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Brothertown, New York, 1785-1796

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# Brothertown, New York, 1785–1796

By ANTHONY WONDERLEY

*Brothertown was a new native nation created in the late eighteenth century by Christian Indians from several Algonquian communities on the East Coast. Hoping to escape the corrupting influence of the non-native world, they emigrated to land made available by the Oneida Iroquois in east-central New York. This study focuses on the Brothertons' first decade in their new Canaan, a time of great hardship and disunity. Threatened by white lessees seeking to crowd them out, the people of Brothertown survived their first crisis as a result of sympathetic state intervention. Anthony Wonderley is the Nation Historian for the Oneida Indian Nation, Oneida, New York.*

On November 7, 1785, some thirteen miles southeast of present Oneida, New York, a Connecticut minister named Samson Occum made an early entry in his diary:

[N]ow we proceeded to form in to a Body Politick. [W]e named our Town by the name of Brotherton...J. Fowler was chosen Clarke for the town. Roger Waupieh, David Fowler, Elijah Wympe, John Tuhy, and Abraham Simon were Chosen a Committee or Trustees for the Town, for a year, and for the future, the Committee is to be Chosen Annually. [A]nd Andrew Acorrocomb and Thomas Putschauker were Chosen to be Fence Viewers to Continue a Year. Concluded to have a Centre near David Fowlers House, the main street[s] to run North and South & East and West, to Cross at the Centre. Concluded to live in Peace, and in Friendship and to go in all their Public Concerns in Harmony both in their Religious and

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Temporal Concerns, and everyone to bear his part by Public Charges in the Town.<sup>1</sup>

Occum was describing the founding of a New England town by New England settlers but one with unusual features. The town (Figure 1) was not in New England; it was set in the middle of Oneida Iroquois country. Occum was a Mohegan Indian and the officials of the new town also were New England Indians: three of them—a Pequot and two Farmington Indians—from Connecticut; two Narragansetts from Rhode Island; two Montauketts from Long Island; and, one of unknown ethnic affiliation from eastern Massachusetts. Together they hoped to build a new Indian nation, amalgamated from the remnants of a half dozen tribes or towns of the East Coast and realized through emigration to a new land.

Brothertown began as an extraordinary communal vision—a movement; now it became an Indian town “unique in our American history.”<sup>2</sup> The Brothertown Movement lacked a clear statement of ideals and intent. When Brotherton leaders expressed themselves on the subject, they tended to reflect opinions widely held among the enlightened, humanitarian sector of the day.<sup>3</sup> Specifically, their ideological program was influenced by Eleazar Wheelock, the non-native minister and teacher who had educated several Brothertons and who, as early as 1775, discussed the proposed removal

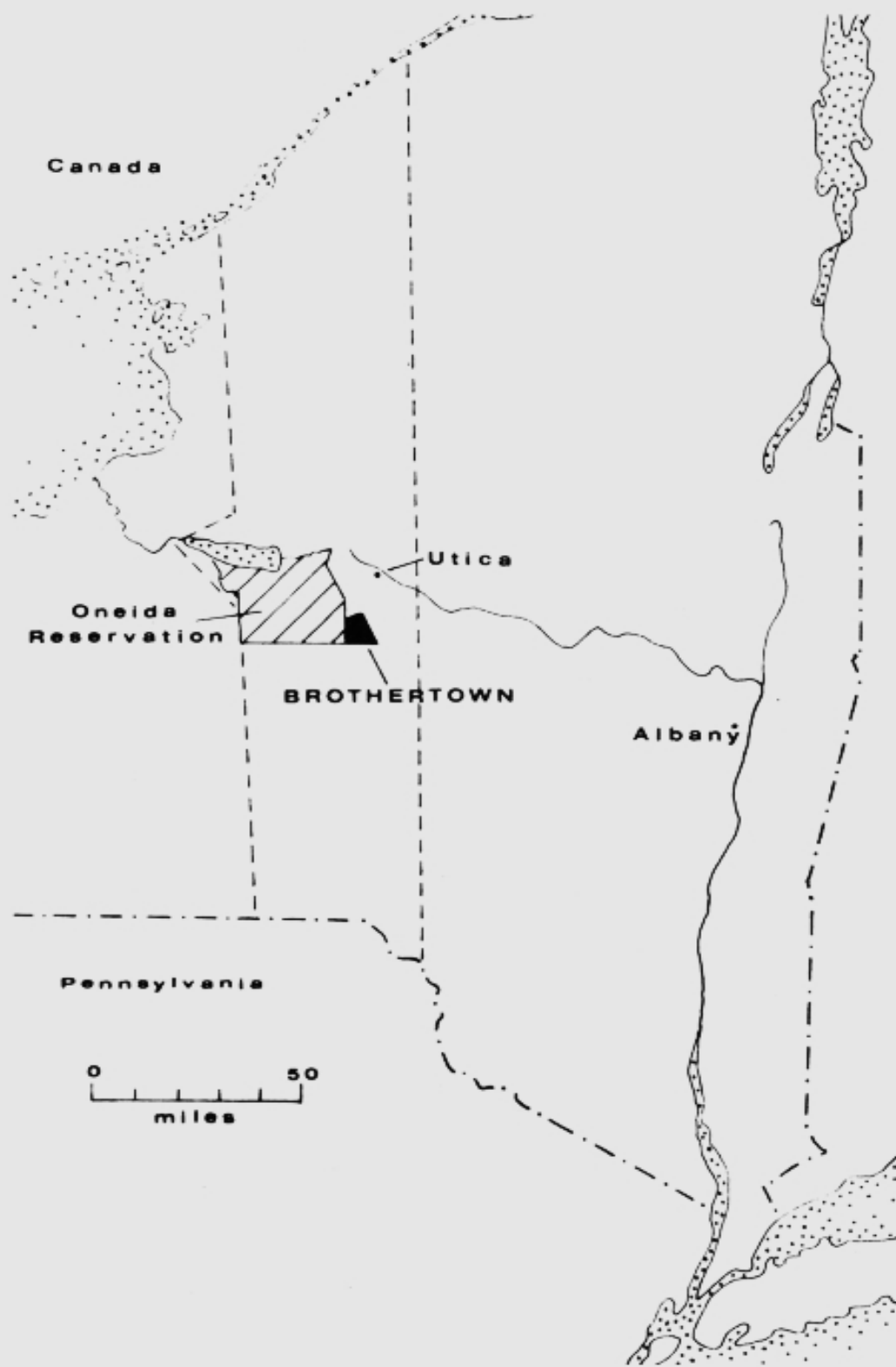
of the principal Indians of the Tribe at Montauk, with all the christianized and civilized Indians of the several Towns in New-England, to settle in a Body in the Heart of the Country of the Six Nations [Iroquois League or Confederacy].... [They have] secured a Tract of Choice Land, Fifteen or Twenty Miles square, where they design to settle in a Body, as a civilized and christian People and cultivate those Lands for their Subsistence.<sup>4</sup>

1. Julia Clark, ed., “Sam Occum’s Diary, 1774–1790,” in Gaynell Stone, ed., *The History and Archaeology of the Montauk* (Readings in Long Island Archaeology and Ethnohistory 3, 2nd ed., Stony Brook, N.Y.: Suffolk County Archaeological Association, 1993), 250.

2. W. DeLoss Love, *Samson Occom and the Christian Indians of New England* (Boston: Pilgrim Press, 1899), 209.

3. Throughout this paper, I use “Brotherton” for the people, “Brothertown” for the place and idea.

4. Love, *Samson Occom*, 224.



*Figure 1: This map shows the location of Brothertown in eastern New York. The dashed vertical lines indicate the approximate extent of Oneida country, as shown by Lewis Henry Morgan (1851; reprinted, Secaucus, N.J.: Citadel, 1962). The area shown as "Oneida Reservation" does not include several other tracts reserved by the Oneidas in a 1788 treaty with New York.*

The Christianity of the Brothertons drew from Calvinist beliefs and was strongly influenced by the Great Awakening. It thus stressed the importance of achieving a state of individual grace rather than simply doing good deeds. Grace announced itself through an overpowering sense of humility. The sinner who had not experienced this state could anticipate eternal torment in “a dismal place,” described by Brotherton leader Joseph Johnson as “prepared for the devil and his angels, and it burns with unquenchable fire and brimstone; there God Almighty makes himself known by the displays of his eternal wrath which is poured upon the wicked, without the least mixture of mercy.”<sup>5</sup>

“Civilized” meant that the Brothertons would be brought to depend on the soil in Euro-American fashion. Parcels of land, allotted to individual, nuclear-family households, would be worked by men plowing with teams of draft animals. Montaukett David Fowler, an important leader of the settlement’s early period, expressed himself forcefully on this subject with reference to the Oneidas who did not follow this economic regimen. “They begin to see they would live better if they cultivate their lands,” he asserted. “Let men labour and work as the English do.”<sup>6</sup>

Forming a “body politick” also had specific meaning. The new nation, transcending individual tribal origins, was constructed on the model of a New England town government. The Brothertons are said to have carried with them a copy of Connecticut town statutes from which they fashioned much of their own organization involving voting and town meetings. English was encouraged as the common language.<sup>7</sup>

Although these were derivative and non-native sentiments, the venture of Brothertown was accomplished solely by native people actuated by ideals native in spirit. “I have been seeking the good of my poor Indian Brethren,” wrote Mohegan Joseph Johnson, the individual most active in the community’s genesis. And he added:

5. Laura J. Murray, ed., *To Do Good to My Indian Brethren: The Writings of Joseph Johnson, 1751–1776* (Amherst: University of Massachusetts Press, 1998), 141.

6. James Dow McCallum, ed., *The Letters of Eleazar Wheelock’s Indians* (Hanover, N. H.: Dartmouth College, 1932), 96, 98.

