

## REPORT

*Of the Committee on Private Land Claims, in the case of Dr. Samuel Peters, claiming under Carver.*

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JANUARY 28, 1825.

Read: ordered that it lie upon the table.

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The Committee on Private Land Claims, to whom were referred the petition and documents of Dr. Samuel Peters, have considered the same, and

### REPORT:

That the petitioner represents, that he has acquired the title to a large tract of country, usually called "Carver's Grant," situated on the east side of the Mississippi river, beginning at the Falls of St. Anthony, and running down the margin, nearly south east, to the mouth of the Chippeway river; thence, eastwardly, one hundred miles; thence, north, one hundred and twenty miles; and thence, on a straight line, to the beginning. That this grant was made to Captain Jonathan Carver, on the first day of May, 1767, by two chiefs of the tribe of Naudowissee, in consideration of distinguished services rendered by him while in their country; that Captain Carver went to England in the year 1770, and solicited the King to ratify his said grant; that His Majesty and the Lords of his council, in the year 1775, granted his petition, and ordered him to return to America and take possession of his land thus conveyed to him; that, before the necessary preparations for his departure could be made, the information of the battle of Bunker's hill was received, which entirely frustrated his intended enterprise; that Carver lived overwhelmed with sorrow, until the 31st of January, 1780, when he died, leaving a widow and seven children; that, in the month of November, in the year 1806, he purchased of the heirs of Carver, all their right to the said tract of country, and obtained a deed therefor; that, after being baffled in various attempts to obtain from the Indians a recognition of his title, as he had been advised to do by a committee of Congress, he set out from New York, in June, 1817, to visit Red Wing and Lefei, two chiefs residing near the Falls of St. Anthony; that, in the autumn of the same year, he met with Lefei, the son of one of the grantors, at

Prairie du Chein, who declared, in the presence of several persons, that his father and uncle signed, with their marks, the conveyance to Carver, at the Great Cave, on the 1st day of May, 1767; and, also, that, when he could see Red Wing, they would make their marks on paper, and thus satisfy Congress; that, after Lefei was gone, Red Wing came to Prairie du Chein, and made a similar declaration; that he afterwards saw three squaws, each about 80 years of age, who asserted they knew Captain Carver, and were at the Great Cave when the Sachems made him the grant, and that it is called "Carver's Land;" wherefore, the petitioner prays that his title may be confirmed.

The petitioner exhibits in support of his claim, a copy of the alleged deed to Captain Carver, unaccompanied, however, by the ordinary proofs of verity. It is substantially as follows: that two chiefs of the Naudowissies, one by the sign of the Snake, and the other by that of the Tortoise, on the first day of May, 1767, conveyed to Captain Jonathan Carver the tract of country, as described in the petition, in return for presents and services, reserving to themselves and their heirs, the liberty of hunting and fishing on the lands not improved by the grantee and his heirs. The petitioner also adduces the copy of an instrument purporting to have been executed at Lac Travers, on the 17th day of February, 1821, by four Indians, who called themselves chiefs and warriors of the Naudowissie tribe. By this writing, they declare a grant was made by their fathers to Captain Carver, for a tract of land situated at the Falls of St. Anthony, and that they have a traditional record thereof. These chiefs acknowledged their willingness that the claimants under Carver should be confirmed in their title.

Dr. Peters himself has made oath that he was in London in the year 1774, and was present when Carver solicited of the King a ratification of his title; that, after much inquiry and deliberation, the King gave him as a gratuity, £1,873 6s. 8d, and ordered him to prepare to proceed to New Orleans in the ensuing June, with 150 men to take possession of his grant; that, when things were in a state of preparation, the news of the battle of Bunker's Hill was received, which entirely prohibited the projected voyage. These facts, with many others, not supposed by the committee necessary to be detailed, were sworn to by Dr. Peters in the year 1806, at which time the heirs of Carver petitioned Congress, and also again, on the 25th day of September, 1824.

It is stated to the committee that the original deed, which had been left with Dr. Lettson of London, was supposed to have been stolen and is lost, and that the copy which appeared in the first editions of Carver's journal is correct.

