treaty commissioner and retreated into his identity as prothonotary of Luzerne County, Pennsylvania!

On August 29, at the President's direction, President Washington's personal secretary Tobias Lear acknowledged receipt of Pickering's letter but made no reference to Pickering's report of his conversation with Governor Clinton. Washington had evidently read Pickering's account of what he said to Clinton, and chosen not to comment further.

In addition to the matters he mentioned to the President, Pickering also discussed with Governor Clinton the extent and rationale of New York's claim of jurisdiction over tribes. Direct from Clinton, Pickering heard that New York State considered the legal status of each of the "Six Nations" distinctive, and that dealing with tribal groups one by one was the only safe course. In a journal entry dated August, 1791, Pickering noted that "Conversing with Governor Clinton, he said that in his negotiations with the Six Nations, it had always been his practice to treat with them *separately*, and to avoid everything which would encourage their union: or words to that

²² TPP 6:32. Twohig 8:458-60.

effect.”²³ Only this approach, Clinton believed, could protect each tribe’s interest, and snuff out dangerous dreams of reviving the “Six Nations” Confederacy on U.S. soil but under British influence. As a result of this face-to-face discussion, Pickering probably understood New York State’s stance toward the “Six Nations” better than all others in the federal administration, with the possible exception of Alexander Hamilton. But since Pickering disliked the State’s stance, he apparently made no attempt to explain it to Knox, Jefferson or Washington.

Months earlier, on April 27, New York Governor Clinton had warned Secretary Knox that a federally-convened, federally-subsidized gathering of all the widely scattered elements of the erstwhile “Six Nations” Confederacy would strengthen forces which the United States could not then control. And so it proved. In a post-conference letter to Knox, Pickering argued unconvincingly that

On their first meeting it did appear to give pleasure to the chiefs of the different nations; and I heard some transient reports that they contemplated a reunion; or rather *to draw more tight the bands which already held them together*: but I believe nothing was accomplished; and that the friendship among the different nations is no stronger than it was before their late meeting.²⁴

Pickering’s comments notwithstanding, the Newtown conference undoubtedly helped resuscitate the Confederacy, just as Clinton had feared. While Secretary Knox had spoken of the goal of the conference as “brightening the chain of friendship” between the “Six Nations” and

²³ TPP 61:159. See also 61:158, an undated memorandum containing detailed information about New York’s legal and financial dealings from 1785 through 1790 with the Oneidas, Onondagas and Cayugas, quite possibly written after this August, 1791, meeting with Clinton.

²⁴ TPP 60:114-117.

the United States, the chain actually brightened was that holding together the “Six Nations.”

The “Five Nations” at Philadelphia, 1792.

In the wake of the Newtown conference, Washington seems to have indicated to Knox that, because of the danger of further antagonizing New York’s politically powerful Governor Clinton, Pickering ought not to be involved in future dealings with the Iroquois. Washington did agree that Pickering should have a regular federal job, as U.S. Postmaster General, beginning August 12, 1791. But Pickering found himself distanced from the next episode in U.S.-Iroquois relations, even though he had set it in motion.

At Newtown, Pickering had publicly proposed a

consultation of their principal chiefs with the President and Great Council of the U. States. And for this purpose I recommended to them to agree on four, five or six chiefs (but by no means exceeding six) of their most able and prudent chiefs who should go to Philadelphia, after the next corn harvest, when the Great Council of the U. States were to assemble.²⁵

Pickering followed this up by urging the desirability of issuing such an invitation in his August 10th letter to Knox. “I think a visit of the principal chiefs to the President and Congress will have a very beneficial effect,” Pickering contended.

I have no doubt that they have often heard the United States vilified by the British, and represented as poor, mean and contemptible. The dignity of the President and the splendor of his house, the number of attendants, the magnificence of entertainments (should they be invited to any), the profusion of good things which will be visible there and at the houses of the principal officers of state, cannot fail to strike them with surprise, and to excite their reverence and respect.²⁶

No invitation was issued however, as Knox and Washington became preoccupied instead

²⁵ TPP 60:111A.

