

History of Marshall Township (1851)

The following is a chapter from Annals and Recollections of Oneida County, as published by Pomroy Jones in 1851.

If the author had commenced a few years earlier, he could here have opened a rich mine of historical incidents. In this town was located the tribe known as the Brothertown Indians. It was composed of the remnants of the various tribes of New England and Long Island. They had melted away in their murderous wars with the pale-skins, and by adopting their vices, until, when they here sought refuge, these remnants were small indeed. After they had congregated at this place, they numbered but about 400. What a fearful accounting will have to be rendered by our New England forefathers for the mighty balance of the once powerful Naragansets, Mohegans, Pequods, Montauks, Naticks, and numerous smaller tribes, who welcomed them to their shores, fed them from their own scanty supplies, and not as the ancient Israelites, when by persecutions and exactions driven from the land of Egypt, with increased numbers, but by "war, pestilence, and famine," forced them to emigrate, with this little pittance of numbers, to Brothertown, given them by the ever hospitable and generous Oneidas.

The territory presented to the Brothertown Indians was much more extensive than was ever used or occupied by them, and they very early sold quite a section of it to the State. The part which they reserved to themselves lay on each side and contiguous to the Oriskany Creek. A portion of this reservation was within the present town of Kirkland, but their main settlements were in Marshall, in the vicinity of Deansville and Dickville. By the death of the late Thomas Dean, Esq., who for many years resided within the limits of the Indian settlement, the author has lost the most reliable and valuable source for information respecting these Indians. Asa Dick, Esq., died a few years since, and a brother of his emigrated but about two years since, who were very intelligent men of the Naraganset stock. Since the death of Squire Dick, and the removal of his brother, not one of the tribe has been left to tell the story of their emigration to this place, their sufferings, privations, and wrongs, and meagre indeed is the little that can be gleaned of their history.

A portion of them settled at this place prior to the Revolutionary War, but the year has not been ascertained. Prominent among those who settled thus early, were the names of David Fowler, Elijah Wampy, and John Tuhi, (grandfather to the one of the same name who was executed in 1816.) A large proportion, however, of those who settled before the war, left their settlement soon after its commencement, fearing the ravages of the Senecas, Cayugas, and Onondagas, who had espoused the cause of the king, while they in feeling were with the colonists, although professing neutrality. A few -- probably not more than two or three -- of the men stayed, spending a portion of their time at this place, for the purpose of seeing to and cultivating their land to some little extent, while the remainder of their time was spent at Fort Stanwix. Wampy, who has been before noticed, was of this number. On one occasion, as he was going from the Fort to Brothertown, and had proceeded some two or three miles on his way, a hostile Indian sprang from behind a tree, close to his path, and was about to shoot him down with his rifle, when Wampy flew at him, knocked up the muzzle of the gun, so that the ball passed harmlessly over him, and with his knife laid his brother red-skin dead at his feet. The victor,

believing that other foes would soon be attracted by the report of the rifle, caught the weapon from its now passive owner, and, bearing the trophy of his prowess, in double quick time, retraced his way to the Fort.

When the great body of them left during the war, potatoes had been planted, and were left growing in the fields, and when they returned at its close, after an absence of some five or six years, they found that the tubers had continued to yield their annual crops, in diminished quantities to be sure, yet a sufficiency at least for planting.

After their return, many of them became quite skillful agriculturists, had large and productive fields in the Oriskany valley, and quite a proportion of them managed to live very comfortably. But the "pale-faces" were on their trail, and soon had surrounded their settlement; with one hand presenting them the Bible, - the Word of Life, - and with the other, that "fire-water," their greatest, direst curse, and which was well known to be death, physical and moral, to the savage. After the fathers who emigrated had mostly "fallen asleep," the tribe went to decay. Intemperance, with its accompaniment licentiousness, fast did their work, and the descendants of King Philip, Sassacus, and a host of sachems renowned in the New England wars, debased in body and soul, but greeted the eye of the spectator of their wrongs. On their petition, a little more than twenty years since, the Legislature passed a law permitting them to sell their farms to individuals, with the advice and consent of the Superintendents of the Brothertown Indians; and, in 1831, a portion of them, having sold out, emigrated to Green Bay, where they commenced a settlement, separate from the Oneida and Stockbridge Indians who removed to the Bay at about the same time. They continued to sell and migrate until two years since, when the "last of the Brothertons," like the "last of the Mohegans," had a second time abandoned to the pale faces, the burial-place of their fathers.