7. Love, *Samson Occom*, 208–09, 329.

"I greatly desire the Prosperity of my sinking Nation....<sup>8</sup> I have exerted [sic] myself, used my utmost endeavours to help my poor Brethren in New England; to bring them out of Bondage, as it were; and to lead them into a land of Liberty, where they and their Children might live in peace."<sup>9</sup>

The driving impulse of the Brothertown Movement was to escape the corrupting influence of the non-native world pushing hard on them. An historical account, written years later by Brotherton Thomas Commuck, highlighted that motivation:

Sometime in the year 17\_\_—I am unable to give the precise date...an Indian by the name of David Fowler of the Montauk tribe, who lived on the east end of Long Island, having acquired a tolerable English education, took a tour into the interior of the State of New York. Fortunately, he fell in with a large and powerful tribe of his Red brethren called the Oneidas, the principal chief of whom, finding that Fowler possessed a good degree of the "book learning" and other useful knowledge of the "pale faces," kindly invited him to set up his lodge and rest among them awhile, and in the meantime to open a school for education for the children of the Nation.

To this proposition, Fowler consented, and remained among them a year or 18 months. During this time, the chief made many inquiries relative to his Red brethren in the East, particularly of the Narragansetts, Pequots, Montauks, Mohegans, Nahanticks, and another tribe called the Farmington Indians, [although] what their Indian name was is unknown. Fowler gave a true statement of the fallen and degraded condition of those tribes, and ended by intimating that unless they soon emigrated to some more friendly clime, where they would be more free from the contaminating influence and evil example, etc., of their White brethren, and farther removed from that great destroyer—worst of all—"Fire Water," they would become wholly extinct.

The Oneida chief listened with deep emotion to the pitiful yet truthful tale of the many wrongs and oppressions, insults, and stratagems that had, from time to time, been unsparingly practiced upon them, and saw at once that not a glimmering beam of hope shone along their pathway to cheer their gloomy condition and beckon

8. McCallum, *Letters of Eleazar Wheelock's Indians*, 175, 189.

9. Murray, *To Do Good*, 225.

them onwards to a prospect of a brighter future. At the close of the narrative, [the chief] very generously gave to Mr. Fowler, for the benefit of his Eastern brethren, a very valuable tract of land about 12 miles square, situated 14 miles south of where the city of Utica, New York, now stands.<sup>10</sup>

The tribes named in this account were small, remnant communities of Algonquian-speaking peoples, some of whom lived in New York (Montauketts on eastern Long Island) and Rhode Island (Narragansetts and Eastern Niantics at Charlestown). Most, however, were in Connecticut: Pequots at Groton and Stonington; Niantics near Lyme; Mohegans at Mohegan; and the Indians of Farmington composed of Tunxis (or Sepos), Quinnipiac, and Mattabeeset (or Wangunck) people.

Fowler, known to the Oneidas from a visit in 1761, had been accepted by them as a school teacher out of Wheelock's school for Indians in Lebanon, Connecticut. From 1765-67, he resided in the village of Oneida Castle (Figure 2) in the home of an influential Oneida leader. Whatever understanding existed between Fowler and his host, no formal arrangement was made until 1774. Then it required more than the preference of a chief because matters involving land necessitated national consensus.<sup>11</sup>

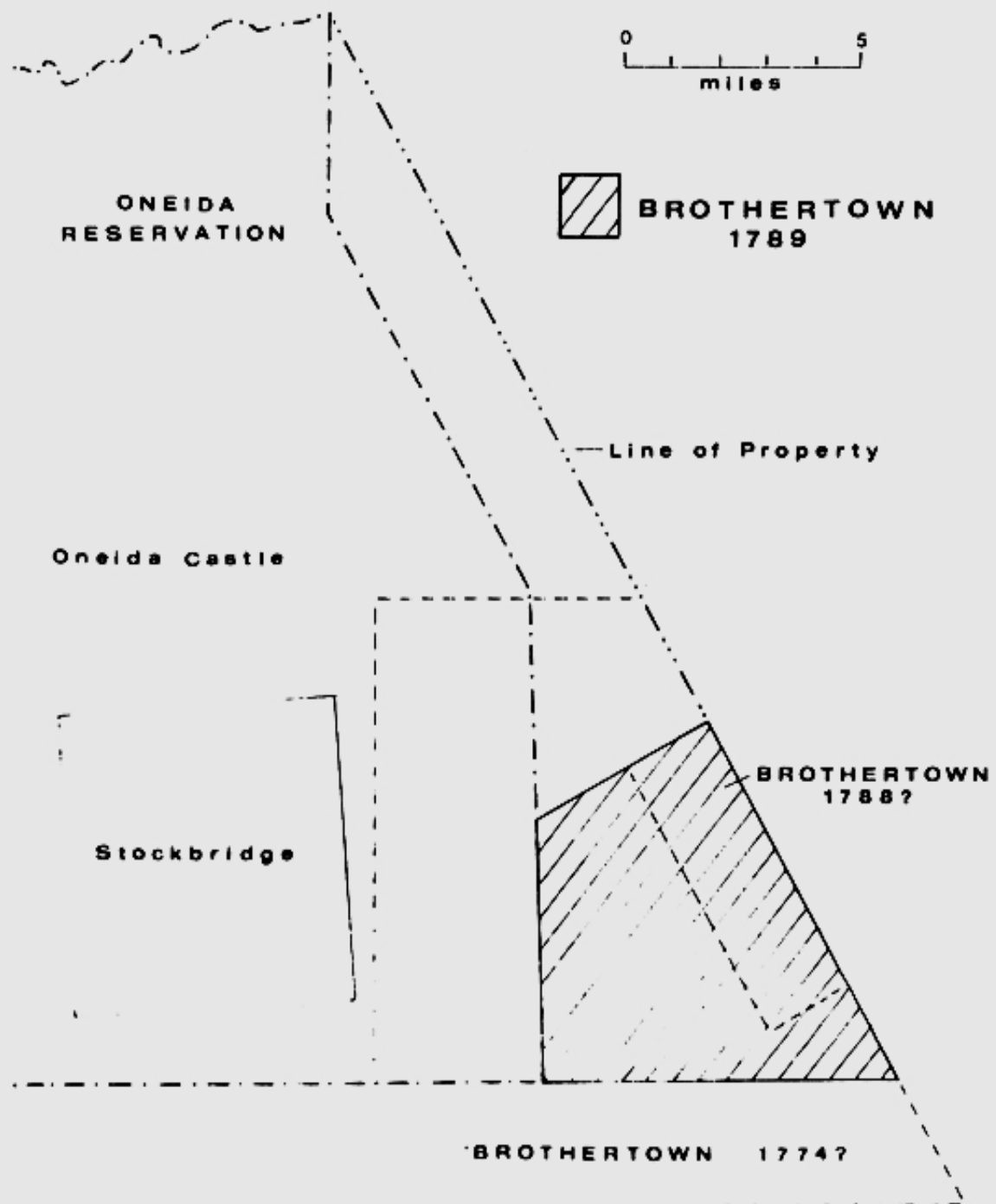
"And in due course of time," Commuck continued, "a few from each of said tribes emigrated and took possession of the tract and commenced a settlement. And in consequence of the good wishes, and kind and brotherly feelings that actuated and bound them together, they unanimously concluded to call the new settlement by the name of Brothertown. And thus, a new nation sprang into existence, phoenix-like, from the ashes—if I may so call it—of six different tribes."<sup>12</sup>

The beginnings of Brothertown occurred more than ten years before Occum recorded the compact of 1785. According to

10. Commuck quoted in Philip Rabito-Wippensenwah, "Brotherton Revisited," in Stone, ed., *History and Archaeology of the Montauk*, 547-48.

11. Franklin B. Hough, ed., *Proceedings of the Commissioners of Indian Affairs, Appointed by Law for the Extinguishment of Indian Titles in the State of New York* (Albany, N.Y.: Munsell, 1861), 101.

12. Rabito-Wippensenwah, "Brotherton Revisited," 548.



*Figure 2: The Brothertown Tracts. Brothertown was defined by a New York legislative act in 1789, as shown. A second Brothertown was mentioned in the Oneida-New York Treaty of 1788 as being two by three miles, labeled here "Brothertown 1788?" That parcel probably lay along the Line of Property—a 1768 boundary between the English colonies and native peoples—as indicated here, although its precise location is unknown. The boundaries of the Oneidas' original allocation to the Brothertons ("Brothertown 1774?") are very roughly approximated from Guy Johnson's description of October 4, 1774 (1-2 Brothertown Records).*



Mohegan Joseph Johnson, a plan to remove was formulated at a great public meeting of native peoples at Mohegan in March, 1773.<sup>13</sup> In response to this meeting, Johnson journeyed to Oneida country to negotiate for land in early 1774.

On behalf of the Six Nations, the Oneidas welcomed the Brothertons as a prop of the longhouse, a people who had come to shelter under the boughs of the great Iroquois Tree of Peace. In Iroquois tradition, the Brothertons became politically subordinate to their hosts while retaining the right to manage their own internal affairs. The New England Indians were not required to assimilate to Iroquois ways; indeed, they had every freedom to maintain their own customs and language. The Brothertons were "fixed" or "seated" on a large tract of land centered at present Deansboro in Oneida County. While the land was theirs to use as they wished, the Brothertons did not have the right to alienate it.<sup>14</sup>

In the course of Joseph Johnson's negotiations, other obligations were expressed as the rights and duties of close kin. The Oneidas adopted the Brothertons: "We receive you into our Body as it were. Now we may say we have one head, one heart, and one Blood. Now Brethren our lives are mixed together."<sup>15</sup> By this act, the Brothertons became the Oneidas' younger brothers, even younger than (and junior to) other refugee nations already resident in the Oneida country. The Oneidas promised to watch over the Brothertons as an elder brother protects a younger sibling: "And if the Evil Spirit stirs up any Nation whatsoever, or Person, against you, and causes your Blood to be spilt, we shall take it, as if it was done unto us; or as if they spilt the Blood from our own bodies. And we shall be ever ready to defend you, and help you, or ever be ready to protect you according to our abilities."<sup>16</sup>

Kinship obligations, the Oneidas pointed out, are reciprocal:

And Brethren, we shall expect that ye will assist us in advising us,

13. McCallum, *Letters of Eleazar Wheelock's Indians*, 162; Stone, *The History and Archaeology of the Montauk*, 508.

14. Robert W. Venables, "A Chronology of Brotherton History to 1850," in Stone, ed., *History and Archaeology of the Montauk*, 516, 520.

