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[Carr. Jonathan]

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In Senate and House of Representatives  
of the United States of America  
assembled.

The Petition of Samuel Harrison  
agent and attorney for Rufus Carver of Chittendon,  
in the County of Rutland and State of Vermont, eldest  
son and Administrator on the estate, together with  
the other Children and Heirs of Captain Jonathan  
Carver formerly of Montague in the County of  
Stamphire Commonwealth of Massachusetts  
deceased, a descendant of John Carver the first  
Governor of New England. Humbly sheweth,

That said Captain Jonathan Carver in the  
year of our Lord 1766 took a lengthy tour among  
the Indian Tribes, 200 Miles west of the Falls  
of St. Anthony in the Mississippi and made  
important discoveries during his Travels and resis-  
dence of two years and five months with various  
Indian Tribes which he caused to be printed and  
published afterwards in London in 1773.

That Captain Carver exposed his health  
and life by traveling above Seven Thousand Miles.

among uncivilized Nations and expended much time and property in exploring the then unknown territory which benefited the World but Impoverished his wife and children.

That Capt. Carver by mild manners and conciliating prudence gained the good will of the Indian Tribes and thereby became a fortunate peacemaker between two large nations at war with each other. To reward him for his wisdom and friendly interposition, the Sachems of the Naudowessies were pleased to grant and accordingly gave him and his heirs a Deed of a Tract of Lands in the Words following, Viz;

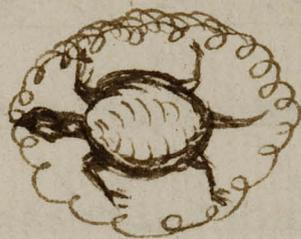
To Jonathan Carver a Chief under the most mighty and potent George the Third, King of the English and other Nations, the fame of whose courageous Warriors have reached our ears and has been more fully told us by our good brother Jonathan aforesaid whom we rejoice to see come among us and bring us good news from his country. We Chiefs of the Naudowessies who have hereunto set our seals

do by these presents for ourselves and heirs forever in return for the many presents and other good services done by the said Jonathan to ourselves and allies give grant and convey to him the said Jonathan and to his heirs and assigns forever the whole of a certain Tract or Territory of Land bounded as follows Viz.

From the Falls of St. Anthony running on the east ~~side~~ bank of the Mississippi nearly Southeast as far as the South end of Lake Pepin where the Chippeway River joins the Mississippi and from thence eastward five days travel accounting Twenty english miles per day and from thence north six days travel at twenty english miles per day and from thence again to the Falls of St. Anthony on a direct straight line — We do for ourselves heirs and assigns forever give unto the said Jonathan his heirs and assigns forever all the said Lands, with all the Trees Rocks, and Rivers, therein, reserving for ourselves and heirs the sole liberty of hunting and Fishing on land not planted or improved by the said Jonathan his heirs and.

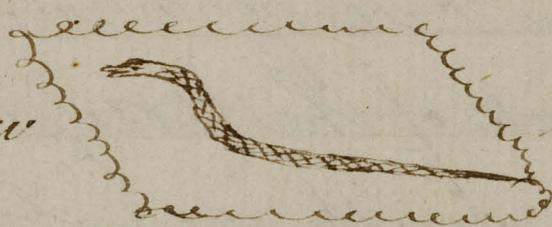
assigns, To which we have affixed our respective  
Seals at the Great Cave. May the first, One  
Thousand Seven Hundred and Sixty  
Seven.

Hacunopajatin



his Mark

Ochtongomlisheau



his mark

That in addition to the grant & Deed before  
cited the Chiefs of the Naudowessis made the  
said Captain Jonathan Carver a Chief  
of their Tribes at the great Cave and said  
Jonathan made a speech to them, May  
the first 1767 when he engaged to return and  
settle in said Territory with his family and  
connections.

That the said Jonathan returned  
to Boston in 1768 and sailed for London where  
he arrived in 1769 and soon after laid  
the Indian Deed before the British  
Government at the same time praying

for the ratification and confirmation of said  
Indian Deed to him and his heirs, and  
received in Answer that it should be ratifi-  
=ed and confirmed so soon as the History  
of his Travels was printed and published;  
but in consequence of the misunderstanding  
which existed between Great Britton and  
America the ratification was suspended  
and before the Termination of the War, Capt.  
Carver died in London on January the  
31<sup>st</sup> 1780 and left a numerous progeny.

The War being concluded in 1783, &  
the Independence of America established  
the right and power to ratify Indian grants  
devolved on the Government of the United  
States, but by reason of the calamities of  
war and the great expenditure of of Capt. Carver by  
his <sup>Travels</sup> in America and to England his heirs hitherto have  
been unable to bring forward their claims.

That now your petitioner Samuel Harrison their  
agent of Attorney with due difference lays before  
the Legislature of the Union, the state of the

claim of the heirs of the said <sup>Captain</sup> Jonathan Carver  
in order not only that Government may be  
insured that the Indian Title to said Terri-  
tory is extinguished and vested in Capt Carver's  
heirs and of course there can be no necessity for the  
Government of the United States to repurchase the  
same from the Indians but that the Legislator  
may also take into consideration the merit of  
their claim and recognize said Indian Deed  
and permitt the heirs of Captain Carver with the  
recognition to apply to the chiefs of the Naudowessie  
Tribes and take possession and make settlements  
on the Land described in said Indian Deed on  
such terms as the present Indians and the  
heirs of Captain Carver or their assigns can  
or shall agree and the said Rufus Carver with  
the other children and heirs of Captain  
Jonathan Carver, together with your  
petitioner, their agent as in duty bound will  
ever pray

Brandon, January 1<sup>st</sup> 1806 Samuel Harrison agent for  
Rufus Carver Administ.

Mary King

Joshua Goss

Abigail Goss

Moses Gunn

Henry Gunn

} for Olivia Gunn

Jonathan Carver

Mindwell Gunn and

Martha Pope, children &

heirs of Captain Jonathan Carver deceased whose  
consorts and children amount to Ninety eight  
persons.

In Senate of the United States  
March the 4<sup>th</sup> 1806, Ordered that the Petiti-  
on of Samuel Harrison in behalf of the heirs  
of Captain Jonathan Carver praying the  
recognition of an Indian Deed for Lands  
near St. Anthony's Falls be referred to Mr. Israel  
Smith, Mr. A. Baldwin, Mr. Jno. Smith

A true copy  
Attest Samuel Peters,

Attest to report thereon  
Samuel A. Otis Secretary

at the Capitol in the City of Washington  
April 21<sup>st</sup> 1806, Congress adjourned and made  
no report

Attest Samuel Peters

Samuel Harrison

The business being conducted as follows  
on the evening of the 4<sup>th</sup> of March the chairman  
of the Committee Mr. Israel Smith informed  
S. Harrison that the Committee would  
attend to his petition in the committee room  
on the 8<sup>th</sup> of March Inst. they met according  
to appointment on March the 8<sup>th</sup> 1806, when  
S. Harrison addressed the Committee.

Gentlemen

being long immured  
amongst the Mountains of Vermont so  
remote from the Seat of Government if I  
should fail in etiquette and pursue the me-  
thod commonly used here on those occasions  
I hope your candour will excuse me and  
point out the Method I am to pursue  
in advocating the claim of Carvers heirs

my constituents, he was answered by Mr B. of the committee,  
We have no rules of Etiquette you are at Liberty  
Sir, to persue your own methods, To which the other  
Gentelman assented. The petition was then read  
by Samuel Harrison and evidence produced  
to prove the statements. Viz;

The written evidence of Doct<sup>r</sup> John Coakley  
Lettsom of London, the written evidence of the  
Rev<sup>d</sup> Dr Samuel Peters of London, part of a  
letter written by Captain Jonathan Carver to his  
wife dated London September th: 19<sup>th</sup> 1770. To-  
gether with the oral Testimony of the Rever<sup>d</sup> Dr  
Samuel Peters who was there present, &  
& the evidence will appear in its proper place.

Samuel Harrison then applied the  
evidence in support of the statements and  
concluded with these observations,

Mr Chairman and Gentelman of this Honourable  
Committee, notwithstanding I have trespassed  
so much upon your time by my verbosity I  
have summed up my ideas in these written argu-  
ments which I beg leave to submit to your inspect

-ion, knowing that ocular demonstration, contains  
more powerfull conviction than that which is merely  
auricular and desire you to read them at leisure  
(when the following was presented to the Chairman)  
if what I have now offered and these should fail  
of making an impression on your minds favourable  
to my constituents, I should crave the favour  
of a further hearing before you make an unfavourable  
report. He was answered, We shall very  
willingly wait upon you sir, and notify you  
seasonably.

1. Captain Jonathan Carvers claim to the Land  
in question is proved by a copy of a Deed signed  
by two Chiefs of the Naudowessieis nation dated  
at the general Council at the great Carver  
May the 1<sup>st</sup> 1767 which copy was taken from  
the original Deed by D<sup>r</sup> John C Lettson of  
London and printed & published by him  
in his third edition of Captain Carvers  
Travels in March 1782 page 12. 13. 14 -
2. That the copy so printed and published  
is proved to be correct and genuine by the

affirmation of D<sup>r</sup>. Lettson and by the oath of  
the Rev<sup>d</sup>. D<sup>r</sup>. Samuel Peters at London on the 19<sup>th</sup>  
of April 1805 corroborated with his present oral  
testimony.

3. That previous to the date of said Deed the said land  
was the property of of the Naudowessie Tribes  
who had the Natural and Occupative right  
to said Land and by virtue of said right  
could give, grant sell and alienate their right  
and fee to any person or persons what or when  
soever.

4. That Captain Jonathan Carver had a  
right to receive a Deed of said Land of said  
Indians in general council at the Great  
Cave on, may the 1<sup>st</sup>. 1767 as a reward for  
services he had rendered and presents he  
had made to them. Thus far it is true acc-  
ording to the Indian and Natural Law  
and Justice has transferred the Right of Soil  
from the Naudowessie Tribes to Captain Carver  
and his heirs forever

5. The civil Law of England has never made

void any Deed of Land given and granted by the Indian to a British subject unless it was evident that the British subject had cheated the Indians by wrong boundaries. &c.

6. The Character of Captain Carver, both moral and religious <sup>well as</sup> his common sense and self Interest forbid any and every Idia that he has given and could give wrong boundaries to the Land described in said Deed seeing that point alone must infallibly defeat him and hisers ever hoping to take possession of Land not intended to be given and granted by said Indians. Connecticut Chart in the year 1662 says. "we being duly informed that Clarke &c. having purchased part of said Territory of the aboriginals, and conquered the other part Do, therefore see fit to incorporate said Territory into a colony &c. &c."

A. B. Clark &c had received no previous right from the Crown of England to purchase any part of Connecticut. King Charles the Second first made the Law that all

British subjects who did buy Lands of the Indians should lay the Deed or Deeds before <sup>the</sup> Governor of the colony in which the Land is located who should ratify said Deed on finding the Deed to be a bonafide purchase and the boundaries just, agreeable to the understanding of the Indians.

The Land granted to Captain Carver in 1767 was not located within the boundary of any British Colony, therefore Cap<sup>t</sup>. Carver was under the necessity of applying to the King of England to obtain a recognition of the Naudowessie Deed of Land given to him May 1<sup>st</sup> 1767

The British government promised to ratify said Deed to said Carver, witness Dr. Peters and Carvers letters to his Wife after 1783 that Sixteen Years after the Deed of May 1<sup>st</sup> 1767 the power and legal right to ratify said Deed from the two Sachems to Cap<sup>t</sup>. Carver devolved on Congress. Congress will be disposed to ratify said Deeds to Carver.

1. Because the Indian and Natural Law as well as the divine Law say that it is right and just.

to allow to Gentiles, & Jews, and Christians to do what they please with their own property,

2. Because equity says that what the two Indians chiefs had a right to give and did give to Capt. Carver and his heirs should not be taken from them by any Civil or Military Law

3. Because policy, prudence and humanity say it is Wisdom not to repurchase of the Indians what they have once relinquished and have given and granted to Captain Carver and to his heirs who are Citizens of the United States. It is prudence in all governments to provide for their Citizens and it is humanity as well as Christianity not to take the Childrens bread, and give it unto dogs.

4. A ratification of the Sachems Deed to Capt. Carver can do no hurt to Congress nor it to do any wrong to the Naudowessies Tribes, whether that Deed be false or genuine. For if it should be false the present Indians will not suffer Carvers heirs to possess the Land, and should it be genuine Congress can lose nothing by Carvers heirs holding and possessing the Territory in

preference to the Indians, because it will perfectly extinguish the Indian claim.