²⁶ TPP 60:114-17.

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with placating Governor Clinton. But in December Pickering revived the idea, arguing that a visit to Philadelphia by Iroquois chiefs would provide a counterweight to the bad impression caused by the U.S. Army's November defeat by midwestern tribal forces led by Little Turtle. In this new context of military embarrassment, Knox and Washington agreed to allow Pickering to issue the invitation he had promised in July would be forthcoming in the fall. In December of 1791, letters from Knox and Pickering sent with the President's approval invited the Oneidas' missionary, the Reverend Samuel Kirkland, to escort a small number of Iroquois chiefs to Philadelphia. Kirkland was even requested to bring them by way of Wilkes-Barre, where they could be greeted by Mrs. Pickering and Tim, Jr. Kirkland complied, and the delegation was welcomed to Wilkes-Barre by Mrs. Pickering and Tim, Jr. on March 5, 1792. Although Pickering had set the upward limit to be invited at six, the delegation actually numbered around fifty, with Oneidas predominating. Among these were Good Peter and the young French-speaking protege of the Marquis de Lafayette, Peter Otsiquette, who tragically died of pleurisy almost immediately after arriving in Philadelphia.²⁷ Others accompanying Reverend Kirkland included the Caghnawagha Colonel Louis Atayataghronghtha, the New Stockbridge Mahican Captain Hendrick Aupaumut and the Buffalo Creek Seneca leader Red Jacket.

The Iroquois delegation reached Philadelphia on March 14. Their private reunion

²⁷ Upham 3:29-30, 33

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with Pickering was “cordial and agreeable.”²⁸ But to Pickering’s astonishment Knox then ignored him, and Pickering was left cooling his heels at the Post Office while Knox prepared to negotiate with the Iroquois chiefs about political conditions in the midwest rather than “husbandry” in New York State. Apparently not suspecting that his exclusion might have been on orders from Washington himself, Pickering on March 21 wrote the President to complain about Knox’s inexplicable behavior. “Sir,” he began portentously,

The manner in which I have been employed to effect the present visit of the chiefs of the Five Nations renders me peculiarly interested that the negotiation with them should conform with the direct object of the invitation. This object is indelibly impressed in my mind; it having been the main argument offered by me to convince them of the real friendship of the United States. I feel interested in its accomplishment, *because it involves the good faith of the United States*. For, agreeably to my instructions, I informed them how desirous you were that the Indians should have imparted to them the blessings of husbandry and the arts, and I repeated to them your words that the United States will be true and faithful to their engagements.”

Pickering had come a long way since September of 1790, when he had been desperate to attract the President’s favor. Now he considered himself indispensable to the proper conduct of U.S.-Iroquois relations, and confidently equated the credibility of the United States with his own.

Having assured them [Pickering continued] of the assistance of the United States to introduce among them the knowledge of husbandry, and a few other important arts connected with it, I invited a small number of the principal chiefs to come to Philadelphia, after the last corn harvest, to negotiate the plan for their introduction. The visit, too, independently of its principal object, might make useful impressions. They delayed coming. The destructive defeat of our army took place. This sad event might *prevent* their coming. Good policy dictated a fresh invitation; and, that it might not seem to flow from fear or discouragement, I thought the renewal of the invitation should appear to proceed wholly from me. The idea was liked by General Knox. I wrote a message to be sent by Mr. Kirkland, and, as I recollect, the General informed me that it was approved by

²⁸ Upham 3:31.

you.

Pickering maintained that not only had the Philadelphia visit been his idea, but it was now inextricably associated in Iroquois eyes with himself. “In the message,” Pickering observed,

I reminded them of my former invitation to come to the *great Council Fire of the United States*, in order to fix the time and manner of introducing among them the knowledge of farming, of smith’s and carpenter’s work, of spinning and weaving, and of reading and writing,---these being the arts I had before expressly mentioned.