Dr. Peters submits sundry letters which he has at different times received from gentlemen in the Upper Mississippi country. One appears to have been written from the Falls of Black River, on the 10th day of November, 1819, by Constant A. Andrews, who states that, a few days before, he had put in operation a saw mill, 30 or 40 miles from

Lake Pepin, in an eastwardly direction; that seven chiefs of the Sioux Nation gave him permission to settle and remain there for five years, which term the chief Lefei extended forever. He informs Dr. Peters that it is certain the chiefs Lefei, Petit Corbeau, and Red Wing, admit the validity of the grant to Carver. Another correspondent, of the name of Keyes, writes to Dr. Peters from Prairie du Chien, on the 7th of June, 1818, that he had seen Red Wing, who had a distinct recollection of Carver; that this chief informed him the Snake and Tortoise, who signed Carver's deed were his uncles, and that he was willing to sanction their acts, although he could not do so without consulting Lefei and the Little Raven (Petit Corbeau) who out ranked him.

Dr. Peters himself makes oath, that he had seen Lefei and Red Wing, the heirs and successors of the two chiefs who gave Carver the deed; that they declared through an interpreter that it was good and valid, and the land covered by it, the property of Carver, his heirs, and assigns, who were at liberty to take possession thereof in peace and quietness. The foregoing statements are the strongest proof with which the committee has been favored by Dr. Peters. He had not exhibited the deed of conveyance to himself, though it is believed he has one.

This case presents two questions for consideration: 1st. Did the Indians, represented to be Chiefs of the Naudowissie tribe, execute the deed under which the petitioner claims? 2d. Assuming the fact that they did, is the Government of the United States bound to ratify the claim?

It appears to the committee the proof submitted is of too weak and dubious a character to justify an affirmative answer to the first question. To the conveyance there were no subscribing witnesses; nor is it known that Carver himself ever made oath to its genuineness. Although he may have petitioned the King for relief in the recognition of his title, there is no evidence that his application was successful. Had it been, it is presumable the exhibition of testimony, to that effect, would not be difficult—the records of England would not be silent.

Dr. Peters states, that the committee appointed on the part of the Senate in 1806, to investigate this case, informed him that, if the successors of the Snake and Tortoise Chiefs would recognize the claim of Carver, there would be nothing further needed to sustain the petition; and that, in consequence of this information, he spared no pains to obviate the difficulty. As that committee consisted of gentlemen highly respectable for talents, it is difficult to comprehend the reason why such advice was given. Surely, at that period of our Government, a mode of acquiring Indian lands, different from that now pursued, could not have been conceived. It is much more probable Dr. Peters labored under a misapprehension. It seems, however, he visited the Upper Mississippi country for the purpose of obtaining the Indian recognition, and also had agents in his employment. Here it may be remarked, the testimony he obtained is not accompanied by those solemnities which are deemed indispensable. The statements, with the

exception of his own, are not made on oath; and his ought to be excluded from consideration on the ground of interest. The facility with which interested persons or interpreters might practice frauds on the Indians, demands the strictest scrutiny: no testimony should be received which does not come in an unquestionable shape. If the four Indians did sign the instrument at Lac Travers, as has been represented, they may possibly have been deceived as to the contents, or been influenced by some improper motive. It is scarcely supposable that they felt themselves bound by a contract made half a century ago. In that region of country, the Aborigines know too well the value of their territories to dispose of them without a suitable compensation.

Capt. Carver's journal, which was published first in the year 1778, is, as the committee believe, entirely silent in relation to the grant. He records, with some degree of minuteness, many events which took place about the time the instrument bears date. He describes the country between the Lake Pepin and the Falls of St. Anthony as possessing many natural advantages. Indeed, on the very day it appears to have been given, a council was held at the Big Cave by several tribes of Indians; many Chiefs attended, and he delivered a speech, which he has communicated to the world. Is it not a little extraordinary that he should have forbore to journalize a fact so interesting to himself, the Indians, and his country? Not knowing precisely when the grant first made its appearance, the committee is in no wise disposed to say they are suspicious of an antedate.

To counteract the facts stated by Dr. Peters and his friends, the committee will refer to a letter addressed by Col. Leavenworth, on the 28th day of July, 1821, to the late Commissioner of the General Land Office. The writer informs him, that "the Indians do not recognize or acknowledge the grant (Carver's) to be valid. They say, they have no knowledge of any such chiefs as those who have signed the grant; that, if he did obtain a deed or grant, it was signed by some foolish young men, who were not chiefs, and who were not authorized to make the grant."