The first settlement by the whites of the territory at this time included within the limits of Marshall, was on that part of the Brothertown tract sold to the state. It is believed that David Barton was the first settler: he removed to this place from Connecticut in 1793. He was, however, very soon followed by Warren Williams, who took up the farm now owned by Horace H. Eastman, Esq. Williams soon sold out to Elder Hezekiah Eastman, for Elder Eastman received his deed from the State, dated in 1795, acknowledged before Judge Hugh White, and recorded by Jonas Platt, then clerk of Herkimer County. Beside those named, Capt. Simon Hubbard and Levi Barker were very early settlers in the town. Col. Lester Barker, ex-sheriff of Oneida County, was the first white child born on the Brothertown tract.

GEOLOGY

The geology of Marshall nearly resembles the south-western part of the county. There are extensive quarries of limestone on the higher lands in the town. The best for building purposes, and hardly surpassed in the county, is that on the farm of H.H. Eastman, Esq. There are but very few boulders and little of the land can be termed stony. The soil is very productive. Few towns in the county equal, and none excel it, in the average quality of the land. The valley of the Oriskany here ranks with its best portions, while much of the hill land, almost, and in some instances quite, rivals it in fertility. On the plank road from Waterville to Paris Hill, a part of the distance of which passes through the south-easterly part of Marshall, the farmers have displayed much taste in ornamenting the road with rows of maples and other forest trees. Esq. Eastman has on his farm, at least a mile in length, twelve feet apart. In summer these shade trees present a very fine and picturesque appearance. The town is well watered. The west branch of the Oriskany Creek enters it but a short distance below Oriskany Falls, while the east branch enters it in the lower part of Waterville. After each running about four miles,

they get into the same valley opposite Dickville, and their proximity is but quite trifling on the plank road south, from Deansville to Waterville, forming a junction a little below Deansville, and just before it enters the town of Kirkland. Beside there are numerous rills that rise in the hills on either side of the branches, entering them as tributaries.

RELIGIOUS SOCIETIES

The Congregational Church in Marshall was organized June 14, 1797; this was the first church formed within the limits of the town. At the time of its formation, it was in the "old town of Paris", and early it received the distinctive name of "Hanover Society." The church was constituted with fourteen members, seven males and seven females, since which there have been added by profession 234, and by letter 86, making in all 334. Mrs. David Barton (the first settler) joined this church in the September after it was formed, and Mr. Barton in 1804, and are both yet members. Mrs. Eunice Griffin joined in 1803, and is still a member.

In 1801, the Hanover Church and Society erected their first house for public worship, and after having used it as such for forty years, it was rebuilt in 1841. The church has had four pastors. The Rev. John Eastman was ordained about 1809, preached to this people about thirteen years and was dismissed January 8, 1822. Rev. Ralph Robinson shortly after commenced his labors with this Society, was installed pastor May 9, 1827. Rev. Richard M. Davis was installed pastor July 2, 1833, and was dismissed in May, 1835. Rev. Pindar Field commenced his labors with this body in October, 1846, and was installed pastor February 23, 1848; he is the present pastor. Previous to the ordination of Mr. Eastman, a Mr. Thompson, of Sangerfield, a Mr. Bell, Rev. Publius V. Bogue, and Rev. Lothrop Thompson preached for different lengths of time. After the dismissal of Mr. Robinson, and previous to the installation of Mr. Davis, Rev. Mr. Bogue again, and Mr. Ingersoll about two years and after the dismissal of Mr. Davis, and before the installation of Mr. Field, Rev. Rufus Pratt about eighteen months, Rev. David J. Weeks two years, Rev. E. Parmely eighteen months, Rev. Mr. Grosvenor, Rev. Seth P.M. Hasting, and Rev. S.W. Raymond, through the summer of 1842, then S.W. Raymond for three and a half years supplied this people with preaching, with occasional supplies from President North and Rev. Salmon Strong. The present number of members belonging to the church is fifty-five, twelve males and forty-three females.

