

CROWN TRUST RESPONSIBILITY PRIOR TO 1763

On April 21, 1713, the Treaty of Tawagonshi was entered into between the Dutch and the Iroquois. There were five (5) articles agreed upon and trade was to be permitted.

In an article of the Act of Grand Assembly of March 10, 1655, it states "Therefore, as relates to Indian lands, be it enacted that for future no such alienation or bargins and sales be valid without the assent of the Assembly."

Articles of Agreement and Peace made on September 24 and 25 1664, to be under the protection of His Majesty were agreed upon between Colonel Cartwright, as representing the Dutch, and the New York Indians.

In 1670, the British Parliament regularizes the treatment of Indians in North America.

In 1674, a Board of Commissioners to Indian Affairs were appointed to treat, confir and consult with the Five Nations.

In a January, 1687 Memoir for the Marquis de Seignelay on the State of Canada, reports on the dangers that threaten Canada and the threat to the King of France by the Iroquois and their military strong hold on the former French Allies were discussed. By the military prowess of the Iroquois, the King of England is able to secure from the mouth of the River Saint Lawrence to that of the River Mississippi in the Gulf of Mexico.

On August 5, 1687, Governor Dongan made propositions to the Five Nations against making or renewing a Covenant with the French; not to make peace or war with the French, without the King of England's consent; to join with the King of England against the French; and to convince the Christian Indians to join them.

On August 6, 1687, the Five Nations answered Governor Dongan as to his propositions; they would be willing to make peace with the far nations, but they will continue to fight the French adamantly because if the French are able to control the Beaver hunting and kill the Five Nations, they would carry all the Beaver Trade to Canada and the King of England would lose the land likewise. However, the Five Nations agreed to keep Governor Dongan informed if articles of peace are being proposed with the Five Nations by the French.

On November 10, 1687, a warrant was issued by His Majesty's command to Governor Dongan authorizing him to protect the Five Nations.

In an attempt to have the Six Nations committed to the King of England, Governor Dongan made a proposition on February 8, 1688, to the Six Nations with proposed demands against the French.

On February 13, 1688, Six Nations gave their answer to Governor Dongan stating that the French have no right to claim the lands they pretend to claim, because these are the lands conquered by Six Nations as they subdued whole Indian Nations that lived there as well as the French. It is the Six Nations that own the lands claimed by the French and which lands the Six Nations in their alliance with the King of England have placed these lands under his protection.

On February 16, 1688, Six Nations made an additional proposition to Governor Dongan for the removal, by the King of England, of the French from their beaver hunting grounds.

On August 20, 1696, a report to the Order of the Lords Justices' of England in Council (Article 157) outlined the tactics of the French to align with the Five Nations and the necessity of presents for treaty with the Indians for "if the Five Nations are gained by the French the whole of the English settlements will be liable to destruction."

In correspondence of November 9, 1696, Benjamin Fletcher advises W. Blathwayt that the Five Nations are weary of war and they want determination as to a conquest of Canada or peace.

1697 - Treaty of Ryswick

On August 31, 1697, instructions were given to the Earl of Bellomont, Governor in Chief of New York, by the Lords Justices. He was instructed to call upon the Five Nations of Indians to obtain their submission as subjects and assure protection by His Majesty against the French and also to purchase great tracts of land for small sums for His Majesty when the opportunity arose with authority to go to war against the Indians if need be.

On August 22, 1698, the Earl of Bellomont instructs Captain John Nanfan to defend the Five Nations against the French stressing how important the honour and interest of His Majesty and the welfare of this Province that the Five Nations are defended.

On June 8, 1699, John Nanfan issues instructions concerning the Five Nations as they treaty with the French for the return of prisoners, to send two gentlemen to report on what is concluded between the French and the Five Nations.

On July 10th and 12th, 1701, Lieutenant Governor John Nanfan met in conference with the Five Nations attempting to regain their friendship and esteem in favour of the English Crown. Nanfan also requests to know the nature of business and negotiations that the French are attempting to undertake with the Five Nations.

On July 14, 1701, the Five Nations answer the Honourable John Nanfan that the French have been attempting to place a priest among them without success. The Five Nations also confirm that no negotiations have been carried on with the French, but peace has been negotiated between the Five Nations and many of the Far Indian Nations.

On July 18, 1701, John Nanfan once again emphasizes the importance of not negotiating with the French as they will attempt to command the Five Nations and their beaver hunting as well. Nanfan further confirms the King of England's care and protection for the Five Nations with a token of presents.