Major Long, and his party, ascended the Mississippi river in the summer of 1823, and had frequent interviews with the Indians and their chiefs. They were at the village of Red Wing (Aile Rouge,) and whom *they* generally call Shakea. He lives on the west bank of the river, a short distance above Lake Pepin. The Petit Corbeau, (Little Raven,) resides ten miles below the mouth of the St. Peter's, and both are distinguished chiefs of the Dacotas. Renville, Major Long's interpreter, whose mother was a squaw, was well acquainted with the Indians on the Mississippi, and the rivers tributary, near the Falls of St. Anthony and Lake Pepin. His statements, and those of the Indians, induced Major Long, and the gentlemen associated with him, to give the following information:—"It is, we believe, clearly proved, at present, that the land which he (Carver) claimed by virtue of a grant from the Indians, was never conveyed to him by them. Attempts were made, in 1817, by two of his grandsons, to have the claim recognized by some of the Indians now living. They



ascended the river when Major Long did, but were not successful. An instrument, purporting to be the original treaty, was afterwards sent to Canada, and placed in Renville's hands by those who had an interest in the claim. He was requested to show it, and explain its nature, to the Indians, and to endeavor to obtain a confirmation of it from them; but, as he informed us, he could find no individual among them who had the least recollection or tradition of this conveyance, or of the names which are purported to have been affixed to the deed. The Indians say there were no chiefs among them of the name." Major Long even doubts whether Carver resided among the Naudowissies five months, and assigns his reasons for the opinion. See p. 325, of his Journal of 1823.

Although a negative answer to the first question may seem to render further discussion unnecessary, the committee has thought proper to offer a few considerations on the second branch of the inquiry. In the case of Johnson against McIntosh, reported in 8 Wheaton, the question is settled beyond controversy. This was an action of ejectment, brought for the recovery of lands in the state of Illinois, claimed by the plaintiff under a purchase and conveyance from the Piankeshaw Indians, and held by the defendant under a grant from the United States. Chief Justice Marshall, who delivered the opinion of the court, says, "while the different nations of Europe respected the rights of the natives, as occupants, they asserted the ultimate dominion to be in themselves, and exercised the power to grant the soil while in the possession of the natives. These grants have been understood by all, to convey the title subject to the Indian right of occupancy. This government has always acted on the same principle. While it recognized the Indian right of occupancy, it claimed the fee; and the treaties by which we have acquired the possession of such extensive regions of country involve this principle. The consideration paid, appears to be intended merely as an equivalent for the peaceable surrender of possession."

