

## II

### Realization: New York State, 1785-1820

#### Joining Forces with the Mahicans of Stockbridge, Massachusetts.

When it became clear that the Oneida Country was no longer safe from British raids targeting rebel sympathizers, the advance party of emigrants from southern New England's tribal settlements had retreated not to those settlements but to Stockbridge, Massachusetts, because this was closer to their intended new home in the Oneida Country---and currently the home of a remarkable tribal community that already exemplified several characteristics of the community Samson Occom hoped his followers could soon establish. The Mahicans of Stockbridge were far more numerous than any one tribal settlement of southern New England, they were predominantly Christian, and had been for several decades governing themselves on the model of a New England town. The Stockbridge Mahicans had moreover become such a community through gradual cultural transformation, of the sort that Sir William Johnson had advocated for the Oneidas and their "Six Nations" allies. The Stockbridge Mahicans were thus an admirable role model for both Reverend Occom and Sir William. This was the result of unique circumstances, but circumstances which could in theory be replicated now that their positive results were evident.

Prior to the arrival of a Dutch expedition headed by Henry Hudson in 1609, Mahicans had lived for centuries along *their* river, now known as *Hudson's* River. Initially the Mahicans profited by serving as brokers in the fur trade between the Dutch and interior tribes, notably the

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Mohawks who controlled what is still called the Mohawk River. Mohawk resentment of Mahican middlemen led to the Mahican-Mohawk war of 1624-28, in which the Mahicans were decisively defeated. The Dutch obligingly dealt with the victorious Mohawks and the Mahicans were forced to flee. Some fled southwest, some northward toward the Saint Lawrence River to seek French protection--and some east into Massachusetts' Housatonic River Valley. These latter groups were gathered together in the 1730s at Stockbridge when Massachusetts Governor Jonathan Belcher proposed consolidating several Mahican settlements. The tract chosen by Belcher was occupied by Dutch families who were required to remove, much against their will. The Mahicans' various scattered Massachusetts territories were thereby made available for English settlement, and only the rival Dutch were discommoded.

In 1736, the Reverend John Sergeant, formerly a tutor at Yale College, was chosen by Massachusetts authorities to be missionary to the Mahicans at Stockbridge. Sergeant and his tribal congregation had quite distinct values and aspirations, but these proved surprisingly compatible. Voluntary conversion was Sergeant's watchword, and the Mahicans responded positively. A century earlier, New England tribal converts had been compelled to adopt English hair styles and clothing along with their new religion. In eighteenth century Stockbridge, the Mahicans felt free to choose "their own mode of dress, the design being to teach them the truths of the Gospel, rather than the fashions of this or that country." Mahican "women retained the full sack, as it would now be called, and the broadcloth shirt, trimmed with strips of scarlet or other colors...[or] ribbons of various hues, making a border a foot in depth."<sup>1</sup>

Reverend Sergeant adopted a similarly positive approach to Mahican practices and

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festivals, when not accompanied by the imbibing of alcohol. In 1737 before his marriage, Sergeant even spent six weeks roughing it with the tribe at their maple sugar camp, where they produced sugar partly for their own use, partly for sale to whites. “The snow was now about a foot and a half deep in those woods,” and missionary and Mahicans alike slept on “deerskin with the hair on, spread upon some spruce boughs.”<sup>2</sup>

Over the course of several decades, hundreds of Mahicans gradually adjusted to Christianity, a patrilineal nuclear family structure, frame houses, plow agriculture and Massachusetts-style town government. Mahican women had for centuries been horticulturists, and even before moving to Massachusetts, Mahican men had become somewhat familiar with European farming methods as seasonal farmhands for the Dutch. Meanwhile, winter hunts helped maintain Mahican contacts throughout the tribal world to the west. British military service also afforded opportunities to carry on tribal traditions--while advancing British imperial goals. Though under British officers, Stockbridge Mahicans fought as a tribal unit in the Seven Years War against France. In the Revolutionary War, the Mahicans again served as a separate force, this time within patriot ranks, fighting alongside Massachusetts militiamen but in their “own Indian way.”<sup>3</sup>

The uniforms of these Mahican patriot warriors consisted of

deerskin moccasins, coarse linen trousers, and long tunic-like shirts worn outside and reaching almost to the knees. A cinch round the waist held a tomahawk and one or more leather pouches containing probably powder, shot, or dried food. A broad-brimmed hat of

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1 Electa Jones, *Stockbridge, Past and Present*, Springfield, 1854, 24.

2 Samuel Hopkins, *Historical Memoirs Relating to the Housatonic Indians*, Boston: S. Kneeland, 1753 (Reprinted New York: William Abbatt, 1911), 62-63.

3 Patrick Frazier, *The Mohicans of Stockbridge*, Lincoln: University of Nebraska Press, 1992, 197.

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woven basswood bark with a ribboned hatband covered a shaved head with only the silver-dollar-sized scalplock remaining. A bow and quiver of about twenty arrows hung over one shoulder, and a musket was cradled in the other arm.<sup>4</sup>

Relations between Mahican warriors and other Revolutionaries were not always cordial.

Revolutionary General John Sullivan, who commanded the 1779 invasion of pro-British Iroquois territory, felt compelled to issue an order that

Nothing can be more ungenerous than to ridicule those who have come voluntarily to venture their lives in our aid;...All the warriors of the Oneidas, Tuscaroras and Stockbridge Indians are about to join us....The person, therefore, who after this notice gives the least discouragement to these people, must in malice to his country far exceed the most inveterate Tory, and must expect to be treated accordingly.<sup>5</sup>

Stockbridge and Oneida warriors fighting together for the Revolution against the British and their tribal allies formed new bonds of intertribal sympathy---and a new sense of common interest vis-à-vis the victorious (and not always charitable) white Revolutionaries.