The Baptist Church of Paris, afterwards known as the First Baptist Church in Paris, was organized within the present limits of Marshall, July 6, 1797. It will be perceived that it was but twenty-two days the junior of the Congregational church just noticed. It was constituted and fellowshipped by a council from the Baptist Churches in Whitestown, Litchfield, Fairfield and Palatine, Peterboro, and 2d Burlington. Composing in part the delegation from these churches, we notice the names of Stephin Parsons, Joel Butler, Peter P. Roots, and Ashbel Hosmer, those veteran pioneers of the denomination in Central New York. The church when formed consisted of twenty-seven members, fifteen males, twelve females, probably a larger number than were organized into a church, thus early, in the county. The council convened at the house of David Wood, and this house was their place of meeting for public worship for a number of years. The church received accessions from time to time, until about one hundred and sixty persons had been members. Elder Hezekiah Eastman commenced preaching to this people as early as 1796, probably earlier. After the church was constituted, he became its pastor, and continued his labors with it until 1809, when he asked and received a dismission to the Sangerfield Church. Soon after this he went on a missionary tour into the western part of the State, as is shown by the following extract from his journal: - "September 22, 1809, I set out on a missionary tour to the Holland Purchase."

After the dismissal of Elder Eastman, John Beebe, a member of the church, commenced preaching to the people, and on the 26th of October 1811, the church called him to ordination. A council was called, and met on the 13th of November following, and after an examination and approval of the candidate, proceeded next day to his ordination. Eld. Beebe continued as pastor for a number of years, but his health failing in 1823, Eld. John G. Stearns was called, and assumed the pastoral duties. Eld. Stearns continued with the church about five years. The records of this body close January 16th, 1832. At this time it seems to have lost its visibility. The anti-masonic excitement had much to do with its dissolution. A part of its members united with the church in Clinton, which had then been but recently formed.

Methodist Episcopal.- This denomination had a class in this town as early as 1803, which was supplied with preaching once in two weeks by the preachers appointed to the Westmoreland Circuit. In 1821, a society was organized preparatory to building a house for public worship, but nothing was accomplished in consequence of a disagreement as to its site. Nothing further was done as to building a house until 1837, when an effort was made to raise funds for the building of one at Deansville, which was so far successful that a respectable house for public worship was erected at that place in 1832, the site of which was presented to the society by the late Thomas Dean, Esq. In 1839, Deansville was set off as a station, and has so remained to the present time. The church now numbers about ninety members.

The Universalists have a small society, and a house for worship in the locality known as "Forge Hollow." It has preaching one-half the time.

In this town was enacted one of those daring feats and escapes, of which the Revolutionary contest was so fruitful. The story of Heinrich Staring's escape from the Indians at Brothertown, has been often told, varying in minutiae, but agreeing in all the important particulars.

Mr. Tracy's relation of it in his lectures, is probably the most correct account now within the reach of the author, and has therefore been followed, with but slight alterations in this work.

As this individual, when Herkimer County was first organized, and when it comprehended within its limits the present county of Oneida, received, and for many years held the office of first judge, and also his birthplace so near the present eastern line of the county, it seems to warrant in this place, a somewhat extended notice of him. Heinrich Staring was a native of the Mohawk Valley, and was born about eleven miles below the city of Utica, and soon after the settlement of the German Flats. Little is known of his early history.

"At the commencement of the Revolutionary War, we find him a militia officer, and regarded by the royal party as a most important and influential personage in his neighborhood. He was present at the battle of Oriskany, and from that period held the office of Colonel of the Tryon County militia during the remainder of the war. Possessing great shrewdness, strong common sense, and unflinching intrepidity, he enjoyed the unlimited confidence of the German and Dutch settlers on the Mohawk, and became a prominent object for seizure by the enemy. A great number of anecdotes illustrative of the extraordinary means that were used by the enemy he had to deal with to procure his person or destroy him, might be related. The story was from the lips of the old man several years after the war. The event took place some time late in November, and about the year 1778 or 1779. He had, for some purpose, gone into the woods at some distance from his home, and while there, by chance, came suddenly upon a party of hostile Indians, who, during those years, were frequently prowling about the