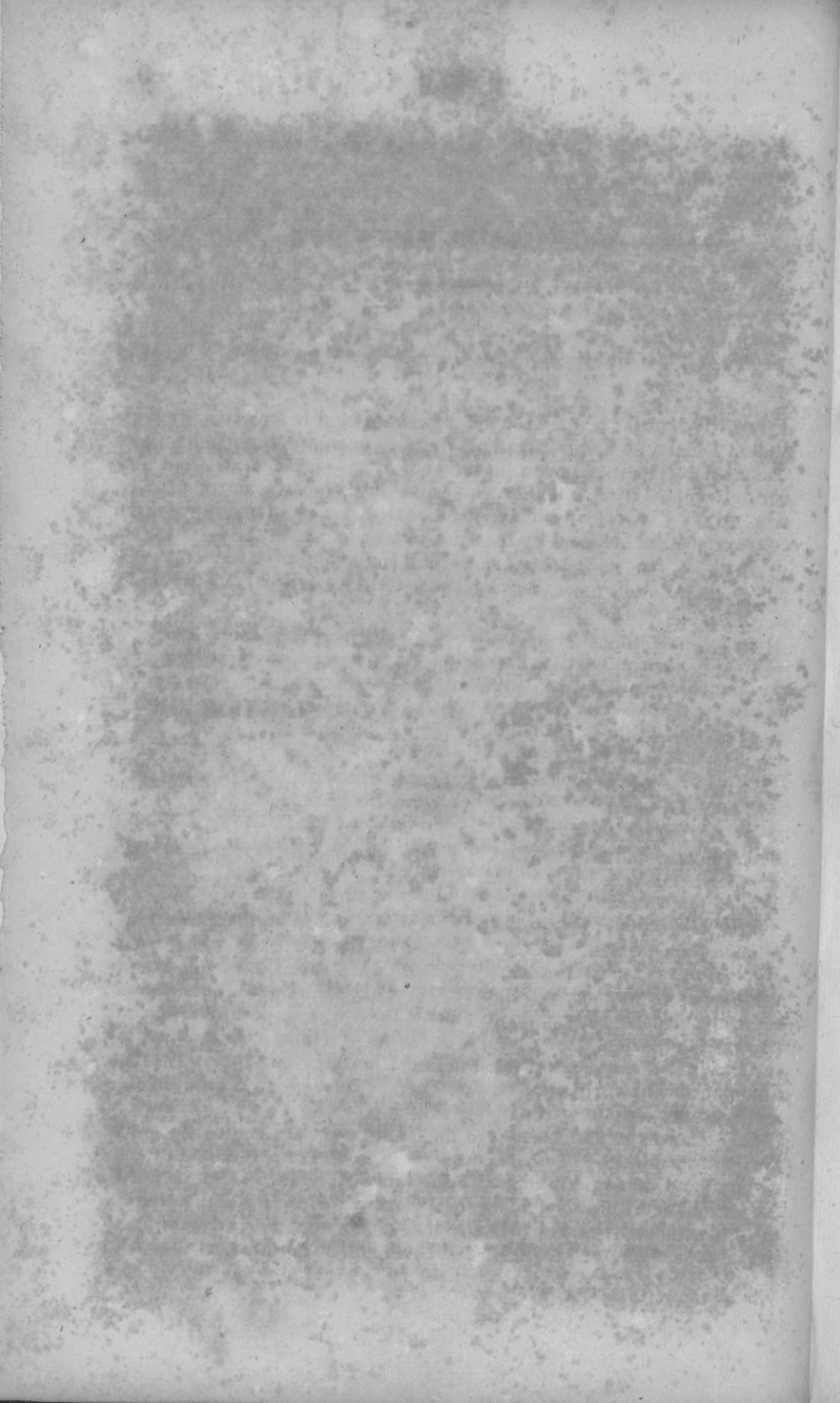
By the treaty of 1783, which terminated the Revolutionary war, Great Britain ceded to the United States a vast extent of territory in the North west, to which the Indian title had not been extinguished. The legality of the cession has never been doubted, nor, indeed, can it be. As the "Carver Grant" is situated within our limits, as defined by the treaty, we are in the same situation in relation to it in which was the British Government. The petitioner shews, that Carver solicited a ratification of his claim—this is conclusive evidence that he himself believed it defective. Whether success would have attended his application to the extent of his wishes, had hostilities not taken place, is mere matter of conjecture. Certainly it is a claim, the acknowledgment of which, by this Government, is not founded in right. The policy which dictated the proclamation of 1763, is unexceptionable. By that measure, all private persons were interdicted the liberty of purchasing lands from the Indians. The indulgence of such a privilege, it had been ascertained, conduced to serious difficulties. The most reprehensible frauds had been prac-

tised on the natives. Their avarice and propensity for ardent spirits had been but too successfully addressed. At the time Capt. Carver explored the country, about the Falls of St. Anthony, this proclamation was recent, and in all probability known to him. With this knowledge of the prudence and caution of his country, he was among the first to offend.

Fully impressed that it would be highly improper to confirm the claim of the petitioner, on that of any other person, who may attempt to profit by the grant to Carver, the committee recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner be not granted.

[The text in this section is extremely faint and illegible due to heavy noise and low contrast. It appears to be a single paragraph of text.]





[ *To be annexed to the report in the case of Samuel Peters.* ]

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*A copy of a certificate of Dr. J. C. Lettsom, dated London, January 31, 1804.*

I certify that the printed copy of a grant of land in America, by two Indian Chiefs, to Capt. Jonathan Carver, deceased, prefixed to his travels published in London, in the year 1782, was literally and accurately copied from a manuscript paper in the possession of his widow, Mary Carver, who declared to me that it was an original grant, conveyed to her husband by the said Indians named in the printed copy, with the fac simile, or mark of each Indian.

JOHN COAKLEY LETTSOM.

Attest, SAMUEL PETERS.

LONDON, January 31, 1804.

A true copy of a paper sent to me, from London, by Mrs. Martha Pope.

SAMUEL HARRISON.

