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American Indian Culture and Research Journal

Title

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Permalink

<https://escholarship.org/uc/item/74p6s8xn>

Journal

American Indian Culture and Research Journal , 4(3)

ISSN

0161-6463

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Publication Date

1980-06-01

DOI

10.17953

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The Cayuga Claims: A Background Study

HOWARD A. VERNON

The Cayugas, considered to be one of the smallest nations in the Iroquois Confederacy, once were established in some nine villages on the east side of Cayuga Lake, in central New York. Four additional villages — two elsewhere in central New York, and two in Ontario — seem to have represented their principal areas of settlement.¹ To the east, the Cayugas were adjacent to their elder brothers, the Onondagas, and their nearest neighbors to the west were the Senecas, also elder brothers, with whom they shared some linguistic similarities.² At the time the Iroquois League was organized, the Cayugas provided ten local clan chiefs who became Confederacy chiefs.³

At the outbreak of the American Revolution, the Cayugas sided principally with the British against the American rebels, although their support of the British is by no means consistently clear-cut. The Cayuga chief Fish Carrier, for example, offered his support and that of 88 tribesmen to Colonel Guy Johnson for a war party in February, 1780.⁴ Yet in 1792 General George Washington gave Fish Carrier a silver medal of appreciation for his bravery in the Colonial army during the Revolution, and it was later observed that because of Fish Carrier's influence, the Cayugas joined the colonists in their struggle against the British.⁵ Yet it is also a matter of record that the United States signed a treaty of peace with the Six Nations at the close of the American Revolution, to which Mohawks, Onondagas, Senecas, and Cayugas were signers.

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This treaty, made at Fort Stanwix on Oct. 22, 1784, was signed by one Cayuga chief, Oragh-goan-endagen; the Oneidas and Tuscaroras, friendly to the Americans during the war, were secured in the possession of the lands upon which they were settled by Article II of the same document.⁶

At the same time, the British felt obliged to provide lands in what is today Ontario as a place of refuge and future settlement for their loyal Indian supporters during the late war.⁷ Among the Six Nations, Mohawks, Onondagas, Cayugas, and some Senecas stood to benefit from the Haldimand Grant, situated on the Grand River (Ohsweken), near present-day Brantford, Ontario. Between 1784 and 1790, about 1600 Iroquois actually settled on both sides of the Grand River on a tract 24 miles wide, containing about 674,910 acres. A census estimate made in 1785 showed, among others, 380 Cayugas settled in the southern portion of the Grand River grant, living in two villages on the eastern bank of the Grand River, not far from its mouth on the north shore of Lake Erie.⁸ By 1792, A European visitor reported the settlements to be flourishing and well-established.⁹

While settlement on the Grand River went forward, those Cayugas remaining on American soil signed a treaty with the State of New York, at Albany, on Feb. 25, 1789. By its terms, the Cayugas gave up all lands within the state except a 100-square mile tract (64,000 acres) and one parcel one mile square. On these they were to live, but not alienate; they were given the right, however, to hunt and fish over all the ceded territory. For the latter acreage, the Cayugas had originally asked \$240,000, but were persuaded by New York officials to settle for a perpetual annuity of \$500. Such an amount, New York State observed, would be wiser than a lump cash settlement which might have been wasted or squandered forthwith.¹⁰ This treaty was signed by twenty-six Cayuga chiefs and seven New York State officials. Two years later, on June 22, 1790, a second treaty was signed at Fort Stanwix which confirmed the 1789 document, and the Indians were paid a "benevolence" of \$1000, but no new rights or obligations were created. Finally, a third treaty was made at Cayuga Ferry on July 27, 1795, at a Grand Council of the Cayuga Nation, which included Cayugas then living in Canada. At this time, there were 381 Cayugas on the Grand River, settled in two villages designated as Upper and Lower.¹¹