15. McCallum, *Letters of Eleazar Wheelock's Indians*, 169.

16. *Ibid.*, 169–70.

concerning the Affairs, lhat may be brought under our con.wider-  
ation, when yc shall live side of us your B others and Brctlucn. It  
is hoped, that we both shall be disposed ever to help one another  
in cases of Necessity, so long as we shall live together. As for us  
Bmthren, we have already resolved to Endeavor to No all things as  
becomelh Brothers.<sup>17</sup>

The first Brotheuon emigration to Oneida country, begun in the  
spring of 1775. was interrupted by the Revolutionary War." With  
the outbreak of hostilities at Lexington and Concord that year, some  
returned immediately to New England. Others fled eastward when  
British forces entered Oneida country in the summer of 1777." A  
few may have remained in their new homes for nearly three years.  
An early local history has it that they resided under the protection  
of Fort Stanwix (present Rome) while trying to maintain their  
fields.' When Oneida Castle was destroyed by pn-British forces  
in 1780, these Brothertons left to join the native community of  
Algonquian-speaking Mahicans at Stockbridge, in western Mas-  
sachusetts."

Brothertons began filtering back to Oneida country in about  
1783. Over the next few years, the Oneida-Brotherton relationship  
became less than cordial due, apparently, to disagreement over the  
terms of the relationship and the allocation of land. Written records  
of this controversy are few and ambiguous. All that is laiown with  
certainty is that the Oneidas reduced the amount of land available  
to the Brothertons from some very large area (possibly about one  
hundred ten square miles) to a tract measuring two by three miles  
(Figure 2).

To the Oneidas, seating refugee groups had become a more com-  
plex problem. They now anticipated the arrival of 360 fellow  
Iroquois (Onondagas and Cayugas), 80 Delawares, and hundreds

17. *Ibid.*, 170.

18. Love, *Harrison Occom*, 225.

19. *Ibid.*, 31—32; Murray, *be m> co d*, 265.

20. Pomroy Jones. *A nun/t uW frcofferiiotis oJonifo many* (Borne. N. Y.: n.p., i g51).

21. Love, *Samson Occom*, 225, 231–32, 242.

of Stockbridges (the Mahicans of Massachusetts).<sup>22</sup> These Stockbridges, like the Oneidas, had taken up arms for the American cause and had suffered heavily during the war. In addition, they had lost nearly all the land incorporated in their original Massachusetts township of 1739. The Oneidas offered refuge to the Stockbridges, probably in 1782-83, and made available to them the amount of land taken from them in Massachusetts: a square six miles on a side.

The Stockbridges were said to have numbered over 400 in 1785,<sup>23</sup> the Brothertons probably were fewer than 200. Why, therefore, should the Brothertons have more land? Issues of equity and proportion had not existed at the time of the 1774 agreement, and the Oneidas were within their rights to adjust the boundaries of their younger brothers accordingly.

The historian Love remarked of this dispute:

These lands [specified in a text memorializing the Oneida-Brotherton agreement of 1774] were given to the New England Indians and their posterity "without power of alienation"...Occom and his friends considered this a deed of gift by which they had full title to the said lands. Scarcely had they located there, however, when the Oneidas, at the instigation, it was said, of the whites, set up the claim that the New England Indians had not fulfilled the conditions of the grant and it was void. This was in 1785. We cannot imagine what those conditions were unless the lands were to be occupied at once, which had certainly been bravely attempted.<sup>24</sup>

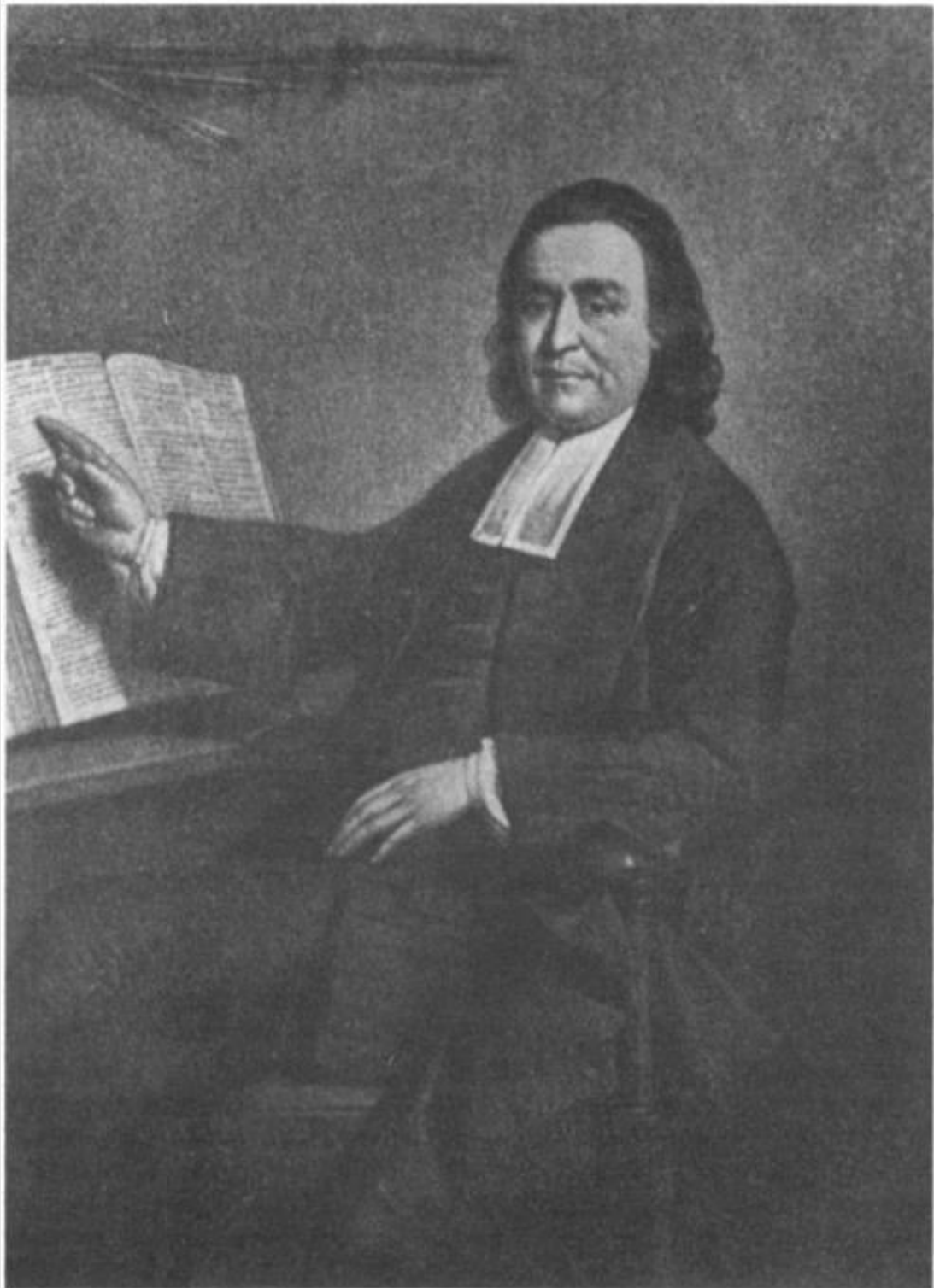
From the Oneida point of view, the Brothertons may have violated a fundamental trust. A younger brother honors and supports his elder brother, particularly in time of feud or war. The Tuscaroras, also younger brothers to the Oneidas, had taken up arms with the Oneidas on the patriot side. The Brothertons, seemingly loyal to Samson Occum's advice to remain neutral, had not.<sup>25</sup>

22. Samuel Kirkland to James Bowdoin, March 10, 1785, 85c, Samuel Kirkland Papers, Hamilton College Library, Clinton, NY.

23. Love, *Samson Occom*, 225.

24. *Ibid.*, 285-86.

25. *Ibid.*, 228-29. My point is that Brothertown—as a community and people—melted away and did not assist the Oneida Nation during the conflict. A dozen or more Brothertons



*A portrait of Samson Occum. From W. DeLoss Love's Samson Occum and the Christian Indians of New England (Boston: The Pilgrim Press, 1899).*

That the Oneidas perceived a default in kin obligations is implied by the manner in which their speaker referred to the Brothertons in the course of 1788 negotiations with New York:

Brother! We never had any Part of the Land that Nation [Brothertown] possessed, not so much as one spoonful, so that we are under no Obligation to them. What we do for them is an unmerited favor.<sup>26</sup>

In the metaphorical terms of traditional Oneida expression, the Brothertons apparently had not been of one blood, sharing food from a common bowl. In 1788, the Oneidas cast their errant guests out—away, that is, from territory reserved exclusively for Oneida use and into the zone Oneidas supposed they were leasing to New York. The angry gesture did not terminate all feelings and bonds of kinship; indeed, the Oneidas continued to be regarded by the Brothertons' as elder brothers. For example, by the terms of the 1794 Canandaigua Treaty, between the federal government and the Iroquois nations, the Brothertons were entitled to a proportionate share of the annuity payment as friends of the Oneidas residing with the Oneidas.<sup>27</sup>

A recent archaeological survey of Mashantucket Pequot reservation land in Connecticut disclosed that over half that population (perhaps 100 to 150 people) left the area by 1810, a reduction interpreted as indicating emigration to Brothertown in New York.<sup>28</sup> However, there seems to have been considerable dispersal of native people at this time throughout southern New England, many of those people apparently moving around to other destinations within New England.<sup>29</sup>

served in the Revolutionary War fighting for the American cause. However, they apparently were enrolled individually in various regiments of the line from New England states. See Love, *Samson Occom*, 335–67, Appendix.

26. Hough, *Proceedings*, 231.

27. Jeremy Belknap and Jedidiah Morse, *Report on the Oneida, Stockbridge and Brotherton Indians* (1796; reprint, New York: Heye Foundation, 1955), 23–24; Charles J. Kappler, ed., *Indian Affairs, Laws and Treaties*, 2 vols. (Washington, D.C.: Government Printing Office, 1904), 2:36.