5. Captain Carver's heirs are in Facto et Jure the proprietors of said land by said Deed, but according to the Jur of England and the United States said Land is the property of the Naud-  
=owessie Indians until Congress shall have recognized and recorded said Deed to said Carver. Congress is the sole and Legal judge between Carver's heirs and the present Naud-  
=owessie Tribes. If Carver's heirs are admitted to be proprietors, then the Indian title is certainly extinguished otherwise the Indian title is yet to be extinguished by money from the Treasury of Congress at a price Yearly increasing, according as the settlements approximate towards St. Anthony's Falls.

### Preemption Right.

Congress possess over all Lands within its protection after excepting such Lands as were sold and disposed of prior to A.D. 1783 - the King of England

never claimed a right of preemption against  
his subjects, only against Foreign Kings and  
their subjects

Your Petitioner,

Therefore concludes in hop-  
-ing that your honours will make the following  
or similar report,

That the heirs of Captain Carver  
have proved to this committee that a Deed  
did exist from two Indian chiefs to  
Jonathan Carver in the words specified  
in the petition before you,

That Captain Carver had a promise  
from the British Government in 1774 &  
1775 that the said Deed be recognized  
and was only delayed on account of the  
war with America, and it is their opin-  
-ion that the facts stated in the Petition are  
true and that both prayers of the Petitioner  
ought to be granted, Viz:

First, that the Indian Deed to Capt.  
Carver be recognized by Congress, and-

\* 2<sup>ndly</sup> That the heirs of Captain Carver and their assigns with said recognition may be permitted to go and take possession of said Territory in such manner as they may, can or shall, agree with said Indians.

Washington March 8<sup>th</sup> 1806 Samuel Harrison,  
The honourable Israel } agent for the heirs of Capt  
Smith, chairman of } Jonathan Carver,  
the committee on Carvers claim)

A few days after the above audience. S. Harrison was notified by Mr. Israel Smith that the committee would attend again to the subject of Carvers claim at the committee room of the Senate in the Capitol, Saturday the 15<sup>th</sup> Inst. (March) 1806 at 10 o'clock A.M. they attended according to the appointment and was addressed by the agent as follows — Mr. Chairman & Gentleman of the Committee with great difference I again presume to offer some arguments and facts which have occurred to my mind since I had the honour of laying before you the petition of the heirs of Capt. Carver.

I have already said that,

1<sup>st</sup> The claim & Title of Captain Carver to a Tract of Land near St. Anthony's Falls rests on a Deed given by two Indian Chiefs in general Council at the great Cave on May 1<sup>st</sup> 1767 &c.

To which I add

2<sup>nd</sup> That two Indian Chiefs represented the ten tribes of the Nawdowesie Nations who verily were the absolute proprietors of the soil, and were free and independant nations, they never alienated this natural and professional right previous to the 1<sup>st</sup> of May 1767 therefore as native owners and Lords of the soil they had a right in law equity, to give, grant, and convey to Capt. Carver and his heirs the territory described in ~~the~~ said deed.

3<sup>d</sup> No law did exist either in England or America in May 1767 which forbid Capt. Carver or any other subject of the British crown the right of purchasing bonafide lands of the Indians which lay out of the boundaries and was not under the

Jurisdiction of a British Colony in North America.

4<sup>th</sup> The Naudowessie territory, as described in the deed to Capt Carver, lay out of the jurisdiction and beyond the limits of every Charter given by the British Kings to any of the colonies in North America; therefore the thirteen confederate States in North America by relinquishing their right and claim of the western territory to the United States in congress assembled gave and conveyed no right nor jurisdiction in and over the Naudowessies soil or country for as Mr. Randolph the other day observed, "ex nihilo nihil fit."

5<sup>th</sup> The soil and jurisdiction in and over the territory given by deed to Captain Carver bona fide is either vested in Carver himself, or still remain in the Naudowessie nation who are yet free and independant Lords and owners of the soil.

6<sup>th</sup> Congress is the umpire and sole judge to determine whether the Naucloewessies have the just <sup>& equitable</sup> right of soil to the land in question or whether it belongs to Carver's heirs.

7<sup>th</sup> Congress cannot be a proper umpire between Carver's heirs and Naucloewessies if they themselves have all interest claim and right to said territory.

8<sup>th</sup> Congress, I humbly conceive has no more right, claim, interest or title to the land in question, than they have to Nootka sound or the peninsula of Siberia Kamtshatka.

9<sup>th</sup> Congress has not bought the territory of the Naucloewessie Indians nor has Congress bought the preemption right of those Indians nor has Congress gained any title to the soil by the treaty with Great Britain in 1783, nor has Congress gained any claim or interest to the soil and land in question by the deed of relinquishment given by the thirteen con-

federate states

10 All the claim and interest Great Britain ever had to the western territory and to the Naudowessie possessions was that of the right of preemption? And pray Sir how did Great Britain get possession of her pretended right of preemption?

I will tell you Sir. She got a deed from the six nations on the Mohawk river in the reign of George 2<sup>nd</sup> by means of Sir. William Johnsons giving and granting to the crown of England the right of Preemption to all the Territory West of the Isthmus of Niagara to the south sea which belonged to the Illinois, Chippeways & Naudowessies and more than One Hundred, Independent and free Nations of Indians besides; who never had been conquered by the Mohawks or Six nations nor had the Mohawk Indians ever bought one single foot or been in possession of an inch of land west of the Isthmus of Niagara—

11. But I have been told sir that the State of New York claimed among her "Sister Colonies to be the residuary legatee or to have a sweeping title of all the country belonging to the crown of great Brittain not granted and specified in former Charter" The truth of which depends on the assertion of the Historian of New York, page 202 —

12. Sir was truth to be found in the bold assertions of a Historian without any proof whatever we should be able to discover that congress holds by a quit claim Deed from New York State (which claimed to be the residuary legatee of all lands and Countries belonging to the crown of great Brittain not granted & included in former Charters to other colonies) all the Territory west of Niagara to Nootka Sound belonging heretofore to the crown of great Brittain. The Historian of New York has not told us what land did belong to the Crown of Great Brittain not already granted. If this Historian meant to say that the Western Territory belonged to Great Brittain he ought to have proved it by bringing

up the Deed of the Mohawk Nation to the Crown of Great Brittain, which conveyed not any part of the Western Territory but only and simply the right of preemption, and the Mohawk Indians had no right to give such a Deed of Lands to the British Crown neither had the British Crown a right to accept of such a Deed, english law says "caveat Emptor caveat vendor"

13 admitting that in the year 1783 Congress deducted and derived the right of preemption (of the Audouessie Territory) from the Crown of England the right of Congress must certainly be founded upon an Ex post facto Law contrary to the Constitution of the United States which ought not to nullify a Deed given by the Lords of the Soil in 1767. to Capt Carver a subject of the Crown of England and under her Jurisdiction, —

14 Saving to the United States the Sovereignty of the Citizens and settlers in point of Government and Jurisdiction, Congress can have no title or Interest within the Soil or Terri-

=tory granted to Capt. Carver by the Naudow-  
=essie Chiefs who being free and independent  
Nations, could convey and did actually  
convey and fix a title in Capt Carver and  
his heirs forever and this was done nine  
years previous to the assertion of the independ-  
=ence of the United States and sixteen years  
previous to its confirmation.

15 Carver has paid the Naudowessies a  
valuable consideration for the land and  
has also extinguished the Indian Claim  
and title to the same which perfectly accords  
with the recommendation contained in the  
President's speech and by that means saved  
Congress the vast expense of treating with  
the Indians and paying them for the Land  
Justice, Wisdom, Prudence, & Policy will therefore  
induce congress to recognize the Indian  
Deed to Carver and his heirs who are  
and have always been good and faithful  
Citizens of the United States.

16. unless the Deed to Carver is ratified it will be many years before Congress can expect any revenue from the Land in question, Because St. Anthony's Falls are too remote from any white Settlers to induce citizens of America to buy and settle on said Territory knowing it embarrased with Carvers claim. It will cost Congress many thousand dollars, to purchase and extinguish the title of the Naudowessies, who will raise their price in proportion as white people approach their Country and if the Naudowessies should be willing to sell the land to Congress at the present day, the interest of the money will probably be more than Two dollars an acre before any white people will be induced to settle in that country Fifty years from this time will not sell for two dollars or even one dollar per acre in Longitude  $93^{\circ}$  Latitude  $44^{\circ} 50'$ , which is the situation of the Falls of St. Anthony unless we give way to unreasonable conjecture.

17. Should Congress wish to receive a share

in said Country granted to Capt. Carver  
and bear a reasonable part of the expencis in  
taking possession and settling said land in a  
short time Carvers heirs will readily concur.

18 Carvers heirs are deterrmined to go and settle  
on the Land granted to their Father and by  
the connections they have formed with people  
in the new and old world (in less than  
Five Years) they expect to establish an excelent  
and flourishing settlement composed of Yankies  
and Archapelagan, and Greeks.

19 Sir I have heard of Precedents which Militate  
against the ratification of the Deed to Capt.  
Carver, But sir what can be said in favour  
of Precedents? nothing only that principle  
should never be sacrificed to Precedents  
either of modern or antient date  
Mr Chairman.

Knowing the Perfound erudition  
of yourself and the other <sup>gentlemen</sup> of this  
honourable Committee  
and being permitted to take my own  
Method of communicating my ideas I

have not taken the common routine of my  
progenitors in the arrangement of my argu-  
ments knowing sir that their convictive  
like projectile force must overturn every  
argument which can be raised in opposition.

March 15<sup>th</sup> 1806.  
Washington City  
Hon<sup>ble</sup> Isaac Smith

Sam<sup>l</sup> Harrison

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A continuation of arguments by Sam<sup>l</sup> Harrison  
on Carvers claim delivered March 24<sup>th</sup> 1806.

Mr. Chairman

I had the vanity to im-  
agine that the 19<sup>th</sup> argument which I advanced  
the last time I was before <sup>this</sup> ~~you~~ honourable  
committee must effectually and eventually prev-  
-ail "viz" that principle ought never to  
be sacrificed to "Precedent either antient or  
\* Modern" since that time I had the presu-  
-mption to jingle into metre some of my  
ideas concerning Precedents and present  
them to you\* (These lines will be found in

another place) But in order to expose Charybdis  
Seylla I shall offer a few more observations on  
precedents knowing your goodness has not confined  
me to any rules of Etiquette

1. I shall say something on ancient precedents.

all the Christian powers in Europe have per-  
sued one and the same rule respecting the  
title of Lands vested in the Aborigines of  
America, they have established laws by which  
the Christians should have a legal and just  
title to lands the property of the Gentiles  
and three words point out that rule.

Purchase, Conquest, Possession.

There has been no exception to this  
general <sup>and florid</sup> rule if historians and records  
can be relied on but one Viz: In the  
year 1492 when the Pope of Rome by  
his bull gave and granted to the King  
of Spain all the Lands laying west  
of Cape Feris Torrae which covered all  
north and south America, This  
famous Bull was not founded on

either purchase, conquest or possession but on  
the promise of God to the Redeemer in the  
2<sup>nd</sup> Psalm Ver. 8<sup>th</sup> "ask of me and I will give  
+ the, the heathen for thine inheritance and  
the uttermost parts of the earth for thy poss-  
-ession" his Holiness sitting on the Chair of Saint  
Peter claimed a fee simple right to the soil  
and natural liberty of the Gentile nations  
and by a divine promise presumed to  
establish a precedent which has not been  
established by any civil power among either  
Jews, Greeks, Christians or Mahometans,  
in Asia, Africa, or Europe and I hope will  
not be adopted in America.

For precedents adopted in the old world du-  
ring more than 5000 years will naturally  
+ lead the new World to shun every precedent  
from justice and equity. Ever since the year  
1606 the English, French, Dutch and Swedes  
in the settlements of America have given  
to the world both by history and record  
a cloud of Precedents of the Indians

having a free and legal right to the soil of America; that no one could obtain that right to the soil but by purchase by conquest or by possession. Virginia was settled on land under purchase on Deeds of release of the Natives, vid: Smith & Chalmer.

