In the fall of 1783, peace was formally declared between Great Britain and the revolted colonies, henceforth to be acknowledged by all men as the United States of America. By the treaty, the boundary line was established along the center of Lake Ontario, Niagara river and Lake Erie. Although the forts held by the British on the American side of the line were not given up for many years afterwards, and although they thus retained a strong influence over the Indians located on this side, yet the legal title was admitted to be in the United States. Thus the unquestioned English authority over the territory of Erie county lasted only from the treaty with France in 1763 to that with the United States in 1783, a little over twenty years.

CHAPTER VIII.

FROM 1783 TO 1788.

Treatment of the Six Nations — The Treaty of Fort Stanwix — The Western Boundary — Origin of the name of Buffalo — Miss Powell's Visit — "Captain David" — Claims of New York and Massachusetts — How Settled — Sale to Phelps and Gorham — The Land Rings — A Council Called.

NO provision whatever was made in the treaty of peace for the Indian allies of Great Britain. The English authorities, however, offered them land in Canada, but all except the Mohawks preferred to remain in New York.

The United States treated them with great moderation. Although the Iroquois had twice violated their pledges, and without provocation had plunged into the war against the colonies, they were readily admitted to the benefits of peace, and were even recognized as the owners of all the land in New York over which they had ranged before the Revolution. The property line, as it was called, previously drawn between the whites and Indians, ran along the eastern border of Broome and Chenango counties, and thence northwestward to a point seven miles west of Rome.

In October, 1784, a treaty was made at Fort Stanwix (Rome) between three commissioners of the United States and the sachems of the Six Nations. The Marquis de LaFayette was present and made a speech, though not one of the commissioners. It is almost certain, however, that Red Jacket, then a young man, who afterwards claimed to have been there, did not really take any part in the council. Brant was not present, though he had been active in a council with Governor Clinton, only

a short time before. Cornplanter spoke on behalf of the Senecas, but Sayengeraghta or "Old King," was recognized as the principal Seneca sachem.

The eastern boundary of the Indian lands does not seem to have been in dispute, but the United States wanted to extinguish whatever claim the Six Nations might have to Ohio and other western territory, and also to keep open the right of way around the Falls, which Sir William Johnson had obtained for the British. It was accordingly agreed that the western line of their lands should begin on Lake Ontario, four miles east of the Niagara, running thence southerly, in a direction always four miles east of the carrying path, to the mouth of Tehoseroron (or Buffalo) creek, on Lake Erie; thence south to the north boundary of the State of Pennsylvania; "thence west to the end of said north boundary; thence south along the west boundary of the State to the river Ohio."

This agreement (if it is correctly given above, and we think it is,) would have left the whole of Chatauqua county and a large part of Erie and Cattaraugus west of the line. It could hardly be called a treaty, as the Indians only agreed to it because they thought they were obliged to, and afterwards made so much complaint that its provisions were somewhat modified.

The treaty of Fort Stanwix was the first public document containing the name of Buffalo creek, as applied to the stream which empties at the foot of Lake Erie. The narrative of the Gilbert family published just after the war was the first appearance of the name in writing or printing.

This is a proper time, therefore, to consider a question which has been often debated, viz., whether the original Indian name was "Buffalo" creek. This almost of necessity involves the further question whether the buffalo ever ranged on its banks; for it is not to be presumed that the Indians would, in the first place, have adopted that name unless such had been the case.

It is conceded that the Seneca name for the locality at the mouth of the creek was "To-se-o-way," otherwise rendered De-dyo-syo-oh, meaning "the place of basswoods." Te-ho-se-ro-ron is supposed to be the same word in the Mohawk dialect. It is therefore believed by some that the interpreter made a mistake in calling the stream "Buffalo creek" in the treaty of Fort Stanwix, and that the Senecas afterwards adopted the name, calling the creek "Tick-e-ack-gou" or Buffalo.