On this occasion, a deerskin parchment, two feet wide and two and one-half feet long, bore the terms agreed upon. The Cayugas received a cash settlement of \$38,334 which was to remain in the State Treasury, in return for which they yielded the 100 square-mile tract reserved in the 1789 treaty. They retained only a tract two miles square (1280 acres) and another of one mile square (640 acres), the latter to be kept forever as a home for their principal chief, Fish Carrier, and his posterity. Yearly interest from the amount held in the State Treasury amounted to \$1800, which, with the \$500 annuity from the first treaty amounted to a total of \$2300, to be paid the Cayugas as a perpetual annuity. This sum was to be paid on June first of each year, forever, at Canandaigua, to the Cayugas by an Indian agent or a person designated by the Governor of New York.¹²

This important treaty was eventually followed by an additional one, signed May 30, 1807, between the Cayugas and the State of New York, by which the former ceded *all* remaining land in New York State with the exception of the one-mile square tract set apart for Fish Carrier. For this the state paid in full at the time,¹³ but added nothing to the annuity. Within the next year (6/12/1809 - 6/1/1810), Fish Carrier and all remaining sachems, warriors, head men, and many of the tribe removed to the Grand River tract, never to return; this left but a small number of Cayugas in New York State, without chiefs except those whom they might elect themselves. A census at the Grand River in 1811 showed a total of 412 Cayugas resident there.¹⁴ The majority of the Cayugas, now in Canada, refused to recognize the right or authority of the small band remaining on American soil to make treaties with the state, nor their right to bind the Cayuga Nation to such treaties.

It was from this date, as well, that the Canadian Cayugas received no further payments of their annuity (after June 12, 1809), which gave rise to their claims and the legal struggles which filled the remainder of the 19th century. And with the outbreak of the War of 1812, the question of Cayuga neutrality on both sides of the border arose. Red Jacket, leading a delegation of Iroquois, attended a Grand Council on the Grand River reserve and made clear the American Cayugas' decision to remain neutral in the coming struggle between the British and Americans. After much deliberation, the Canadian Iroquois, Cayugas included, decided to take up the hatchet once more in the King's interest, and to "strike all Bostonians alike."¹⁵ While

there is evidence that some 71 Canadian Cayugas participated in the Battle of Beaver Dam, on June 24, 1813, their general role on the British side in the war remains uncertain. According to contemporary reports, some 450-500 Indians took part in this battle, and are credited with having borne the brunt of most of the fighting.¹⁶ Many Canadian Cayugas in years to come maintained that the majority of the nation had decided on neutrality during the conflict, and were uninterested in the white man's quarrels. In any event, there were doubtless many New York State residents and officials who believed, or wished to believe, that the Canadian Cayugas had once again taken up arms against the American cause — a good reason to withhold further annuities because of their treacherous conduct.

At the same time, however, the claims for resumption of payment of annuities to the Canadian Cayugas were strengthened by Article XV of the Treaty of Ghent, which ended the war. The article stated that:

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively, all the possessions, rights, and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities.¹⁷

And despite the fact that the original treaties were between the Cayugas and New York State, not the United States government, this argument was frequently cited in later years to bolster the Canadian Cayugas' claims. Yet animosity toward them in New York State remained, and the state, disregarding the majority in Canada, made further treaties with the minority of the nation still within the state. Some New York Cayugas moved to the vicinity of Sandusky, Ohio, and it proved inconvenient for them to collect their annuity at Canandaigua, as provided in the 1795 treaty. A treaty of Feb. 28, 1829, signed by Governor Martin Van Buren of New York, stipulated that their share would henceforth be paid upon a draft signed by four of their self-constituted chiefs named "Tall Chief," "George Curley Eye," "Captain Goodhunt," and "Cayuga George," yet the latter were in no way regarded as chiefs by

those Cayugas who had moved to Canada. It was only two years later that the American Cayugas again made a treaty with New York State on Sept. 8, 1831. Because the Sandusky branch was about to move west of the Mississippi River and settle in Missouri, the treaty provided that those so migrating would henceforth receive \$1700 annually as their share of the \$2300; those who remained on the Seneca reserve near Buffalo would receive \$600.