New England was settled under purchase and Deeds of release from the Natives and partly under conquest vid: Mather Neal, Douglass, Hutchenson, Oldm<sup>ixon</sup> &c. &c. New York, New Jersey, and Pennsylvania, were settled by the Dutch, Sweeds & English, under purchase and Deeds of release from the natives or Indian owners of the land. - vid: Peter Menuet Keift, Colden, Smith &c. &c. Canada and Acadia, were settled by the French under purchases and Deeds of release from the Natives vid: Charlevoix in his general history of new France. - Carolina, & Georgia, were settled under purchases and Deeds of release from the natives

Vida: Chalmers, Stewart &c. &c. &c. &c. &c.  
Charles the Second enacted that no white man  
should buy lands and possess them within the  
Colonies of America until the Governor  
of the Colony in which the land were situ-  
ated examined into the purchase and Deeds of  
release from the Natives to the white man,  
and saw that the <sup>Deed of</sup> release was fair according  
to the ideas of the Indians and this was ena-  
cted to prevent the White Man's cheating the  
Indians of their lands; Vida: the Statutes  
of England. As this was not intended to  
deprive the Indians of their right of selling  
their Land, hence it appears from a cloud  
of witnesses, precedents to which I have above  
referred and might enumerate many more  
that the English, the French, the Dutch  
the Swedes always, thought that the  
Indians in America were the real prop-  
-ritors and owners of the land which they  
occupied and had a perfect right to sell  
and convey their lands to such persons as

were really inclined to purchase and pay for them,

Sir on this ground stood the British Colonies in North America prior to the declaration of Independence July 4<sup>th</sup> 1776, untill that Auspicious day, the Indians were deemed by every precedent that can be found in England,

France, Holland, & Sweden, to be lords owners and proprietors of their own lands in America and also possessing a just & legal right to sell and dispose of them in such manner as they should see fit and proper thus far for ancient precedents,

2 Since the glorious era of the Independence of the united States it has ever sounded in my ears been viewed with my eyes and received in<sup>to</sup> my heart that the united States have uniformly acknowledged the Indians to be the owners and lords of all the Territory not previously disposed of to white people, in consequence of the said acknowledgment of the Indian Title to their lands on which

they were born and lived.

The executive has been purchasing that Indian title to their lands by order of Congress, which could not have happened were not the Indians possessed of a proper title.

The Executive has bought lands of the Cherokees and other nations of Indians to a vast extent in the western Territory between Georgia and Quiscanson which shews that in the opinion of Congress the Indians had a real right to sell their lands, otherwise Congress would not have approved of the purchases made by the executive nor have paid the Indians for the Land so bought.

Therefore Sir it certainly follows that the Indians have good right to sell their lands to white people since 1776,

and donot natural reason & common sense that they had the same right to dispose of their lands to Capt Carver previous to the Independence of America, and the Deed from the Naudowessie

chiefs at the great Cave on May 1<sup>st</sup> 1767. given to Capt. Jonathan Carrier must certainly be as valid and legal as the Deed or Deeds of any independent Indians given subsequently to Congress.

Sir we have almost innumerable precedents that the title conveyed in Indian Deeds have been approved and adjudged to be legal and recorded in the supreme courts established in each State both before and after the Revolution in 1776. I need mention but few of these precedents, one is Scuylers Indian Deed, that was deemed and adjudged to be valid in law against the claim Lydias, by the Supreme court of New York, others are Indian Deeds given to the people of Connecticut by Joshua O. nekio - Uncas, Abimelick, and other Chiefs which have been adjudged to be legal titles by the courts in England and likewise by the supreme Court of Connecticut. In every State in the Union similar decrees of Supreme courts are to be found on record which establish the

doctrine that Indian Deeds convey legal titles and the consequence of this doctrine is that the united States in Congress assembled have concurred with the executive when purchasing lands and have paid the Indians for their lands sold under no other than an Indian Title.

This uniform Doctrine and practice of both England and America has proved by the courts, allowing Indian titles to land in America to be just, Legal, & Perfect, therefore every white man holds a good title under an Indian Deed, But sir after all these approved precedents I find it often objected that Indian Deeds are not valid in law untill the deed is first approved by the Governor of the colony in which the Land is located.

In answer sir, such a law did exist but that law did not deprive the Indians of the right of selling their lands nor the white men the right of buying Land of the

Indians but that law was enacted only to prevent white men from wronging the Indians by writing in the Deed a greater number of Acres than were really sold, necessity made the law to keep peace and to do justice to the illiterate, <sup>red</sup> Indians,

I have been told that a law exists both in England and in the United States of America which makes null and void all purchases of lands sold by the Indians and bought <sup>by white</sup> people; but sir without the least fear of offending the truth I dare assert that no such law does exist nor ever did exist in England either amongst her Statutes or the orders of the board of trade & plantations, if such a law has been made by Congress since July 4<sup>th</sup> 1776 it ought to be obeyed, but admitting Congress to have made such a Law yet sir I must venture to aver and

I hope without offence that a law made  
in the year 1776 cannot have <sup>any</sup> the least effect  
on a law prevalent both in England and in  
America from the year 1606 to the year 1776  
unless Congress has a right to judge by the law  
of "Expost facto" contrary to the law of na-  
-ture, the Law of Moses and the rights  
of man fully expressed in the constitution  
of the United States (Art. 1 sec. 9) no bill  
or "expost facto" shall be passed (and Sec. 10)  
no state shall pass any "Expost facto" law  
or law impairing the obligation of  
contracts (and art. 3, sec. 3) congress shall  
have power to dispose of and make all  
x needfull rules <sup>and</sup> regulations respecting the  
territory, and nothing shall be so const-  
-ructed as to prejudice any Claims.

Sir the claim of Captain Carver is founded  
on a Deed given by two Indian Chiefs  
dated May 1<sup>st</sup> 1767 more than nine years  
anterior to the very existance of any

power of Congress, how then Sir, has  
Congress any constitutional power to  
dispose of and make any rules or regu-  
-lations respecting the territory prejudicial  
to the claim of Captain Jonathan Carver?  
Not any Sir, for from the precedents al-  
-ready scited I humbly presume to say  
that Congress is not able to withhold a  
ratification of the Indian Deed to  
Capt. Carver without acting on the  
Expost Facto law and violating the  
Constitution of the United States.

No King of England ever authori-  
-sed his subjects to buy lands of the  
Indians in America but whenever  
the subjects of England proved  
they had bought land of the Indians  
in America the Kings of England  
have uniformly ratified the Indian  
Deeds and instituted Colonies on  
that very principle by Charter (videlicet

Connecticut Charter, Massachusetts and  
others. —

A Deed, from one white man to another  
by law must be acknowledged before  
a Justice of the peace to be valid; but a  
Deed from one Indian to a white man  
must be approved by a Governor of a  
Colony or by the King. —

Sir I have also been told that precedents  
are against ratifying the Indian Deed  
to Capt. Carver, I confess myself to be  
ignorant of those precedents, every  
precedent before Independence  
establishes this important truth  
that the right and title of Captain  
Carver to the land in question was  
good and perfect excepting only the legal  
right of Christians for he was already in  
possession of the Gentile right, the Natural  
right and the divine right. King George  
the 3<sup>d</sup> had not given the Christian legal

right previous to Carver's death and the Independence of America but can it be possible Sir that Carver has lost the Gentile Natural and divine right because America has sovereign George for a Loving people? —

I will not trouble you Mr. Chairman or the other Gentlemen of this honourable Committee at this time with any further remarks only beg leave to observe, that if I hear of any precedents established by Congress after the year 1776 I shall pay special attention to them but as precedents anterior to that period in my humble opinion I have clearly demonstrated by the most authentic proofs that lands sold under Indian titles have ever been deemed just good and Legal and have been ever substantiated by Courts both in England & America, and likewise I presume to say that no precedent of Congress can be produ-

ced which will ever militate against the  
Constitution of the United States or the  
claim of Capt Jonathan Carver and his  
heirs so effectually protected by the Consti-  
-tution.

Hon<sup>ble</sup>. Israel Smith }  
Chairman of Committee }

Sam<sup>l</sup> Harrison  


The above arguments were proposed to be  
delivered the 22<sup>nd</sup> of March, but Mr. John  
Smith being indisposed could not attend  
therefore postponed the audience untill  
Monday 24<sup>th</sup> when they were delivered by  
the agent in committee room of the Senate  
in the Capitol at Washington City.

The arguments presented bellow were  
intended to be offered in March accord-  
-ing to appointment of the committee but  
were procrastinated untill April the 11  
1806 when the agent for Carvers claim  
thus addressed.

Mr. Chairman and other Gentle-  
men of this honourable committee I  
feel greatly sensible of the indulgence  
you have manifested while attending to  
the observations which I have been obliged  
to make in the course of this business, but  
Gentlemen I yet claim a further display  
of your candour while I shall attempt to  
make a few more observations, I propose  
if possible to elucidate the subject and  
feel confidence that I shall establish  
your minds in my own belief of the same  
principles, but if I shall have the morti-  
fication to fail in either of these particulars  
I shall have the Testimony of my own conscience  
that I have done my duty and manifested to  
the world and to Congress and to barbers  
heirs that I have been faithful in my mis-  
sion. Sir I have already proved that the  
Indians of America have been always  
the true owners and proprietors of their

territory by precedents and judgments of law both in Europe and America from the year 1606 to 1776. That is from the first settlement of the English in Virginia to the period when America became Independent and that the Indians had and still have a perfect legal right to sell their lands and to give title deeds to the buyers and that no civil power in Europe or America ever attempted to deprive the Indians of the gentile, Natural, and Divine Right.

I have also proved Sir that no law was ever made in England or America which prohibited the subjects of England the right of buying lands of the Indians under title deeds from the Indians previous to the Fourth of July 1776. I have moreover proved that in consequence of many wrongs having been done by the English subjects to the Indians in America who <sup>know</sup> not how to write or read the King of England, (Charles 2<sup>nd</sup>) forbade all Indian Deeds to be acknowledged

before a justice of the peace and ordered  
that all Indian Deeds given to white people  
should be laid before the governor of the  
colony in which the lands lay (or before  
the King) who on clear proof of the authen-  
ticity of the Deed and that the Deed was  
written according to the Instruction and  
meaning of the Indian Seller; then  
the Governor should write on the Deed  
his approbation and order the same to be  
recorded, in all this the Governor gave no  
power or right to the Indians seller nor  
to the white man who bought the land  
for by the Law of all nations the  
right to sell was vested in the Indian  
seller, and the right to buy the land  
was vested in the white man and the  
Governor, had no other concern in  
the whole business but to see that the  
Indian seller had not been cheated by  
the white purchasers

The complaint made to King Charles 2<sup>nd</sup> was this that the white men bought lands of the Indians six miles square but the white men would insert in the Deed sixty miles square and then have the Deed acknowledged by the Indians before some justice of the peace which being afterwards discovered by the Indians occasioned Wars and Murders.

The very order of Charles 2<sup>nd</sup> proves this that the Indian Deed legal and title voided and really effectual before it was seen by the Governor This was the fee transferred to the whiteman and the Governor could do nothing in the business but examine and certify that the Deed was written according to the Idias of the Indians and on knowing the facts stated to be true the Royal Instructions completed him to certify the same which certificate the register was obliged to record

with the Deed.

<sup>I never</sup> It was the intention of Charles <sup>2<sup>nd</sup></sup> to invest any Governor with a power to inquire the seller or the buyer or to do or say things against a true and Genuine Deed signed by an Indian Chief to a white man.

Thus Sir Charles <sup>2<sup>nd</sup></sup> put a stop to false Deeds, I have shewn to you Sir that the Deed to Capt. Carver bore date nine years before the Independence of America took place, Therefore his claim received a most sacred Guarantee in the constitution of the United States (Art. sect. 3) which prohibits Congress the power of doing any thing prejudicial to the claims of any individual. — Therefore whatever was justly and lawfully due to Capt. Carver under the Crown of England Anterior to the Independence of the United States is certainly justly and lawfully due to him

and his heirs under the authority of Congress  
posterior to the recognition of Independence.  
I have also proved Mr. Chairman that no  
doubts were entertained respecting the authen-  
ticity of the Indian Deed to Capt. Carver  
dated May 1<sup>st</sup> 1767 but that the British  
Government had promised to ratify said  
Deed before the Independence of America  
and had engaged to send Capt. Carver  
with others further <sup>to</sup> explore and settle the country de-  
lineated and conveyed in said Deed to Capt.  
Carver, all which has been prevented by the  
death of Capt. Carver and the calamities of  
war, upon the whole I think it has been  
elucidated before this honourable committee  
that Capt. Carver has a good and perfect  
right to the lands now in question and by  
every precedent of Kings and Governors and of  
courts of law together with the testimonials of  
all historians. For these reasons Sir he has a right  
in equity in law and policy to each for and

demand of Congress a ratification of said Indian Deed as stated in my petition and likewise a premission of Congress to go and take possession of said Territory according to the intention of the Naudowessie nation who gave the Deed and whose desendents on the west side of the Mississippi river have never manifested any wish to hold the land on the east side of the Mississippi river from Capt. Carver or his heirs.