How many actually came to Brothertown and from which communities did they originate? Easily the best census of Brothertown was that of 1795 which gives the names and ages of all Brothertons.<sup>30</sup> At that time there were 137 Brothertons of whom about 72 were adults. Of those, the home community and/or ethnic affiliation of some 42 individuals can be identified:<sup>31</sup>

- 13 Montauketts;
- 12 Farmington Indians (Tunxis?);
- 11 Charlestown Indians (Narragansetts?);
- 4 Pequots;
- 2 Mohegans.<sup>32</sup>

Based, then, on individuals identifiable as of 1795, Brothertown appears to have been a community chiefly composed of emigrés from Montauk on New York's Long Island, Farmington in Connecticut, and Providence in Rhode Island.

Did those who emigrated represent a very substantial proportion of their home communities? In the case of the Farmington

28. Kevin A. McBride, "Ancient and Crazie': Pequot Lifeways during the Historic Period," in Peter Benes, ed., *Algonkians of New England: Past and Present* (Dublin Seminar for New England Folklife, Annual Proceedings 1991, Vol. 16, Boston University, 1993), 73-74; Kevin A. McBride, "The Legacy of Robin Cassacinamon: Mashantucket Pequot Leadership in the Historic Period," in Robert S. Grumet, ed., *Northeastern Indian Lives, 1632-1816* (Amherst: University of Massachusetts Press, 1996), 90.

29. Daniel R. Mandell, *Behind the Frontier: Indians in Eighteenth-Century Massachusetts* (Lincoln: University of Nebraska Press), 117-18; Murray, *To Do Good*, 49.

30. Register of land appropriations, Sept. 16, 1795, 8-11, Brothertown Records: 1774-1804, Hamilton College Library. Brothertown Records is a bound ledger, possibly written by Thomas Eddy.

31. Love, *Samson Occom*, 335-67, Appendix.

32. Based largely on Love's compilation of Brotherton names (*Ibid.*), my identifications from New York's 1795 census (listed in the order and spelling as given in that document) are as follows: *Montaukett* (Montauk, Long Island): David Fowler, David Fowler, Jr., Elizabeth Fowler, George Peters, Benjamin Pharon, Obadiah Scipio, Elizabeth [Fowler] Scipio, Oliver Peters, Samuel Scipio, Ephrain and Phebe Pharon, Elizabeth Peters, Benjamin Fowler. *Farmington* (Connecticut; Love identifies them as Tunxis): Elijah Wimpey, Andrew Corcom, Benjamin Touse, Anne [Corcom] Titus, Eunice Wimpey Peters (?), Elijah Wimpey, Jr., James and Philena Waukas, Hannah Robin, Samuel Adams, John Adams, Luke Mosuck. *Charlestown* (Rhode Island; Love identifies them as Narragansetts): John Tuhie, George Paul, Jeremiah Touhie, Issac Wauby (?), Amos Hutton, Roger Wauby, John Skeesuck, Samuel Skeesuck, Mary [Seketer] Skeesuck, Anthony Paul, Christopher Harry. *Pequots* (Connecticut): Phebe [Kiness] Fowler, Hannah [Garrett] Fowler (Murray, *To Do Good*, 295, note 1), George and Lansha Crosley. *Mohegans* (Connecticut): Esther Brushhill, Sampson Brushhill.

Indians, it probably did. Farmington appears to have been a tiny community, perhaps of fewer than fifty souls, united in its Christianity.<sup>33</sup> Murray points out that people from this community constituted the majority of the earliest emigrants to Brothertown (1775).<sup>34</sup> Since the 1795 census probably reflects Brothertown at its lowest ebb, Farmington Indians figured largely among the most serious who held on in adversity. The Charlestown community, in contrast, was considerably larger (73 families reported in 1765; 66 males of military age in 1777) and was more factionalized over issues of land and religion.<sup>35</sup> Here, one suspects, those removing to Brothertown would have constituted a comparatively small proportion of the home community.

The situation is a little clearer in the case of the Montauketts who comprised about a third of the Brotherton adults in 1795 and whose origin is ascertainable. The difference in two Long Island censuses (162 souls in 1761; 117 people in 1806) suggests that there was a drop in the Montaukett population at the time of emigration to Brothertown on the order of 45 people.<sup>36</sup> The maximum number of Brotherton emigrants, in other words, was less than a third of the Montaukett population of Long Island.

Life in native communities throughout the area probably became increasingly difficult as the eighteenth century progressed.<sup>37</sup> The Montauketts, for example, lived as second class citizens "hedged about with white men's rules and white men's fences."<sup>38</sup> Their community was controlled by the non-native trustees of nearby East Hampton who limited their property, their freedom of movement, and (apparently) their choice of mates. In 1719, native people from other groups were prohibited from living on or using

33. Murray, *To Do Good*, 89, 305n21.

34. *Ibid.*, 174.

35. *Ibid.*, 40; Ruth Wallis Herndon and Ella Wilcox Sekatau, "The Right to a Name: The Narragansett People and Rhode Island Officials in the Revolutionary Era," *Ethnohistory* 44 (1997), 443; Love, *Samson Occom*, 192–94.

36. Rabito-Wippensenwah, "The Hannibals: A Montaukett Family History," and "Montauk Censuses," in Stone, ed., *History and Archaeology of the Montauk*, 350, 409.

37. Mandell, *Behind the Frontier*, 117–18.

38. Marion Fisher Ales, "A History of the Indians on Montauk, Long Island," in Stone, ed., *History and Archaeology of the Montauk*, 54.

Montaukett land. In 1754, Montaukett women who married "foreign Indians, Mustees<sup>39</sup> or Mulattos" lost not only their right to reside locally, but the right of their offspring to inherit Montaukett estate.<sup>40</sup> A Montaukett begging the colonial government for help in 1764, stated that his people

are exposed to, and suffer great inconveniences from the Contempt shown to the Indian Tribes by their English Neighbors at East-Hampton, who deny them necessary Fuel, and continually inroach upon their Occupations, by fencing in more and more of the Indian's Lands, Under Pretence of Sales made by their Ancestors.

[Y]our Petitioner and his Associates are in Danger of being crowded out of all their ancient Inheritance, and of being rendered Vagabonds upon the Face of the Earth.<sup>41</sup>

Another Montaukett petition of about 1784 states:

But alas at this age of the World, we find and plainly see by sad experience, that by our Fore Fathers Ignorance and Your Fathers great Knowledge, we are undone for this life. Now only See the agreements your Fathers and our Fathers made. We hope you wont be angry with us in telling that they agreed that we should have only two Small necks of Land to plant on and we are not allowed to Sow Wheate, and we as a Tribe are Stinted to keep only 50 Herd of Cattle, and 200 swine and three Dogs....

We fare now harder than our Fore Fathers. For all our Hunting, Fowling, and Fishing is now almost gone and our wild fruit is gone, whate little there is left the English would Engross or take all to themselves. And our wood is gone, and the English forbid us of getting any, where there is some in their Claim. And if our hog happen to root a little, the English will make us pay Damages, and they frequently count our Cattle and Hogs. Thus are we used by our English Neighbours. Pray most Noble gentlemen consider our

39. Apparently "mustee" meant a person whose parentage was Native American on one side, African on the other. See Jack D. Forbes, *Black Africans and Native Americans: Color, Race and Caste in the Evolution of Red-Black Peoples* (New York: Basil Blackwell, 1988), 215, 225-33.

40. John Strong, "How the Montauk Lost Their Land," in Stone, ed., *History and Archaeology of the Montauk*, 91.

41. Ellice Gonzalez, "Montauk Historical Sources," in Stone, ed., *History and Archaeology of the Montauk*, 70.



miserable case for God's Sake help us: For we have nowhere to go now.<sup>42</sup>

Under such conditions, it is no mystery why people might move to Brothertown. Perhaps the better question is, why did the majority not emigrate? Shortly after 1810, Timothy Dwight passed through Mohegan and offered one answer to that question:

The Mohegan have been repeatedly solicited by the Oneidas to sell their own lands and plant themselves at Brothertown in the state of New York....A few of them have, I believe, complied. Generally, they are so attached to their native spot, so addicted to a lazy, sauntering life, and so secure of gaining an easy livelihood by fishing in the neighboring waters as to feel little inclination to remove. Indeed, their circumstances, unless they should become industrious farmers, would certainly be made worse by their removal; and, if they are willing to labor, the lands which they here possess would furnish them ample subsistence.<sup>43</sup>

This ethnocentric and disparaging statement may contain a grain of truth if read in the light of issues raised at the time of emigration by the Montauketts. In April 1789, Samuel Kirkland, missionary to the Oneidas in central New York, reported a visit by Montauketts deputed by their tribe to examine Brothertown.

They informed me that their whole Nation have it in contemplation to move into this wilderness, if they like the situation, and their friends here think that they can make a live [life] of it, and a probability that God may build up their Nation. They wished for my advice on the subject. They informed me, that Mr. Occum (The Indian Minister) had given it as his opinion that it would be best for them to dispose of all their property on the Island at once and move up and collect the remnant of their scattered Tribes to one place and become a people. But they were *afraid Indians* would not work like *white people*. And it might be that they would suffer and come to poverty if they should move as a body into this part of the world, where there were no oysters and Clams. They also told me some Gentlemen of the Island would furnish them with a years

42. Stone, *History and Archaeology of the Montauk*, 512–13.

43. Timothy Dwight, *Travels in New-England and New-York*, 4 vols. (1821–22; reprint, Cambridge, Mass.: Belknap Press, 1969), 2:28–29.

provision, on condition they should move into the vicinity of Oneida. They further observed that if they thought they could all be united with regard to religion, they would move up and make one *effort to live like white people*, and leave the issue with that God who governed all the Nations of the Earth.<sup>44</sup>

Apparently many Montauketts chose to stay put because they had reservations about the viability of the Brothertown venture. They feared moving into the wilderness where they might not be able to make a living, that is, a living in a new, physically arduous, and non-native way: *Indians might not work like white people*. There would be little margin for error because they would be cut off from the familiar wild foods which they collected as an essential part of their diet: *no oysters and clams*. Becoming a people in one place sounded good, but if survival demanded all be of identical Christian mind, well—perhaps they'd move *if they thought they could all be united with regard to religion*.