Ten years later, in 1841, the New York Cayugas concluded a further treaty with New York State which specified that henceforth the Commissioner of the Land Office would deal with matters affecting them. It was not until 1853, however, that wrongs inherent in the Treaty of 1795 were first presented to the New York State Legislature and Governor by Dr. Peter Wilson, who pleaded for compensation to those Cayugas still residing in New York State.¹⁸ Although he accomplished nothing at this time, he presented the claim to the same officials again in 1861. He attempted to show that the Canadian Cayugas had relinquished all their claims to the annuity just prior to the War of 1812, and had in fact fought on the British side during that war.¹⁹ At this time, a bill to compensate the New York Cayugas was introduced in the New York Senate, but it was defeated; similar bills introduced in later years — 1890, 1891, and 1895 — passed in the New York Senate, but were defeated in the Assembly.²⁰

On the other hand, it was not until 1849 that the Canadian Cayugas presented a petition and memorial to the New York Legislature, protesting the wrong the state was doing them, and requesting the state to stop paying *all* the annuity to the remnant Cayugas in the United States, and to pay the petitioners their rightful share. This memorial was referred by the Legislature to the Commissioners of the Land Office, who reported favorably on it, yet the report was never acted upon by the Legislature.²¹ Failure to gain recognition by New York State concerning the claims of the Canadian Cayugas moved the latter, after the passing of three decades, to engage legal counsel. In April, 1882, they secured the legal services of James C. Strong, then a practicing attorney in Buffalo, N.Y., who ably espoused their cause for the next 13 years. In February, 1883, Strong presented a memorial and petition to the State Board of Audit, State of New York, to hear and determine the legal questions involved, and presented a claim, to wit, "that the

State of New York is indebted to the [Canadian] Cayugas for the amount of their share of said annuity of \$2300 from the first day of June, 1810, with interest thereon, at and after the rate of 6% per annum, from that date until the date of its payment: amounting at the time of filing this claim, to the sum of \$448,000." ²²

It was Strong who in 1884 travelled to Albany, armed with both the original treaty of 1795 and the silver medal, to press the claims of Canadian Cayugas with various state officials. When he appealed to the Commissioners of the Land Office, they decided they were not competent to decide the question, while the Court of Claims and the Attorney-General had already decided against him. He then took the case to the New York Supreme Court and requested a *mandamus* to compel payment of the claim, but this was denied. The case then went to the Special Term, and Justice Peckham rendered an adverse decision, but then Strong took the claim to the General Term, and was sustained. The state then appealed to the Court of Appeals, but their decision was that the courts had no jurisdiction. Three years later (1887), two bills were introduced in both houses of the New York Legislature, one for payment of back annuities to Canadian Cayugas, and the other providing for a commission to determine the quota and the methods of distributing the Canadian share in the future. Neither one of these bills was passed. Again, in 1888, Mr. Strong returned to Albany to urge passage of a bill naming one commissioner to hear all sides of the question and to make a fair division of the monies. This bill was passed in April of that year, and the commissioner was to ascertain whether the Cayuga Indians *then* residing in Canada were a part of the Cayuga Nation which had made the treaties of 1789 and 1795, and if so, to give them their quota of future annuities.²³ It was estimated that in 1888, the Canadian Cayugas numbered about 800, while those in the United States totalled less than 300.²⁴

For the next two years, there ensued a struggle to prove that the Canadian Cayugas constituted indeed 3/4 of the present nation, and that they were the true posterity of those Cayugas who had signed the original treaties a century before. Their attorney, James Strong, made every effort to show that this was the case, for "the Cayugas on this side American will oppose the division of the annuity most strenuously, they

having had the whole of it for more than seventy years, and will dislike to have the full 3/4 of it taken away from them." ²⁵