Sir the policy apparent in Congress will appear by ratifying the Deed to Capt. Carver on this principle to be just and honourable, six different ways,

1. Carvers heirs will not be injured by Congress
2. the Naudowessies will not be injured
3. The Indian Title will be extinguished
4. Congress will not have to pay any money out of the Treasury to extinguish the Indian Title as recommended by the president of the United States

5, Carvers heirs (now ninety eight) faithful  
citizens of America, will settle the territory  
accompanied with enterprising Ya-  
nkies used to clearing land and Greeks  
from Syria and the Isles of the Archipelago  
used to cultivate the Currant and the  
Fig, the Vine & the Mulberry, the Olive &c.  
That in a few years the articles of Wine,  
of Oil, of Silk with many others now importable  
x from the Levant would become the domi-  
-ciliary employments of that territory and  
soon form a staple commodities to the United  
States, which, Sir would give a turn to the Peltrie  
and Furr trade of the Indians now almost wholly  
engroced by the North west Company at Montreal  
and the company at Hudson Bay and extends  
from the Northern Ocean to Nootka Sound  
in the West which at present in its passage through  
Canada is worth to great Brittian above 2,000,000  
dollars per annum and, b. a settlement at  
St. Anthony's Falls would help Congress

to sell its lands on the Mississippi and make  
safe and valuable the Louisiana Country not  
worth a single cent until it is inhabited by  
white people, Yet sir notwithstanding all  
these facts, notwithstanding that the Constitu-  
-tion of the United States most positively says  
Congress shall have power to dispose of and make  
all rules and regulations needful respecting the  
Territory but nothing shall be done by Con-  
-gress so as to prejudice any claim of any person  
of anterior date to the Independence of America  
and the constitution, and in the constitu-  
-tion of the United States I find these words  
"No Expost Facto Laws shall be passed" it  
was a rule adopted in New England so  
long ago as the Year 1620, a rule, a law forbi-  
-dden to exist by the very law of Nature as  
well as prohibited by the law of Revelation.  
Yet Mr. Chairman, yet notwithstand-  
ing all this to my great astonishment I  
have been told that precedents made by

Congress since the year 1776 are to be found against,  
granting the claim of Capt. Carvers heirs.

But where sir to find those precedents I am  
not yet instructed, should such precedents  
exist which I much doubt I must be infatuated  
sir in attempting to resist them unless they are  
against the constitution of the United States  
in that case I shall find myself wholly free  
and entirely at liberty to declaim against  
precedents even precedents of Congress and  
will never cease to bear witness against every  
precedent which appear in the least repug-  
=nant to the Constitution of the United States  
For which I have fought and bled & suffered  
x and almost died yet finally conquered.

Sir what precedents of Congress can exist  
which mitigate against granting the petition  
of Capt. Carvers heirs? I have not heard a  
single one nor can I believe a single one  
does exist contrary to the Constitution  
of the United States which expressly

Congress has no  
said that power to do anything prejudicial to  
the claim of any individual. I have heard  
that a petition from a Mr. Wilson Dothers  
for a ratification of Deeds given by the Indians  
on the Wabash and Illinois, have not been gran-  
ted and that many other petitions of similar  
nature from Spaniards and Frenchman  
and Englishman have not been complied  
with though presented to Congress, was the  
case of Captain Carrers heirs the same  
as those foreig<sup>=liners</sup> no door of complaint could be  
opened were all treated alike, but  
we know sir that the cases are perfectly  
disimilar. For while Carrers heirs are  
Citizens; freeborn Citizens of the United  
States protected by a Glorious Const-  
itution which guarrentes their claim.

The others are strangers subjects  
to other powers not Citizens of the  
United States, Foreigners whose  
rulers have sold their rights to Congress

I shall have no objection against such petitioners  
receiving justice; but Sir, I say let them seek it  
from their own Rulers, those Rulers who have  
sold their Claims, This is a precedent which  
ought to be established that every person may  
look to his own Government for Justice and  
protection and a recognisance of their claim-  
ing and let those foreigners petition their own  
Governments, their own Rulers, - those very  
Rulers who have sold their land to congress  
but this is not the of Cap<sup>t</sup>. Carvers heirs who  
now petition their own Rulers to recognise  
a legal proper Deed from two Indian chiefs  
to citizens of the United States of America  
citizens who have fought and bled in  
defence of the right and liberties of this  
Country and have not other Rulers from  
whome they can solicit Justice but the consti-  
tuted authorities of the United States,  
Congress have paid the French for their  
claim on the ~~Treaty~~ Territory of Louisiana

they have also paid the English for  
what claim they had on the territory  
laying on the Ohio river and between  
the Mississippi River and the Allegany  
mountains, - can it be reasonable for  
congress to ratify Indian Deeds formerly  
given to French, Spanish, & English subjects.  
No by no means, I repeat it Sir, I  
must repeat it, let such petitioners seek  
redress from their respective Kings, those Kings  
who have sold their right and claims of  
their own subjects to the congress of the United  
States, on those Kings the petitioners have  
a reasonable and equitable demand for  
with them is deposited the money  
paid by Congress for the very lands  
specified in their petitions, and I cannot  
help fostering the animating hope  
that such a precedent will never  
be again advanced as a principle.  
That the subjects of a foreign King

have the same claim to patronage, the same  
claim to the soil and the same claim to  
privileges as the native faithful Citizens  
of this Country, — no forbid it Heaven!

Sir there is a vast difference between the  
claims of such foreigners and that of  
Carver's heirs, the heirs of Capt. Carver  
are citizens of the United States who have fou-  
ght for the rights and liberties of America  
and are daily supporting the Constitution  
of the union, that very constitution which  
prohibits Congress itself from making  
any "ex post facto" law and even forbids them  
to act upon any "Ex post Facto" law and  
likewise that glorious constitution pre-  
cludes them from doing anything prej-  
udicial to the claims of the citizens of the  
United States, on this constitution I cannot  
discover that Congress has power to make  
a precedent - capable of operating against  
Carver's <sup>legal and equitable</sup> Claim founded on an Indian

deed dated nine Years before congress came  
into existance.

33 I am positive sir that congress  
has no constitutional power to do wrong  
neither to make "Expost Facto" Laws, nor  
to injure the claim of any citizen by  
their own <sup>Precedents</sup> precedent, which have been  
formed posterior to the gracious Act of  
1776. nor sir has congress any constitu-  
tional power to enrich her treasury  
by prejudicing the claim of Carver,  
neither can congress do such an  
injury to Carvers heirs but by with-  
holding a ratification of the deed  
given by the Indians to their father  
and in that case congress must  
extinguish the Indian title with  
money from the Treasury of the  
United States, but sir I have been  
told that there is another objection  
fixed as a maxim by the government

of the united States, that the Indians never  
possessed any title in the sense of English Christian  
law. — because the Christians found the country  
of America in a Savage state totally uncultiva-  
ted possessed by hunters and fishermen and that  
a title to lands vested and still vested on agri-  
cultural possession which the Indians never  
had of consequence the gentile Natural, Divine  
and hunting rights to the lands of Am-  
erica never gave the Indians an agricul-  
tural title, or Fee simple right \* see  
the end of the proceedings, to all lands  
not in a state of cultivation.

Sir could I be convinced that con-  
gress ever adopted such a Maxim I  
should verily believe that they had  
departed from the true protestant  
faith and had fallen back to the  
Popes doctrine manifested in his bull  
to the King of Spain in 1492.

That the territory of the gentiles to the

utermost parts of the Earth is the Fee  
simple property of the strongest power  
by virtue of a gift from Jehoiach  
to Shiloh. I have already said  
enough on this head to convince any  
human ~~being~~ mind illuminated  
with the logic of D<sup>r</sup> Watts, yet I  
beg leave to say in addition that  
Capt Smith once Governor  
of Virginia said in his history  
"we found the shores of the Chesep=  
=ke and its various and magnifi=  
=cent rivers covered with Wigams  
fields of corn, potatoes, beans, & tobacco  
and by their fields we have been able  
to subsist and prevent our planters  
from starving, and we likewise  
find that Governor John Carver,  
D<sup>r</sup> Mather, M<sup>r</sup> Neal, M<sup>r</sup> Mayhew,  
Governor Dunmore Gov<sup>r</sup> Hutchinson  
&c, have said in their letters and

histories from 1620 until 1770. that had  
not an extraordinary sickness prevailed  
among the Indians which destroyed  
many and drove off the rest from  
Plymouth Cape Cod and the Nara-  
gasset Country and by that means left their  
fields and cribs of Corn beans and pota-  
toes, standing or growing the settlers  
whomigrated from England must have  
perished with hunger and certainly  
would the following winter had not  
this been the case for they arrived  
in November 1620, here Sir is perfect  
proof, that the Indians had cultivated  
the Country in a manner adequate to  
their own Necessities and of course  
they certainly had the agricultural  
right as well as the gentile Natural  
Divine, Hunting, right & title.

Thus Sir I presume to assert that I have  
obviated every objection which I have heard

has been or can be urged as a precedent  
to operate against the claim of Capt.  
Carver.

I will implore your patience Sir a  
little longer, and that of this honourable  
committee, while I attempt a few obser-  
vations in addition to those proceeding,  
and shew that it will be really policy  
in the Legislature of the United States  
to grant the petition, — Carvers heirs  
are not destitute of the love of self  
interest nor of the love of promoting  
the revenue of Congress because they bring  
forward their petition for the ratifica-  
tion of the Sachems Deed to Capt  
Carver, — Carvers heirs have as much  
zeal in supporting the revenue of  
Congress as any member in the Union.

Therefore to prevent Congress the en-  
ormous expense of treating with  
the Naudowessie Indians and

paying them a vast number of Dollars to  
extinguish the Indian title according to  
the wish and recommendation of the  
President of the United States in his speech,  
they have brought forward their claim and  
petitioned to obtain a ratification of the  
Sachems Deed, given to Capt. Carver in  
1767. which will save congress all the pur-  
chase money to the Indians; do justice to  
the heirs of Carver, and likewise prove  
beneficial to the Union by directing  
the Peltrie and Furr trade of a very  
extensive country down to New Orleans  
instead of letting it remain in the hands  
of foreigners, through the Lakes and  
St. Lawrence,

Sir I must feel positive that such  
citizens and members of the Legis-  
-lature as wish to increase the wealth  
and revenue of the United States  
will of course vote for the ratification

of the Indian Deed to Carver and not  
oppose a ratification unless they should  
encline to empty the Treasury and  
impoverish Carvers heirs to enrich the  
Staudowessie tribes by paying them for  
lands they had already disposed and  
conveyed to Capt. Carver and his heirs.

Such a measure would directly  
impair the Constitution of the United  
States injure the interest & claim of  
Carvers heirs and what is equally  
injurious would teach the Staudow-  
essies that they hold a right not  
only to sell their Territory once to Capt.  
Carver but also a right to sell it a  
second time to Congress and a third  
time to some other person and still  
proceed to sell ad infinitum, such  
doctrine would not accord with  
true policy or with the constitution  
of the United States nor Sir could

it be a precedent worthy of being enrolled among the other precedents of congress which have not been prejudicial to the claim of individuals, but I shall conclude at present Sir with repeating this observation, that we have no precedents of congress since 1790 which can be brought forward prejudicial to the claim of Carver and his heirs unless they stand upon Expost Facto laws which are nullities by the Constitution of the United States.

Washington  
April 5<sup>th</sup> 1800

Sam Harrison

Honourable Isaac Smith }  
Chairman of committee from }  
the Senate }

An explanation &c. made to the  
Committee on Carvers claim.

Mr. Chairman,

I beg leave to explain  
the true intention of my arguments  
used in favour of Carvers claim.

1<sup>st</sup> the two Sachems in general council  
of the Ten Tribes of the Naudowessie  
Indians gave a Deed of a tract of  
land to Capt. Jonathan Carver and  
his heirs.

2<sup>nd</sup> The Naudowessie tribes owned &  
possessed said tract of land, possession  
and occupation vested them with  
the fee simple right to said land.

Their occupative, and cultural  
possession gave them all possible right  
to said land according to the laws  
of Nature, Revelation and civi-  
lized society.