I added, “that I was impatient for their arrival, that they might receive strong proofs that the words I spoke to them were true; that they came from my heart; and that the United States are faithful to their engagements.”

The invitation was confined to *this single object*. Permit me, therefore, to express my opinion; that, until the entire arrangement relative to it be formed to their full satisfaction, no other object should be brought into view. But this being adjusted, with such strong proofs before them of the candor, the truth, the justice, and the liberality of the United States, they will be convinced that we are *really their friends*, and thus they may be led to entertain a belief that we are heartily disposed to be *the friends* of the *other tribes*, now in arms against us; and, impressed with this belief, they may listen to overtures to become mediators between us. But if the latter be proposed in the first instance, the natural order of things will be reversed, and, I fear, every object of their visit defeated.

If the Secretary of War had asked me a single question on the subject, I should freely have suggested to him these ideas. This evening I chanced to hear that he (doubtless not adverting to the terms of the invitation) is preparing a speech, to be delivered tomorrow, in which the disposition of the Five Nations to become mediators is to be sounded. I have, therefore, thought it *my duty*, without loss of time, to submit them to your consideration. I have no desire to appear in the matter, having nothing in view but to prevent a *serious mischief*.

There is an additional reason for this caution here suggested, which I beg leave to mention.

Last Thursday, when the Indians gave me their formal answers to my invitation, they stated many causes of their delay. Among other things they told me that Brant had been the means of detaining them. Brant (said they), who knows as much as white people know, told us that the real design of the invitation was not on the paper---but behind it! That is, the *avowed object* of the invitation was merely *ostensible*; while the real object was *kept out of sight*.

There is another reason which I ought not to conceal. Indians have been so often deceived by white people, that *white man* is, among many of them, but another name for *liar*. Really, Sir, I am unwilling to be subjected to this infamy. I confess I am not indifferent to a good name, even among Indians. Besides they

viewed, and expressly considered *me* as *your representative*, and my promises, as the promises of “The Town Destroyer.” Sir, for your honor, and the honor and interests of the United States, I wish them to *know* that *there are some white men who are incapable of deceiving*.

I acknowledge, Sir, that my feelings have been excited; and, if I have expressed myself in a style unusual in addressing you, I trust you will ascribe it to the true cause---the interesting situation in which I stand.²⁹

Washington found himself obliged to choose between an agitated Pickering and easy-going, collegial Henry Knox. The upshot was confided by Pickering to his wife the following day. “Today,” he wrote,

I was requested by General Knox to join him in conducting the negotiations with the Indians....How it happened, it would take too long particularly to explain by letter. I did not seek it. I did not desire it. It will give me not a little labor and trouble. But things were going into an improper train. This, from a *sense of duty*, I communicated in a pointed letter to the President; this morning the letter was sent to the Secretary at War, and the request above mentioned soon followed. I yielded to the request because I felt my own character, as well as the public welfare, involved in the business to be negotiated. I had made certain promises (in behalf of the United States) to the Indians, and I was anxious to see them fulfilled. I now hope that a fair experiment to civilize them will be made.³⁰

Pickering’s thinking about the Iroquois had by now evolved well beyond that of Knox and Washington. One signal of Pickering’s new approach was his use in his March 21, 1792, letter to the President of the term “Five Nations.” Knox’s December 20, 1791, letter to Reverend Kirkland had employed the earlier formula:

At a conference held by Colonel Pickering with the Senecas, and all the other Six Nations (excepting the Mohawks) at the Painted Post, in the month of June last, it was agreed that certain chiefs should repair to Philadelphia, during the time of Congress being in session, in order to carry into execution certain principles, tending to the civilization of the said Indians.³¹

²⁹ Upham 3:31-33.

³⁰ Upham 3:33-34.

³¹ ASPIA 1:226.

With or without the Mohawks, and whether or not conceptualized as essentially “Senecas and others,” the Iroquois Confederacy as of December, 1791, was still ordinarily referred to as the “Six Nations.”