In the second chapter the writer briefly indicated his reasons for believing that the buffalo once visited, at least occasionally, the shores of Buffalo creek. The first fact to be considered is the unquestioned existence in Erie county of open plains of considerable extent, only seventy-five years ago. As they were then growing up with small timber, the presumption is that they were much larger previously, and old accounts coincide with the presumption.

Numerous early travelers and later hunters mention the existence of the buffalo in this vicinity or not far away. The strongest instance is the account of Chaumonot and Brebœuf, referred to in the sixth chapter, which declares that the Neuter Nation, who occupied this very county of Erie, as well as a portion of Canada, across the Niagara, were in the habit of hunting the buffalo, together with other animals.

Mr. Ketchum, in his history of "Buffalo and the Senecas," says that all the oldest Senecas in 1820, declared that buffalo bones had been found within their recollection at the salt licks near Sulphur Springs. The same author produces evidence that white men had killed buffaloes within the last hundred and twenty years, not only in Ohio but in Western Pennsylvania.

Albert Gallatin, who was a surveyor in Western Virginia in 1784, declared, in a paper published by the American Ethnological Society, that they were at that time abundant in the Kanawha valley, and that he had for eight months lived principally on their flesh. This is positive proof, and the Kanawha valley is only three hundred miles from here, and only one hundred miles further west, and in as well wooded a country as this. Mr. Gallatin adds authentic evidence of their having previously penetrated west of the Alleghanies.

The narrative of the Gilbert family is very strong evidence that from the first the Senecas applied the name of Buffalo to the stream in question. Although the book was not published until after the war, yet the knowledge then given to the public was acquired in 1780, '81 and '82. At least six of the Gilberts and Pearts were among the Senecas on Buffalo creek. Some of them were captives for over two years, and must have acquired considerable knowledge of the language. It is utterly out of the question that they could all have been mistaken as to the name of the stream on which they lived, which must have been constantly referred to by all the Senecas in talking about their people domiciled there, as well as by the scores of British officers and soldiers with whom the Gilberts came in contact.

If, then, the Neuter Nation hunted buffaloes on either side of the Niagara in 1640, if they were killed by the whites in Ohio and Pennsylvania within the last century and a quarter, if Albert Gallatin found them abundant on the Kanawha in 1784, if the old Senecas of 1820 declared they had found his bones at the salt lick, and if the Indians called the stream on which they settled in 1780 "Buffalo" creek, there can be no reasonable doubt that the latter knew what they were about, and did so because that name came down from former times, when the monarch of the western prairie strayed over the plains of the county of Erie.

In the year of the Fort Stanwix treaty (1784) the name of Tryon county, of which Erie was nominally a part, was changed to Montgomery, in honor of the slain hero of Quebec.

In May, 1785, Miss Powell, probably a sister of the Captain Powell before mentioned, visited an Indian council on Buffalo creek, and has left an interesting description which is given in Mr. Ketchum's valuable repertory. After admiring the Falls, of which she writes in glowing terms, she and her party went in boats to Fort Erie, whence they crossed to this side. She was accompanied by Mrs. Powell (Jane Moore), and by several British officers. One of her companions, (who had also been an officer, though perhaps he was not then one,) was a young Irish nobleman whose name was soon to be raised to a mournful prominence, and whose fruitless valor and tragic fate are still the theme of ballad and story among the people of his native land. This was Lord Edward Fitzgerald, who manifested a great fondness for visiting among the Indians, and who found an especial charm in the society of Brant.

Before the council assembled, Miss Powell noticed several chiefs, gravely seated on the ground, preparing for it by painting their faces before small looking-glasses, which they held in their left hands. She declares there were two hundred chiefs present as delegates of the Six Nations, which, as there were not over two thousand warriors in all, was a very liberal allowance of officers.

The chiefs of each tribe formed a circle in the shade of a tree, while their appointed speaker stood with his back against it. Then the old women came, one by one, with great solemnity and seated themselves behind the men. Miss Powell noted, with evident approval, that "on the banks of Lake Erie a woman becomes respectable as she grows old;" and added that, though the ladies kept silent, nothing was decided without their approbation.