Hearings, conducted by Herbert P. Bissell, the commissioner appointed by New York State, were held during the summer of 1888 in Buffalo, in an effort to establish the facts and truth of these contentions. Commissioner Bissell viewed his appointment in the matter as "solely for the purpose of determining the question of fact 'whether the Cayuga Indians now residing in Canada, and who claim to be part of such posterity, are in fact a part or portion of such posterity of the Cayuga Indians with which the State of New York made said treaties of 1789 and 1795.' " ²⁶ During the hearings, aged Senecas in Buffalo identified the Canadian Cayugas as indeed part of the Cayuga Nation, and testified moreover that the Cayugas in Canada had remained neutral in the War of 1812. Chances appeared good in late summer, 1888, that Commissioner Bissell would report favorably concerning the Canadian Cayugas, and declare them a portion of the payees in future annuity payments. ²⁷

A favorable decision by Commissioner Bissell led Strong to push the claims vigorously, and the New York State Senate recognized the Cayuga claims on two occasions, in 1890 and 1891, but the bills were defeated in the Assembly. ²⁸ Four years later, Strong reported that a bill was before a Committee of the Legislature which provided for payment of \$100,000 to the Canadian Cayugas, who now numbered 900, but this failed eventually to pass. At this point, James Strong abandoned the case and retired to Los Gatos, California.

The Cayugas' cause was again taken up in 1896 by a Mr. V. Mackenzie, a barrister from Brantford, Ontario. ²⁹ The Canadian Cayugas had to date spent over \$9000 in legal fees, and despite official recognition of the justice of their claims, all legal moves on their behalf had been ineffective to this date. The only course left to them was to appeal to the British government and ask that the case be presented to the United State government. Surely efforts to obtain a favorable decision in New York State seemed unfavorable at the end of the 19th century. It was at this time that Theodore Roosevelt, in a special message to the New York Legislature, dated Jan. 17, 1899, observed that: "From the facts before me, the claims of the Canadian Cayugas seem of doubtful validity." ³⁰

At this time, however, Canadian and British efforts were

continued to obtain a satisfactory settlement for the Cayugas residing on the Grand River. In a letter to the Earl of Minto, Governor-General of Canada at the turn of the century, a Toronto barrister pointed out that "these Indians have nothing but their now apparently useless parchment to look to for \$2300 per annum . . . they have no remedy for any default, and have to trust entirely to the white man's sense of justice, and perhaps, charity."³¹ The writer urged the Governor-General to use his influence on behalf of the Indians, in order that they secure restitution of their rights under the treaty with the people of the State of New York. The Governor-General, by an Order-in-Council, was not long in having the Cayuga claims forwarded to Sir Julian Pauncefote, then British Ambassador at Washington; and this was soon brought to the attention of proper authorities in Washington.³² After diplomatic consultations in Washington between the British Ambassador and the American Secretary of State and other officials, it was agreed that the Cayuga claims be submitted to arbitration. In this the Grand River Cayugas agreed in a Council of the Six Nations held at Ohsweken, Ontario, on Mar. 18, 1902, and reaffirmed at the Council House on April second of the same year.³³ Some 15 Cayuga chiefs approved this course of action, which was to carry over the next 24 years.

It was only on Jan. 22, 1926 that the president of the Tribunal of Arbitration, A. Nerinx, rendered that body's decision and expressed its views on various aspects of the Cayugas' claims. It was observed first of all that "as a matter of justice the Canadian Cayugas have such a claim, has been the opinion of everyone who has carefully and impartially investigated their case. . . . Nor can one examine the evidence and come to any other conclusion than that as a matter of right and justice such an apportionment should have been and ought to be made."³⁴ The tribunal observed, moreover, that in white legal dealings with the Indians, special circumstances should be recognized:

The Indians . . . are a weak and dependent people, who have no written language and are wholly unfamiliar with all the forms of legal expression, and whose only knowledge of the terms in which the treaty is framed is that imparted to them by the interpreter . . . ; the treaty [of 1795] must therefore be construed not according to the technical meaning of the words to

learned lawyers, but in the sense in which they would naturally be understood by the Indians.³⁵

While the treaty of 1789 was viewed as a contract of the State of New York, and not a contract on a matter of Federal concern or in which the Federal government had an interest, the liability of the United States was grounded upon Article XV of the Treaty of Ghent. In this treaty, the United States covenanted that the Indians should be restored to the position in which they were before the War of 1812, and hence should share in the annuity, as they did before the war. Yet the Federal government had not carried out this treaty provision, and as late as 1860, the United States had referred the Cayuga claims back to the State of New York.