Pickering’s alternative construct---the “Five Nations”---utilized the Iroquois Confederacy’s ancient, original name. Only in the early eighteenth century had the “Five Nations” become “Six” with the adoption of the Tuscaroras, newly arrived from the south. Pickering proposed that the Iroquois Confederacy become again “Five Nations” by expelling the Mohawks, now resident in British Canada. Concurrently, the Stockbridge Mahicans now living in ancestral Oneida territory would be newly included, though not as a full-fledged sixth nation. This redefined U.S.-only “Five Nation” Confederacy resident in New York State would be a reliable U.S. ally insulated from British influence and a helpful mediator in U.S. dealings with British-dominated tribes farther west.

A Stipulation and a Federal Agent for the “Five Nations.”

Pickering’s concept was formally written into federal law by a Stipulation proclaimed by President Washington on April 23, 1792. Approved by the Senate, and for practical purposes a U.S. treaty, this Stipulation stated that

The President of the United States, by Henry Knox, Secretary for the Department of War, stipulates, in behalf of the United States, the following article, with the Five Nations of Indians, so called, being the Senecas, Oneidas, and the Stockbridge Indians, incorporated with them, the Tuscaroras, Cayugas and Onondagas, to wit: the United States, in order to promote the happiness of the Five Nations of Indians, will cause to be expended, annually, the amount of one thousand five hundred dollars, in purchasing for them clothing, domestic animals, and implements of husbandry, and for encouraging useful artificers to reside in

their villages.

Use of a unilateral U.S. Stipulation reflected the fact that this renaming and redefining of who belonged to their Confederacy was not approved by the Iroquois Confederacy, who never formally recognized the Mahicans of New Stockbridge as part of the Confederacy, continued to use the name “Six Nations” for themselves, and to maintain contact with Captain Brant’s Mohawks and other Iroquois resident in British Canada.

While in Philadelphia, Red Jacket, the leading proponent of the “Six Nations” as a force independent of both the United States and British Canada, once again challenged federal officials. Boldly manipulating the traditional Iroquois technique of recapitulating the main points of speeches made by earlier speakers, Red Jacket congratulated President Washington for having supposedly assured them that “we were freemen, the sole proprietors of the soil on which we live. This is the source of the joy which we feel. How can two brothers speak freely together, unless they feel that they are upon equal ground?”³² Washington had said nothing resembling what Red Jacket claimed he had said, which would have meant recognizing that the Senecas rather than Robert Morris held fee title to Seneca-occupied land. But Washington was not present (the address referred to having been made a week earlier) and Pickering, who was present, this time avoided tangling with Red Jacket.

On April 23, the same day that President Washington proclaimed the Stipulation of a fifteen hundred dollar annual grant to support “husbandry” in the “Five Nations,” a deputy temporary resident federal agent was appointed for the “Five Nations---the Stockbridge Indians included.” Israel Chapin, formerly a General of the Massachusetts Militia, who had moved to

Canandaigua and become active in trade with the Senecas, seems to have been a consensus choice, acceptable to the Iroquois chiefs visiting Philadelphia and (perhaps to a somewhat lesser degree) to federal officials. Outlining what would be expected of him, Secretary Knox sternly instructed Chapin that, “You will clearly understand, that the United States have, under the Constitution, the sole regulation of Indian affairs, in all matters whatsoever. You will, therefore, receive no orders but from me, in the name of the President, and from the superintendent” i.e., from Governor St. Clair of the federal Northwest Territory, ex officio superintendent of tribes north of the Ohio River. Apparently worried that Chapin might be susceptible to local New York pressures, Knox emphasized that Chapin must never take orders from anyone other than President Washington, federal Governor St. Clair, or himself.³³

How the Philadelphia negotiations proceeded, and Pickering’s estimate of his role in them, figured in a May 8 letter Pickering wrote to Alexander Hamilton. “Dear Sir,” the letter began,

The Indians of the Five Nations, who lately visited Philadelphia, received their invitation from me, in the manner described in the enclosed copy of a letter to the President. Mr. Kirkland, the bearer of my message, received his instructions from the Secretary of War, to whom he, from time to time, transmitted information of his proceedings. Of this I was ignorant until after the arrival of the Indians, when Mr. Kirkland referred to them, as matters well known to me, but of which not a syllable had been communicated to me; nor did I know they were coming till they had arrived at Nazareth. This I heard from a Moravian of that place. The same day, as I was passing up Chestnut Street, the Secretary of War crossed over and told me the Indians were at Bethlehem, and said, “I believe I must get you to

³² Buffalo and Erie County Historical Society, *Indians (Ogden Treaty)* B00-2.