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*A copy of an Affidavit of the Rev. S. Peters, LL. D., sent to me, from London, in 1805.*

The Rev. Samuel Peters, LL. D., testifies and says, that he was intimately acquainted with Capt. Jonathan Carver, in London, from January, 1775, until January 31, 1780, when said Carver died, and was buried in the Parish of Shoreditch. That said Carver often shewed to the deponent his papers: among them was a deed of a large tract of land lying on the east side of the Mississippi, and adjoining to the Fall of St. Anthony, granted to said Carver by two Indian Chiefs, and signed with their signets, one marked in shape of a mud turtle, and the other a snake, with Indian ink.

Said Carver told this deponent that said deed was genuine, and was verily signed by the two Sachems whose names were annexed to their signets: and that said deed had been laid before his Majesty, Lord Sandwich, and Lord North, &c. &c. who doubted not the authenticity, though without witnesses, because the signets were marked with such ink as was not known to them, and could not be imitated, as they be-

lieved, by any person in christendom. That Government promised him the royal ratification of said deed, and had omitted doing so only because of the troubles then existing in America. And this deponent further says, that Dr. Lettsom and this deponent attended said Carver in his last sickness; and this deponent heard said Carver express his hopes that his Majesty would ratify the deed for the good of his children, and for the good of the nation, as a settlement in that quarter, by the English, would secure the friendship and commerce of the Indian tribes to the western Ocean, and tend greatly to civilize an innumerable multitude of innocent and ignorant people. And further the deponent saith not.

SAMUEL PETERS.

Sworn before me, at Union Hall, this 19th day of April, 1805.

PETER BROADLEY.

A true copy—attest,

SAMUEL HARRISON.

*Questions proposed to the Rev. Dr. Samuel Peters, before the Honorable Committee from the Senate, to whom was referred the petition of Samuel Harrison, praying the Legislature to recognize an Indian Deed granting to Capt. Jonathan Carver a tract of Land near St. Anthony's Fall, in the Mississippi.*

*Question.* How long is it since you knew Capt. Jonathan Carver?

*Answer.* I knew Captain Jonathan Carver in 1755, in the colony of Connecticut.

*Question.* How long did you know him in England?

*Answer.* Ever since my second arrival in London, 1774, until the 31st day of January, 1780, when he died.

*Question.* Did you ever see an Indian deed of some land near St. Anthony's Fall, given by two Sachems to Capt. Carver?

*Answer.* Capt. Carver shewed to me, at London, a deed of a tract of land lying eastwardly of St. Anthony's Fall, in A. D. 1775, signed with the signets of two Chiefs of the Nandowessie Nations, dated at the Great Cave on May 1st, A. D. 1767. The signets were a Tortoise and a Snake.

*Question.* By whom was it written?

*Answer.* The names of the two Indian Chiefs, and the deed, were in the hand writing of Capt. Carver, without any witnesses to the deed.

*Question.* Did you ever hear Capt. Carver tell the reason why no witnesses were annexed to the deed?

*Answer.* Yes. I asked him why he had no witnesses to his deed? He replied: I had with me only one Canadian Frenchman and one Indian guide, neither of whom could read or write; and, if they had made their marks, I must have written their names; therefore, I

thought the signets of the Indian Chiefs would be better proof to the Nandowessie tribes than all other proofs.

*Question.* Do you not think there is reason to believe the deed was a forgery by Capt Carver? If not, what are your reasons?

*Answer.* No. Because Capt. Carver always supported a moral and religious character both in New and Old England; and he told me the signets were verily made by the two Sachems. Besides, Capt. Carver was a man of great abilities and good sense, which would teach him that he could have no interest or advantage by a forged deed, had it been ratified by the British Government on his petition in 1770; for the Indians would not have suffered him to take possession of a territory of theirs under a false deed, which Carver well knew; and yet he petitioned the British Government to ratify the said Indian deed to him, that he might go and take possession of said land in a legal manner, to recompense him for all his dangers, travels, and expense. Further, had Carver known the deed to be a forgery, he would have asked for a *pecuniary* reward for his discoveries, instead of asking for a ratification of a false deed, which he knew could never be of any use or benefit to himself or heirs. Carver petitioned for a ratification of his deed, that he might go and settle, under the crown, on the territory, according to his agreement with the Indians in 1767, and did not petition for a *pecuniary* reward, which he might have received.