Concerning the British claim that the Cayugas were entitled to the annuity for the future, the Tribunal believed it had no jurisdiction to make such a decision or declaration. It viewed its powers as limited to a money award, and that this should contain two elements: 1) an amount equal to a just share in the payments of the annuity from 1849; 2) a capital sum which at 5% interest will yield half of the amount of the annuity for the future. Such a sum in the hands of their quasi guardian (Britain) would also be sufficient to pay the latter's share of the annuities in the future. Such an award would "fully protect them and give them what they are entitled to under the Treaty of Ghent."³⁶ Having considered carefully all aspects of the Cayuga claims, the Tribunal of Arbitration awarded the Canadian Cayugas \$100,000 on Jan. 22, 1926, thereby ending the claims, litigations, and legal manoeuvres which had occupied the previous 110 years.

Although the 1926 arbitration award was apparently accepted at that time by the Canadian Cayugas, the New York Cayugas did not abandon their claims against the State of New York. These had their origins in the Treaty of 1795, previously referred to, in which the Cayugas had sold all of their land except two small parcels of 3,200 acres. This sale had been negotiated with Governor George Clinton, and the state paid 50¢ per acre for the land it acquired. Shortly thereafter, the state sold parcels of this land to incoming white settlers for \$1.50 per acre, and the Cayugas soon realized they had been fleeced. They based their claim, consequently, on the \$1.00 difference per acre which they believed they should have received in the first place.

While attempts to redress these wrongs failed in the 19th century, the New York Cayugas attempted, in 1906, to reach a settlement with New York State, and presented a memorial to the Commissioner of the Land Board. Two years later, however, an agent for the Land Board reported that the claim was unenforceable in law, but that the state was morally obligated to compensate the Cayuga Nation. In the next year (1909), the Legislature, acting on this report, ordered the Land Board to adjust the claim for not over \$247,609 plus interest at 5% since Feb. 27, 1906, subject to the approval of the governor. The amount in question, with interest, amounted to \$297,131, and the Commissioner of the Land Board approved the settlement in Feb., 1910; Governor Charles Evans Hughes, however, on the advice of the Attorney-General, refused to sanction payment. The Attorney-General said at this time that the claim "was a charitable gift without basis as a legal claim against the state,"³⁷ and Governor Hughes referred the matter back to the Land Board. Finally, in 1931, the State of New York settled these claims whereby the Cayugas were awarded the sum of \$247,609.33, which was to be held in trust by the state after certain deductions.³⁸

This settlement, however, created further problems for the Cayuga Nation. The state was to pay the Cayugas portions of the award monies on a semi-annual basis, but payments were frequently held up because the New York Legislature often failed to pass the bill making the money available in time for the payment date. This situation occurred not once, but on several occasions.³⁹ Furthermore, the agreement reached with the state in 1931 stipulated that \$75,000, less counsel fees, was to be set apart from the award money. This was to be held in trust by the State of New York for the Seneca Nation, upon condition that the latter honor the claims of the Cayugas to lands on the Allegany and Cattaraugus reservations and accord the Cayugas equal rights with the Senecas in the lands. Yet in a petition to the New York State Legislature, dated Dec. 7, 1948, some 64 Cayugas claimed that the Seneca Nation had failed to honor this agreement. The Senecas, it was noted, had for 17 years "refused to ratify and confirm the rights of any Cayuga Indian to own land on the Allegany or Cattaraugus reservations or to accord the Cayugas equal rights in the land."⁴⁰ The fact remains, moreover, that the Cayugas to this day have no rights whatever upon Seneca lands in western New York.