In the years preceding the Revolution, the Town of Stockbridge had elected Mahicans to be selectman, constable, surveyor of highways and assessor for whites and Mahicans alike.<sup>6</sup> But whites arriving in the 1770s increasingly desired a “normal” Massachusetts town. For their part, the Mahicans during the Revolutionary War had assimilated several hundred tribal refugees. Some, including Occom’s followers, were less traditionally tribal than the Stockbridge Mahicans, but most were less familiar with white ways. Thus, while both the white and the tribal populations of Stockbridge grew during the Revolutionary War, they also grew apart, finally reaching a point where each group preferred to be entirely independent of the other. As of September, 1783, “there were just under a thousand whites and forty blacks in Stockbridge” and

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4 Frazier 219-21.

5 Frazier 228.

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the Mahicans, who numbered less than half of that, could never expect to regain majority control of their home town.<sup>7</sup>

In accepting a land grant at Stockbridge from Massachusetts, the Mahicans had been required to renounce claims to other lands in Massachusetts, but had never abandoned their claim to lands bordering Hudson's River, which in their minds was still the Mahican River. On February 8, 1782, even before emigrating to the Oneida Country, the Stockbridge Mahicans had petitioned the New York Legislature for recognition of their claim to be aboriginal proprietors "from Hudsons River, Wood Creek and Lake Champlain, to the mouth of Otter Creek on the north eastward."<sup>8</sup> Now that the British had been driven off, this old land claim seemed worth renewing, since Mahican service in the cause of Revolution appeared likely to impress the region's new ultimate arbiter, New York State.

### Settling in the Oneida Country.

When Occom's emissaries returned to the Oneida country in 1783, representatives of the Stockbridge Mahicans accompanied them. Just as had been done with the "New England Indians" in 1774, the Stockbridge Mahicans were "adopted" as a "younger brother" by the Oneidas.<sup>9</sup> The main Stockbridge emigration occurred in 1784. James Madison and the Marquis de Lafayette (in the area to attend the Continental Congress Treaty at Fort Stanwix) were among

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6 Jones 75-76.

7 Frazier 238.

8 Frazier 235. This land was also claimed by the "Seven Nations of Canada." See Charles J. Kappler, *Indian Affairs, Laws and Treaties*, Washington: Government Printing Office, 1904, 2:45-46.

9 Franklin B. Hough, ed., *Proceedings of the Commissioners Appointed by Law for the*

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those watching as one group of Mahicans arrived in Oneida territory that fall. “The women carried almost all the baggage on their backs, in large baskets,” reported Lafayette’s traveling companion, the Marquis de Barbe-Marbois. “The basket is supported by a band around the... forehead.”

Although these Mahicans were much *more* traditionally tribal than Occom’s “New England Indians,” they were also much *less* traditionally tribal than the Oneidas. Barbe-Marbois described the appearance of Oneida men as follows:

A warrior wears a crest of braided feathers in his hair; his face is painted with horizontal bands about an inch wide. Each band is of a different color, white, red, black, blue, green, yellow, according to their fancy. They put long red or black feathers through holes which they make in their nostrils, a ring or pendants of lead or silver hang down before their mouths. They fasten bells to their arms or their feet; they wrap the body with a piece of red or black cloth; they carry a bow and arrow, and a club, and they have a gun when they are actually fighting or hunting. They have bare thighs, and legs covered with cloth gaiters or animal skins. The leather strip over their shoulders from which a tomahawk hangs, their belt which has a dagger in it, and their traveling pouches, are embroidered....They have their hair painted red, and their ears pierced...falling almost to their shoulders---they hang leaden rings in them to stretch them more.<sup>10</sup>

Reverend Occom, whose New England followers wore clothes indistinguishable from those of whites, shared the Frenchman’s fascination with Oneida adornments. At a 1786 religious service he presided over, Occom recounted,

many of the Stockbridgers were there and four young Onoyda men...drest compleat in Indian way. They shined with Silver, they had large Clasps about their arms, one had two Jewels in his Nose, and had a large Silver half moon on his Breast; and Bells about their Legs, and their heads were powdered up quite stiff with red paint, and one of them was white as any white man and gray eyes, his appearance made me think of the old Britains in their Heathenism.<sup>11</sup>

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*Extinguishment of Indian Titles in the State of New York*, Albany: Joel Munsell, 1861, 93.

10 Francois, Marquis de Barbe-Marbois, *Our Revolutionary Forefathers*, New York: Duffield, 1929, 194-97.

11 Love 256.

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Occom's amazement and European frame of reference are as revealing as the specifics of dress he details. He identified intellectually with the Oneidas, but in practical terms was far apart. Notwithstanding his periodic forays into the Oneida Country, Occom's life had been spent almost exclusively on the Euro-American side of the cultural frontier, and when he moved to the Oneida Country he envisioned himself penetrating an Old Testament-style wilderness.

Brothertown, New Stockbridge and the several Oneida villages were thus quite disparate. Brothertown was a newly established Christian town to which members of various New England tribes came, but where they were expected to put their past tribal loyalties behind them and live peaceably like white farmers, thereby exemplifying a model for the Oneidas to follow. New Stockbridge was home to an evolving tribal community that would have preferred living along the erstwhile Mahican River. The War-ravaged Oneidas missed the old days of "Six Nations" ascendancy and kept wondering if these couldn't be restored.

Such dissimilarities might seem to make cooperation unimaginable. Yet at the outset this diversified alliance had much promise. The three communities shared common concerns and historical experiences. They also possessed complementary strengths. The Oneidas had claims to six million acres of land. But many Oneidas as well as many of the Tuscaroras living on Oneida land had died or sided with the British, and all four of the other "Six Nations" had sided with the British. Whether or not the "Six Nations" had a post-Revolutionary War future was uncertain. In these circumstances, new tribal recruits were welcome; New Stockbridge was for example established on the site of an abandoned Tuscarora village. New York State would think twice before trying to intimidate a sizeable coalition of pro-Revolutionary tribes and tribally-

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descended groups. The New Stockbridge and Brothertown communities were moreover both well-led, with skills, experience and knowledge that the Oneidas could draw on.