settlements on the Mohawk, and occasionally making murderous incursions among the inhabitants. Before he became fully aware of their presence he had got so completely in their power that flight or resistance were out of the question. He was seized with every demonstration of hellish delight, and rapidly hurried away in a contrary direction from his home and southward of the Mohawk, until his captors supposed themselves out of the reach of pursuit, when they directed their march eastward, and at night reached a small uninhabited wigwam at a little more than a quarter of a mile from the right bank of the Oriskany Creek, above Clinton, in what is now called Brothertown. The wigwam consisted of two rooms, separated from each other by a partition of logs. Into the larger of these there opened an outside door which furnished the only entrance to the house. Another door communicated from the larger to the smaller room. The latter had one window, a small square hole of less than six feet above the floor. The whole structure was of logs, substantially built. The Indians examined the smaller room, and concluded that by securely fastening their prisoner hand and foot, they could safely keep him there until morning. They, therefore, bound his hands behind him with withes, and then fastened his ankles together in the same manner, and laid him thus bound in the small room, while they built a fire in the larger one, and commenced a consultation concerning the disposition of him. Staring, though unable to speak the Indian language, was sufficiently acquainted with it to understand their deliberations, and he lay listening intently to their conversation. The whole party were unanimous in the decision that he must be put to death, but the manner of doing this in the way best calculated to make the white warrior cry like a cowardly squaw, was a question of high importance, and one which it required a good deal of deliberation to settle satisfactorily to all his captors. At length, however it was agreed that he should be burned alive on the following morning, and preparations were accordingly made for the diabolical sports of a savage "auto da fe".

During the deliberation, the horrible fate that awaited him suggested to Colonel Staring the question of the possibility of an escape. As he lay on the ground in the wigwam, he could see the window I have spoken of, and he determined to make an effort to release himself from the withes which bound him, and endeavor to effect a passage through it without alarming his savage keepers. Before they had sunk to rest, he had so far succeeded as to release one of his hands from its fastenings, sufficiently to enable him to slip his wrist out. On finding that he could do this, he feigned sleep, and when the Indians came in to examine and see if all was safe, they retired, exulting with a fiend-like sneer, that their victim was sleeping his last sleep. They then all laid down on the ground in the larger room, to go to sleep. Staring waited until all had for a long time become quiet, when, slipping his hand from the withes, he was enabled silently to release his ankles, and by climbing up the side of the house by the aid of the logs, to escape from the window without creating an alarm. In the attempt and while releasing his ankles from the withes, he had necessarily taken off his shoes, and had forgotten to secure them with him. He was now outside of the wigwam, barefoot, at a distance of five and twenty miles from his home, without a guide or a path, hungry, and in a frost night in November, and with a band of enemies seeking his heart's blood, lying ready to spring upon him. But he was once more free from their clench, and his one thought was nerve, and strength, and food, - was all he needed to call into action his every power. He stole with cautious silence from the wigwam, directing his course towards the creek, and increasing his gait as he left his captors, and got beyond the danger of alarming them. He had got about half way to the creek, and had begun to flatter himself that his whole escape was accomplished, when he heard a shout from the wigwam, and immediately the bark of the Indian dogs in pursuit. He then plunged on at the top of his speed, and knowing that, while on the land, the dogs would follow on his track, in order to baffle their pursuit, as soon as he reached the creek, he jumped in, and ran down stream in the channel. For some time he heard the shouts of his late masters, and the baying of their hounds in the pursuit; and now that he had reached the water, where their dogs could not track him, he laughed out-right as he ran, in thinking of the disappointment they would feel when they arrived at the bank. The fear of the faggot, and all its accompanying tortures, furnished a

stimulus to every muscle, and he urged on his flight until he heard no more of his enemies, and became satisfied that they had given up their pursuit.

He deemed it prudent, however, to continue his course in the bed of the creek, until he should reach a path which led from Oneida to Old Fort Schuyler, - a mud fort, built on the present site of Utica during the French war, and which was situated between Main street and the banks of the river, a little eastward of Second street. The path crossed the Oriskany about half a mile westward of where the village of Clinton now stands. He then took this path and pursued his course. I have mentioned that, in his haste to escape, he forgot his shoes. He had on a pair of wool stockings, but in running on the gravel in the creek, they soon became worn out, and the sharp pebbles cut his feet. In this difficulty, he bethought him of a substitute for shoes, in the coat he wore, which, fortunately was made of a thick heavy serge. He cut off the sleeves of this at his elbows, and drew them upon his feet, and thus protected them from injury. But he used to say he soon found this was robbing Peter to pay Paul, for in the severity of the night, his arms became chilled, and almost frozen. He reached the landing at Fort Schuyler just in the gray dawn of the morning, and cautiously reconnoitering, in order to ascertain whether any one was in the fort, which was frequently used as a camp ground, he satisfied himself that no one was in the neighborhood. In doing this, he fortunately discovered a canoe which had floated down the stream, and lodged in the willows which grew on the edge of the bank. He instantly took possession of it, and by a vigorous use of the paddles, with the aid of the current, succeeded in reaching his home with his little bark in the middle of the forenoon."