On July 19, 1701, being the fourth day of the conference, the Five Nations indicate they are willing to sign over to the King of England their beaver hunting grounds so the same can be protected for the Five Nations in alliance against the French.

On July 19, 1701, the Five Nations formerly place the beaver hunting grounds, being those lands 800 (eight hundred) miles x 400 (four hundred) miles as conquered by the Five Nations, under the protection of the King of England.

A Treaty of Peace between Great Britain and France was concluded at Utrecht, March 31 until April 11, 1713 and ratified by France and Great Britain on the dates of April 7/18, 1713. In this Treaty, commonly referred to as the Treaty of Utrecht, it was agreed between Great Britain and France, as reflected in article 15, that the Five Nations specifically would not be molested (between the areas of Ontario, Erie and Huron) and that the natives would be free to promote trade in both directions without hindrance.

In 1715, an Act was made for restraining Indians from molesting or injury to the inhabitants of the Government and for securing to the Indians the right and property of their land.

On July 5, 1726, Philip Livingston writes the Governor of Canada regarding the building of a French Fort at Niagara and reminding him of Article 15 of the Treaty of Utrecht in which it is interpreted that the Five Nations or Cantons will not be hindered or molested and that trade with and by the Five Nations will in no way be hindered or molested.

In a conference on September 9, 1726, Six Nations and His Excellency William Barnet discuss the hindrance by the French upon the Five Nations in their trade. This is in spite of the 1713 Treaty of Utrecht wherein the Five Nations were to remain unmolested.

On September 13, 1726, the Five Nations renew the Covenant Chain with the King of England and request the removal of French Forts from their territories and to honour the Treaty between the King of France and the King of England allowing the Six Nations to carry out Trade unmolested in their beaver hunting grounds.

On September 14, 1726, His Excellency responds to the sachems of the Cayuga, Onondaga and Seneca Nations that they should perhaps reaffirm their alliance with the King of England as done 25 (twenty-five) years early by placing their hunting country under the English Crown so they can be defended against the French.

By Treaty of September 14, 1726, three (3) of the Five Nations (Seneca, Cayuga and Onondaga) affirm the July 19, 1701, Treaty and other lands with their Castles to be protected and defended by the King of England against the French.

On November 4, 1733, the Mohawks turned over much of their lands to King George II. The King could not grant any of their lands without the majority consent of the tribe and the Indians could not dispose any land without the consent of the King.

In a meeting dated July 11, 1739, the French are reported on making settlements on lands that belong to the Crown of Great Britain and the Commissioners of Indian Affairs want to send sachims there to forbid them to settle.

In the Treaty held at the Town of Lancaster on June 22, 1744 to July 4, 1744, the issue of the Six Nations being subjects of the King of England or allies of the same King and whether the lands as conquered by the Six Nations could be delt with at the will of the King of England was hotly debated. During this Treaty, the Deputies of Six Nations acknowledge that the lands were delt with in an alliance with the British to have their lands protected against the French. However, these lands had been conquered by the Five Nations and question what right the King of England has to lands that he has no right to walk on, but upon certain conditions. Futhermore, as to the lands claimed by the Provinces of Virginia and Maryland, they cannot be given by the King of England but must first be sanctioned by the Six Nations.

Thus, during the days of June 29 and 30, 1744, the Six Nations, not having been conquered by the King of England, consented to treaty for payment for certain lands with the Commissioners of Virginia and Maryland. With the land disputes now resolved, the union and friendship between the Six Nations, Virginia and Maryland was confirmed with a Belt of Wampum.

The Treaty of Aix-La-Chapelle of October, 1748, confirms the 1713, Treaty of Utrecht.

At a conference between M. de la Galissoniere and the Iroquois held on November 2, 1748, the Iroquois stated that they had established a trade with the English and French and they had not ceded their lands to anyone. They also stated that the Six Nations were not subjects of England and they want to remain at peace with the French and English.

On May 19, 1749, Governor George Clinton writes Colonel Johnson to inform him to use methods to remove the jealousy from the Indians that the Governor of Canada instilled in them. The Governor also attempts to explain that the Five Nations should allow themselves to be called subjects of the King of Great Britain as they are brethren to the English and children of the King.

On June 12, 1751, Governor Clinton writes to the Marquis de la Jonquiere and complains of encroachments on territory of the protection and confirmed by the Treaty of Aix La Chapelle and the Treaty of Utrecht.