3<sup>rd</sup> The Naudowessie tribes had a natural

Divine and civil right to alienate their  
right and convey by Deed said land to  
Carver.

4.<sup>th</sup> Their never was existing in England or  
America from 1492 to 1783 any land,  
which made it unlawful for any Brit-  
ish subject to buy land of Indians and  
to take a Deed of it.

5.<sup>th</sup> every British Colony in America was  
settled in the right of Indian deeds  
of consequence to British subjects by British  
Law.

6.<sup>th</sup> The British Kings in their charters  
always assigned Indian Deeds  
of conveyance as the course and  
foundation of each incorporation  
of a British Colony, which is a  
demonstration that the British  
Kings always admitted & believed  
that the Indians had the Natural  
divine and civil right to the land,

in America and that they had a perfect in equity and law to dispose of their lands to British Subjects by their Deeds of conveyance,

7<sup>th</sup> No British King ever claimed one foot of Indian Territory in America but on purchasing it of the Indians who were occupants and by conquest.

8<sup>th</sup> King Charles 2<sup>d</sup> never claimed one foot of land in possession of Indian proprietors in America and never made one law to regulate the Indians respecting their policy, because they were not his subjects, but he made a law to regulate his colonists and subjects some of whom had cheated the Indians, which brought on wars, and Murders. and his only Law was when ever one of his subjects or colonists should from this time buy

lands of the Indians in America to  
take a Deed of the same. That Deed  
should be approved by "us," or by the  
Governor of the colony in which the land  
sold was located.

This law was just prudent  
and peaceable, it did not deprive the  
Indians of their lands nor did it deprive  
the Indians of the right to sell their  
lands to his subjects, but this law  
deprived his subjects of all opportunities  
of cheating the Indians.

9<sup>th</sup> President Jefferson in his speech to  
Congress recommended to them to purchase  
land of the Indians and to extinguish  
the Indian right and title, to the land  
in the Western Territory and congress  
have adopted his advice. This perfectly  
proves that the Indians have a right  
and title to the lands in the Western Territory  
otherwise congress would not have

bought their right & title. —

10.<sup>th</sup> as an Indian Deed rests on their natu-  
-ral Divine & possessional right to the  
soil, — and that right is admitted to  
be good and perfect by Congress, it follows  
that the possessive right of the Naudowessie  
Indians conveyed to Carver, is equally  
good valid and perfect. —

11.<sup>th</sup> According to the law of King Charles 2.<sup>nd</sup>  
the heirs of Carver have the Indian  
to their Father before Congress, the represen-  
-tatives to the British King ever since 1783  
praying Congress in their legislative char-  
-acter to recognise said Deed and place  
it among the archives of Nation and  
thus have the heirs of Carver acted as  
faithful citizens of the United States  
by obeying a regular law of Christian  
Society requiring them not to wrong the  
Indian Nations by false Deeds —

12.<sup>th</sup> Carvers do not ask of Congress to give

them a "fee simple" title to the lands specified in the Indian Deed to Capt. Carver because they already have the "Fee simple" right and title to said lands. by virtue of the Indian Deed dated May 1<sup>st</sup> 1767. when Carver was created a chief among the Naudowessie tribes.

13<sup>th</sup> George 3<sup>rd</sup> in 1783 relinquished all his right of claim to lands between the Mississippi and St. Croix to the United States of America, by so doing he did not give to Congress the "Fee-simple" right of the Indians within those boundaries for he had no right over the "fee simple" estate of the Indians all this is acknowledged to be true by the President, and Senate and representatives in congress, - for they have bought the "fee simple" right of the Indians since 1783. —

14<sup>th</sup> Congress have bought Louisiana of the French, but Bonaparte the emperor of France never sold one foot of land which belongs to the Indians in fee simple.

by natural, Divine and civil laws,

The Emperor has only sold to Congress what he had a right to claim by virtue of a Deed from the King of Spain, Congress well understanding this, have been buying of the Indians their right & "fee simple" title to lands on the Mississippi River &c. &c.

How is it possible for any one to believe the ten tribes of the Naudowessie Indians have not an equal "fee simple" right to land and an equal right to sell them as the Osages or other nations of Indians on the Missouri River. —

15<sup>th</sup>

Carvers heirs have by their Father extinguished the Indian title natural and possessive to a large tract of land near St. Anthony's Falls. — policy prudence justice, will Congress not to buy the lands again of the Naudowessie Indians to the prejudice of Carvers heirs. the present proprietors who are Citizens of the United States and

well disposed to save the treasury the expense  
that accrues, in case the Indian Deed to Carver  
should be recognized.

16<sup>th</sup> I have likewise observed that I cannot suppose  
Congress will be induced to ratify the Indian  
Deed to Carver with a view to purchase the  
land anew of the Naudowessie Indians  
on the speculation of buying it at a low price  
and then selling it hereafter, at a high  
price For such a step would impoverish  
one Hundred Citizens to enrich the treasury  
Six Millions as well as enrich the Naudowessie  
tribes.

Washington April 9<sup>th</sup> 1806  
Hono: Israel Smith } Samuel Harrison

The following evidence was exhibited  
to the committee of the Senate on Carver's  
claim and lodged with the Secretary of the  
United States

177<sup>o</sup> X  
London September 19. 181

My Dear,

I wrote to you the fourth of this month in which I was more particular than I can need to be in this. I informed you in that of the necessity there was of my tarrying a while longer, with the advantages which would accrue to me on that account,

I am engaged with some others in making application for a colony towards the Mississippi in which we are likely to be successful if a war does not prevent. Give my affectionate love to Simeon and Mary, and their children and to each and all our children, I think much how happy I shall make them in a little time please God to spare my life, remember my kind regards to the reverend Mr. Ash & Madam, to Capt Root, and Brother S. Meed Sister, to Mr. Church xxxxx

The above is part of Capt Carrers letter to his wife and added to in the interrogations to Dr. Peters & presented to

the Committee March 8<sup>th</sup> 1800.

I certify that the printed copy of a grant of land in America by two Indian Chiefs to Capt Jonathan Carver deceased prefixed to his travels published in London in the Year 1782 was literally copied from a manuscript paper in possession of his widow Mary Carver who declared to me that it was an original ~~copy~~ grant conveyed to her husband by said Indians named in the present copy with the "Fac simile" or mark of each Indian.

attest

John Coakly Lettsom

Samuel Peters

London Januz 31<sup>st</sup> 1804

A True copy of a paper sent to me from London by Mrs Martha Pope, attest Samuel Harrison

The Rev<sup>d</sup> Samuel Peters L.L.D. testifies and says that he was intimately acquainted with Capt. Jonathan Carver, in London from January 1775 untill January 31<sup>st</sup> 1780, when

said Carver, died and was buried in  
the Parish of Shoreditch that the said  
Carver often shewed to the deponent his papers  
and among them was a Deed of a large  
tract of land laying on the east side of  
the Mississippi and adjoining the Falls  
of St Anthony granted to said Carver  
by two Indian Chiefs and signed  
with their signets, one marked in the  
shape of a "Mud Turtle" and the other a  
Snake with Indian Ink, said Carver  
told this deponent that said Deed was  
genuine and was verily signed by  
two Sachems whose names were ann=  
exed to their signets and that said  
Deed had been laid before his majesty,  
Lord Sandwich, Lord North &c,  
who doubted not the authenticity thou=  
without witnesses because the signets were  
marked with such Ink as was was  
not known to them and could not

be imitated, as they believed by any person  
in Christendom; that Government prom-  
ised him the royal ratification of said  
Deed and had omitted doing so only  
because of the troubles then existing in  
America and this deponent further says  
that Dr Lettson and this deponent attended  
said Carver in his last sickness and this  
deponent heard said Carver express his  
hopes that his majesty would ratify the  
Deed for the good of his children and for the  
good of the nation as a settlement in that  
quarter by the English would secure the  
friendship and commerce of the Indian  
tribes to the Western Ocean and tend  
greatly to civilize an innumerable mul-  
titude of innocent and ignorant people,  
and further this deponent saith not.

Samuel Peters.

J. Broodley,

Sworn before me at Union Hall this 19<sup>th</sup> day

of April 1815, a true copy of a paper sent  
to me from London.

Attest Samuel Harrison

Questions proposed to the Rev.<sup>d</sup> Samuel  
Peters before the honourable committee  
from the senate to whom was refered  
the petition of Samuel Harrison  
praying the legislator to recognise an  
Indian Deed, granting to Captain  
Jonathan Carver a tract of land  
near St. Anthony's Falls in the  
Mississippi

### Questions.

- 1<sup>st</sup>. how long is it since you first knew Capt.  
Jonathan Carver?
- 2<sup>nd</sup>. how long did you know him in England?
- 3<sup>rd</sup>. Did you ever see an <sup>Indian</sup> Deed of some land  
near St. Anthony's Falls given by two  
Sachems to Capt. Carver?

## Answers.

- 1<sup>st</sup> I knew Capt. Carver in 1755 in the Colony of Connecticut.
- 2<sup>nd</sup> Ever since my second arrival in London 1774 until the 31<sup>st</sup> of January 1780 when he died.
- 3<sup>rd</sup> Capt. Carver shewed me at London a Deed of a Tract of land laying

4<sup>th</sup> By whom was it written?

5<sup>th</sup> Did you ever hear <sup>Capt. Carver</sup> tell the reason why no witnesses were annexed to the Deed?

6<sup>th</sup> Do you not think there is reason to believe the Deed was a forgery by Capt. Carver?

eastwardly of St. Anthony's Falls in 1775. Signed with the signets of two chiefs of the Naudouessie nation dated at the Great Cave May the 1<sup>st</sup> 1769. The signets were a Tortoise, and a Snake.

4<sup>th</sup> The names of the two Indian Chiefs and Deed were in the hand writing of Captain Carver without any witnesses to the Deed,

5<sup>th</sup> Yes I asked why he had no witnesses to his Deed, he replied I had with me only one Canadian Frenchman, and one Indian guide neither of whom could read or write, and if they had made their marks, I must have written their names therefore I thought the signets of the Indian Chiefs would be better proof to the Naudouessie tribes than all other proofs.

6<sup>th</sup> No.

ny<sup>th</sup>

If not what are your reasons?

7.<sup>th</sup>  
Because Capt. Carver always supported a moral and religious character both in new and old England and he told me the signets were verily made by the two sachems, besides Capt. Carver was a man of great abilities and good sense, which would teach him that he could have no interest or advantage by a forged deed had it been ratified by the British Government on his petition in 1770, for the Indians would not have suffered him to take possession of a territory of theirs under a false deed, which, Carver well knew and yet he petitioned the British Government to ratify the said Indian Deed to him that he might go and take possession of said land in a legal manner to recompence him for all his dangers, travels & expenses, Further had Carver known the Deed to be a forgery, he would have

8<sup>th</sup> Did you ever see any other writings of Capt. Carver, besides, that Deed from the Indians to Carver,?

9<sup>th</sup> Does the writing look like Capt. Carvers writing,?

10<sup>th</sup> Did you know that Capt. Carver petitioned the British Government for a ratification of an Indian Deed to said Carver of some land near St. Anthony's falls?

asked for a pecuniary reward for his discoveries, instead of asking for a ratification of a false Deed, which he knew could never be of any use or benifite to himself or heirs  
Carver petitioned for a ratification of his Deed that he might go and settle under the crown on the territory, according to his agreement with the Indians in 1767, and did not petition for a pecuniary reward, which he might have received

8<sup>th</sup>

Yes many,

9<sup>th</sup>

yes I know it to be his hand writing as well as I know my own writing.

10<sup>th</sup>

In the year 1775 Capt. Carver shewed me a copy, of a petition of his to the British government praying for a confirmation of a Deed from two Sachems of the tribes of the Naudowessies of a large tract of land on the east side of the Mississippi river near St. Anthony's falls.

11<sup>th</sup> Did you advocate Carvers petition to the Lords?

12<sup>th</sup> Did you ever hear that any doubt was ever entertained by the above named lords, or any other person in England respecting the Authenticity of the Indian Deed to Carver?

13<sup>th</sup> Who attended Capt<sup>t</sup> Carver when he died?

x which was founded on the Indian Deed dated  
May 1<sup>st</sup> 181<sup>st</sup>, he begged my interference with  
Lord North, Lord Dartmouth & Lord Sandwich  
to have it ratified as soon as possible.

11<sup>th</sup> Yes and but for the Declaration of Independence  
of the 13 States of America in 1776, his petition  
would have been granted, - and Captain  
Carver with myself and others should have  
sailed to New Orleans to explore the Mississippi  
and Missouri rivers to their sources according  
to our appointment under the British Govern-  
-ment.