"As has been noticed, in organizing the court of Common Pleas for Herkimer County, Colonel Staring was appointed its first Judge. It is not to be supposed, or pretended, that any peculiar qualifications or fitness for the office recommended him for the appointment. His honest and strong, but uncultivated mind, had never been schooled to threading the mazes of legal science; and indeed, he had enjoyed few even of the most common advantages of education. But he possessed the confidence of his fellow-citizens for his sterling integrity, strong common sense, and tried and approved patriotism; qualifications which were regarded by the venerable George Clinton, then Governor of the State, as sufficient to warrant his appointment to the office. Indeed, at that period in the history of the State, few Courts of Common Pleas could be found with a lawyer on its list of judges; and it is no disparagement to these courts at that time, to assert, that the court in which Judge Staring presided was in no respect inferior to its sister tribunals. Many anecdotes illustrative of his simplicity of character, and lack of education, are related."

In the early settlement of the county, the story of Judge Staring's "Yankee Pass" was as familiar with the people as "household words."

By virtue of his office, which carried with it the powers of a magistrate, it became his duty to see that the laws were properly enforced and obeyed. Then, as now, our statutes forbid "all unnecessary labor and travelling on the first day of the week, commonly called Sunday." Soon after his appointment as first dignitary of the bench, a shrewd Yankee, who had been visiting that unlocated and fast-receding region, the "far west" that then hardly extended as far towards the setting sun as Onondaga Hollow and Salt Point, was passing, on horseback, the residence of the Judge, on his way "down east" on the first day of the week. Judge Staring, who, like many of the good Dutch settlers in the Mohawk Valley, was quite strict in his observance of the day, at once went to the highway, and arrested the lawbreaking traveller. At first the traveller stoutly demurred, stating that his business was urgent, and required haste. The Judge was, however, immovable, and the traveller, making a virtue of necessity, soon proposed to pay his fine of six "York shillings." This was accepted by the law-enforcer. "Now," says the traveller, "I suppose I can proceed?" to which he received an affirmative answer. The

traveller then said to the Judge, that as he had satisfied the broken law, by paying his fine, he wished a pass, that he might not be again molested in his journey. The judge declared his willingness to give the desired paper, but stated his inability to write it, and further, if the traveller would do it, he would affix his signature. To this the Yankee assented, and proceeded to pen the wished-for document, to which the Judge signed his name, and forthwith the traveller proceeded on his way. A few months afterwards, Judge Staring went to Kane's store, at Canajoharie, and was there presented for payment with an order for twenty-five dollars. At first he strenuously denied having given such an order, but having more particularly examined the signature, and finding it genuine, he revolved the matter over in his mind, and at last caught an inkling of the puss at the bottom of the meal-tub. He asked for a description of the person who presented the order, when the Yankee and his beast were most accurately described. "Oh! now I know it all," says the Judge, "it is nothing but that 'Yankee Pass.'" As the signature was genuine, and as no proof could be made of the fraud, the draft had to be duly honored; but for the remainder of his official term it is presumed the Judge never gave another "Yankee Pass."

The following is related by Mr. Tracy: - "One day, an unfortunate debtor applied to the Judge to obtain the relief afforded by the statute, and having prepared and duly executed his assignment, waited the signature of the Judge to perfect his discharge. 'Well,' said he, 'have you got all things ready?' 'Yes,' replied the debtor, 'everything is prepared; all you have to do is to sign my discharge.' 'Very well,' said the Judge, 'have you paid all your debts?' 'Oh! no,' said the debtor, 'if I had I should not apply for the benefit of the statute,' 'But,' replied the Judge, 'I can't sign the paper till you have paid all your debts: you must pay your debts first.' Upon this point he was inexorable, and the applicant was forced to seek elsewhere the relief desired."

VILLAGES

DEANSVILLE is the most important point in the town of Marshall. It is located on the Chenango Canal, in the north-easterly part of the town. The plank roads leading from Waterville and from Madison, to Utica, unite here. This place has the Methodist church, Deansville Post Office, two store houses, two mercantile houses, two taverns, a grocery and provision store, with a number of mechanic shops, etc., and but a few rods easterly is the grist mill erected by Asa Dick, Esq., on the west branch of the Oriskany Creek. Here was the mansion of the late Thomas Dean, Esq., so long and favorably known as the agent of the Brothertown Indians.

