

THE TERRITORIAL PAPERS OF THE UNITED STATES

Compiled and edited by
Clarence Edwin Carter

VOLUME III

The Territory Northwest of the
River Ohio, 1787-1803
Continued



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1934

that there was some dissatisfaction among the nations about the Lakes, the cause of which they did not know.

I beg leave, Sir, to put you in mind of the Commissions for the legislative Council.⁹⁸ The Legislature is to meet in September, and the Commissions, or notices of the appointments at least, to be dispersed before that time all over the territory, and some, I presume as far as the Mississippi. As yet I have no information which of the persons nominated have been appointed, otherwise I would have ventured such a notification as would have justified their coming forward at the time, and then they could receive their Commissions.

With great respect I have the honor to be Sir, Your obedient Servant
A^t S^t CLAIR

TIMOTHY PICKERING Esq^r Secretary of State.—

[*Endorsed*] Gov^r S^t Clair July 1, 1799. rec^d 18th County Office seals Commissions for the Legislative Council⁹⁹

PETITION TO CONGRESS BY CITIZENS OF HAMILTON
COUNTY

[LC:HF:6 Cong., 1 sess.:DS]

[*July 13, 1799*]

To the Senate and house of Representatives of the United States

The Memorial of the Subscribers, Citizens of the County of Hamilton in the Territory of the United States, North West of River Ohio, humbly sheweth, that your Memorialists, knowing that Judge Symmes had contracted with the board of Treasury of the United States for a large Tract of land, lying between the great and little Miami Rivers, and believing that, that Contract would be carried into effect, not knowing the circumstances under which it stood, have at different times become purchasers under him and have at a very considerable expence and with much difficulty, left their former habitations and moved on to the Lands which they had thus purchased.¹

Your Memorialists are and always have been ignorant of the facts by which Judge Symmes has forfeited his claim,—they saw the Contract with the board of Treasury accompanied with the Opinion of the Attorney General of the United States, published in the public prints, and it was under the sanction of that Opinion that most of your Memorialists innocently became purchasers.

⁹⁸ See St. Clair to the President, Feb. 6, 1799, Smith (ed.), *St. Clair Papers*, II, 441-442.

⁹⁹ Answered, July 19, 1799 (Pickering Papers, MHS).

¹ See petition, *post*, p. 35; and St. Clair to the Secretary of State, July 15, 1799, *post*, p. 57.

Your Memorialists have seen a Law passed at the last Session of Congress making Provision for disposing of the Lands in question,² and it is with Pleasure they Perceive that your honorable Body has taken their unhappy Case into consideration, as it is a conclusive Proof that the United States are disposed to treat them with tenderness, but they also Perceive with Pain and regret that the Provisions of the Bill are by no means sufficient to afford the intended Relief.

Many of your Memorialists have Purchased since the Month of April 1797 and some of them since the commencement of the present year of Persons to whom Judge Symmes had sold a right of Preemption and are therefore wholly excluded from the Provisions of the Bill, some of them have settled on lots given by the supposed Proprietors to encourage and Promote the settleme[nt] of the Country, some of them have expended large sum[s] of money in erecting Mills and all of them have spent mu[ch] time and labour in opening roads and erecting temporary Bridges, some of your memorialists placed such imp[li]cit confidence in the integrety of Judge Symmes, that they neglected or thought it not necessary, to reduce their Contracts to writing—others relying on the same security (which unfortunately is like to fail them) have paid him considerable sums of Money, without ever taking a Receipt, and many have Purchased of Agents and of persons claiming under Judge Symmes without knowing the circumstances of the Preceeding conveyances.

Your Memorialists have paid their money to Judge Symmes under a belief that he had a right to receive it, it will therefore be impossible for them to advance the sum called for by Government until they can recover it from his hands, this must necessarily require a con[s]iderable time as he absolutely refuses to refund a Cen[t] under a pretence that he must hold it to defray the expence of his intended suit against the United [States].