12<sup>th</sup> I never did.

13<sup>th</sup> Doct<sup>r</sup> Lettson and myself, -

and Carver committed his papers to Doct<sup>r</sup>  
Lettson and wished that Doct<sup>r</sup> Lettson & I  
might persue the petition and secure the

14<sup>th</sup>,

x

What took place after Capt Carvers  
death touching the territory?

15<sup>th</sup>,

After the peace in 1783, what followed  
respecting Mississippi and Carvers  
claim?

ratification of the Indian Deed for the  
benefit of his children and Country. —

14,<sup>th</sup>

Doct.<sup>r</sup> Lettson hired an engraver to  
take off the signets of the two Indian  
chiefs and had them printed with the  
Indian Deed, to Carver in the 3<sup>d</sup> edi-  
-tion of Carvers Travels, and in 1783,  
the merchants of London petitioned  
Lord Shelburn not to form a peace  
without saving to the British Merchants  
the right of Navigating the Mississ-  
-ippi and its waters for the sake of  
the peltrie and furr trade, and the  
merchants petition was granted. —

15,<sup>th</sup>

The Merchants of England met  
and agreed to send a number of persons  
up the Missouri and the Mississippi  
to St<sup>t</sup> Anthony's falls among whom  
I was one and failed only because of the  
armament against Spain and her against  
Russia. —

16,<sup>th</sup> Dr Lettson saies in his third edition of  
Carners travels, that the original Deed  
was in his possession in 1782 do youks +  
why the original Deed has been missing.

17,<sup>th</sup> What use could any one make  
of said Indian Deed,?

16<sup>th</sup>

In consequence of a letter from Samuel  
Harrison Esq<sup>r</sup>, I applied to D<sup>r</sup> Lettson  
in 1804 for the original Deed in order to  
send it to Rufus Carver of Vermont State  
and D<sup>r</sup> Lettson said it had been taken  
out of his possession by some person  
not in his power to discover; yet he  
had reason to believe one of his servants  
had been hired to steal it because  
all other papers belonging to Carver  
are still with him,

17<sup>th</sup>

Mr C, & Co<sup>s</sup> as I was told by D<sup>r</sup> Lettson  
and others believed the land in question  
belonged to Martha Carver who was  
deemed the only child surviving Capt.  
Carver, on that ground Mr C, & Co<sup>s</sup>  
induced Martha to leave the house  
of a lady Pearson her benefactrix and  
Foster-Mother who had adopted Martha  
as her own child and clandestinely marry  
a young Sailor and then prevailed

18<sup>th</sup>,

after the sale of land to C. H. °  
What was done,?

on her and her husbands to take letters  
of administration at Doctors Commons  
on Capt. Carvers estate the next day  
C. & C. prevailed on Martha and her  
husbands as administrators to constitute  
Mr. C. their agent and by the same in-  
-strument sold and conveyed all the  
territory mentioned in the Indian  
Deeds to Capt. Carver reserving only  
one tenth, to Martha and her hus-  
-bands

18<sup>th</sup> Mr. C. & C. sent Mr. Clarke with goods  
and money nearly the value of £2000.  
sterling to New York and from thence  
he was ordered to visit the Naud-  
-ouessies and procure a new Deed  
of the land to Mr. C. & C. Clarke on  
his rout towards Niagara was murdered  
and robbed and the Murderer was  
discovered and hanged at Albany.

19<sup>th</sup> What effect had the death of Mr. Clark  
with the claim and Deed given to Carver  
by the two Indian chiefs,?

20<sup>th</sup> Do you know Mr. C. & Co.,?

21<sup>st</sup> Did you ask Mr. C. - for the original  
Deed,?

19<sup>th</sup> That said catastrophe of Mr. Clark  
proved fatal to Mr. C. & Co. as was believed  
by Sir, Richard Prior, Dr. Lettsom,  
Dr. Pearson, and others for it was their  
opinion that Mr. Clark had the ori-  
ginal Deed with him when he was  
murdered and robbed & therefore C. & Co.  
ceased to persue Carvers claim any further

20<sup>th</sup> I know Mr. C. only. —

21<sup>th</sup> I asked him for the original Deed  
and he declined giving me an answer  
but said he had laid out above  
£ 300. sterling for his share in that  
business of Capt. Carver,

Samuel Peters.



City of Washington

District of Columbia

Personally appeared the  
Reverend D<sup>r</sup>, Peters who signed the above  
answers in my presence and made oath  
on the Holy Evangelists of Almighty God,  
that the answers given to the preceding  
Questions contained to the best of his  
knowledge and belief the truth the  
whole truth and nothing but  
the truth,

Sworn this 29<sup>th</sup> March 1806  
before William Thornton Justice of  
the peace,

---

The affidavit contained on these  
sheets and signed Samuel Peters  
was in substance testified by him  
before the committee of Senate appoi

-sited on the petition of Saml. Harrison  
agent for the heirs of Captain Jonathan  
Carver and it was sworn before Mr.  
Justice Thornton, because the comm-  
-ittee considered they had not authority  
to administer an oath.

Washington City,

April 21<sup>st</sup>. 1800

Isreal Smith, chairman

The preceding papers containing the  
affirmation of D<sup>r</sup>. John Coakly Lettson  
and the depositions of the rev<sup>d</sup>. D<sup>r</sup>. Samuel  
Peters are true copies of those in the office  
of the Secretary of the Senate of the United  
States examined and compared this 23<sup>rd</sup>  
of April 1800, at the Capitol in the city of  
Washington, Saml. A. Otis Secy.

Signed in the presence of  
Saml Elliot Junr.

To Jonathan Carver a chief under  
the most mighty and potent George  
the Third, King of England, and  
other Nations, the fame of whose cou-  
rageous warriors have reached our  
ears and has more fully been told  
us by our good Brother Jonathan afore-  
said whom we rejoice to see come  
among us and bring us good news from  
his country, — We Chiefs of the Naud-  
owessies who have here to set our seals  
\* do, by these presents for ourselves and  
heirs forever in return for the money  
presents and other good services done  
by the said Jonathan to ourselves  
and allies, give grant and convey  
to him the said Jonathan and to  
his heirs and assigns, forever, the whole  
\* of a tract or Territory of land bounded  
as follows: Viz:

From The falls of St. Anthony running

on the East bank of the Mississippi, nearly  
south east as far as the south end of Lake  
& Pepin, where the Chippeway river joins  
the Mississippi and from thence eastward  
Five days travel accounting twenty english  
miles per day, and from thence north  
Six days travel at twenty English  
miles per day, and from thence again  
to the falls of St. Anthony on a direct  
strait line, We do, for ourselves heirs,  
and assigns forever give unto the said  
Jonathan his heirs and assigns forever  
all the said land with all the Trees,  
Rocks and Rivers thereon reserving for  
ourselves and heirs the sole liberty of  
fishing and hunting on lands not  
planted or improved by the said  
Jonathan his heirs and assigns. —  
To which we have affixed our respective  
seals at the Great Cave May 1<sup>st</sup>  
one Thousand Seven Hundred.

and Sixty seven —

Hawnopjatin



his mark

Chtonqoomlisheaw



his mark

The foregoing Deed with the signets from two Indian chiefs of the Sauwewessie tribes near St. Anthony's Falls in the Mississippi river to Capt. Jonathan Carver dated at the great Cave on May the 1<sup>st</sup> 1767. is a true copy of an original Deed compared according to the testimonies of the Rev. Sam. Peters and Dr. John Coakly Lettson M.D. as stated in a petition to Congress by Samuel Harrison in behalf of the heirs of Captain Jonathan Carver praying for a recognition of the same as on file in the Senate office of the Secretary of the Senate

of the United States, Examined this 23<sup>d</sup>  
day of April 1806. at the Capitol in the city  
of Washington.

attest

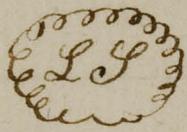
Samuel A Otis,  
Signed in the presence of } Secretary of the  
Sam: Elliot Junr } Senate of the United  
States

To all whome these presents shall come  
Greeting.

I certify that Samuel A. Otis  
who hath attested the certificate last  
written on the last annexed sheet of  
papers is Secretary of the Senate of the  
United States of America duly chosen  
and appointed, and that full faith  
and credit are due to his acts as such,

In faith whereof J. James Madison  
Secretary of the department of State  
of the United States of America, have

have signed these presents and caused the  
Seal of my office to be affixed hereto at the  
City of Washington, This twenty ninth  
day of April A.D. 1806 and in the thirti-  
eth year of the Independence of the said  
States, —



James Madison  
— " —

The foregoing is a correct copy of my  
proceedings on the Carver business, the  
original papers are now in my possession  
at Chittendon, County of Rutland, Vermont  
May 20<sup>th</sup> 1807.

errors excepted,  
Samuel Harrison  
agent for Carvers heirs

The following lines were presented to the  
Chairman of the Committee on Carvers  
claim by the agent on hearing that precedents  
were against him, and alluded to in the  
introduction of the plea at the third  
audience March 24<sup>th</sup> 1806. —

D<sup>n</sup> Sir if on Precedents we do build  
Our throne of judgment we must quickly yield }  
And vanquish'd reason leave upon the field }  
Were precedents of blood & Slaughter  
Of divers crimes and various torture;  
For swindling dueling and Murder  
Each has its Thousands yes, & further;  
We might quote precedents for every vice  
Swarming as numerous as Egyptian lice  
Yet none of these true judgment ought to sway }  
Mislead our principles or guide astray }  
Our dubious fancy from rights narrow way.  
Oh, never let the historic page be soild  
with vile ingratitude to him who toil'd

Solong a time in Crepusculion shades  
And suffered hardship in so many grades -  
Set justice equity and prudence join  
Wisdom and truth with policy combine }  
And gratitude to Carver from the line }  
Song may great Smiths & Baldwins Judg-  
ment prove, }

That precedents shall not their virtue move  
To deviate from justice gratitude & Love, }

Washington March 20<sup>th</sup> 1806

Hono: Israel Smiths.

State of New York ss

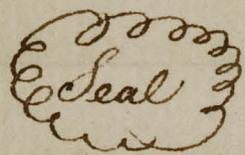
To all whom these presents  
shall come, Greeting, this is to certify that  
J. Oliver Waldron Junr. Public Notary,  
duly commissioned and sworn, residing  
in the city of New York in the State of  
New York, having carefully and duly exam-  
ined and compared the foregoing documents  
relative to the proceedings of Samuel

Harrison Esq. agent and attorney for the  
heirs of Capt. Jonathan Carver deceased,  
before the honourable Israel Smith, A  
Baldwin and John Smith Esqrs. Committ-  
=ee from the senate of the United States  
appointed by an order of the senate of  
the United States, March 4<sup>th</sup> 1806.

To consider and report on the Petition  
of the said Samuel Harrison in be-  
=half of the heirs of said Jonathan  
Carver praying a recognition of an  
Indian Deed of land near St. Anthony  
Fall upon such examination have  
found the said documents to be true copies  
from a transcript (the originals of which  
have been certified and which certification  
I believe to be true) are in the hands  
of the above mentioned Samuel Har-  
=rison of Chittendon in the county of  
Rutland and State of Vermont,

Therefore an attestation being

x required, I the said Notary <sup>our</sup> have  
granted the same under my notarial  
firm and seal at the City of New York  
the second day of July, in the year one  
Thousand eight hundred Twelve and  
of the Independence of the United  
States of America, the Thirty sixth,



Quod attestator,

Oliver Waldron Junr.  
Notary Public,

\* The land on which they were born and  
always lived - therefore the Indians  
have not and never had any right to  
sell and convey one acre of territory to  
the Christians; who hold an inherent right  
to.

# Deposition of Ebenezer Parrish

Ebenezer Parrish of Luzern County in the State of Pennsylvania, being solemnly sworn on the Holy Evangelists of almighty God doth depose and say, that he was acquainted with Cap<sup>t</sup>. Jonathan Carver, who was the owner of a large tract of land on the eastern side of the Mississippi river beginning at the Falls of St. Anthony and extending to Lake Pepin. In A.D. 1795 or 1796 some of the representatives of the said Carver put into this deponents hands an instrument of writing purporting to be a Deed of conveyance of the said land from the natives and which Deed purported to be confirmed by a patent from King George the Third under the Great Seal of England. This Deed and other papers relating thereto were in deponents possession.