The early promise of this three-member inter-community coalition was on display in June, 1785 during negotiations with New York Governor George Clinton at Fort Herkimer. Accompanying the Oneidas and Tuscaroras were “ the Mohegans [Mahicans] or Stock Bridge, Rhode Island, and Long Island Tribes, residing in the Neighbourhood of Oneida.”<sup>12</sup> During the negotiations, Oneida spokesman Peter the Minister said,

Brothers! We wish to say something to You respecting the Stockbridge Indians, who are our younger Brethren and as such they are dear to Us. They have Claims to the Eastward, altho' their Lands are all gone, and they know not how.

Brother the Governor! We ask your Assistance respecting their Lands; there are thirteen Governors and they have now every Reason to suppose they will obtain Redress, and hope that the Governor will see that Justice is done to these our younger Brethren; and it is unjust that one Brother should take the Property of another. For these Reasons We address the Governor with this Belt and hope that We will receive every Assistance in Order that these our younger Brethren may receive Satisfaction for their Lands.

The Oneidas said nothing more specific, and may not have known more precisely what the Mahican claim was. But the presence of New Stockbridge and Brothertown representatives at Fort Herkimer added gravity to the Oneida delegation, and the Oneidas graciously reciprocated by supporting the Mahican claim.

Governor Clinton replied,

Brothers! With Respect to the Business of the Stockbridge Indians recommended by You to our Consideration, It is not new to Us; long after that Part of the Country, which they inhabited and which lies within our State was settled and improved by our White People, These Indians claimed Part of it, alleging that they [had] not sold or been paid for the whole. This brought on Enquiries under our former Government, but We cannot learn that they were able to support any of their Claims. Since the late War our Brethren the Stockbridge Indians again applied to Us, in Consequence of which (We being desirous to

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<sup>12</sup> Hough 85.

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do them the most perfect Justice) their Claims were very fully inquired into, when it appeared that every Part of the Country formerly possessed by them and lying within this State had been purchased and paid for by our White People; and some of it, to avoid Dispute with them, a second and even a third Time. And farther, that some of these Lands, to which they now lay claim, were formerly relinquished by their Ancestors in a public and open Treaty in the Presence of the Mohawk Nation; at which Treaty they also acknowledged that they had no Titles to any Lands within this State on the East Side of Hudson's River. It is unfortunate that your younger Brethren have so soon forgot what their Ancestors have done, and that they are so easily led astray, by the Stories of some designing White People, who profess to be their Friends only with a View to serve their own private Interest.<sup>13</sup>

### **Brothertown, New Stockbridge and the Oneidas Part Ways and Accept New York State Jurisdiction, 1788-1791.**

Sadly, the collaboration prominent at Fort Herkimer in 1785 was soon replaced by bickering. Each of these communities was ambitious to lead the others, but each preferred a different direction. By 1788, younger brother status no longer satisfied leaders in Brothertown and New Stockbridge, and the Oneidas for their part disliked the presumptuous way these younger brothers comported themselves. An end to their legal interdependence was therefore requested during negotiations in September of 1788 at Fort Schuyler (formerly and subsequently known as Fort Stanwix). On behalf of the Oneidas, U.S. Colonel Louis Atayataghronghtha informed Governor Clinton,

I must insist upon your considering well the Proposals we shall make, so that we come to a fixed Agreement, and there be no Altercation or further Dispute upon the Subject. There are three Brothers of ours that must be established in their Settlements by you. The Tuscaroras in theirs, and the Stockbridge Indians in theirs. The third Brother, who lives beyond the Stockbridge Indians (alluding to the New England or Brotherton Indians), is like the White People; he has long Arms: we gave him a large Piece of Land, and he was not contented with it. We contracted it, and he was not contented yet, and we then cut it

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13 Hough 93, 99.

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off shorter and left him sufficient still. He has now a Tract of three Miles by two. This let him enjoy, and secure it to him forever. We have Nothing further to do with him.

Brother! We never had any Part of the Land that Nation possessed, not so much as one spoonful, so that we are under no Obligation to them. What we do for them is an unmerited Favor.

Brother! I have said that we are of a generous Mind. We are disposed to do right; we are the Proprietors of our own Land. We shall depend upon having our Agreement reduced to Writing, and that it may be established forever, for we mean to settle Matters now once for all.

Brother! There is one thing we have omitted; we have marked the Lines of the Land we have given to our Brothers the Brothertown Indians, which we wish secured to them forever; and we now insist upon it that the old Writing which we gave them be delivered up at this Council, before we part.<sup>14</sup>

The “old Writing” referred to by Colonel Atayataghronghtha was probably the October 4, 1774, Oneida “gift” of a twelve by thirteen mile tract, recorded by Colonel Guy Johnson, and of which Brothertown’s literate leaders would certainly have retained a copy. Colonel Atayataghronghtha’s allusion to reductions in the size of the Brothertown tract, and his claim that the current small tract was “sufficient still” reflected the fact that the post-Revolutionary emigration to Brothertown had not been of the scale anticipated in 1774.

The Oneidas had requested a parting of the ways. The tribal adoption process which had resulted in the October 4, 1774 document was to be terminated. Instead of an intercommunity relationship, each group was henceforth to have a direct relationship with New York State. Brothertown and New Stockbridge would be “established in their Settlements by you”---i.e., by New York State. At this time, the Oneidas considered themselves to be still “the Proprietors of our own Land” and therefore still able to exercise authority over Brothertown and New Stockbridge. The Oneidas wanted this situation changed, and requested that New York State now take full responsibility for Brothertown and New Stockbridge. The Oneidas would

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relinquish their land claims over Brothertown and New Stockbridge to New York State, so that New York State could make a direct State grant to these two communities.