*Question.* Did you ever see any other writing of Capt. Carver, besides that deed from the Indians to Carver?

*Answer.* Yes — many.

*Question.* Does this writing look like Capt. Carver's \*writing?

*Answer.* Yes; and I know it to be his hand-writing, as well as I know my own writing.

*Question.* Did you know that Capt. Carver petitioned the British Government for a ratification of an Indian deed, to said Carver, of some land near St. Anthony's Fall?

*Answer.* In the year 1775, Capt. Carver shewed me a copy of a petition of his to the British Government, praying for a confirmation of a deed from two Sachems of the tribes of the Nandowissies, of a large tract of land on the east side of the Mississippi river, near St. Anthony's Fall, which was founded on the Indian deed dated May 1st, 1767. He begged my influence with Lord North, Lord Dartmouth, and Lord Sandwich, to have it ratified as soon as possible.

*Question.* Did you advocate Carver's petition with those Lords?

*Answer.* Yes; and but for the declaration of independence of the thirteen states of America, in 1776, his petition would have been granted; and Capt. Carver, with myself and others, should have sailed to New Orleans to explore the Mississippi and Missouri rivers to their sources, according to our appointment under the British Government.

*Question.* Did you ever hear that any doubt was entertained by the abovenamed Lords, or any other person in England, respecting the authenticity of the Indian deed to Capt. Carver?

\* Here was presented a part of a letter to his wife, dated at London, Sept. 19, 1776.

*Answer.* I never did.

*Question.* Who attended Capt. Carver when he died; and what did Carver then say?

*Answer.* Dr. Lettsom and myself, and Carver committed his papers to Dr. Lettsom, and wished that Lettsom and I might pursue the petition, and secure the ratification of the Indian deed for the benefit of his children and country.

*Question.* What took place after Captain Carver's death, touching the territory?

*Answer.* Dr Lettsom hired an engraver to take off the signets of the two Indian chiefs, and had them printed, with the Indian deed to Carver, in the third edition of Carver's Travels; and, in 1783, the merchants of London petitioned Lord Shelbourne not to form a peace without saving to the British merchants the right of navigating the Mississippi and its waters, for the sake of the peltry and fur trade; and the merchants' petition was granted.

*Question.* After the peace of 1783, what followed respecting the Mississippi and Carver's claim?

*Answer.* The merchants of England met, and agreed to send a number of persons up the Missouri and the Mississippi to St. Anthony's Fall (among whom I was one); and failed only because of the armament against Spain, and then against Russia.

*Question.* Doctor Lettsom says, in his third edition of Carver's Travels, that the original deed was in his possession in 1782; do you know why that original deed has been missing?

*Answer.* In consequence of a letter from S. Harrison, Esq., I applied to Doctor Lettsom, in 1804, for the original deed, in order to send it to Rufus Carver of Vermont state; and Doctor Lettsom said it had been taken out of his possession by some person not in his power to discover; yet he had reason to believe one of his servants had been hired to steal it, because all other papers belonging to Carver were still with him.

*Question.* What use could any one make of said Indian Deed, after stealing it?

*Answer.* Mr. C—— & Co. as I was told by Dr. Lettsom and others, believed the land in question belonged to Martha Carver, who was deemed the only child surviving Capt. Carver. On that ground, Mr. C—— & Co. induced Martha to leave the house of lady Pearson her benefactrix, and foster mother who had adopted Martha as her own child, and clandestinely to marry a young sailor, and then prevailed on her and her husband to take Letters of Administration at Doctors' Commons, on Capt. Carver's estate. The next day C—— & Co. prevailed on Martha and her husband as Administrators, to constitute Mr. C—— their Agent, and by the same instrument, sold and conveyed all the territory mentioned in the Indian Deed to Capt. Carver, reserving only one tenth to Martha and her husband.

*Question.* After the sale of the land to C—— & Co. what was done?



*Answer.* Mr. C—— & Co. sent Mr. Clark, with goods and money, nearly the value of £2,000, sterling, to New York, and from thence, he was ordered to visit the Nadowissies, and procure a new deed of the land to Mr. C—— & Co. Clark, on his route towards Niagara, was murdered and robbed, and the murderer was discovered and hanged, at Albany,

*Question.* What effect had the death of Mr. Clark with the claim and Deed, given to Carver, by the two Indian Chiefs?