It was in 1948, as well, that rumors spread, published in a Buffalo newspaper, that the Cayugas had received a grant of \$300,000 and were looking about for a new home on the shores of Cayuga Lake where they had once resided. The money had purportedly been granted them by the New York State Board of Claims. It was also reported that between 350-400 Cayugas would be involved in moving to a new settlement. Yet Dr. Earl Bates, of Cornell University, then advisor to the Six Nations, stated that he had no knowledge of the matter, nor did the Cayugas themselves know of such a grant or of any project to resettle.⁴¹ Although these reports proved to be groundless, it is nevertheless true that in 1939, Cayugas met at Lavanna, near Syracuse, to formulate plans for purchasing lands around Cayuga Lake. Here they hoped to establish a reservation based in the area in which their forebears had once resided.⁴²

Because such efforts and projects failed, however, the Cayugas in New York State have continued to bring court suits to regain at least some of the land lost through treaties of almost 200 years ago. Present claims by the Cayugas are aimed at recovering some 62,500 acres around the northern end of Cayuga Lake, in both Cayuga and Seneca Counties. In this effort they are backed by the United State Department of the Interior, which has stated it will bring a suit against New York State on behalf of the Cayugas if no settlement is reached by April 1, 1980.

At the present time, the land claims of both the Cayugas and St. Regis Mohawks are under negotiation, following settlement proposals made by both tribes in March, 1978. Both Federal and New York state officials believe these proposals to be too costly, and the tribes are presently reconsidering them. At the same time, the Federal government and the State of New York are prepared to contribute financially to "reasonable" settlements of the Cayuga and Mohawk claims. Reconsideration of the claims is presently being dealt with by tribal representatives, the State of New York, the Interior and Justice Departments, and the Office of Management and Budget. There is no doubt but that the Indians' claims will somehow be adjusted; the Interior Department took the position in June, 1977, that the Cayugas and St. Regis Mohawks have credible claims, and that the settlement of them should be negotiated.⁴³

While the Cayuga claims have similarities with those made by other Indian tribes over the past 150 years, still the Cayugas

were marked by some unique situations and circumstances shared by no other Indian group. They were a relatively small nation within the Iroquois Confederacy, and their area of settlement in central New York was, by and large, not an extensive one. It was there, as a still largely united nation, that New York State officials and white settlers began to whittle away by treaties the Cayuga land holdings in the years following the American Revolution. While it is true that the British had attracted a number of Cayugas to the Grand River reserve after 1783, still the larger number remained in New York State until 1809, at which time the majority of them also migrated to the Grand River. Hence, the division in the Cayuga Nation, small in the earlier years, became deep and permanent after this time, and animosities already existing between the two groups of Cayugas and New York State officials were intensified by the War of 1812.

The Americans, particularly New York State residents, seemed unwilling to forget nor to forgive whatever part the Cayugas had played on the British side in both the Revolution and the War of 1812. And this lack of forgiveness may have been reenforced by a growing American nationalism supported by the concept of American Manifest Destiny and mission. These savages, as many Americans viewed them, were now beyond the pale of American humanizing and humanitarian influences, and out of the reach of American civilizing efforts. As savages, they should be dealt with as such, and their past treachery could be punished by the refusal of both the State of New York and the Federal government to give the Canadian Cayugas what they regarded as their fair share.

Yet with the conclusion of the War of 1812 by the Treaty of Ghent, and for the remainder of the 19th century, both groups of Cayugas — and those now in Canada and those remaining in New York State — brought futile claims against New York State for monetary remuneration for lands lost in various treaties made with the state. At the same time, bitterness between the two groups of Cayugas increased owing to deep differences over which group truly represented the Cayuga posterity. In one sense, however, the Canadian Cayugas may have been slightly more fortunate than their brothers who had remained in New York State. The former at least had a reserve upon which to live, albeit they received no further annuities after 1809. The New York Cayugas, on the other hand, received some annuities yet had been stripped of all their former land

holdings. This necessitated their settling on the Cattaraugus reservation after 1809, which they shared with the Senecas. Yet even there they were not allowed property rights nor were they shown the recognition nor received the amenities due them as a member of the Six Nations.