Their fair visitor was wonderfully impressed by the manly appearance of the Iroquois warriors, and declared that "our beaux look quite insignificant beside them." She was especially pleased with one who was called "Captain David," of whom she gave a very full account. Indians wearing the old clothes of white men are common enough now, but a full-fledged Iroquois beau of the last century was an altogether different personage, and we will therefore transcribe the substance of the lady's glowing description.

She declared that the Prince of Wales did not bow with more grace than "Captain David." He spoke English with propriety. His person was as tall and fine as it was possible to imagine; his features handsome and regular, with a countenance of much softness; his complexion not disagreeably dark, and, said Miss Powell, "I really believe he washes his face;" the proof being that she saw no signs of paint forward of his ears.

His hair was shaved off, except a little on top of his head, which, with his ears, was painted a glowing red. Around his head was a fillet of silver, from which two strips of black velvet, covered with silver beads and brooches, hung over the left temple. A "fox-tail feather" in his

scalp lock, and a black one behind each ear, waved and nodded as he walked, while a pair of immense silver ear-rings hung down to his shoulders.

He wore a calico shirt, the neck and shoulders thickly covered with silver brooches, the sleeves confined above the elbows with broad silver bracelets, engraved with the arms of England, while four smaller ones adorned his wrists. Around his waist was a dark scarf lined with scarlet which hung to his feet, while his costume was completed by neatly fitting blue cloth leggins, fastened with an ornamental garter below the knee.

Such was the most conspicuous gentleman of Erie county ninety-eight years ago, and Miss Powell enthusiastically declared that "Captain David made the finest appearance I ever saw in my life."

Now and then some fair English maiden has been so smitten with the appearance of a native American warrior as to become his bride, and make her residence within his wigwam. Miss Powell, however, was not quite so much charmed by Captain David as that, since she returned to Fort Erie that evening on her way to Detroit, leaving Lord Edward Fitzgerald and others to be entertained that night by the dancing of their dusky friends.

As we stated in Chapter VIII, the colonies of Massachusetts and New York had charters under which they could both claim not only all Central and Western New York, but a strip of land running through to the Pacific ocean, or at least to the Mississippi. About the close of the Revolution, however, both Massachusetts and New York ceded to the United States all claim to the territory west of a line drawn south from the western extremity of Lake Ontario, being the present western boundary of Chatauqua county.

After divers negotiations regarding the rest of the disputed territory, commissioners from the two States interested and from the general government met at Hartford, in December, 1786, to endeavor to harmonize their claims. It was then and there agreed that Massachusetts should yield all claim to the land east of the present east line of Ontario and Steuben counties. Also that west of that line, New York should have the political jurisdiction and sovereignty, while Massachusetts should have the title, or fee-simple, of the land, subject to the Indian right of occupancy.

That is to say, the Indians could hold the land as long as they pleased, but were only allowed to sell to the State of Massachusetts or her assigns. This title, thus encumbered, was called the pre-emption right, literally the right of first purchasing. New York, however, reserved a tract a mile wide, along the eastern shore of the Niagara, from Lake Ontario to Lake Erie. As, by the treaty of Fort Stanwix, the lands of the Six Nations only came within four miles of the river, and did not extend west of a line running due south from the mouth of Buf-

falo creek, it is probable that the United States had since released the tract in New York west of that line, to the Indians, in response to their numerous complaints.

While these events were transpiring a combination (a "ring" it would now be called) was formed by prominent men in New York and Canada, to get control of the Indian lands in this State. Two companies were organized: "The New York and Genesee Land Company," of which one John Livingston was the manager, and the "Niagara Genesee Company," composed principally of Canadians, with Colonel John Butler at the head. With him were associated Samuel Street, of Chippewa, Captain Powell, the friend of the captives, William Johnston, afterwards of Buffalo, and Benjamin Barton, of New Jersey.

As the State constitution forbade the sale of Indian lands to individuals, these companies, working together, sought to evade it by a lease. So great was the influence of Butler and his friends that in 1787, the Six Nations, or some chiefs claiming to act for them, gave the New York and Genesee Company a lease of all their lands (except some small reservations) for nine hundred and ninety-nine years. The consideration was to be twenty thousand dollars, and an annual rental of two thousand.