*Answer.* That sad catastrophe of Mr. Clark, proved fatal to Mr. C—— & Co. as was believed, by sir Richard Pearson, Dr. Lettsom, Dr. Pearson, and others; for, it was their opinion, that Mr. Clark had the original Deed with him when he was murdered and robbed, and therefore, C—— & Co. ceased to pursue Carver's Claim any further.

*Question.* Do you know Mr. C—— & Co.?

*Answer.* I know Mr. C—— only.

*Question.* Did you ask Mr. C—— for the original Deed?

*Answer.* I asked him for the original Deed, and he declined giving me an answer: but said he had laid out above £3000 sterling for his share in that business of Capt. Carver.

SAMUEL PETERS.

*City of Washington, District of Columbia.*

Personally appeared the Rev. Dr. Peters, who signed the above answers in my presence, and made oath on the Holy Evangelists of Almighty God, that the answers given to the preceding questions contain, to the best of his knowledge and belief, the truth, the whole truth, and nothing but the truth.

Sworn, this 29th March, 1806, before

WILLIAM THORNTON, *Justice of Peace.*

The affidavit contained on these sheets, and signed Samuel Peters, was, in substance, testified by him before the Committee of Senate appointed on the Petition of Samuel Harrison, Agent for the heirs of Capt. Jona. Carver, and it was sworn to before Mr. Justice Thornton, because the committee conceived they had not authority to administer an oath.

ISRAEL SMITH, *Chairman.*

*Washington, April 25, 1806.*

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PRAIRIE DU CHIEN,

*February 1st, 1819.*

DEAR SIR: Mr. Mann arrived here last summer, and is still waiting. He found the Indians were willing to give up the lands. He immediately sent to his brother-in-law, to get permission to hold a

council with them—has not got any return as yet. You have probably got the certificates of D. Campbell, of Lefoy, and Redwing. I can say but little more. Redwing, when here, always called on me every day.—Says to every one that the land belongs to us, and we must have it. I have made him and his family what little presents I could. Redwing, when here, soon after you left here, insisted to go to Mr. Balvoin's, and tell him the situation of it. He went. Mr. Balvoin asked him, in presence of Capt. Hickman and Armstrong, if he knew any thing respecting the sale to Carver, or deed being given? He said, he being young, did not recollect any thing of any papers; but knew that his two uncles gave Carver the lands. Mr. Balvoin then stopped. Redwing wished to explain the whole transaction. Mr. Balvoin said he had nothing to do in the business—did not like to have any more said; but observed, you go to give away all your lands—the Americans will be so thick there you cannot live. Redwing was not well satisfied. It is now as public and as well understood as your newspapers. It is no harm to talk to them now. Times have changed very much since you left here. Mr. Keys has gone up to — after timber, in company with G. McNeir—asked Mr. Balvoin's permission.—Mr. Balvoin said there was no need of any, as any one could go. When you was here no one could speak; but now we can say as much as we please. Mr. Johnson and I have differed very much since you left here, but we have all given it up, and I now say what I please respecting it.

Mr. Batelle has returned. First day of January, was ordered off again—has built him a house on a small island about a mile from Manor, and I am now building a saw mill in company with him on Yellow river, under a permission I obtained from the commanding officer, which I hope will be a running as soon as you get here, which we are anxiously waiting. For my own part, I apprehend no difficulty, if you obtain permission from the Secretary of War and can make them some presents. The young Indians have asked Lefoy and the other Chiefs to try to get two boat loads of goods if possible. I have wrote to Mr. Tuthill.

I am, as ever, yours.

CONSTANT A. ANDREWS.

Rev. S. PETERS.

N. B. Mr. Johnson, in one of our spats, said, if you obtained permission from the Secretary, there would be no difficulty.

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FALLS, BLACK RIVER,

November 10th, 1819.

DEAR SIR: On the second day of November, I set a sawmill a running, not much inferior to any in the United States. This river

takes its rise near the North east corner of your tract. The mill is about thirty or forty miles east from lake Pepin.