While both groups attempted to obtain redress from New York State officials throughout the 19th century, it was only in 1906 that the Canadian Cayugas received a cash settlement to adjust claims brought against New York State. Ironically, however, this settlement was finally made owing to the intervention and good offices of British, Canadian, and American federal officials. And payment of the Canadian Cayugas' claim was made, not by New York State, but by the American Federal government. The New York Cayugas, in contrast, were not so successful, and New York State temporized for the first thirty years of this century before making a cash settlement with the Cayugas of Cattaraugus.

Despite this settlement, however, it would appear that the crux of the difficulties between the New York Cayugas and the state had not, and have not yet been resolved. Cash settlements are one thing; the reacquisition of lost lands and domains are another. How significant is a cash settlement if there remains no suitable land to purchase or to repossess upon which and in which the Cayugas may again reconstitute themselves and once more become a separate, untrammelled, and unique nation among their Iroquois brothers? Herein lies a serious road-block to any lasting adjustment of the Cayugas' claims; this has been the Gordian Knot throughout the 19th, and particularly during the present century.

The abjuration and lack of interest on the part of New York State officials during this long period speaks for itself. Yet it is remarkable that the Cayugas have pursued the matter through various courts for almost 150 years; from generation to generation the claims have been pressed, and one cannot but admire the tenacity and persistence of the Indian in attempting to obtain justice from the white man. Surely a people of such strength and character deserve a far better fate than they have suffered.

NOTES

1. John R. Swanton, *The Indian Tribes of North America* (Washington, 1932), p. 34. See also, Clayton Mau, *The Development of Central and Western New York* (Rochester, 1944), pp. 11-12, 22-23; New York State Historical Association, *History of the State of New York*, 10 vols. (New York, 1933), I: 76, 88.

2. Barbara Graymont, *The Iroquois in the American Revolution* (Syracuse, 1972), pp. 7-8.
3. *Ibid.*, p. 22.
4. *Ibid.*, pp. 224-25.
5. James C. Strong, *Statement of the Claims of the Cayuga Indians Residing in Canada* (Buffalo, 1886), Frontispiece and Page 1.
6. Charles J. Kappler, ed., *Indian Treaties, 1778-1883* (New York, 1972), pp. 5-6.
7. See Charles M. Johnston, ed., *The Valley of the Six Nations* (Toronto, 1964), *passim*.
8. Public Archives of Canada (cited hereafter as PAC), MG-21, Haldimand Papers, B-103, p. 457, "A Census of the Six Nations on the Grand River, 1785."
9. P. Campbell, *Travels in North America in the Years 1791-92* (Edinburgh, 1793), pp. 162-80.
10. PAC, RG-10 (Indian Affairs Records), Vol. 2264, File 53, 951-967; see also, *Buffalo Mail*, Feb. 10, 1888.
11. *Ibid.*, Memorandum, "Removal of Cayuga Indians to Canada. Return of Indians settled at the Grand River to whom presents were distributed 26th October, 1785," p. 2.
12. *Ibid.*, The texts of these treaties will be found in New York State, Assembly Document No. 51, pp. 216-33; see also Fred K. Nielsen, *American and British Claims Arbitration* (Washington, 1926), p. 210.
13. This amount has not been specified in materials examined. See State of New York, State Board of Audit, Memorial and Petition of James C. Strong, "In the Matter of that Portion of the Cayuga Nation of Indians Resident in Canada," Buffalo, N.Y., Feb. 28, 1883, p. 4.
14. PAC, Claus Papers, X, 29-30, "An Indian Census, 1810-11."
15. *Ibid.*, Indian Affairs, Vol. XXVIII, "A Return of the Six Nations Tribesmen at Beaver Dam, 24 June, 1813." The battle was fought at a site seven miles south of St. Catharines, Ontario, and ten miles west of the Niagara River, where a force of British Indians defeated American troops.
16. C.P. Lucas, *The Canadian War of 1812* (Oxford, 1906), pp. 101-103.
17. Quoted in Nielsen, p. 321.
18. PAC, RG-10, Vol. 2264, File 53, 951-53, 967, "Speech of Dr. Peter Wilson, Head Man of the New York Cayugas, 1853."
19. *Ibid.*
20. *New York Times*, Nov. 15, 1931, Part 2, p. 1, col. 3; p. 2, col. 4. See also *Buffalo Evening News*, Nov. 14, 1931, p. 3, col. 4.
21. State of New York, State Board of Audit, "Memorial and Petition of James C. Strong," pp. 7-8.
22. *Ibid.*, p. 10.
23. Strong to Sir John A. Macdonald, Apr. 24, 1888, PAC, RG-10, Vol. 2265, Item 85273. See also *New York Times*, Dec. 4, 1883, p. 5, col. 2; and *Ibid.*, Aug. 6, 1884, p. 5, col. 2.
24. Strong to Macdonald, Apr. 24, 1888, PAC, RG-10, Vol. 2265, Item 85273.
25. Strong to Hon. L. Vankoughnet (Deputy Supt.-General of Indian Affairs, Ottawa), May 12, 1888, *ibid.*, Item 85814; and Strong to J.T. Gilkison (Indian Superintendent of the Six Nations, Brantford), Dec. 4, 1888, *ibid.*, Item 91419.