Brothertown was established under the jurisdiction of two different Euro-American governments: initially under British aegis in 1774, subsequently, by the State of New York in 1788-1789. In both instances, the non-native authorities with whom the Brotherton leaders dealt were favorably disposed toward Indians avowedly Christian and civilized.

At the very beginning, the Brothertons had concluded their agreement with the Oneidas under the auspices of the Royal Superintendent of Indian Affairs in the Northern Department—Sir William Johnson until his death in 1774, then under his successor and nephew, Guy Johnson. Both officials expended considerable effort on behalf of the Brothertons at precisely the time they discouraged anything connected with what they regarded as Eleazar Wheelock's school of sedition and rebellion.

Soon after Joseph Johnson reached agreement with the Oneidas, he arranged to have it recorded by Guy Johnson, who wrote:

44. Walter Pilkington, ed., *The Journals of Samuel Kirkland: 18th-Century Missionary to the Iroquois, Government Agent, Father of Hamilton College* (Clinton, N.Y.: Hamilton College, 1980), 162. The emphasis in this passage is Kirkland's.

I do therefore in compliance with the joint request of the said Oneidas and New England Indians declare that the said Oneidas do grant to the said New England Indians, and their posterity forever without power of alienation to any subject the aforescribed tract.<sup>45</sup>

This was the clause interpreted by the Brothertons as conveying to them deed of title, but the document does not advance such a claim. Guy Johnson called it a certificate of agreement that the Brothertons desired to have “entered on the records of Indian affairs.”

In 1788, New York took over the greater part of the Oneidas’ territory in a transaction regarded by the Oneidas as a lease, by the New Yorkers as a purchase. The Oneidas, according to the treaty text, specified to New York State that the Brothertons were to be attached to a tract measuring two by three miles.<sup>46</sup> By legislative act a few months later, the state assigned to the Brothertons “all that part of the tract of land, formerly given to them by the Oneida Indians.”<sup>47</sup> New York’s Brothertown of 1789, however, was considerably smaller than the tract described in 1774 (Figure 2). And, at 37 square miles, it was substantially larger than the parcel to which New York and the Oneidas had just agreed. This not only flouted the treaty agreement, it also transferred land to the Brothertons that the Oneidas did not know had been taken from them.<sup>48</sup>

It was a highly favorable transaction for the Brothertons. The legislature did this, according to Love, “having a desire to do justice to the New England Indians,” and the outcome owed much to the efforts of Governor George Clinton “who was very friendly toward Occom’s purpose.”<sup>49</sup>

45. Proclamation, Oct. 4, 1774, Brothertown Records.

46. Hough, *Proceedings*, 244.

47. *Laws of the State of New York Passed at the Sessions of the Legislature Held in the Years 1789, 1790...and 1796, Inclusive, Volume III* (1797; reprint, Albany, N.Y.: Secretary of State, 1887), 12th Sess., Chap. 32 (Feb. 25, 1789), 70.

48. Good Peter to Timothy Pickering, April, 1792, and Oneidas to Pickering, c. Oct., 1794, vol. 60, fols. 127A, 217A, *Timothy Pickering Papers, Letters and Papers of Pickering's Missions to the Indians, 1792–1797* (Boston: Massachusetts Historical Society, Microfilm, 1966).

49. Love, *Samson Occom*, 286–87.

As governor throughout the 1780s and into the early 1790s, George Clinton was an immensely powerful politician who headed a coalition controlling the state legislature during much of his time in office.<sup>50</sup> Although only one of the state-appointed Indian Commissioners, he personally conducted New York's treaties with the Iroquois (including that of 1788). No one else did as much as he to set Indian policy, to define its specifics, and then to see those terms carried through the legislature to formal enactment. Continuing to assist Brothertown over the next five years, Clinton's involvement with that community was direct and personal.

During the years following New York's legislative act, the Brotherton community conveyed the impression of disharmony and bitter dissension. Samson Occum mentioned, without explanation, several violent disagreements including the following incident which occurred after a sermon on the theme "do thyself no harm."

Elijah Wympe was attac[k]ed by byg Peter and Jeremiah Tuhy & they abused him much, and it was difficult to part them, and [he?] fell upon young David Fowler but David was too much for him and it was a Sad night with 'em and very S[h]ameful.<sup>51</sup>

Samuel Kirkland, who spent at least as much time with the Brothertons as with the Oneidas during this period, routinely characterized the New England Indians as disunited, miserable, and broken.<sup>52</sup> By 1794, he observed,

The Brothertown Indians have been, for a considerable time past, in a distressed, divided, and almost helpless situation. They have been much divided as to their secular affairs, and much more deplorable have been their divisions in religious matters.<sup>53</sup>

50. Alan Taylor, *William Cooper's Town: Power and Persuasion on the Frontier of the Early American Republic* (1995; reprint, New York: Vintage, 1996), 157; Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760-1791* (1981; reprint, New York: W.W. Norton, 1989), 288; Alfred F. Young, *The Democratic Republicans of New York: The Origins, 1763-1797* (Chapel Hill, N.C.: University of North Carolina Press, 1967).

51. Clark, "Sam Occum's Diary," 279-80.

52. Pilkington, *Journals of Samuel Kirkland*, 211, 254.

53. *Ibid.*, 275.

In Kirkland's mind, their greatest problem was sectarian competition among parties of Methodists, Baptists, Separatists, and Presbyterians.<sup>54</sup> Thomas Eddy, a prominent Quaker philanthropist of New York City, also laid responsibility for the Brothertons' problems at their own doorstep but for a different reason:

[B]y their own misconduct they brought themselves in 1795 into a very deplorable situation. They had leased all their land granted by the Oneidas, and (except David Fowler) the farms they had improved. If Government had not then interfered they would have been obliged to abandon the Country.<sup>55</sup>

Eddy referred to the fact that the New York legislative act establishing Brothertown also granted to the Brotherton people the right, vaguely defined, to lease land for no more than ten years.<sup>56</sup> Who precisely could lease and under what conditions were not specified. This clause was instrumental in setting off a flurry of rentals by individual Brothertons to white settlers that Brothertown's leaders were unable to control. Loss of land and an influx of white settlers destroyed Brotherton sovereignty and all but shattered the community itself until New York intervened to reorganize the venture in 1795.

In historical perspective, the question of responsibility for these straits should be considered in the light of two overarching circumstances more powerful than any individual decision-making capacity. First, the Brothertons were overwhelmed by poverty and physical want. Brothertown began as a pioneering venture but in stringent circumstances with little or no capital. Its inhabitants had few means for raising cash apart from donations gathered from non-native congregations by Occum and others.<sup>57</sup> Yet, during these years of postwar devastation, financial charity offered by fellow Christians was meager. Normally, of course, one would raise crops

54. *Ibid.*, 259.

55. Superintendents T. Eddy and E. Prior to the governor, Aug. 31, 1799, 27, Brothertown Records.

56. *Laws of the State of New York*, 12th Sess., Chap. 32 (Feb. 25, 1789), 70.

57. Brothertons could obtain a little cash through the sale of ginseng. Valued as a medicine and aphrodisiac useful in the China Trade, the plant was gathered in the fall from the surrounding woods where it still grows. See Clark, "Sam Occum's Diary," 263.

not only for subsistence but for cash and barter. Arriving at Brothertown in 1785, the first fall of that community, Samson Occum noted a hopeful scene of Christian harvest:

October 24...[A]s we approach'd the House [of David Fowler] I heard a Melodious Sin[g]ing, a number were together sin[g]ing Psalms hymns and Spiritual Songs, we went in amongst them and they all took hold of my Hand one by one with Joy and Gladness from the Greatest to the least, and we Sot down a while, and then they began to Sing again, and Some Time after I gave them a few words of Exhortation, and then Concluded with Prayer, -then went to Sleep Quietly, the Lord be praised for his great goodness to us...

October 29. David gathered his Corn he had a number of Hands tho it was Cloudy in the morning, and little Rain, and in the afternoon he husked his Corn, and the Huskers sung Hymns Psalms and Spiritual Songs the biggest part of the Time, finished in the evening, -and after Supper the Singers Sung a while, and then dispersed.<sup>58</sup>

He never again described anything like this. At best, and despite harmonious beginnings, the Brothertons probably eked out a bare subsistence during the early years.

People were hungry in Oneida country during the spring of 1785.<sup>59</sup> In the summer of 1786, Occum wrote, "many of our People were gone away to Look after provisions for food is very Scarce."<sup>60</sup> In 1787, the Brotherton crops were reportedly frost-bitten and Occum again recorded, "our People are much Scatter'd on account of the Scarcity of Provisions."<sup>61</sup> The specter of starvation loomed over the region in the summer of 1788 when the Oneidas wrote to the governor of New York: "Our Brother, we request of you to assist us if you can...if not, when you come up you will find some of us dead of hunger."<sup>62</sup> Throughout New York State, 1789 was a year of privation. That spring, Kirkland recorded the suffering general in Oneida country.

58. *Ibid.*, 248–49.

59. Hough, *Proceedings*, 77–78.

60. Clark, "Sam Occum's Diary," 261.

61. *Ibid.*, 270; Love, *Samson Occum*, 276.

62. Hough, *Proceedings*, 154.

April 28. [T]his day was visited by a number of the Indians from several villages. The burden of their song is their poverty, and the present extreme scarcity of provisions. Their pressing, importunate applications to me for relief are too much for the feelings of humanity to remain unmoved...