The difficulty and the delay that will attend a Pr[ose]cution against the first Judge of the General Court [who] claims and enjoys the Priviledge of freedom from ar[rest] and bail are too evident not to be dreaded,³ it will [there]fore be absolutely impossible for your Memorialists, [to] make the Payments as they are required by the Present law, which was not made known to them till it was too late to comply with its requisitions had they possessed the means, as the law was not Published in the Country till late in the Month of June. unless therefore the Justice and humanity of Congres[s] can devise for them a more effectual relief thay have no Prospect but that of distress and ruin, The great sacrifice made by those who retire fro[m] a settled

² Mar. 2, 1799, *ante*, p. 16.

³ See the Secretary of State to St. Clair, Aug. 2, 1799, *post*, p. 59; the Attorney General to the Secretary of State, Aug. 22, 1799, *post*, p. 66; and the Secretary of the Treasury to the Secretary of State, Aug. 31, 1799, *post*, p. 67.

Country into the midst of a Wildernes[s] exposed to the ravages of the Indians, the in[cle]mency of the Seasons and the want of the common necessaries of life can be known only to themselves,—this sacrifice your Memorialists have made under a full conviction that they were laying a foundation for their future ease; many of them have numerous families of Children, which they have brought with them from comfortable dwellings into a Perfect Wilderness and have expended all they Possessed in Purchasing and improving the land, which they fondly imagined became thereby their own, feeling themselves thus secure, they toiled with chearfulness, supposing they toiled for themselves and were not awakened to a sence of their danger, till it became too late to escape it.

Your Memorialists are sincerely disirous of complying with the terms of Congress as far as their ability will admit, they are willing to Pay the Price of the land, if they can be indulged with time sufficient to enable them to Prepare for the Payments, it is impossible for them to say how soon this preparation can be made, as it will depend in most cases on the event of suits against Judge Symmes; thay have reason to fear that two or three years may elapse, before the money can be recovered from his hands, and until this is done, but few of them can make the first Payment,—Should it be consistent with the views of Congress, to remove the forfeiture contemplated in the present bill,⁴ in case of failure in any of the Payments at the Periods stipulated, and in stead thereof to Provide for Securing a title to the settlers, on their giving sufficient security to Pay the sums of money with lawful interest from the days on which they become due, it would relieve your Memorialists from the danger they apprehend of loosing large sums of money in attempting to save their lands by a compliance with the terms of Congress.⁵

Your Memorialists pray that your Honorable Body will take the premises into consideration and grant such Relief as your humanity and Wisdom may dictate.—

13th July 1799.

And^r Small⁶
W^m Ross Sen
Ja^s M^cCashen
Ja^s Kennear
Wm M^cCashen
Tho^s John
Jas Mesan Jun^r
Ja^s Murphey

Willi Ross jun
John Melane
Finley Russel
Isac Mooney
John M^cGrew
John Barnett
Daniel Kelsey
Dan^l Griffing

⁴ Act of Mar. 2, 1799, *ante*, p. 16.

⁵ See acts of Mar. 3, 1801, and May 1, 1802, 2 STAT. 112-114, 179-180.

⁶ Many of the names on this and following petitions are poorly written: In addition, the documents are faded and torn. The names are, therefore, as exact as careful reading and checking could attain. See index.