26. *Ibid.*, Item 93440, "Testimony taken before Herbert P. Bissell, Commissioner in the Matter of the Cayuga Indians, Buffalo, N.Y., Jan. 24, 1889." See also *ibid.*, Item 92844, James C. Strong, "Report in the Matter of the Cayuga Indians, Jan., 1889."

27. *Ibid.*, Item 89025, "Statement by J.T. Gilkison, Sept. 11, 1888."

28. *New York Times*, Nov. 23, 1889, p. 5, col. 2; and *ibid.*, Nov. 28, 1889, p. 1, col. 5.

29. D.C. Scott to James Strong, Mar. 22, 1894, PAC, RG-10, Vol. 2265; *ibid.*, Item 196184, "Statement by Percy Sanderson (New York City attorney), Feb. 25, 1898." See also J.D. McLean to C.J. Jones (Governor-General's secretary), May 30, 1901, *ibid.*, File 53, 967.

30. Theodore Roosevelt to the New York Legislature, Jan. 17, 1899, in State of New York, *Messages from the Governors*, 10 vols. (Albany, 1909), X (1899-1906): 31-32.

31. E.F.B. Johnstone to the Earl of Minto, May 17, 1901, PAC, RG-10, Vol. 2265, Item 234, 431, p. 3.

32. J.D. McLean to C.J. Jones, May 30, 1901, *ibid.*, File 53967.

33. *Ibid.*, Item 245, 964, "Council Approval that the Cayuga Claims be submitted to Arbitration, Ohsweken, Apr. 2, 1902." See also *Buffalo Evening News*, Nov. 14, 1925, p. 3, col. 7.

34. Nielsen, pp. 311-12; see also *New York Times*, Jan. 24, 1926, p. 22, col. 8.

35. Nielsen, pp. 326-28.

36. *Ibid.*, pp. 330-31.

37. *New York Times*, Nov. 15, 1931, Pt. 2, p. 1, col. 3.

38. *Ibid.*

39. Asher W. Parker to Charles H. Berry, U.S. Special Agent, Salamanca, N.Y., May 6, 1939, United States National Archives, Record Group No. 75, No. 065, Box 3.

40. Cayuga Petitioners to William Bengé, Superintendent, U.S. Indian Bureau, Salamanca, N.Y., Dec. 7, 1948, U.S. Office of Indian Affairs, New York Agency, File B.

41. *Buffalo Courier-Express*, May 7, 1948; see also William Bengé to Robert P. Galloway, May 13, 1948, United States National Archives, Record Group No. 75, No. 065, Box 3, Records of the New York Agency, 1939-49.

42. *Rochester Times-Union*, Aug. 17, 1939.

43. The present study is pertinent because the Cayugas are presently in litigation over 62,500 acres surrounding the northern end of Cayuga Lake, in central New York. See *New York Times*, Jan. 1, 1978, p. 20, col. 3; see also United States Department of the Interior, News Release, July 20, 1978.