The Treaty that emerged from these negotiations, signed September 22, 1788, proclaimed

Notwithstanding any Reservations of Lands to the Oneidas for their own Use, the New England Indians (now settled at Brotherton under the Pastoral Care of the Revd. Samson Occom) and their Posterity forever, and the Stockbridge Indians and their Posterity forever, are to enjoy their Settlements on the Lands heretofore given to them by the Oneidas for that Purpose, that is to say, a Tract of two Miles in Breadth and three Miles in Length for the New England Indians, and a Tract of six Miles Square for the Stockbridge Indians.<sup>15</sup>

Following up this Treaty, the New York Legislature on February 25, 1789, passed an Act, Paragraph Seventeen of which read,

And be it further enacted by the Authority aforesaid, That the Surveyor General shall lay out for the New England Indians, all that Part of the Tract of Land formerly given to them by the Oneida Indians which is included in the Cession lately made by the Oneida Indians to the People of this State, and laying Southward of the Lands hereinbefore directed to be granted to Samuel Kirkland, John T. Kirkland, and George W. Kirkland, which Tract of Land so laid out shall be called Brother Town, and shall remain for the Cultivation, Improvement and use of the said New England Indians and their Brethren consisting of the Tribes called the Mohegan, Montague, Stonington, and Narraganset Indians, and the Pequots of Groton and Nehanticks of Farmington, and their Posterity; but without any Power of Alienation or Right of leasing the same Lands or any Part thereof, for any longer Term than ten Years; and without any Power of granting such Leases where there shall be any subsisting Lease, including the same Lands; and that the Tract of Land confirmed by the Oneida Indians to the Stockbridge Indians at the said Treaty shall be and remain to the said Stockbridge Indians and their Posterity, under the Restrictions and Limitations aforesaid.<sup>16</sup>

Pursuant to this 1789 Act, residents of Brothertown and New Stockbridge possessed land granted to them by New York State, rather than land rights granted to them by the Oneidas, and

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14 Hough 230-31.

15 Hough 243-44.

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dependent on and subordinate to the Oneidas' "Indian Title" occupancy right. This meant that residents of Brothertown and New Stockbridge would henceforth possess full-value, State-guaranteed land title, limited only by State restrictions on its sale or lease.

New Stockbridge was laid out as a six mile square (or thirty six square mile) tract, in accord with the terms of the Fort Schuyler Treaty with the Oneidas. Brothertown however was laid out to encompass more than the two mile by three mile (or six square mile) tract that the Oneidas wanted Brothertown to have. State authorities may have thought a six-square-mile town too small, or Brothertown leaders may have complained that the Oneidas were being vindictive in trying to reduce their original twelve-by-thirteen-mile grant to one that was two miles by three. For whatever reason, Brothertown when laid out after 1789 was assigned by the State a tract closer to thirty six than to six square miles.

The 1788 Treaty and the 1789 Act cut loose the Oneidas' two younger brothers, and resulted in a situation in which Brothertown and New Stockbridge found themselves paired as "brother" towns in regular conflict with the Oneidas. While the Oneidas remained reluctant to admit that the past glories of the "Six Nations" could not somehow be reclaimed, leaders of Brothertown and New Stockbridge were disposed to move on toward the status of self-governing towns under New York State law. The regulations provided for Brothertown and New Stockbridge presupposed that they would in due course become towns. The governmental model was what was called in seventeenth century New England a "plantation" and in eighteenth century New England a "district," terms for what might today be called a town-in-formation. Such communities were expected to become fully enfranchised towns in due course, once they

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were functioning smoothly and could boast enough inhabitants.

A 1791 Act spelled out the anticipated future of Brothertown and New Stockbridge. The Legislature then extended the permissible length of leases from ten to twenty-one years. More importantly, it authorized the formation within both Brothertown and New Stockbridge of governmental structures competent to allot, demarcate and record individual family farms for “separate improvement” in perpetuity, lease out unallotted lands, collect rents and spend them for public purposes such as support for a minister and schools, and exercise the powers of a justice of the peace.<sup>17</sup>

The 1791 Act brought the “Indian” residents of Brothertown and New Stockbridge within the Legislature’s Act “to protect certain tribes of Indians residing within this State, from frauds, passed 22<sup>nd</sup> March, 1790.” In addition, an outside supervisor was thought necessary for the limited purpose of approving which white persons would be awarded leases. This supervisor was to be whoever happened to be currently the Mayor of the City of Albany, who would presumably be in a position to ascertain whether a prospective white renter was a person of good character. But the Legislature also presupposed the existence of competent internal community leadership at both Brothertown and New Stockbridge.

The 1791 Act provided that for the time being “the male Indians residing in Brother-town and New Stockbridge, above the age of twenty-one years” were to meet “on the first Tuesday in April next, and on the first Tuesday in April in every year thereafter...and by a plurality of votes to choose a clerk, whose business it shall be to preside and keep order at the said meetings, and to enter in a book such of the proceedings of the said meetings as are by this act directed.” These

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meetings were also “to choose annually three persons as trustees” to serve as the executive authorities within Brothertown and New Stockbridge respectively, exercising most of the powers of selectmen in fully enfranchised towns.

These legal arrangements were acceptable to Reverend Occom. In fact, many of the provisions of the Legislature’s 1791 Act were proposed by Brothertown’s leadership, and had already been informally instituted. In 1785, shortly after the main body of emigrants from New England arrived, Occom had recorded that

In the Evening we met on our Temporal and Religious concerns... [and] proceeded to form into a Body Politick—we Named our Town by the Name of Brotherton, in Indian Eeyamquittoowauconnuck---J. Fowler was chosen Clarke for the Town. Roger Waupieh, David Fowler, Elijah Wympe, John Tuhy, and Abraham Simon were chosen a Committee of Trustees for the Town, for a year and for the future, the committee is to be chosen Annually.---and Andrew Acorrocomb and Thomas Putschauker were chosen to be Fence Viewers to continue a year. Concluded to have a Centre near David Fowlers House, the main Street is to run North and South & East and West, to cross at the centre. Concluded to live in Peace, and in Friendship and to go on in all their Public Concerns in Harmony both in the Religious and Temporal concerns, and every one to bear his part of Public Charges in the Town.---They desired me to be a Teacher amongst them. I consented to spend some of my remaining [days] with them, and make this Town my Home and center.<sup>18</sup>

### Occom’s Final Years.

The years preceding his death in 1792 at age sixty-nine brought Occom substantial fulfillment. In the early 1770s, he had imagined that a sizeable proportion of the two thousand individuals in the seven tribal settlements of southern New England might move west with him. But the Revolution had changed the orientations of many residents of these settlements, and after

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17 *Laws of New York*, 14<sup>th</sup> Sess., Ch. 13.