April 30. The spirit of religion, exhibited in the settlement at Tuscarora [Stockbridge], and others in that vicinity, has roused the minds of many in this quarter, and particularly among the Brothertown Indians, to propose a day of fasting and prayer.<sup>63</sup>

The Brothertons were not successful farmers during these early, pioneer years. Frequently following the seasonal round in Oneida country to harvest wild foods, they were more likely a chronically undernourished people.<sup>64</sup>

In the second of these circumstances, Brothertons faced, at precisely this moment, a tidal wave of settlers—mostly Yankees streaming out of infertile New England—eager to acquire land. Just as they thought they had distanced themselves from white society, they found themselves overtaken again. In 1788, one traveler observed of Whitesborough, just ten miles from Brothertown:

[It] is a promising new settlement...just in its transition from a state of nature to civilization. The settlement commenced, only three years since. It is astonishing to see what efforts are making, to subdue the dense and murky forest. Log houses are already scattered, in the midst of stumps, half-burnt logs, and girdled trees. I observed, however, with pleasure, that their log barns are well filled. A few years ago, land might have been bought for a trifle; at present, the lots bordering upon the river, have advanced to three dollars per acre, and those lying a few miles back, to one dollar per acre. Settlers are continually pouring in from the Connecticut hive, which throws off its annual swarms of intelligent, industrious, and enterprising emigrants,— the best qualified of all men in the world, to overcome and civilize the wilderness. They already estimate three hundred brother Yankees on their muster list; and, in a few years hence, they will undoubtedly be able to raise a formidable barrier, to oppose the incursions of the savages, in the event of another war.<sup>65</sup>

63. Pilkington, *Journals of Samuel Kirkland*, 164.

64. Clark, "Sam Occum's Diary," 264, 266, 269, 280.

65. Elkanah Watson, *Men and Times of the Revolution; Or, Memoirs of Elkanah Watson* (2nd ed., 1856; reprint, Elizabethtown, N.Y.: Crown Point Press, 1968), 311.

That observer, watching the state engross Oneida land in the treaty which created Brothertown, understood the implications for his people:

This vast territory, therefore, is now opened, without any impediments, to the flood of emigration which will pour into it from the East. Many hardy pioneers have already planted themselves among the savages; and it is probable, that the enthusiasm for the occupation of new territory, which now prevails, will, in the period of the next twenty years, spread over this fertile region a prosperous and vigorous population.<sup>66</sup>

With staggering speed and thoroughness, these settlers transformed a landscape of forest and meadow into one teeming with farms, roads, schools, churches, and towns. Within a few years New York would become the most populous and dynamic state in the union, an increase occurring prior to the Erie Canal and mostly west of the Mohawk Valley on land that was Iroquois in 1784.<sup>67</sup>

These people—or perhaps the poorer among them—would take Brotherton land, even in the event of a ten-year lease. Many probably considered the prospects good for converting a lease from Indians to fee simple ownership for themselves. On the other hand, the hungry Brothertons had only one resource readily convertible into cash: land that New York had authorized them to lease. They were willing to earn some income which, after all, was only supposed to be a short term rent.

According to non-native neighbors of Brothertown, the Brothertons commenced their leasing in 1789.

[T]he Indians at Brothertown by agreement among themselves apportioned out to each Indian family a portion of their lands for their separate use and improvement; and before any [of] the law was passed respecting them [that is, legislative acts of 1791 and

66. *Ibid.*, 314.

67. David Maldwyn Ellis, "The Yankee Invasion of New York, 1783–1850," *New York History* 32 (January 1951), 3–17; James A. Henretta, "Wealth and Social Structure," in Jack P. Greene and J. R. Pole, eds., *Colonial British America: Essays in the New History of the Early Modern Era* (Baltimore, Md., 1984), 267; Taylor, *William Cooper's Town*, 4, 63.



1792 discussed below]. Most of the home lots were leased by Indians to whom they were respectively allotted and a very considerable number of white inhabitants were settled on them. A particular mod[e] of leasing was not then regulated by law, but we presume that these leases were made by common consent, because one family only [that of David Fowler, according to Eddy above] have refrained from leasing.<sup>68</sup>

Thomas Eddy, writing in 1816, remembered these circumstances differently:

[T]he white people soon got in among them, persuaded the Indians, when in a state of intoxication, to sell them their improvement, with several lots of 100 and 200 acres. [About 1791-1792] a deputation of Indians from Brothertown, came to some Friends of this city, and stated their situation to be very deplorable, owing to the imposition and very bad conduct of the white people, whom they had admitted into their settlement. Two friends went with these deputies to the Governor, and the situation of the Indians were [sic] represented to him.<sup>69</sup>

Brotherton leaders—certainly including Samson Occum until his death in 1792—lobbied Quaker businessmen, legislators, and the governor in New York seeking to safeguard Brothertown by placing it under the protection of the state.<sup>70</sup> Their efforts bore some fruit in the form of two legislative acts apparently intended to remedy the problem of leasing in a manner favorable to the Brothertons.<sup>71</sup>

Cumulatively these acts enfranchised an electorate consisting of Brotherton males twenty-one years and older. The voters were to elect, annually, three executive officials—initially trustees (1791), subsequently called peace-makers (1792)—responsible for land divisions, especially for laying out parcels for “improvement”

68. Brothertown neighbors to Gov. Clinton, Dec. 5, 1794, Assembly Papers 40:265 (Petitions, Correspondence and Reports Relating to Indians, 1783-1831), New York State Archives, Albany, NY.

69. Samuel L. Knapp, *The Life of Thomas Eddy*, (1834; reprint, New York: Arno Press, 1976), 70.

70. Love, *Samson Occom*, 284, 288-89.

71. *Laws of the State of New York*, 14th Sess., Chap. 13 (Feb. 21, 1791), 212-13, and 15th Sess., Chap. 73 (April 12, 1792), 379-81.

by individual families. Individuals or families could actually sell such improved home lots among themselves, but the land was not to be alienated out of the community. The Brothertons were authorized to bring actions for trespass against whites into New York courts.

The personal interest taken by George Clinton in these proceedings is suggested in the terms of the second act which specifies:

That it shall be, and it is hereby made the duty of his excellency the Governor, by such ways and means as he shall judge proper, to remove all such white persons from Brother-town who reside and hold lands there by any lease or leases, or other title from any Indian or Indians, other than such lease as have been or hereafter shall be made in pursuance of the several laws of this State.<sup>72</sup>

Neither act stated which of the past transactions might be considered valid under state law. More curiously, neither made it clear which transactions in the future would be considered legal. The acts did not indicate precisely who could rent, and the conditions and procedures of leasing remained murky. These laws fell far short of constituting a remedy to an increasingly chaotic situation.

What happened next, according to Brothertown's neighbors in late 1794, was the rental of tracts which had not been assigned to individual families.

For two or three years past, there has been a practice of promiscuous leasing of their common lands, and altho this practice seems irregular yet we have no doubt that the Indians have (except in a very few instances) been fairly & honestly dealt with & we know that a very large sum has been paid by the white settlers.<sup>73</sup>

The lessees of Brothertown complained to the legislature that they were placed "in a disagreeable and unfortunate situation" owing to the "insecurity" of their title. Insecurity of title, as the lessees explained it, derived not from the fact that they were only renting for a decade, but from distrust of their Indian landlords.

72. *Ibid.*, 380–81.

73. Brothertown neighbors to Gov. Clinton, Dec. 5, 1794, *Assembly Papers* 40:265.

“Notwithstanding the laws of this State give permission to the Indians, proprietors, to lease their lands for a certain period,” they argued, “yet the unsteadiness of some, the fraudulancy of others and the opposition of a few renders a peaceable and quiet possession of our farms very doubtful.”<sup>74</sup>

The lessees wasted no time documenting charges leveled against the Brothertons. “Unsteadiness” was never explained; “fraudulancy” apparently meant that the Indians had leased the same tract to two different people “in several instances.”<sup>75</sup> The “opposition of a few” may refer to Brotherton leaders, or at least to David Fowler, who attracted the particular calumny of white settlers living near Brothertown. According to them,

the present uneasiness & complaints of the Indians, against the inhabitants resident [in Brothertown], has been excited by three or four individuals of the Indians, among them one David Fowler, with many of the vices & few of the virtues of civilized life, has from inveterate hatred to the white inhabitants, born a conspicuous part.<sup>76</sup>

On the other hand, one John Hammond felt it his duty to inform the governor of the abuses done to the Indians:

...a number of white people has moved in, and as I conceive of matters have impos'd on them, and abused them, beyond expression, not only in obtaining sham leases (contrary to the sense of the Legislature) of their home lots and driving some of them out of their possessions, but repeatedly sueing and perplexing them in the law obtaining judgments for any sum that might be obtained against any white person at a justice's Court. Especially Roger Wobl[y] two years ago had a property of upwards of two hund'd pound, and now is reduced to distress and hunger.<sup>77</sup>

After weighing the conflicting claims, Gov. Clinton issued a

74. Petition of Brothertown lessees, Feb. 17, 1794, Assembly Papers 40:95.

75. *Ibid.*

76. Petition of Brothertown neighbors, Dec. 25, 1794, Assembly Papers 40:252.

77. J. Hammond to Gov. Clinton, Oct. 26, 1794, Assembly Papers 40:105.

peremptory order to Sheriff William Colbraith, in whose jurisdiction Brothertown was situated.