=ion for a considerable time,  
sworn before me

15 July 1817

Michl Keppeler

Alder<sup>n</sup>

Ebenr. Parrish



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original

document

Memorandum rec<sup>d</sup> from Lorenzo Dow.

Capt. Carver was a Native of Connecticut; after his Tour in the interior went to England, I think in 1768 or 1769.

Priest Peter was a Clergyman of the Church of England, in Hebron Connecticut; And being attached to the Royal Cause was moved — so went off to the British at Boston, I think in 1774. I went to England, and had a Pension from the King — Capt. Carver having been acquainted with Peter in America, apply'd to him to bring it before the Ministry King G<sup>o</sup>. — Lord North I think was one, and in the 3<sup>o</sup> London Edition of Carver's Work, is an account in the Preface of the favorable reception he met with G<sup>o</sup>. and the Encouragement they gave, but the war broke out, ~~and~~ caused them to alter their Conduct, towards him, and with duplicity, wanted the papers to be returned to Gov<sup>t</sup>. after they had encouraged him to go on & publish, he at a Loss repurchased them back, & returned them to Gov<sup>t</sup>. who saw proper to have them cancelled for fear of the Consequence, as he was an enterprising Yankee, of course he had but some papers left and the copies — which were deposited with Doctor Litchom, from whom the Deed was stolen, but the same having been published in the Preface, a Copy

could be obtained which the Doct. & Priest Peter certify to  
be genuine, ... Carver left his Family in America, but being  
detained in England, got in Debt for Board, and paid it by  
marrying his Hostess, who had a Daughter that married,  
— and sold Carver's Claim as the Heir at Law; — To Mr.  
Clark & Co — and Doct. Letson thought his Servant was  
bribed to steal the Deed for Clark & Co, who sent an  
Agent with L. Gooch, to bribe the Indian Chiefs to take  
back the Old Deed, and give a New One to him — But  
the Agent was murdered beyond Albany, and the Murderers  
were taken & executed at Albany, — Carver having died  
at London 1780. The Treaties of 1783 & 1794 were, what  
they were, and what was sound under the old Dynasty  
is to be considered sound and binding under the new.

The widow, or Heirs of Carver, employ'd Harrison as  
an Agent, who sent to England for the Papers — Peter  
came over, and the matter was brought to Washington  
1806: A Committee from the Senate was appointed —  
Testimony brought, Part of a Letter from Carver to his Wife,  
Dr. Letson's Certificate &c. — & Peter's Testimony, Papers filed  
Otis's Certificate of it, J. Madison's testimony &c. as Secy.  
of State, — So the Land would not be

be in our Land Office recorded, nor mentioned in Jay's Treaty, because the Resurrection was since that time and not yet regularly sanctioned — but recorded in the Senate Office; — Mun was connected with old Fay, who died, leaving Mun with a Power of Attorney to Act for him, and he had some papers to swindle about Carver's Land 250,000 — he (Mun) went to New York & mentioned the circumstance, and somebody told him of Peter, who claimed the whole, he offered 460,000 Acres, if Mun would bear his Expenses and go with him to Vermont, Mun went, Peter's Deal was only Conditional, 1 so much compensation. 2 so much Land, 3 to see the Title confirmed, 4 satisfy the Indians, & 5<sup>thly</sup> to settle a Colony there in a given time. And he Peter failing in all these Points the Deal was null & void, having been lodged in the Hands of a 3<sup>rd</sup> Person viz: Harrison, who was dead, and his Widow would not deliver it, or any of the relative papers up, without a demand 500 Dollars being paid, as her Husband's Charge against the Estate of Carver. — Mun gave some Money, & his Note, for the rest; The eldest Son of Carver & Adm<sup>r</sup> would have nothing to do with Peter; but offered to sell it immediately to

to Mun, Mun brought home a Deed accordingly, which  
is recorded in this Place; Some of the Grand Children of  
Capt<sup>n</sup> Carver, said Mun forged the Deed, & old Co<sup>r</sup>  
& Biglow said, if Mun came back he would be tried  
for Forgery — Mun is come back & not taken up —

Meigs, the late Gov. of Ohio, or else Tiffin, came into  
the Land Office within a few Years, and they could not  
find it there and must so say — Yet, the British did  
admit Individuals, to purchase of the Indians, see the  
Grant of Connecticut, reason why! and they & US admit  
the Indians, to be the Original Owners of the Soil —  
— of course a right to convey it — Constitution cannot  
make a Law, to null prior Contracts; Where there  
is no Statute Law, the Common Law of England  
take Effect — Vermont was not a State, when  
Carver died — and there is no Statute Law, that  
extends to the NW Territory, now — hence Rufus  
Carver, as the Eldest Son, according to British  
Law must — — Thus you see — L.D.

Eng 3 Indians are dwindling and decreasing in  
Number on the East Side of the

The Mississippi, and Carver was the first  
Englishman that penetrated Interior - Hence  
as many Tribes are now extinct (See Jefferson's  
Notes on Virginia) that had a Being 40 or 50  
Years ago, there may be extinct ere this,  
or, incorporated with other Tribes so as to  
lose the name. 

Dec<sup>r</sup> 13. 1817

Notes taken by R. Syndale of Information rec<sup>d</sup>. from  
John Wall. who lives within six miles of Baltimore  
S<sup>r</sup> Wall is now the Chief proprietor of Carvers Grant.  
and went to visit N. C. to settle affairs with the Heirs of  
Carver.

1<sup>st</sup> Close attested Copy of the proceedings of the Senate  
of the U.S. In the hands of Rufus Carvers Son in Law.  
who lives in Brandon. Rutland County State of Vermont.

2<sup>d</sup> Confirmation of Carvers Title by the British  
Government. In the hands of the Widow Harrison. which  
Title Carver obtained about two months previous to  
his death. in 1779<sup>or 80</sup> and Enrolled in the Lord High Chancellors  
office { Widow Harrison lives in Brandon State of Vermont. }

3<sup>d</sup> S<sup>r</sup> J. Wall Has agreed for a certain equivalent with  
Chas<sup>r</sup> Lord a Merchant of Montreal L. C. Relation  
to Lord Selkirk's agent. to get S<sup>r</sup> agent to search  
the records in S<sup>r</sup> office in England for S<sup>r</sup> recognised  
Title

4<sup>th</sup> Rufus Carvers Son went some time back to  
Survey the Land. Saw and conversed with a Son of one

one of the Naudawysie Chiefs who had granted the Land  
to Carrier who made mention of them and acknowledged  
the Land to be Carriers.

Ms. Mr P Carrier Sun Teachers School at Green Bay  
John Wall will be in Child. in my next. thus far fall,

Letters of Administration. obtained at the Doctors Common  
City of London. on Capt. Carriers Estate by Mr Castore  
Gill, L. D.

Information taken by R. F. of Lorenzo Dow,  
 Carvers Grant May 1st 1767

In 168 or 169 he went to England. and in about Ten  
 years after his Journal came out. Sold rapidly. and  
 a second Edition came out 1779 In 1800 he died.

The Heirs employd Loyal Harris who wrote to  
 England as their Agent. for the papers in Testimony  
 of the Deed. <sup>also had been sent</sup> there a copy of the Deed from Carver to his  
 as also Doctor Lesom Certificate by Pierce Peters oath  
 { Peters formerly belonged to Hebron Connecticut. and went off to the British  
 at Boston. }

Which Testimony is recorded in the Senate office of U.S.  
 names of those to whom Lorenzo Dow has given  
 Deeds. of Land in the N. W. T.

- |                              |                                     |
|------------------------------|-------------------------------------|
| Robinson Tyndale             | Loworth Merrit & Co                 |
| William Tyndale              | Gas Given                           |
| Shoran Carter                |                                     |
| Joseph L. Dickerson          | Dan Burrows of Hebron Can           |
| Mary Darry                   | Silas Burrows of do                 |
| Bennedick Darry              | The Children of Joseph Burymon, Can |
| her Children                 | Tabitha French                      |
| J. R. Gates                  | Orlinda Alta of Hardwick Ver        |
| Amorish Pocan                | Thos Pitts, Loway, N. C.            |
| Maryat Fishes                | Abigail blonchard do                |
| Catharine <sup>Stinson</sup> | Flavious of Huntington. my Nephew   |
|                              | Caindell Ohio L. Dow                |

Charles Mason 20<sup>th</sup> 1817

## Plan

1) Go to Warrington. Read the Characters of the Heirs, fact to fact, the Nature of their Opposition, and pry into their proceedings from the Commencement.

2) Muns Deed appears to be the first upon Record. and now are Recorded even since. It is our first Step to get a Copy of Muns Deed. and Map with the Seal of the office. and have it Recorded in the Next public office to the Land. then lodge the Deed or Map in a Magistrates office which ever is Next to the Land

This possession in the Law. throws an insurmountable Difficulty in their way should there appear opposition.

## motto

Diligence and perseverance will Conquer.

Be just and fear No Danger

A. S.

When at Men's I saw a deed from I think one Every  
to Fox of 250,000 acres - and it is said that Every, Fox  
& Well demanded ~~to~~ a deed & a grant of Parrish who  
was a Land speculator in N.Y. & with whom those  
Instruments had been deposited for some cause or  
by Solomon Every  
another - but previously the same had been demanded  
by Corvers Boston Chite who came over ~~with~~  
~~papers~~ to Boston & went to N.Y. and demanded  
the ~~papers~~ writings of ~~papers~~ Parrish who refused to deliver  
them up as he had given his receipt for them - to them  
Parrish delivered the Deed & Grant & took back his receipt  
Mr. Samuel Reed saw the patent who removed to  
Fairfield in Connecticut & with whom Parrish  
devised at that time - Walter Nickols saw and  
perused the patterns; John Backus, who has lived in  
Hudson City - Solomon Every does or did live at Shaft-  
(borough) or Every, Vermont) Ezekiel Weel <sup>lives</sup> between  
Hudson & Henderbrook - so much for the Testimony  
& hand writing of Parrish as per Wall -

Now arises the Query how those Men come by  
the Indian deed & Grant? From the plea of  
Mr. Harrison it would appear that the Corvers knew

nothing of the grant - hence how came the Grant  
over? How came they by it? It would appear as the  
natural inference considering their former characters that  
when Clark & Co's agent was murdered those Instruments  
were stolen by the Robbers & hence these men obtained them  
through that avenue - and as the Boston Girl had demanded  
the Instruments first - the presumption is that after they  
had taken them from Garrison that they destroyed them  
for fear of detection - in that Robbery & murder -

3 The Buildings which is said to contain the Grant are  
the Buildings of White Hall the Foreign plantation office  
London - Hence the propriety for honest men to apply in  
London & have the records searched in that City L. D.

Lovens Carver is one who with the Guns signed  
Ed Capt Bonas deed & he, Lovens, is the son of Rufus  
Carver - and Rufus Carver, though a poor honest man,  
is under the influence of his son in law, like a  
slave in fear - and acts not himself but is their tool

The proper mode if the other Children could be  
brought to acknowledge that Rufus Carver is the  
only proper Heir at law & revoke all others & Rufus  
revoke all others but Mears - which with proper bait might  
be brought to bear with honesty & Justice

would want to make Mears with Mears

By the <sup>President</sup> <sup>or few weeks since</sup> <sup>agreement to conform all former</sup>  
British & Spanish Grants - it would appear that the  
President had an eye to Covers grant - as that  
Confederation would save on other Treaty & expense of  
160,000 dollars at 2 Cents per acre - hence instructed  
the Commissioners to act accordingly - as there appears  
no evidence of any French or Spanish Grants in that  
section of the region - and as first deeds recorded are  
most valuable, hence the propriety of getting the first  
settlement

Mr. Samuel Reed, the Last I saw of him  
he moved from New York to Fairfield in  
Connecticut state I bordered with him at  
the time I took the Patent  
water wheels saw and saws the Patents  
John Backus the Last I heard him he lived in  
Luton city Solomon Every Shaps Bury In  
Vermont. Dr. K. D. Wells lives between Hudson  
and Kinderhook  
Parson's hand writing so say  
Mr Wall  
L. Dore

late treaty with according to the proclamation of the  
By the <sup>Indians</sup> agreeing to confirm all French  
<sup>or a few weeks before</sup> British & Spanish Grants - it would appear that the  
President had an eye to Covers grant - as that  
confirmation would save on other Treaty & expense of  
160,000 dollars at 2 Cents per acre - here instructed  
the Commissioners to act accordingly - as there appears  
no evidence of any French or Spanish Grants in that  
section of the region - and as first deeds recorded are  
most valuable, hence the propriety of getting the first  
settlement under allens title & records according -  
Levens Corner was not permitted to pass Green Bay for  
the want of a passport from the President - two  
Yeans de robes went on were drawn down for their lives  
to the garrison at Prairie du Chien - it then was had  
an Indian squaw for a wife got some of the Chiefs  
together for a Council - but as there were no presents  
they broke up without doing any thing here said  
the man It is vain to call a council without where  
with to meet the Indians