Jn ^o H William[s?]	John Nelson
John Campbell	Christopher Truby
John Crain	Philip Petro
John M ^c Cashen Junior	Robert Edgar
Ja ^s Cannon	George Needaam
John Walsh	Joseph Layton
Ebenezer Heaton	Peter Davis
Aron Richardson	John Whiten
Friedrich Nütz	James Westfall
John Kelsey	Joseph Whiton
James Dearth	Solomon Hemon
John Toseet	James Gordon
John Roods	Samuel Tomson
David Sutton	Benjamin Van Cleve
James Byers	William Van Cleve
James Pettierew	Geo Westfall
Moses Young	M Low
Isaac Rubart	John phillips
W ^m Freeman	David Lucas
Joseph Mooney	Michel Williams
Owen Davis	Abner Garard
Lewis Davis	John Knight
Alexdr M ^c Cullaugh	David H Morris
Jacob Rhindeldeker ⁷	Henry Garard
Patrick Brodrick	James Blue
Samuel Freeman	[MS. torn]
John Aiken	Benjamen Noop
John Vance	Uriah Blue III
Benj ⁿ Whiteman	Daniel Noop
Nathan Lamme	Benjamin Hamlet
James Collier	Chrisley Noop
Samuel Hulick	Urih Blue
William Allen	James Lennen
John M ^c Knight	[MS. torn]
John Morgan	Bejamin Carver
Harry Martin	Uriah Blue Juner
Jn ^o Morgan Sen ^r	Joseph Coe
Evan Morgan	Tho ^s Rich
Isaac Morgan	Daniel Cox
Justus Luse	Job Gard
John Luse	Benj [MS. illegible]
allandrew Finey	Edward Mitchel
W. Maxwell	David John
Dan ^l Ferris	Ebenezar Wead
Paul Butler	John Wead
Peter River	James Thomson
John Webb	Armstrong M ^c Cabe
Even stevens	David Lamme
Richard River	James Miller
Cornelius Westfall	Thomas Newport
John M ^c clure	John Pentecost
James M ^c clure	Jonathan mercer
Baziel Williams	

⁷ Reading uncertain.

his	James Small
George X Kerkingdol ⁸	Isac Linley
mark	Matthias Roll
Adam M ^c farson	John Robinson
John M ^c pherson	Andrew Creary
W ^m Donnel	James Flinn
Bengamin Turman	William Gowdy
Alexander Miller	W ^m Crean
Elijah Chapman	W ^m Sayors
Elisha Adamson	David Littell
W ^m Chapman	John peters
John Humphrey	Robert Maxwell
William Owens	Robrt ross
James Ha ^s Robison	James Miller
Michael Auld	James Byers
William Hunter	James Pettierew
Thomas trousdale	Jeramiah Blackford
William Stitt	Hen ^y Marshall
James long	John Blackford
James Brady	Edward Dearth
Calvin Morrell	Michael Engel
David Logan	Fergus M ^c laen
Thomas Erwin	George Heminger
John Bigger	William M ^c Donal
Joseph Larimar	Dan ^l Richardson
Richard Watts	Robert Carhick
Joseph Williamson	Samuel Everman
John Bigger Jun ^r	Aron Richardson
John Ewing	John M ^c Danel
John Devor	Ephran Larrem
Smith Gregg	James M ^c Donel ⁹
David Huston	Jacob Richardson
John Huston	Thomas Kelcy
William ConCanon	Adam Null
Samuel huston	Christean Null
Alexander Huston	Francis Dean
Edward hustone	Wintil Dean
W ^m Lamme	John Boads
John M ^c Cabe	Samuel Westerfield
David Riffle	William Blair
Nathan Talburt	M ^{rs} Martha Bounel
William Westfall	William boyd
James M ^c Cabe	Lenard Petro
James Barns	Rob ^t Griffing
Job Wesfall	Conrad Lemasters
Jacob Shaver	James Galloway
John Ladly	James Galloway B ^{rk} Smith
Joseph Vance	George Galloway
Benjamin Archer	John Judy
James Eakin	James Popenoe
Stephen Welch	William Robins

⁸ Reading uncertain.⁹ Or McDanel.