DICKVILLE. - Since the construction of the Chenango Canal, and the building up of Deansville, this place has nearly lost the characteristics of a village. It received its name for Asa Dick, Esq., before-mentioned, who lived and died here. He was a man of enterprise, lived in good style, had a good two story dwelling, painted white; but in the latter part of his life, he extended his business beyond his means, and after his death his estate was found to be insolvent. Formerly the place had its merchant and mechanics, but is at this time little more than a neighborhood of farmers, located on very choice land, with its two saw mills on the east branch of the Oriskany.

FORGE HOLLOW. - As its name indicates, its inhabitants are engaged in the manufacture of iron. The first forge was erected here in 1801, by Daniel Hanchet, John Winslow, Thomas Winslow, and Ward White. It manufactured iron from ore. It has now three smaller establishments of the kind which work only scrap iron. Billy Titus has for quite a number of years been engaged in furnace castings, formerly quite extensively, but at this time the infirmities of age have compelled him to materially abridge his business. The place has the Universalist Church, a merchant, and a number of mechanics.

It is located on the east branch of the Oriskany, the hills on each side of its narrow valley rising abruptly, and to a considerable height. The Waterville plank road passes through Dickville and Forge Hollow. A man by the name of Putnam was probably the earliest settler in this place; Elder Tremain and Timothy Burr were also among the early settlers.

MARSHALL (formerly called Hanover).- This place is located on the plank road leading from Waterville to Paris Hill, New Hartford, and Utica. It has the Congregational Church, the Marshall Post Office, a store, public house, various mechanics' shops, and a small collection of dwelling houses. The farms in this vicinity are of the first quality there being no better upland in the county.

A protracted effort had been made to procure from his family the facts, dates, and incidents, for a biography of the late Thomas Dean, Esq., but without success.

ADDENDA

After the copy of the foregoing notices of Marshall was in the hands of the printer, and a part of it in type, the author accidentally discovered, at the house of George W. Bass, in that town, the "Book of Brothertown Records," from 1796 to 1843. In penmanship, and in neat, orderly arrangement, it excels many of the books of town records in the county. On the first page each town Clerk has entered his name in the order in which they were elected. To revive the recollection of the names of some of the more prominent members of this amalgamated tribe of Indians, the list is inscribed:- Elijah Wampy, David Fowler, jun., William Coyhis, Christopher Scheesuck, Thomas Crosley, Jacob Dick, Wm. Dick, jun., James Fowler, jun., Daniel Dick, David Toucee, R. Fowler, James Kiness, Simon Hart, James Wiggins, Alexander Fowler.

These were all the clerks from 1795 to 1843, several of them holding the office for a number of years.

James Kiness, who served longer than any other individual, wrote a most beautiful engrossing hand, which few clerks of the present day can equal, and which still fewer can excel. His orthography is very correct, indeed the whole book in this respect fully comes up to the generality of town records. There is a paper copied into said book, dated September 26th, 1795, signed by Samuel Jones, Ezra L'Hommedieu and Zina Hitchcock, "Commissioners appointed by an Act of the Legislature of the State of New York, 'An act relative to lands in Brothertown' have appropriated to the following Indians, the following lots of land, as the same have been laid out and delineated upon the map of the land, set off by the said commissioners, for the use of the Indians."

Then follow the names of forty-five persons, several of whom were widows, and the number of the lot or lots assigned to each. In this list is found the name of George Peters, who was afterwards executed for the murder of his wife Eunice. To him and his family was assigned two lots, which lay a little east of McMillen's. The wife that he murdered was a daughter of the celebrated Wampy before noticed.

June 13th, 1796, William Floyd for himself and in behalf of the other Superintendents, set lots to eight families.

July 3, 1797, Thomas Eddy, Superintendent, assigned lands to eight families; by the proceedings it appears that a part of the lots assigned to these families, had been previously assigned to others, and by them forfeited, but does not state in what the forfeiture consisted.

At a meeting of the Superintendents of the Brothertown Indians, held in the school house in said town, January 8th, 1812. Present - Uri Doolittle and Asahel Curtis, Superintendents, and William Hotchkiss, Attorney. At this meeting lands were assigned to ten persons and families. A part of these lands had been previously assigned and forfeited, and it is stated that the forfeiture was worked by the persons dying without issue. After these assignments the records show that individuals selected such unoccupied or forfeited lot as they chose; then the Peacemakers gave a certificate to the superintendents of such choice, which seems to have given a right of possession.