From parish sath connect with Avery, Iron &  
Wells with Dr Lettsome & Clark & Co it appears  
how the British Grant came over & fell into their  
hands - and B. Mun being Iron's ~~exec~~ executor all  
of Iron's papers would fall into his hands - and B. M's  
Wife told me that there was a large parchment as  
large as a table relating to the claim & Mun's son

Told Trevelos he saw it in <sup>among</sup> the papers of his father  
at Cascaska - but as ~~when~~ it heels over head perhaps  
he has never noticed it

By the Indians agreeing first to be considered under  
the protection of the U.S. & to confirm all British French &  
Spanish Grants. It does not appear there was a Treaty with those  
Indians before Coover was the first & And only Englishman  
<sup>who</sup> had been in those parts before the revolution - & of course  
there could be no other British Grant but his - and there is  
no reason to believe there is any Spanish Grants in that  
Quarter or to expect any French - & if there was - none are  
Binding but the British according to the Treaty of 83 & 94  
as there was no provision made for any other - and the  
Government of U.S. not being acknowledged by the Indians  
as their protectors - the U.S. could not keep out British  
Traders previously by Law - they were but Citizens &  
see the printed vote on the Cover - the Presidents  
Proclamation on the of the Indian Treaty came out  
between 15 Dec 1817 & 20 Jan 1818 in the Newspapers  
have in the files of those who print the Government  
Instructions must retain that proclamation - & in  
which the Prisoners were to be Delivered at  
Prory De Chione &c -



deponent was about Five or Six years of age that he well remembers (when Thirteen or Fourteen years of age) hearing M<sup>rs</sup> Carver the wife of Jonathan Carver aforesaid say and state that she had received writings and Monies from her said husband then in England sent to her from Boston Massachusetts through Governor Gage, that she then lived in Hampshire County in Massachusetts aforesaid

This deponent in the year A D. 1775 was at the residence of the said M<sup>rs</sup> Carver when she told this deponent, that two of their family had removed into the present State of Vermont,

That about the year A D. 1795, one Simeon or Solomon Avery, who stated that he had married one of the Daughters of the said Captain Carver) after some acquaintance with deponent, called at deponents Office then kept in the City of New York for the purchase and sale of Lands and that the said Avery then exhibited to and left in possession of deponent two parchment Deeds, the one

from the Saunderwiffie tribe of Indians  
executed by the chiefs of said Nation  
according to the accustomed manner among  
Indians granting to the said Capt. Barver,  
a tract of land now lying in the North-  
western Territory beginning at the Falls of  
St. Anthony on the Mississippi river and  
running to the Chepeway river where it  
empties into the Mississippi river and  
limited by days travel, this Deed appeared  
to be written on parchment manufactur-  
ed from Deer skin in the red with the  
hair taken of in the Indian Method of  
preparing parchment and in the way that  
deponent has often seen parchment man-  
ufactured while an agent & transacting  
business among the Indians, upon  
the back of this Indian Deed was  
written and executed the ratification of  
said Indian grant by the Government  
of Great Britain, the other was

a parchment Deed apparently of English  
manufacture from which was suspended  
by blue ribbons the Broad Seal of,  
England upon which parchment  
was made and written a Grant or patent  
of said Carvers tract of Land above  
described conveying the same from the  
Government of England to the said  
Captain Carver his heirs and assigns  
apparently (and as deponent believes)  
executed by the proper authorities of  
said Government of Great Britain.

The said deponent Ebenezer  
Parrish being cross examined on the  
part of the above plaintiff (Benjamin  
Connor) deposeth and saith that he deli-  
-vered the said two deeds to the aforesaid  
Simeon or Solomon Avery in the presence  
of one John C. Fox and Ezekiel Webb who received  
the same from this deponent at his office in  
the city of New York sometime in the year.

A D. 1796 or 1797, this deponent having had them for some months in his possession that deponent often shewed and examined the said Deeds and <sup>was</sup> perfectly well acquainted with the contents thereof.

Sworn and subscribed in my presence before me this 23<sup>rd</sup> day of February A D 1818  
S. Badger Alderman

Signed

Eben. Parrish.

I John Conrad Prothonotary of the Supreme Court of <sup>the</sup> Eastern District of Pennsylvania, hereby certify that the foregoing is a true copy of a Deposition taken in the above case as the same remains of Record in my office

In testimony whereof I have hereunto set my hand and <sup>affixed the</sup> seal of said court at Philadelphia the 3<sup>rd</sup> day of March in the year of our Lord one thousand eight hundred & eighteen



John Conrad. Proth.

To all whom it may concern

I called at the Buildings in White Hall in London on my visit to England 1818 and had access to the records where I found that Capt. J. Carver had laid his business before the authority—and that a Committee had been appointed to hear and examine the same; and moreover had made a favourable report to the Ministry—that it would be proper to pay Carver, I think over—Eleven hundred pounds and a donation for his enterprising serviceable discoveries—

From this office there was a preference to others—one of which was not acceptable but by a special note of permit from the secretary him self. and in order to obtain that I was informed that I must make out my request in a formal instrument of writing designating all the particulars &c &c which must in the sequel be attended with considerable expence which in the end might lodge me in the Light house and there I stopt of course. But after examining most of the notes

towns in England in Quest of the third Edition  
of Carvers Travels published by Dr Letsome after  
Carvers death - I found one copy in a second hand  
Book shop which contained the Turtle & the snake  
and which which I got for seven shillings English

- Philadelphia Nov 15 1820 Lorenzo Dow

Walls of Baltimore threatened the  
Carvers in the Supreme Court of U.S. hence  
obtained a deed of conformation concerning  
Benjamin Muns title - so he left me L.D.  
and has sold his property to move to the West

Mun has seen the Chiefs of Indians who expressed  
what they would accept to confirm Carvers  
donation

Copy of 9<sup>th</sup> article of agreement in the  
treaty between the U. S. of America & Great  
Britain made June 24<sup>th</sup> 1795 (see Jay's Treaty)

Article 9<sup>th</sup>

It is agreed that British Subjects who now  
hold lands in the territories of the United States  
and American Citizens who now hold lands  
in the dominions of his Majesty, shall continue  
to hold them according to the nature and tenure of  
their respective estates & titles therein; and  
may grant, sell or devise the same to whom  
they please, in like manner as if they were  
natives; and that neither they nor their heirs  
or assigns shall, so far as may respect the  
said lands and the legal remedies incident  
thereto, be regarded as aliens.

## Red River Colony.

*Detroit, November 28.*—Mr. Miles M'Donell, governor of the colony established by the Earl of Selkirk at Red River, on Lake Superior, (a relative of John M'Donell, Esq. of this city,) and recently from the colony, passed through this place, a few days since, on a tour to the eastward. According to this gentleman's account, the climate of the country where the colony is situated, is milder than might be expected from its latitude. The face of the country is generally level, interspersed with groves of timber and extensive prairies, on which innumerable herds of Buffaloes and other wild animals feed. Salt springs abound, and the waters are well stored with fish.—The colony, which was nearly destroyed in the quarrel between the North west and Hudson's Bay Companies, in 1815, is now in a flourishing state.

*Augusta. (Geo.) December 19*

Nov 16 1817

*Detroit, Jan. 9.*

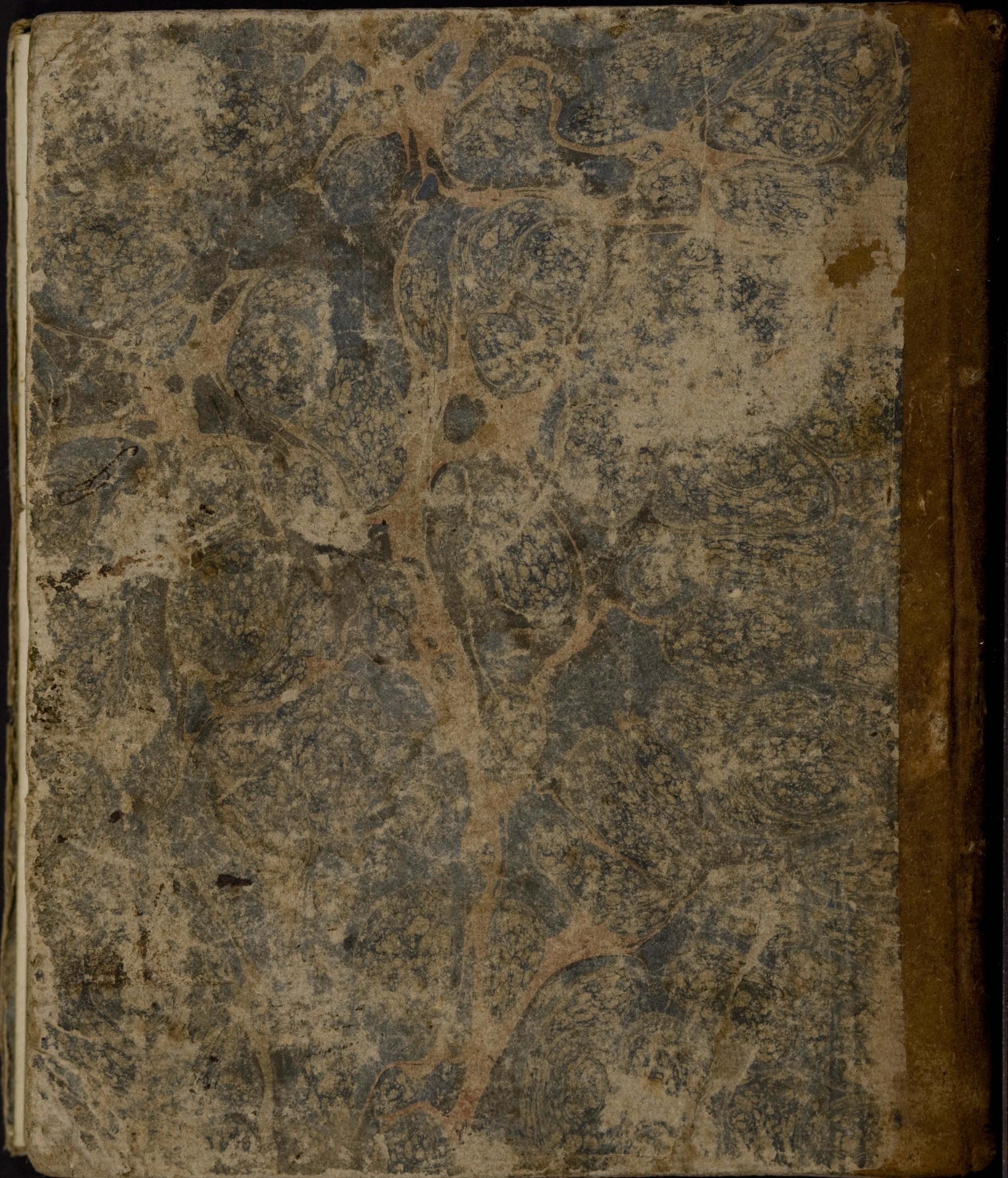
**Important.**—We are informed that the Secretary of War has communicated to Gov. Cass the determination of the President, that the Indian trade, within the territory of the U. States, shall be confined to citizens (native or naturalized) of the U. S. Instructions have accordingly been issued to the different agents of this superintendency, to license no person to trade with the Indians who is not a citizen.

This decisive measure ensures to our own people exclusively, an important branch of trade within our own territories. It will soon be seen how fallacious were the opinions, that sufficient American capital could not be found to supply the demands of this trade. Its effects in a political point of view, and upon the minds of the Indians, must be productive of beneficial consequences; and taken in connection with the commanding attitude of the United States, cannot fail of ensuring a continuance of peace upon this frontier.

*York. (Unver. C. 1817)*

*November 6.*

It is now reported that Lord Selkirk, losing confidence in his present title to his North western territory, and with the determination of persevering in his plans of colonization, has succeeded in a negociation with the Saulteux Indians of Lac la Pluie, for the sale of their rights to 200 leagues of the Hudson Bay Company's grant, in consideration of an annual present of 200 lbs. of tobacco. It happens that this country is so near the boundary line between Canada and the United States, that it is not certain to which it may belong.





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