18 Joseph Johnson 288.

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spending the War years in Stockbridge, Massachusetts, Occom himself was no longer in such close touch with them. Moreover, the New England colonies were now independent states, and some irksome colonial constraints on tribes had been swept away. The result was that comparatively few persons from New England's tribal settlements actually emigrated to Brothertown. During Occom's lifetime, the population of Brothertown may never have reached even two hundred. Counterbalancing this disappointment was the huge encouragement Occom received from the decision of some four hundred Stockbridge Mahicans to join with his long-time followers in the move to Oneida Country. The combined strength of Brothertown and New Stockbridge certainly matched the number Occom would have been able to draw from southern New England in the best of circumstances. The New Stockbridge community was different from Occom's own, but it was vigorous and attentive to Occom's guidance, and Occom responded happily to this new opportunity, and shortly before his death moved his residence to New Stockbridge.

In the two adjoining towns of Brothertown and New Stockbridge, Occom was finally able to enjoy the status he deserved as a prominent and respected---indeed unique---teacher and preacher. In 1786, Occom recorded with satisfaction performing the marriage ceremony of the son of a New Stockbridge "sachem" to a woman "of noted Family." Some guests had come great distances, and Occom was impressed by the "vast concourse of People of many Nations. It was Said there were ten different Languages among the People." Almost everyone "behaved decently" in Occom's estimation, notwithstanding the fact that some Oneidas "began to behave

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unseamly and in the Night they had a terrible froleck.”<sup>19</sup>

Serving as preacher to two “brother” towns was not the future Occom had anticipated, but was close enough to be gratifying. Similarly, Occom had once looked forward to being assisted and eventually succeeded by his ordained son-in-law, Reverend Joseph Johnson---until Johnson died at age twenty-five. But among the Stockbridge Mahicans Occom found a new collaborator, the young U.S. Army Captain Hendrick Aupaumut. Aged thirty-five when Occom died in 1792, Captain Aupaumut had already assisted him for more than a decade, and for almost four more decades, until his own death in 1830, Aupaumut remained committed to Occom’s vision and to the Brothertown community Occom had brought into existence. Aupaumut’s own community of New Stockbridge thrived under his leadership, and Brothertown also benefited. Aupaumut’s goals were as distinct from Occom’s as was his community, yet thoroughly compatible. Following Occom’s death, Brothertown became dependent for leadership on New Stockbridge, and Aupaumut made sure that Brothertown was not forgotten. Just as Occom’s Brothertown had led the way for both communities to the Oneida Country, so did Aupaumut’s New Stockbridge lead the way for both communities after Occom’s death.

Occom’s final years were not without frustrations. Tragically, Occom was obliged once again to contend with a much younger white rival who possessed none of Occom’s special talents. John Sergeant, Jr., the son of the first minister to the Mahicans at Stockbridge, Massachusetts, had been only two years old when his father died in 1749, but had grown up in Stockbridge, Massachusetts, acquiring Mahican friends and a knowledge of their language. After schooling in New Jersey, he returned to Stockbridge and in 1775 became missionary to the

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19 Love 274.

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Mahican community there, as part of a ministerial division which created two congregations, one white, one Mahican. The youthful minister to the Mahicans lost his salary when the Revolutionary War terminated funds from England, and Sergeant chose not to emigrate with the Mahicans to New York State. But after the Revolution, when the Boston-based Society for Propagating the Gospel was created in 1787, he informed this Society of his availability to rejoin the Mahicans as their missionary in New Stockbridge, New York. He thereby precipitated an unseemly rivalry with the aging Occom. The funds available should have gone not to any young white missionary, not even to one fluent in the Mahicans' language, but to Occom. Once again Occom lost, an inexcusable recurrence of the mistreatment by the white clerical establishment that had induced him to turn his back on New England twenty years earlier.

Reverend Sergeant's central missionary objective seems to have been to encourage members of his flock to die convinced of their own sinfulness. To this end, he delivered countless sermons on such texts as "We are as an unclean thing, and all our righteousness as filthy rags" (Isaiah 64:6). He also carefully transcribed Mahican confessions, including this one in 1804:

Question: Do you believe by nature you are wholly wicked?

Answer: I do. I have examined this in my heart.

Question: Do you believe that in order to prepare anyone to join a church he must have a new heart?

Answer: I believe this, and hope I have a new heart so that I hate those things I used to love, and love those things I used to hate. One certain time I was at meeting and heard a sermon. At this particular time I see that I was an undone creature, from that time forward I have always called on the Lord for help.<sup>20</sup>

Sergeant considered himself a good missionary. Yet he seems never to have had much of a sense of what mattered from the Mahican point of view. Whereas Reverend Occom had been an

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<sup>20</sup> John Sergeant, Jr., "Journal," typescript prepared by Dartmouth College Library of a

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inspiration, Reverend Sergeant was simply depressing. Only five men and twenty-five women were members of Sergeant's church in 1796.<sup>21</sup>

Occom's 1792 death was not a blow to New Stockbridge as severe as to Brothertown. The large New Stockbridge community continued to prosper under the leadership of Captain Aupaumut. Brothertown however was greatly weakened by Occom's death. Individuals who had emigrated from southern New England to Brothertown began to drift back, reuniting with family members who had never left, and relishing a return to the seacoast, with its opportunities for employment as mariners as well as farmers.