By an act of the Legislature the people of Brothertown were to meet on the first Tuesday in April of each year, to elect their town officers. At these meetings the Peacemakers presided, and were also authorized to notify special meetings. The elective officers were a Clerk, two Overseers of the Poor, two Marshals, three Fence Viewers, a Pound Master, and Overseers of Highways. The office of Peacemaker, answering in most respects to that of a Justice of the Peace, and which entitled the possessor to the affixure of Esquire to his name, was not elective, but seems to have been appointed by the Governor and Senate. They had tithing-men, but none of the minutes of the town meetings show that they were elected. Probably they brought from New England the idea of such an officer, but as the office was not known to the laws of New York, they selected such a person to do the duties, only as an individual.

The book contains many by-laws, quite a portion of which are the suppression of vice and immorality. The by-law for the observance of the first day of the week, commonly called Sunday, is quite similar to the statute of this State, in the characteristics of the offence and the amount of the fine, seventy-five cents, but with this difference "and in case no property can be found to answer said fine, and it is not answered in thirty days, then every such offender shall by a warrant under the hand and seal of any one of the Peacemakers of said town, be set publicly in the stocks, for the space of two hours, then, and in every such case, the cost for executing said precepts, shall be paid the Marshal out of the treasury of said town."

By another section the like punishment was to be inflicted for card playing and frolicking on Sunday, and on Saturday or Sunday evenings.

In another section a fine of thirty-seven and a half cents is imposed for any one offence in profanely cursing or swearing, and in default of paying the same in thirty days, or giving such security as shall be accepted by the Peacemakers, then to be set publicly in the stocks for one hour, and for any number of offences, whereof any such offender may be convicted at the same time, two hours. Drunkenness is punished by the same penalties and pains as cursing and swearing. Extra penalties are inflicted for intoxication at town meetings. There is a section for the punishment of accessories to stealing.

Arbitration is provided for as a court of reference by a rule from the Peacemakers. There are a number of sections defining the duties of town officers, and one to prevent females from attending town meetings.

In common with most Indian nations, they deprecated any mixture with the African race, the following is the forty-fourth by-law: - "Negro Mixture Women. As they are not proprietors of the tract of land called Brothertown, notwithstanding their marrying to any of the inhabitants of said town, therefore, they henceforth shall have no right or title to any of the annuity of said Brothertown Indians." In all, there are sixty-seven sections of the by-laws, and this notice of them will be concluded by transcribing that in relation to "Fugitive Slaves."

"If any of the inhabitants of Brothertown, at any time hereafter shall indulge, harbor or conceal any child or children, servants or apprentices, that has run away or absconded from his, her or their master, guardian or parent, and be thereof convicted, shall forfeit and pay to the person aggrieved, the sum of one dollar for every twenty-four hours thus indulging, harboring or concealing any child, apprentice or servant, without the consent of the master, guardian or parent as aforesaid, to be recovered with cost of suit in any court of the peacemakers of Brothertown."

By the records it appears that the following named persons held the office of Superintendent of the Brothertown Indians:- Samuel Jones, Ezra L'Hommedieu, Zina Hitchcock, William Floyd, Thomas Eddy, Bill Smith, Thomas Hart, Henry McNeil, Uri Doolittle, Asahel Curtis, Joseph Stebbins, William Root, Nathan Davis, Austin Mygatt, Samuel L. Hubbard, Elijah Wilson, Samuel Comstock.

The Peacemakers were appointed from among the Indians. It would seem that they were usually made from a few of the more prominent and educated families, the senior and junior members of which sometimes held the appointment at the same time. Prominent among the Peacemakers from 1796 to 1843, were the Fowlers, Johnsons, Scheesucks, Tuhis, and the Dicks.

In 1809, the Brothertowns sent John Tuhi, sen., John Scheesuck, sen., Jacob Fowler and Henry Cuchip, delegates to treat with the western Indians. Their proceedings were ordered to be recorded.

Speech of the said delegates, July 3, 1809, to the Delawares, and the rest of the Wawponohkies, as follows:

"BROTHERS - We sent our salutation to you last year, with a promise that we would pay you a visit, we are very glad that the Good Spirit has enabled us to sit with you at this council-fire today.