A complaint having been made to the Governor by the Brothertown Indians that several white persons have entered upon their lands, I am directed [wrote Clinton's private secretary to the sheriff] to request that you will forthwith remove all such Intruders who reside and hold Lands there by any lease or leases or other title from any Indian or Indians.<sup>78</sup>

The governor could propose. The local officials of Herkimer County would dispose, and they refused to do it. Sending the governor some leases and evidence of lease payments, they would concede no wrongdoing. They said it was heartless to evict women and children in the winter weather and that Herkimer County could not support such a charity expense.<sup>79</sup>

It turned out that the lessees numbered 750 people. Besides outnumbering the Brotherton community on the order of five to one, their grist and saw mills and 200 farms occupied the vast majority of the area of Brothertown. Therein lay the real issue as Sheriff Colbraith, the neighbors of Brothertown, and the Brothertown lessees reminded the New York government. They requested state intervention on *their* behalf to transfer their leases into fee simple ownership because they were already farming most of the land. After defining their sense of insecurity (quoted above), the lessees told the legislators that

we have but little encouragement to make those exertions which are essentially necessary to increase the wealth and promote the happiness and prosperity of a people. We can make no certain and permanent profession for supporting the Gospel, no regular establishment of schools for the education of our children, both of which we conceive, are productive of the happiest influence upon society, and when duly attended to, seldom fail of making honest, enlightened and worthy citizens. Unless some relief can be obtained of the honorable Legislature, from whom all good citizens expect

78. DeWitt Clinton to Herkimer Cty. Sheriff, Nov. 18, 1794, Assembly Papers 40:263.

79. Brothertown neighbors to Gov. Clinton, December 5, 1794; Sheriff Colbraith to Gov. Clinton, Dec. 15, 1794; Petition of Brothertown neighbors, Dec. 25, 1794, Assembly Papers 40:251-54, 265-67, 269-72.

protection and support, a settlement which enjoys every advantage that can arise from the industry of its inhabitants, and fertility of soil, must continually labour under the most discouraging embarrassments.<sup>80</sup>

This ideological statement neatly refocused the argument away from Indians, toward a reminder of the core values shared by lessees, other Herkimer County settlers, and their legislative representatives. It was lessees, not Indians, who were using the land in proper fashion and civilizing the wilderness as the state desired. The priority for sympathetic government action was the lessees, not the Indians.

Clinton backed down, stating that he would forward consideration of the problem to the upcoming legislative session the following spring, "especially as it appears that the Indians have consented to this delay."<sup>81</sup> Clinton had achieved reelection in 1792 by 108 votes in the narrowest, most bitterly contested gubernatorial race in New York's history. In 1795, he would lose. His political standing probably was too insecure to advance what might seem a personal crusade against the wishes of Herkimer County's electorate.<sup>82</sup>

The Brothertons sensed which way the winds were blowing and feared dispossession once again. At about that time a local minister reported to the secretary of war that David Fowler "appeared to be under fearful apprehensions from the league that was forming among the white people on these lands to obtain from the Assembly of New York a confirmation of their lease."<sup>83</sup>

According to Thomas Eddy,

In two years after this [c. 1791-1792], the Indians came again to New York, and represented that the white people had returned with additional numbers, and that their situation was now much more deplorable. The subject was referred to the Legislature, then in session. An act passed, appointing three Commissioners to proceed to Brothertown, and adjust the business, with the concurrence

80. Petition of Brothertown lessees, Feb. 17, 1794, Assembly Papers 40:95.

81. Gov. Clinton to Brothertown neighbors, Dec. 30, 1794, Assembly Papers 40:245.

82. Taylor, *William Cooper's Town*, 304-23.

83. John Sergeant, Jr. to Timothy Pickering, Jan. 3, 1795, Pickering Papers 62:199.

of the Indians, in any way they might be of opinion would be most to their advantage.

It was agreed by the Commissioners, with the consent of the Indians, to set off in one corner of the tract, about 6000 acres, and settle the same in lots of 50 to 100 acres to each of the intruders, who were to pay the state for the same five or six dollars per acre, the state to pay the interest (seven per cent) on the proceeds of the sale (amounting to 2169 dollars a year) to three persons, to be appointed superintendents [of whom Eddy was one] of the affairs of the Brothertown Indians, to be laid out by them, for supporting a school, and other purposes, for the benefit of the Indians. The remainder of the land was divided into 100 and 50 acre lots, and allotted, 100 to a family, and 50 to a young man.<sup>84</sup>

Eddy's reference was to a New York act passed March 31, 1795.<sup>85</sup> Promptly surveying the Brothertown tract, New York agents took a census of the Brothertons and assigned lots for the use of individuals and families. These tracts were to remain inalienable within the Brothertown community. About 61 percent of Brothertown was sold to the white lessees. Money from sale and mortgage was invested in a fund out of which the state would pay Brothertons the annuity mentioned by Eddy. The same law divested Brothertown of its last semblance of independence. Ultimate decision-making power now resided in the three state-appointed superintendents.

Eddy considered the law actually favorable to the Brothertons. So also did Love, who characterized the statute as "a conspicuous example of justice, the most so of any we have met with in the history of Indian land claims,—a lasting honor to the state of New York."<sup>86</sup> The law confirmed the Brothertons' possession of 40 percent of what they held in 1789—still a considerable tract of about fifteen square miles exceeding the area defined as theirs in 1788.

Certainly it could have been worse. The lessees' petition suggesting far greater diminishment of Brotherton land had been re-

84. Knapp, *Life of Thomas Eddy*, 263–65.

85. *Laws of the State of New-York, Comprising the Constitution, and the Acts of the Legislature, Since the Revolution, from the First to the Twentieth Session, Inclusive, in Three Volumes, Volume III* (New York: Thomas Greenleaf, 1797), 18th Sess., Chap. 41, 207–10.

86. Love, *Samson Occom*, 291.

ported favorably out of committee, apparently as early as the spring legislative session of 1794.<sup>87</sup> Before the year was out, that sentiment was locally strong enough to disobey a direct and entirely legal eviction order with impunity. State interference any less favorable in 1795 could have destroyed Brothertown.

In the end, Brothertown owed its survival to the lobbying effectiveness of its leaders, and to state authorities, especially Governor Clinton, who were sympathetic to the Brothertons.

The first order of business faced by Brothertown's state-appointed superintendents was a strange matter. During a division of land in 1796, a Narragansett woman named Sarah Pendleton requested an allotment. The Brothertons wished to exclude her because her husband, they said, was descended from Africans. They explained this sentiment as a venerable tradition common to all their parent communities:

[I]t has been an immemorial custom among all the nations as well as Narragansetts as others from whom the Brothertown Indians decended [sic], "that if any indian woman or girl married a negro man, or any one who had a mixture of negro blood, she forfeited all her rights and privileges as an individual of the Nation from [which] she and they decended, and particularly all right and title to lands belonging to the Tribe or Tribes to whom they belonged," and they state further that in a town Meeting held by the inhabitants of Brothertown, it has been solemnly resolved "That if any of their women or girls married a negro, or any one who had a mixture of negro blood, they should forfeit all right and title to Lands in Brothertown, and that she or they so offending should be immediately removed from Brothertown and never suffered to reside there afterwards."<sup>88</sup>

Increasingly rigid racial barriers appear to have been erected during the late eighteenth century by Euro-Americans obsessed with race defined by skin color.<sup>89</sup> One manifestation of this new

87. See Assembly Papers 40:99.

88. Statement by J. Kirkland, Sept. 26, 1796, 26, Brothertown Records.

89. Daniel R. Mandell, *Behind the Frontier: Indians in Eighteenth-Century Eastern Massachusetts* (Lincoln, Nebr.: University of Nebraska Press, 1996), 186.

racial attitude was that in the written record of several areas of New England, authorities and record keepers began redesignating native people as black, mulatto, and mustee.<sup>90</sup>

In such a fashion, Indians vanished. They were, in fact, "disappeared," their tribal and ethnic existence all but terminated by an act of the pen. Indian people, of course, did what they could to resist the racial categorization. Aware of such pressures, Narragansetts in Sarah Pendleton's community "expressed hatred for the terms mulatto and mustee, which implied the loss of tribal distinctiveness."<sup>91</sup> The Brothertons' bigotry should be understood in such a context. "This fear of racial mixing," Murray observes of the Brothertons, "was intensified in New England by limited land resources and the perceived need to maintain a genetically [phenotypically?] defined identity that white governments would recognize."<sup>92</sup>

90. Thomas L. Doughton, "Unseen Neighbors: Native Americans of Central Massachusetts, A People Who Had 'Vanished,'" in Colin G. Calloway, ed., *After King Philip's War: Presence and Persistence in Indian New England* (Hanover, N. H.: Dartmouth College, 1997), 219–20; Herndon and Sekatau, "The Right to a Name;" Ann Marie Plane and Gregory Button, "The Massachusetts Indian Enfranchisement Act: Ethnic Conflict in Historical Context, 1849–1869," in Calloway, ed., *After King Philip's War*, 179.

91. Herndon and Sekatau, "The Right to a Name," 447.

92. Murray, *To Do Good*, 173. Herndon and Sekatau believe record keepers intentionally reclassified Indians as blacks in the documents. See "Right to a Name;" 447, 452. Calloway observes that biracial marriages made it difficult for outsiders concerned with racial purity to distinguish Indians from blacks. See *After King Philip's War*, 7.

Were marriages frequent between native people and people of African descent during the late 18th century? According to Mandell (*Behind the Frontier*, 182–83): "Natives and native enclaves in eighteenth-century southern New England found their sense of identity shifting as a growing number of the native women married African men. Intermarriage became more frequent as Indian men died in the colonial wars or on whaling ships, or fled the province to escape debts. African men and their male descendants took their place, largely because labor demands in New England brought nearly twice as many enslaved or bound men as women to the region, creating a demographic imbalance that complemented that of the Indians. White prejudice, and the Indians' and blacks' shared low socioeconomic standing also helped drive individuals from the two groups together. The rising tide of intermarriage forced the larger Indian communities in eastern Massachusetts to reexamine their political, cultural, and economic boundaries....Regardless of the size of their village or the state of their kinship network, all Indians developed a new sense of themselves as an ethnic group, shaped from the *inside* by the rising tide of intermarriage and from the *outside* by the rising tide of white prejudice."

Offering similar analyses, other researchers agree. See Herndon and Sekatau, "The Right to a Name;" Jean M. O'Brien, "'Divorced' from the Land: Resistance and Survival of Indian Women in Eighteenth-Century New England," in Calloway, *After King Philip's War*, 152–56; and Plane and Button, "Massachusetts Indian Enfranchisement Act," 201 at note 50.