### **Divergent Paths at Brothertown and New Stockbridge, 1792-1796.**

Signs of trouble at Brothertown were already discernible in a 1792 Act that modified the legal arrangements established only the year before. In the 1791 Act, New Stockbridge and Brothertown had been treated identically, but in 1792 New Stockbridge was given enhanced authority, while Brothertown's autonomy was constricted. At New Stockbridge, the three "trustees" were now to be called "peace makers." And New Stockbridge was authorized to admit by majority vote "any Indian or Indians of any other tribe or nation to become an inhabitant or inhabitants of the said town, to enjoy equal privileges." Sale by one town resident to another of improved allotments was also authorized. These changes implied growth, development and self-confidence. At Brothertown in contrast, the 1792 Act made it

the duty of his excellency the governor, by such ways and means, as he shall judge

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manuscript in their Special Collections, 3.

21 Jeremy Belknap and Jedidiah Morse, "Report on the Oneida, Stockbridge and Brotherton Indians, 1796," *Indian Notes and Monographs* 54, New York: Heye Foundation, 1955, 12.

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proper, to remove all such white persons from Brothertown, who reside and hold lands there by any lease or leases or other title from any Indian or Indians, other than such leases as have been or hereafter shall be made in pursuance of the several laws of this State.<sup>22</sup>

Initiating ejectment of such white interlopers had been the responsibility of Brothertown residents, and would continue to be the responsibility of New Stockbridge residents. But Brothertown had now been pronounced a community incapable of defending itself from abusive whites, and the Governor had been authorized to initiate ejectments and use any means he considered appropriate to protect the rightful inhabitants of Brothertown. Brothertown no longer possessed the strength of purpose shown at the organization meeting in 1785, and New York State felt obliged to step in to head off conflict.

Three years later, an even more drastic intervention was mandated by the Legislature. An Act passed March 31, 1795, stated that the lands “by law appropriated to the use of the Indians, commonly called New England Indians...with permission to the said Indians under certain restrictions to lease a part of the said lands” had become inadequate to accommodate some “Indians who were intended to be participants” because others acting without authority “in their individual capacity” had granted so many leases to whites. This had “occasioned disputes and controversies” that Brothertown seemed unable to resolve. Ejectment of illegal renters by the Governor would not be effective if Brothertown residents kept on granting new illegal leases. The Legislature therefore appointed three commissioners “for settling and adjusting all differences which have arisen or may arise between the Indians residing on the said lands, and between them and the several tribes of Indians claiming an interest in the said lands, and

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<sup>22</sup> *Laws of New York*, 15<sup>th</sup> Sess., Ch. 73.

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between the said Indians and the said white inhabitants.”<sup>23</sup>

After they had listened to all interested parties, the commissioners were authorized to “set off part of the said tract in one entire piece for the use of the Indians now residing in Brothertown, and for such other Indians as may be entitled to land in Brothertown...[of] not less than six nor more than ten thousand acres.”

To assemble an integral tract of this magnitude, the commissioners were empowered to sort through the leases awarded by Brothertown individuals and compel the relocation of white renters. Lands not included in the tract to be reserved for “New England Indians” could be sold to the whites leasing them. The purchase price of such lands was to be based on a “mean price” of “at least sixteen shillings per acre” which was full land valuation at current rates.<sup>24</sup> Proceeds were to be invested “in the funds of the United States” and the interest was to be

applied for maintaining a school in Brothertown for the education of Indian children, and the remainder of the interest, if any shall be applied to the benefit of the Indians residing in Brothertown and such other Indians as have a right in the same lands...in such manner as the person administering the government of this State for the time being shall judge proper.

Once created, the integral tract of between six and ten thousand acres was then to be surveyed and divided among eligible individuals and families who wanted separate allotments. The entire tract could be divided if the majority requested this. If not, allotments were to be made to those desiring them, with the remainder left as common property. But to insure that history did not repeat itself, neither separate allotments nor common lands were to be rented.

This one-time reduction in the size of Brothertown was joined to strict new provisions for

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<sup>23</sup> *Laws of New York*, 18<sup>th</sup> Sess., Ch. 41.

<sup>24</sup> See Francis G. Hutchins, *Tribes and the American Constitution*, Brookline: Amarta, 2000,

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the community's future governance. The question of who was eligible for free use of the lands at New Stockbridge and Brothertown had been answered with respect to New Stockbridge by the Legislature's 1792 Act empowering a majority of the current inhabitants to admit new "Indians" to full privileges. But in a clear indication of the perceived weakness of Brothertown's internal leadership compared to that at New Stockbridge, the Legislature in 1796 assigned to an outside authority the right to determine eligibility for free use of Brothertown's assets. On March 4, 1796, the Legislature empowered

the person administering the government of this State for the time being...by and with the advice and consent of the council of appointment, to appoint and commission three or more proper persons for that purpose, to be called, superintendants of the affairs of the Brothertown Indians.<sup>25</sup>

These State-appointed superintendents were to be assisted by an attorney who would represent valid Brothertown residents in disputes with whites, and would be paid an annual retainer of \$125 drawn from the Brothertown fund resulting from the reduction in the size of Brothertown and the sale of land to white renters. To regulate Brothertown's internal affairs, "five of the Indians then residing in Brothertown" were to be selected by the Governor to function as "keepers of the peace there." Brothertown residents were however still allowed to elect at an annual meeting "one town clerk, two overseers of the poor, two marshals, and so many overseers of the highways as the majority of the inhabitants so met shall think necessary."<sup>26</sup>

Just how little autonomy Brothertown retained under this arrangement was noted with

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25 *Laws of New York*, 19<sup>th</sup> Sess., Ch. 22.

26 Some adjustments in these arrangements were made by the Legislature on April 8, 1808,

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disapproval by Jeremy Belknap and Jedidiah Morse, who visited in the summer of 1796.