³³ ASPIA 1:232

negotiate with them. Do think of it.” I heard no more of them until one of his clerks came and told me they were arrived, and that the Secretary of War wished me to see them immediately. I walked up to bid them welcome. The next day, March 15th, they delivered their formal speeches in answer to my invitation....

I heard no more from the Secretary of War on the business of negotiation, until the 22nd of March, the morning after I had sent the letter, before-mentioned, to the President, when a clerk from the War-office came with the compliments of the Secretary, who desired to see me. From the style of my letter, and an explicit declaration, that *I did not wish to appear in the matter*, I thought the President would have put my letter in his pocket, though I did expect it would occasion a material alteration in the intended speech. But when I arrived, I found my letter on the Secretary’s table. He took it up, and said *my sentiments were very just*. He then showed me the speech, with the most exceptionable parts crossed out; and, after some other alterations had been proposed and agreed to, and he had got to the close of the speech, he asked me if I would permit him to introduce my name with his own, that I might assist in the negotiations with the Indians. I consented; and expressed my reason: that, having suggested to the Indians ideas of civilization, I felt a solicitude to see a plan formed for the purpose, and a fair experiment made to carry it into effect; and that I would, therefore, give what assistance I could. You heard the speech in which the President named me, with the Secretary of War, as the persons with whom the Indians were to negotiate. I suppose it is well known that almost the whole burthen of the business has fallen upon me; and really it has been very burthensome....

You see the conclusion; am I entitled to any compensation? I have not said a word about it to the Secretary of War, and he also has been silent. Yet he knows that he did not negotiate with the Creeks for *nothing*, although the business pertained to his department.

More than one reason will occur why I give *you* the trouble of this communication....I think you know I am not mercenary nor extravagant. If it should be thought proper not to make any allowance, I shall acquiesce.³⁴

What favors had he done Hamilton that Pickering now hoped would be reciprocated? Could these favors have involved Robert Morris?

The period from January, 1791, to May, 1792, was a time of enormous growth in self-confidence for Pickering. Deemed worthy to be recruited for their emerging High Federalist faction by Alexander Hamilton and Henry Knox, he had also been mentored by them and learned

³⁴ Upham 3:35-37.

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that, up to a point, Washington could be worked around. An iconic President deeply concerned about setting a good example for the new nation, Washington characteristically selected competent, independent-minded subordinates and gave them fairly free rein. Nor did Washington fire people readily. Ironically, Pickering learned this lesson from Knox so well in the spring of 1791 that by the spring of 1792 he was trying it out on Knox!

Pickering had also found a cause in which he believed. Pickering's January, 1791, proposals to convert the Iroquois to "husbandry" had been tentative at best, because his Iroquois acquaintances were limited to the hunting-oriented Senecas. Then Pickering became acquainted with the Oneidas, who seemed to exemplify a model that the federal government could commend to the Senecas. The U.S.-allied "Five Nations" conceptualized by Pickering was to be an entity within which the Senecas would learn to emulate the Oneidas, and which would then prove helpful to U.S. tribal initiatives in the midwest.

President Washington knew that Pickering's thinking was at odds with New York Governor Clinton's determination to deal with the Oneidas, Onondagas and Cayugas as subject to New York's ordinary State jurisdiction, and for half a year tried to confine Pickering to postal duties. But Pickering exploded and the President yielded, setting the stage for a second, more serious collision between Clinton and Pickering that would come to a head in 1795.