The next winter the lessees applied to the legislature for a recognition of their lease, but the intent to evade the law was too plain; the petition was promptly rejected and the lease declared void.

Many of the chiefs, whether truly or not, declared this lease to have been made without authority. We may note, as confirming what has been said of the influence of the female sex among these savages, that in a letter sent by several chiefs from Buffalo creek, in the spring of 1788, they say the lease is void, "since not one sachem nor principal woman had given their consent."

The lease having been declared void, the lessees next proposed to procure a conveyance by the Indians of all their lands to the State, provided the State would re-imburse Livingston and his associates for all their expenses, *and convey to them half the land.* This specimen of "cheek" can hardly be exceeded even in these progessive days, considering that, by this proposition, Livingston, Butler and company would have got some four or five million acres of the finest land in America as a free gift. However, the proposition was promptly rejected.

In 1788, Massachusetts sold all her land in New York, about six million acres, to Oliver Phelps and Nathaniel Gorham acting on behalf of themselves and others, for one million dollars, in three equal annual installments, the purchasers being at liberty to pay in certain stocks of that State, then worth about twenty cents on the dollar.

The purchase was subject of course to the Indian right of occupancy. Phelps, the active man of the firm, made an arrangement with

Livingston, who agreed, doubtless for a consideration, to help him negotiate a treaty with the Indians. But meanwhile there was a disagreement between Livingston's and Butler's companies, and when Phelps arrived at Geneva, where a council was to have been held, he learned that Butler and Brant had assembled the Indians at Buffalo creek, and had persuaded them not to meet with either Livingston or Phelps. Finding that Butler and his friends had more influence over the savages than Livingston, Phelps went to Niagara, came to a satisfactory arrangement with them, and then procured the calling of a council at Buffalo creek.

It assembled on the fifth of July. The proceedings were very quiet and harmonious, for Butler and Brant made everything move smoothly. There was little dispute, little excitement, and none of those impassioned bursts of eloquence for which Indian orators have become famous; yet the noted men present at that council make it one of the most remarkable assemblages ever convened in the county of Erie. A separate chapter will therefore be devoted to it and them.

CHAPTER IX.

THE COUNCIL.

Brant — Butler — Kirkland — Phelps — Farmer's Brother — Red Jacket — Cornplanter — The Mill seat — The Bargain — Butler's Pay.

BY far the most celebrated personage present in the council on Buffalo creek in July, 1788, was the Mohawk chieftain, called in his native tongue Thayendenegea, but denominated Joseph when he was taken under the patronage of Sir William Johnson, and known to fame throughout England and America by the name of Brant. A tall, spare, sinewy man of forty-five, with an intelligent but sinister countenance, in a gaudy apparel combining the garments of savage and civilized life, the vain but keen-witted Mohawk doubtless enjoyed himself as the observed of all observers, but at the same time kept a sharp lookout for the main chance; having acquired a decidedly civilized relish for land and money.*

* The "Narrative of Captain Snyder by C. H. Dewitt," quoted by Ketchum, thus describes Brant as he appeared at Fort Niagara about five years before the council at Buffalo creek:—

"He was a likely fellow of a fierce aspect, tall and rather spare, well spoken, and apparently about thirty [nearly about forty] years of age. He wore moccasins elegantly trimmed with beads, leggins and breech cloth of superfine blue, short, green coat with two epauletts, and a small laced round hat. By his side hung an elegant silver mounted cutlass, and his blanket of blue cloth, purposely dropped on the chair on which he sat to display his epauletts, was gorgeously decorated with a border of red."

Miss Powell, whose visit to Buffalo creek in 1785 is described in the last chapter, saw Brant at Fort Niagara, and said of him: "I was by no means pleased with his looks." As the lady's letter shows that she was extremely well pleased with most of the Indians, I have ventured to describe Brant as having a sinister countenance.