Governor Clinton makes notes on the Governor of Canada's letter dated August 10, 1751. The Governor of Canada confesses to things complained of to be true and seems to be treating His Britannick Majesty and the treaties of Utrecht and Aix-La-Chapelle with contempt.

In 1754, the States of Colonies in North America gathered with not more than 150 men of several nations and it was resolved that further advances of the French should be prevented and encroachments removed; Indians in alliance with the English should be under a superintendency; trade with Indians are to be regulated to public interest rather than private gain; all future purchase of lands from Indians are to be void unless made by the Government and from the Indians in a body from their council; and that complaints of Indians due to their land grants being fraudulently obtained be inquired into.

On July 10, 1754, a meeting was held to create a plan of a proposed union of the several Colonies in North America. Included in this plan they were to regulate Indian trade, to purchase lands from Indians for the Crown and to place forts in the Country of the Six Nations.

On April 15, 1755, the Honourable William Johnson Esquire is appointed by His Majesty's special Power and Authority to His Excellency General Braddock to the sole Superintendency Management of the Affairs of the Six United Nations of Indians and their Allies.

A statement was made on December 11, 1756, on the Proprietors of Pennsylvania by Sir William Johnson's letter to the

December 11, 1756, cont'd.

Lords of Trades relating to the Six Nations lands stating they have always taken every method in their power to prevent the settlement of land unpurchased of the Indians and can show their Orders, Proclamations of their Governors, Reports of Magistrates, who have removed much settlers in the manner prescribed by the Laws of England against forceable entry. It is also stated that the Six Nations removed the Delawares from their lands for selling it, as if they were the owners, when they had no right having been conquered by the Six Nations. Six Nations further speak that making treaties with the English is of no use as it is only the Indians who must give up things when asked.

A Release of Lands and a Confirmation Deed were executed by Proprietary Agents for the Proprietors of Pennsylvania to Chiefs of Six Nations on October 24, 1758. The lands were released to Six Nations as only part payment was received so they reclaimed those lands for their hunting grounds.

In the September 8, 1760, Articles of Capitulation between the Commander in Chief of His Britannick Majesty in North America and the Governor and Lieutenant Governor for the King in Canada, made specific provisions in Article 40 that the Indians shall maintain the lands they inhabit and shall not be molested whatsoever.

At a meeting on March 1, 1761, with Chiefs and Sachems of the Lower Mohawks and Sir William Johnson, Warren Johnson and Ensign Carden, the Mohawks made complaints of patents being issued for their lands without their knowledge or consent. Sir William Johnson notified that the matter is being taken up with the Lords of Trade.

On March 11, 1761, by His Majesty's command, Sir William Johnson is to be Superintendent of Indian Affairs for Six Nations.

In a letter dated May 12, 1761, Governor Hamilton informed Sir William Johnson of Connecticut settlements being made on lands appointed by the Six Nations Indians to the Delawares and other tribes who's hunting grounds are spoiled by the influx of whites. Also, as the Six Nations are still the owners of these lands, no persons can purchase any of these lands until sanctioned by Six Nations and all such purchases will be declared null and void by an ancient and standing law of the Government.

At a meeting held on July 7, 1761, the Sachems of the Oneida and Tuscarora Nations requested that Sir William Johnson secure the possession of their lands by preventing settlements on them. A Proclamation was issued by the Governor of Pennsylvania to order any persons off and to forbid anyone from settling on lands not yet purchased from the Indians.

On August 9, 1761, Sir William Johnson made regulations with regard to prices of Indian goods for a free open trade on the fairest and most reasonable terms with the Indians.

A report by the Lords of Trade on November 23, 1761, stated the Government has been aroused to the necessity of paying regard to Indian rights.

On December 9, 1761, Royal Instructions were issued to Robert Monckton, Governor of New York, and was ordered not to pass any Grants to any persons of lands possessed by Indians bordering upon said Colonies; to remove persons upon lands reserved or claimed by the said Indians; and any application for licence to purchase lands of Indians are not to be granted until transmitted to the Commissioners for trade and plantations.

At a January 28, 1762 meeting, Sir William Johnson addressed the Onondagas and stated His Majesty gave orders to all Governors not to make grants to any persons who did not fairly purchase lands with the unanimous consent of the whole nation.

On April 7, 1762, an order by the Governor and Council of New York was given to His Majesty's Attorney General to remove encroachments and restore possession on lands claimed by the Conajohare Indians as the lands were obtained with the use of liquor.

On February 10, 1763, a Treaty of Peace was established between the King of England, the King of France and the King of Spain wherein the treaty of Utrecht of 1713 was renewed and confirmed.