Belknap and Morse observed that

The Brotherton Indians are more particularly under the guardianship of the State [than the Oneidas or New Stockbridge], as may be seen by a late act of Assembly....The Brotherton Indians receive an annuity of 2160 Dollars, which sum is partly appropriated to the purpose of maintaining a school, partly to the payment of an attorney to transact their business, and the remainder to be applied to *their* benefit, as *he* shall judge proper.<sup>27</sup>

Belknap and Morse had been asked by the Board of Commissioners of the Society Established in Scotland for Promoting Christian Knowledge to examine conditions at Brothertown, New Stockbridge and the Oneida villages. Published in Boston in 1798, their Report enumerated 628 Oneidas, about 300 individuals living at New Stockbridge and 150 at Brothertown. Belknap and Morse estimated that at New Stockbridge “about two-thirds of the men and nine-tenths of the women are industrious.” No such estimate was given for Brothertown, but the situation was apparently comparable. At New Stockbridge, Belknap and Morse also found,

Agriculture and the breeding of cattle and swine are their chief employments by which they procure a sufficiency of food; and by selling part of their produce are able to purchase their clothing. They have but few sheep, and a little flax; and they seem to be desirous of improving in both these articles...The fences in general are good, and the land under tolerable cultivation.

In contrast, at Oneida

agriculture is in its infancy, labor being performed almost wholly by the women....No more than two or three families procure a subsistence by agriculture; and these have little encouragement to proceed, because their neighbors will live upon them as long as they have any thing to eat....The Oneidas affect to despise their neighbors of Stockbridge and Brotherton for their attention to agriculture, but they are obliged to buy their corn and meat of them. We saw several Oneida women bearing burdens of corn on their backs,

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*Laws of New York*, 31<sup>st</sup> Sess., Ch. 188.  
27 1796 Report 31. Emphasis in original.

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which they had been thither to buy; and an Oneida chief and his wife driving a hog...from N[ew] Stockbridge to Oneida.<sup>28</sup>

The disparity between New Stockbridge and Brothertown on the one hand and the Oneida villages on the other was principally attributed by Belknap and Morse to the fact that residents of

New Stockbridge and Brotherton have made a division of their lands, so that each one holds his landed property as an estate in fee simple, with this restriction, that it shall never be sold to white people. This is the *grand reason* of their superiority in point of agricultural improvements to their brethren, the Oneidas, Tuscaroras, etc.

Belknap and Morse may have overstated in referring to the mode of landholding at Brothertown and New Stockbridge as restricted “fee simple” but they were justified in their belief that these were full-value allotments that could be improved, passed along to heirs and certainly might *become* tracts owned in fee simple. The Brothertown lands sold to whites pursuant to the 1795 Act had already been sold at market value to benefit Brothertown residents, indicating the Legislature’s basic disposition to view the State-granted lands at Brothertown and New Stockbridge as the fully valued property of residents, and not as “Indian Title” land with little monetary value when sold.

### Emigration to Indiana, 1808-1820.

In 1792, Secretary of War Henry Knox had commissioned Hendrick Aupaumut to visit midwestern tribes.<sup>29</sup> On this tour, Aupaumut conceded that they had suffered at the hands of U.S. frontier expansionists (whom he called “Big knives”), but insisted that President Washington and his top advisers favored a quite different approach, one that Aupaumut believed could be

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28 1796 Report 21-24.

29 *American State Papers, Indian Affairs* 1:233.

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made compatible with tribal aspirations. As Aupaumut put it,

If the great men of the United States have the like principal or disposition as the Big knives had, My nation and other Indians in the east would [have] been along ago annihilated. But they are not so, Especially since they have their Liberty--they begin with new things, and now they endeavour to lift us up the Indians from the ground, that we may stand up and walk ourselves; because we the Indians, hitherto have lay flat as it were on the ground, by which we could not see great way; but if we could stand then we could see some distance. The United States in seeing our situation they put their hands on us, and lead us in the means of Life untill we could stand and walk as they are.

Whatever else Aupaumut's diplomatic efforts may have accomplished, at least they gained time, and made easier General Anthony Wayne's triumph over British-allied tribes in the Battle of Fallen Timbers near modern-day Toledo, Ohio, on August 20, 1794. Aupaumut assisted General Wayne, then returned to New York State to help negotiate the November 11, 1794 Canandaigua Treaty and the December 2, 1794 Oneida Treaty.<sup>30</sup>

In subsequent years, Aupaumut began to think of making more than an occasional foray into the midwest. Elaborately acquainted with this region and hopeful of transforming its tribal dynamic in a pro-U.S. direction, Aupaumut imagined that he might become the organizer there of a durable pro-U.S. tribal alliance. Aupaumut started planning to move his entire community---and Brothertown---to the Indiana region, where they might mediate between the post-Revolutionary United States and hunting-based midwestern tribes. Long before Aupaumut, Mahican leaders had thought of themselves as cultural translators. As Aupaumut recalled, "It was the business of our fathers to go around the towns of these [midwestern] nations to renew

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30 Hendrick Aupaumut, "A Narrative of an Embassy to the Western Indians," *Memoirs of the Historical Society of Pennsylvania*, 2(1827), 127; Jeanne Ronda and James P. Ronda, "As They Were Faithful': Chief Hendrick Aupaumut and the Struggle for Stockbridge Survival, 1757-1830," *American Indian Culture and Research Journal* 3(1979):3, 49.

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the agreements between them, and tell them many things which they discover among the white people in the east.”<sup>31</sup> Updating this century-old Mahican approach, Aupaumut devised a plan that could have resulted in a collaborative extension westward of agrarian development into a progressively evolving tribal territory.

At New Stockbridge, Aupaumut might expect to be widely influential but could never escape from the Oneidas’ regional dominance. In the midwest, Aupaumut’s Mahican community would have no pro-U.S. rival, and with federal government backing could hope to become pre-eminent among the region’s tribes. Out from under the Oneidas, Aupaumut would be in a position to help not only midwestern tribes but also residents of Brothertown. While he did not share the Oneidas’ hostility to Brothertown, as long as he remained in the Oneida Country Aupaumut was obliged to defer to the Oneidas, who were adamantly determined to marginalize Brothertown.