"BROTHERS: - Our ancestors and your forefathers were in friendship with each other, but the covenant which they have made with your forefathers has been forgotten by us. Nevertheless, when we heard you were in trouble, we were sorry, and when you were promoting peace among yourselves and your neighbors, we rejoiced.

"BROTHERS: - Our forefathers have had the same fate your ancestors have met with, they have had a long war with the white people. Our people were then numerous, but after many years of storm or war, they made peace, then they found their numbers much lessened, and the white people possessed of their native country, as they have done to your forefathers, and for that reason we have had to move from place to place, as you have also done.

"BROTHERS: - Although we live a great distance from you and in among the white people, ever since we were in being, still we feel our minds drawn towards people of our own color.

"BROTHERS: - We now take hold of your hand, to renew that friendship which subsisted between our ancestors and yours, which has been forgotten for a great length of time, this friendship is extended to the whole of the confederacy, on our part we shall teach our children how to maintain this friendship, that it may last to the latest of our

generations.

"BROTHERS: - We take your council-fire to be the front door at which we should enter at first, and here we put down our talk and request you to communicate the same to the whole of the confederacy.

(One belt of wampum delivered.)

"BROTHERS :- As you have a sad experience for many years past, you understand well what poverty is, therefore, we now lay our case before you, as we have not land enough to contain all our people in the east, we should feel happy if you would consider us: May the Great Good Spirit enable us to keep this friendship always bright."

(Delivered a white belt of wampum, with three black streaks on it, containing ten rows of wampum.)

Answer to the above:-

"WHITE RIVER, July 3, 1809

"At a General Council held by the Wawponohkies (to wit) :-Delawares, Mohiconick, Monssy, Wescoopsey, and Nanticoke Nations, at which time Working Pomseon, a principal chief of the Delaware Nation, delivered a speech to the deputies of the four towns which stand on the banks of the Grand River and River De Trench, also to the Mohekons, and the remnant of the seven tribes of Indians who reside at Brothertown, in the State of New York, as follows:-

"GRAND-CHILDREN, BROTHERS, AND FRIENDS: - I am happy to see you. I salute you all. It is a happy thing that we are met together so many of us, the remnant of the Wawponohkies, to deliberate upon the welfare of our respective tribes."

"Grand-children: - While we were sitting by the side of this river, in a dismal situation, about twelve months ago, our grand-children, the chiefs and head warriors of the Miamies, arrived and sat where you now sit, and we were sitting where we now are, our business with them was to settle the difficulties which did arise on account of this land."

"Grand-children :- With great satisfaction I now mention to you that last fall the Miamies and ourselves have removed all cause of uneasiness, and we have had a confirmation by the President of the United States, whereby we are assured we may live on these lands without molestation."

"Grand-children Brothers, and Friends: - Be it known to you that you have the same privilege as we have to this land, we can not point out a particular spot for to live on, but you may take your own choice wherever you should be suited on undivided land along this river, there you may build your fire-place."

"Grand-children, Brothers, and Friends: - All our chiefs, head warriors, and young men send their salutations to your chiefs, heroes, and young men: Be it known then that our

union is full and complete, and established to-day; therefore, let your eyes be fixed on this place, that your minds may not be fluctuating as heretofore, but easy and settled. This speech is to you all, as we have become one people."

(Different strings of wampum delivered. Two strings of white wampum to the Brothertown people.)

It will be perceived that the Brothertown Indians are spoken of as remnants of seven tribes: In other parts of their records they term themselves emigrants from the seven tribes, but no where give the names of all of them. No doubt but what there were seven principal tribes from which they were derived, but is a fact well known to a person acquainted with the history of the New England Indians that a tribe was frequently divided into villages, bearing separate names, still members of the same tribe or stock.

There was another book of records, containing the minutes of the courts held by the Peacemakers. Some time in the year 1850, the tribe now at Green Bay sent by a messenger for both books, but for some reason the messenger did not obtain the book containing their town records, but did that containing their judicial proceedings, which he took to Green Bay.

A few of the Brothertown Indians obtained marble slabs, and placed them at the graves of their friends. Two only of their inscriptions have been obtained.

"JOHN TUHI, Esq.,
Died December 14, 1811
Aged 65 years."

This monument is now broken down, and is in three pieces.

"ESTHER POUQUINAL,
A Member of the Mohegan Tribe of Indians,
A Practical and Exemplary Christian,
Aged 96 years."

This ends the "MARSHALL" portion of the Pomroy Jones history of Oneida County.