After inquiring into the circumstances, the superintendents ratified the Brotherton decision. The hand of New York rested paternalistically but comparatively lightly on Brothertown in its later years.<sup>93</sup> The superintendents ensured that a proportion of the annuities was allocated to such communal purposes as education and resources for agriculture and husbandry. But the main features of local governance continued to be ordered by the enfranchised Brothertons, males twenty-one years old who voted in the annual town meetings. The ordinances they formulated were concerned with maintaining the bounds and rights of individual households and farms. They dealt with public works such as roads and labor owed by the community for their upkeep. And they prescribed decorous behavior and speech.<sup>94</sup>

One reason New York's hand rested gently on Brothertown was that the instrument of supervision was largely Quaker. During these years, Brothertown was linked to the Indian Committee of the New York Yearly Meeting, a regional grouping which was the highest

93. Or perhaps New York's hand rested indifferently on Brothertown. To judge by their annual reports to the governor, the superintendents' interest in Brotherton community issues was very narrow. One wonders how frequently the superintendents visited.

1800: "[T]here has been considerable improvement in farming, building some Barns and Dwelling houses, and also in sobriety and good conduct. The house for the School Master is finished and some considerable supplies furnished them in cattle, cloathing, Iron &c" (Nov. 25, 1800, 29, Brothertown Records).

1801: "[D]uring the year past considerable improvements have been made by the indians in Farming, some building Barns &c, have been made, and in sobriety and good behaviour. Some considerable supplies have been furnished them in cattle, sheep, cloathing, Iron &c...a grist Mill has been erected" (Sept. 1, 1801, 31, Brothertown Records).

1802: "The improvements made in the Town this year are not so encouraging as was expected, the natural jealousy of the Indians, their want of industry, and fondness for spiritous liquors are difficulties not easily removed and tend much to discourage those who have the care and superintendance of their affairs, it is however a christian duty to persevere in full confidence that providence may enable us eventually to promote their welfare, by introducing amongst them habits of industry and sobriety. Some new Barns have been erected by the Indians. An excellent Mill has been built for them, and is nearly compleated" (Nov. 7, 1802, 36, Brothertown Records).

1803: The superintendents' report "that some improvements have been made by the Indians in farming, and a few additional houses and barns have been erected. It was intended to have made an addition to their Grist Mill, and to erect another School House, but last spring it was found necessary to expend a considerable sum to supply the Indians with seed and stock" (Nov. 21, 1803, Assembly Papers 40:411).

94. Love, *Samson Occom*, 300-03.

level of formal organization among the Society of Friends. Unlike the Philadelphia Yearly Meeting which maintained schools and model farms in native communities, the New York Meeting relied on periodic visits and efforts by individual members who were actually employed by New York State.<sup>95</sup>

The most influential of the early superintendents was Thomas Eddy, a member of the New York Yearly Meeting, whose actions to preserve and supervise Brothertown have been noted. It was Eddy who proposed placing another Quaker, John Dean, in Brothertown as state-appointed schoolmaster in 1798. Dean arrived in 1799 and resided there, excepting an absence from about 1804 to 1807, until his death in 1820. Beginning about 1807, his son Thomas became active as a teacher.<sup>96</sup> The two of them, serving as resident agents for the New York superintendents, must have educated several generations of Brothertons. A delegation from the New York Yearly Meeting concluded that the Brothertons needed no help from the Friends owing to the presence of the Deans. The father and son played an important role in the stability of the community and, in later years, Thomas Dean was instrumental in arranging the second Brotherton removal.<sup>97</sup>

After New York's reorganization, the Brotherton population increased to about 400 by 1822.<sup>98</sup> The community seemed to develop steadily by the standards of Euro-American settlers. In 1799, forty agricultural families had

cleared the ground on both sides of the road about a quarter of a mile breadth, and about four miles in length. Three of them have framed houses. One...has a good house well finished and a large

95. Christopher Densmore, "New York Quakers among the Brotherton, Stockbridge, Oneida, and Onondaga, 1795-1834," *Man in the Northeast* 44 (1992).

96. Superintendents to Governor, Aug. 31, 1799 and July 25, 1804, 25-27, 64-65, Brothertown Records; Report of Dec. 7, 1807, New York Yearly Meeting, Minutes of the Committee on the Concern Relative to the Indians, No. 1 (bound ledger, unpaginated), Quaker Collection, Haverford College Library, Haverford, Penn.

97. Report of Dec. 13, 1813, New York Yearly Meeting, Minutes; Love, *Samson Occom*, 312-15, 320.

98. Jedidiah Morse, *Report to the Secretary of War of the United States on Indian Affairs* (1822; reprint, New York: Augustus M. Kelly, 1970).

barn well built. Several others have barns also. The remaining houses are of logs, and differ little from those of the whites when formed of the same materials.<sup>99</sup>

The fires of religious disunion had died down. In 1805, the Brothertons told a Quaker visitor that they had refused their minister because:

'They would not worship such a cruel God as he served, as He only took care of a part of his creatures,' and [they] drew this comparison, by asking a question concerning their women: 'Would not she be a cruel mother, who having two children, took the one and nursed it; and left the other to perish? So we will worship a God who takes care of all His children;' which I think was an excellent conclusion.<sup>100</sup>

Only two sects existed in the early 1800s, a group of "close communion Baptists" led by their minister, Elder Thomas Dick, and a party of "Freewill Baptists shepherded by Elders Benjamin Garrett Fowler and Issac Wauby."<sup>101</sup> They had reasonably agreed, by 1811, to share the facilities of the schoolhouse by conducting services on alternate days.

Issac Wauby would make an instructive case study of Brotherton difficulties during the later years. Said to have been dissatisfied with Indians, he began petitioning the United States for citizenship in 1810 and achieved this status in 1812. He continued to reside in Brothertown although, according to Thomas Dean, he fell into debt. Wauby first leased his land, then petitioned the state legislature for permission to alienate it.<sup>102</sup> Apparently all Elder Wauby wanted to do was leave and, in this, he succeeded. He was

99. Dwight, *Travels in New-England*, 3:124–25.

100. Dorothy Ripley, *The Bank of Faith and Works United* (Philadelphia, Penn.: n.p., 1819), 107.

101. Love, *Samson Occom*, 312.

102. Account of Thomas Dean, c. 1814, New York Yearly Meeting, Indian Committee, Scrapbook 1807–1867, Quaker Collection, Haverford College Library. Quotations from this source are from notes kindly made available by Christopher Densmore, University Archives, State University of New York at Buffalo.

virtually the first to emigrate to the Midwest, in 1818, and there he perished about 1820.<sup>103</sup>

Elder Wauby's desire to get to the Midwest was not unique. The Quakers reported that by 1813, at least some Brothertons were seriously considering moving.<sup>104</sup> Life was still hard in Brothertown, at least partly because of the continuing infringement by non-native neighbors on Brotherton resources. After noting how the Brothertons were raising substantial quantities of crops, Thomas Dean added that "about one half of the above produce is raised on shares by white people on their Land."<sup>105</sup>

By the terms of a New York law of 1801, the Brothertons were prevented from using the timber in their territory for anything other than their own building needs, and this caused them considerable sorrow.<sup>106</sup> Thomas Commuck, who joined Brothertown in 1825, described the community's last days in central New York:

After their difficulties were adjusted by the legislature...the Whites and Brothertowns lived as neighbors, and trafficked together in peace and harmony for several years. The legislature passed several acts which were intended as a safeguard to their rights and property. This code had its desired effect for awhile, but at length the genius of the ever-restless pale-face discovered flaws in said code, of which they took advantage, and immediately commenced trespassing by cutting and carrying away much valuable timber.

This, of course, led to much litigation, which, in the end, was almost sure to prove disastrous to the poor Indian. For the White Man could carry away \$50 or \$100 worth of timber, and, when sued, the Indian would obtain a sixpenny judgment against him. Even if anything like a righteous judgment was obtained, the trespasser would carry the suit up, and thus again the Indian would, in the end, make a losing business in the shape of lawyers' fees.

Added to all of these discouragements, intemperance began to prevail, to an alarming extent, among the nation. What was to be done? Annihilation began again to stare them in the face, as it had formerly done on the Atlantic Coast. Once more the subject of

103. Love, *Samson Occom*, 318, 365.

104. Report of Dec. 13, 1813, New York Yearly Meeting, Minutes.

105. Account of Thomas Dean, Dec. 27, 1812, Indian Committee Scrapbook.

106. *Laws of the Colonial and State Governments, Relating to Indians and Indian Affairs, from 1633 to 1831 Inclusive* (1832; reprint, Stanfordville, N.Y.: Earl M. Coleman, 1979), 71-85.

seeking out a new home in the Far West was agitated and fairly discussed. And, after the most mature deliberation, the Brothertowns concluded to send delegates to treat with some of their Red brethren of the West for a portion of their lands.<sup>107</sup>

Obtaining land in the Midwest in the 1820s, the Brothertons began to emigrate there in 1831. Their removal, orderly and systematic, continued until about 1850 when some 400 of them were now resident in Calumet County, Wisconsin. In the process, they became United States citizens (1839) and obtained their share of the annuity principal from New York (1841).<sup>108</sup>

Some Brothertons returned to their parent communities on the East Coast or moved elsewhere. A few stayed in the central New York home. Romance Wyatt, styled the "last of the Brothertown Indians," passed away near Deansboro in 1907, but at the end of the twentieth century there were still people in this region of New York who could trace their ancestry to Brothertown.<sup>109</sup>

107. Rabito-Wippensenwah, "Brotherton Revisited," 548. Alcohol was companion to white neighbors at Brothertown. In 1811, Quaker visitor John Burlingham reported this conversation with John Dean at Brothertown: "[I]n answer to my inquiries respecting the Indians, he told me there were thirty widows near them, the cause a most lamentable one. It seems that within the distance of seven miles, there are no less than nine stills, which consume about 30,000 bushels of grain a year, and produce about 90,000 gallons of spirit. Most murderous work! Thus the poor Indians fall prey to the temptations set before them" (*A Summary Account of the Measures Pursued by the Yearly Meeting of Friends of New York, for the Welfare and Civilization of the Indians Residing on the Frontiers of that State* [London, U.K.: W. Phillips and George Yard, 1813], 19).

108. Love, *Samson Occom*, 324–26; Rabito-Wippensenwah, "Brotherton Revisited," 546.

109. Ted Townsend, typescripts of columns attributed to the *Utica Daily Press*, March 15, March 25, and July 15, 1957, at Madison Cty. Historical Society, Oneida, N.Y.