Brothertown had meanwhile become a quiet backwater attractive to families content to allow New York State to control their lives and property. When Yale President Timothy Dwight visited Brothertown in 1799, he discovered “forty families...fixed...in the business of agriculture” on farms situated “on both sides of the road about a quarter mile in breadth, and about four miles in length.” Three houses were framed, the others being made “of logs, and differ little from those of the whites when formed of the same materials.” President Dwight pronounced the residents of Brothertown “universally civil in their deportment. The men and boys took off their hats and the girls courtesied as we passed by them. They speak decent English, and much excel the ordinary Dutch [i.e., German] people in the correctness of their

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31 Aupaumut Narrative 77-78.

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pronunciation.” In addition to farming, Brothertown residents profited from collecting ginseng, which was sold for “two dollars a bushel. Almost all of it goes to Philadelphia, and thence to China.”<sup>32</sup> The law-abiding people visited by President Dwight seemed unlikely to undertake major new initiatives on their own, but were attracted to Captain Aupaumut’s idea of leading the residents of both Brothertown and New Stockbridge to new homes beyond the Oneidas’ sphere of influence.

On December 21, 1808, Aupaumut outlined his plans to President Jefferson in Washington, D.C. This may have reminded Aupaumut of his 1783 visit to General Washington at his military headquarters in Newburgh, New York, to seek his support for the Mahicans’ planned move from Massachusetts to New York State. The Continental Army’s Commander-in-Chief had been courteous but exercised no authority over land rights in New York State. Twenty-five eventful years later, Aupaumut hoped for a more helpful response from President Jefferson. The federal government now existed, and possessed an extensive national domain. But as of 1808 the U.S. President still had not yet been authorized by Congress to grant fee title land in federal territory to a tribe. Jefferson received Aupaumut politely but offered him only generic advice and a vague letter promising federal goodwill.<sup>33</sup> This did not deter Aupaumut because in 1783 his tribe had accepted land rights as sub-holders under the Oneida tribe which possessed only aboriginal occupancy rights or “Indian Title” and then in 1788 succeeded in having these rights confirmed by New York State. Aupaumut assumed in 1808 that the Mahicans could once

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32 Timothy Dwight, *Travels in New England and New York*, Cambridge: Harvard University Press, 1969, 3:124-25.

33 For Jefferson’s reply to Aupaumut, see Jedidiah Morse, *Report to the Secretary of War*, 1822, Appendix 111.

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again reasonably become sub-holders of a tribe possessing only aboriginal occupancy rights, and trust that these problematic rights could in time be made more secure and substantive by the federal government, as had been done at New Stockbridge by New York State.

Aupaumut, his young son Abner and a few others departed in 1809 for Indiana's White River. From there, Abner wrote his mother,

I am happy to stay with my father for I know he is faithful in his business. I hope these Indians will receive happiness and light to know how they should live in peace and [be] faithful to their farming business. They are very like to have my father live with them, because they very well know he is wise and honest. And he knows all Indian and white people's affairs. I hear a number of old women say they wish to have their children learn the book and how to read.<sup>34</sup>

Tecumseh and his brother Tenkwatawa the Prophet were however already active in this region, and would not be finally defeated until 1815, when Aupaumut returned to New Stockbridge after a six year absence, and on June 14, 1815, "delivered in a long speech his report of all his proceedings to his tribe and people."<sup>35</sup> Aupaumut was more committed than ever to moving his tribe and Brothertown west, and in 1818 an advance party of seventy-five set out for Indiana, led this time by John Metoxen rather than Aupaumut who remained at New Stockbridge. The emigrants, who included some from Brothertown, set out with high resolve. On September 23, 1818, Metoxen wrote from Ohio reporting "how we get along." They had "been treated generally with great kindness," and expected "to reach our place of destination in two or three weeks. The Lord has been truly good to us, and we have great cause of gratitude and thankfulness." Appallingly, upon arrival they learned that federal officials had extinguished "Indian Title" to the lands on which the emigrants planned to settle, in a transaction with the holders of "Indian

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34 Sergeant Typescript 29.

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Title” that had entirely excluded those holding subordinate occupancy rights, even though these subordinate rights had been personally attested to by President Jefferson in 1808. The unthinkable had happened: they had been betrayed by the federal government. The War of 1812 which removed Tecumseh also made it easier for U.S. officials to ignore their friends.

Brothertown and New Stockbridge leaders tried hard to regain their intended home on Indiana’s White River. January 23, 1819, was observed as a

day of fasting and prayer on account of the disappointment our people met with in having their lands purchased by the Commissioners of the United States, of the Delawares without their knowledge or consent. And likewise to pray to the good Lord that a blessing may attend the chiefs of the tribe, who are gone to Washington, and we expect will about this time lay their grievances before the general government to pray for relief, and that the Lord would dispose the great men of the United States to restore their lands to them.

In Washington however, the representatives of Brothertown and New Stockbridge were not even allowed to present their petition “on account of a press of business.”

On May 6, 1819, Metoxen reported from Indiana that the emigrants were “in a most pitiful situation.” But they stayed, trusting that before the end of the three-year grace period specified in the Treaty a reversal could be effected. On September 9, 1819, Mary Thankpot wrote from White River to her father and brother at New Stockbridge, “I like this country, and had much rather stay here, than come back, we live easier here.”

In December, 1819, a second delegation set out from Brothertown and New Stockbridge, bound for Washington. And on December 25, “a good number of people” assembled “for prayer for the blessings of the Lord to rest on our friends at White River....And also that the Lord would bless and succeed the delegation of the nation now on their way to the seat of government to

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obtain the restoration of their country in Indiana to their tribe.” By prearrangement, “on this day and for this particular purpose the part of the tribe now at White River” also came together to offer their prayers. Despite these concerted efforts, the Indiana Treaty was not reversed, and residents of Brothertown and New Stockbridge next turned their hopes toward Wisconsin.<sup>36</sup>

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<sup>36</sup> Sergeant Typescript 68, 73-74, 78-79.