Jacob Judy	archaboolowry
James Galloway jun	James paxson
George Allen	David Flin
Martin Judy	W ^m Waugh
Nathan Allen	Withers Berry
Leonard Leachman	George Williams
John Freeman	Morten Erhart
Elisha Webb	Jonathan Crane
Thomas John	David Bay
John John	Ja ^s Bay
Joseph Robinson	Ithanier Drake
William Chemorelt	Jonathan Donnel
John Luce	Seimon Kenton
Justice Luce	William halmas
John Fenny	James Demint
Soloman Kelley	Thomas Cowhick
Jn ^o Ewing	Thos Denney
Thomas Arnet	W ^m Moore
John Welch	W ^m Ward
James Morris	thomas robertson
James Benefiel	Britan Lovitt
Johann Geil	Phelix Rock
William Huessan	Patrick Rock
Charles Williams	Samyel Molean
John Ceasey	France litel John
Abraham Barnett	John L John
Thoma F Lowry	James Woods
George Alexander	Robert C Crawford
John Folkerth	James Lee Crawford
Charles Curtis ¹¹	John Mann
Jerom Holt	Michel Williams
Andrew Locke	George Williams
James McDanel	John Fisher
Daniel C Cooper	William Trousdail
Isia Closion	Joseph Parks
W ^m Low	Rithard Kerby
John Bailey	Abner Crane
John Patterson	W Humphreys
Andrew Bailey	Alexander M ^c Connel
William Owens	Jo ^s Barnett
And ^w Keiff	Nathaniel Garard
James Thatcher	John Manning
Jonathan Noland	Nathaniel Hadnad
James Thompson	Ritchard Sunderland
Bengamin Grovor ¹²	John Dunkin
William Filler	William Sunderland
John Hunter	William Vanarsdol
Ralph French	Peter Sunderland
Peter Gelson ¹³	Samuel Beck
David Lowry	Boston Hoblet

¹¹ An alternative reading is Sintis.

¹² Or Grovoe.

¹³ Reading uncertain; Gilson is an alternative.

Samuel Martin
 John Beck
 Samuel Beck Jun^r
 Peter Sunderland
 John Nole
 Richard Mason
 Matthias Parson

Arial Coy
 George Adams
 John Moss
 Janymia landlaw
 Antony Shanahan
 Abraham Richason

[*Endorsed*] Petition to Congress from a number of the inhabitants of Hamilton County ¹⁴

Petition of Andrew Small and others Inhabitants of the North Western Territory. 27th December 1799 ¹⁵ Referred to the Committee appointed on the 24th instant to enquire whether any, and if any what alterations are necessary in the laws authorising the sale of the lands of the United States North West of the Ohio. ¹⁶

MEMORIAL TO CONGRESS BY CITIZENS OF THE TERRITORY

[LC:HF:6 Cong., 1 sess.: ADS]

[*July, 1799* ¹⁷]

To the Hon^{ble} The Senate & house of Representatives of the United States of America.

The Memorial of the underwritten Citizens of the United States, who inhabit or have purchased lands North of the Patent Granted to John Cleves Symmes & between the Great & Little Miami Rivers, most respectfully Sheweth, that,

Your Memorialists having the fullest Evidence th[at] a Contract had been made in good faith in the year 1788 wherein the United States were the Grantors of one Million of Acres of Land lying between the great & little Miami Rivers & John Cleves Symmes & Associates the purchasers. ¹⁸ and believing from other marks of approbation at that time manifested by Congress, such as sending Troops into the Country to protect the Infant Settlements, that, to purchase Lands of the s^d John Cleves Symmes & to become Settlers in the Country contracted for, could by no Means be displeasing to Government or Hazardous to themselves so far as related to the Contract—

¹⁴ A similar petition from George Isham and others was forwarded by St. Clair to Senator Ross [December], 1799 (Smith, ed., *St. Clair Papers*, II, 480-484); it was presented to the Senate, Feb. 7, 1800 (*Annals*, 6 Cong., 1 sess., 43). See also St. Clair to the Secretary of the Treasury, Dec. 2, 1799, Smith (ed.), *op. cit.*, pp. 472-473.

¹⁵ *Annals*, 6 Cong., 1 sess., 211.

¹⁶ *Ibid.*, pp. 209-210.

¹⁷ The petition is undated; it must, however, have been circulated and signed at approximately the same time as that of July 13, printed above.

¹⁸ Extract of agreement printed in Burnet, *Notes*, pp. 490-491.