The Sioux very willingly gave us permission to come here. There were seven chiefs in council—Lefoy was not there. The seven gave us five years. Lefoy came soon after and gave it forever. I am very much pleased with my situation. I was obliged, on account of iron, to go to the Prairie once, but was overjoyed on my arrival back, and now regret to leave sight of the mill. There is a fort built at the mouth of St. Peter's river. Perseverance is all that is necessary to get possession now. The commanding officer lets any one go that wishes. Mr. Farebeault has gone with his family up a little above lake Pepin. All mountains have become plains and all our paths are peace. Your return would be more pleasant than before. We have been expecting you this last summer very much.

You will have no better time than the present to settle your lands. The Indians are now willing. They give up the idea of living here, except the old ones.

If you see Julius, or can send to him, I wish you would urge him to come here, as I cannot do all the business myself.

If the Company intend me to take part of the tract, I shall be ready to meet their wishes. If I could get Julius here, I would take time to explore the whole tract.

One thing is certain, that if Lefoy, Curbo, and Redwing, acknowledge the grant to Carver, for my own part, I don't see who can get it from us. I am willing to risk a suit on my part for the title, if the United States wish.

I am, as ever, yours,

CONSTANT A. ANDREWS.

REV. S. PETERS.

N. B. I shall expect you in the spring. Do bring Julius P. Andrews with you. Here I am happy to live—here I am willing to die.

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PRAIRIE DU CHIEN, 7th June, 1818.

REVEREND AND DEAR SIR: Agreeable to your request, I improve the first opportunity of conveying a letter to you by the way of Mackinaw, and with greater pleasure, as I can speak with confidence on the prospect of a speedy acknowledgment of "Carver's Purchase," by the chiefs of the Sioux nation. About the first of June, Red Wing, (the chief who resides at Lake Pepin) arrived here, and encamped on the island opposite the town. We have had several private interviews with him, and the substance of our intelligence, as interpreted by Mr. Campbell, is as follows;

That the land from St. Anthony's Falls to lake Pepin (saving Carver's claim) is the property of him and the Little Crow. The chiefs who signed Carver's Deed, (the Tortoise and Snake) were his uncles,

He well remembers Carver, and the sale of the land; says he is willing to confirm the deed of his ancestors; but says he must first consult Lafoi and Curbo, who rank before him. He has proceeded up the river, and promised to return with Lafoi the latter end of this month.

He appears to be between 60 and 70 years of age, is reputed by those who know him to be an honest man, and that his word may be depended on.

I regret your absence at this time, as your age corresponding with theirs, and being the immediate representative and acquaintance of Carver, I think would inspire them with greater confidence; however, we will manage as well as we can; and I think you will only have to wait the permission of our Government to take possession of your right.

Since you left this place there has been seven arrivals at different times from St. Louis, among whom were Mr. Balvain, (who is now Indian Agent, and a civil magistrate) Col. M'Nair, Major Fowler, Mr. Shaw, and Lieut. (now Captain) Hickman and Lady. In two hours after his arrival, Col. Chambers started for St. Louis; whether he will return, I do not know. Hickman now commands this post.

On the 25th ultimo I commenced a school in this village; have about thirty scholars, mostly bright and active, at two dollars per month. I board with your old landlord, Mr. Ferribault, but have to regret the loss of your company.

I have engaged for three months, and before the expiration of that time, I trust your business will be amicably settled with the Indians.

Dear Sir, accept my best wishes for your welfare—hope you had a pleasanter passage returning than you had coming out; that you met with a welcome reception among your friends, I have no doubt. May God preserve your life for the benefit of mankind; and when the measure of your useful days is filled, the possession of a self-improving conscience will blunt the sting of death, and waft your welcome spirit to realms of endless happiness and peace.

My respects to your son and his amiable family, with whom I had the pleasure of a short acquaintance; likewise to all your friends who feel solicitous of your welfare.

I conclude, by respectfully subscribing myself ever yours, to serve,  
WILLARD KEYES.

REV. DR. S. PETERS.

P. S. I would just mention to you that Mr. Tuthill's character has been roughly handled, especially since Major Fowler's arrival; they say he has nearly ruined him. I have made no inquiries on the subject, but expect he will have to bear all the blame, whether guilty or not. I hope you will not mention this to his discredit, but, if you please, tear it off.

June 10th. Mr. Crooks arrived yesterday, ten days from Mackinaw; said he met you in good health. He proceeds from here to St.



Louis. I have nothing new to write, but shall close my letter this morning, and forward it by Mr. Palen. Hope you will be kind enough to write when convenient. May the blessings of God attend you.

Yours, W. KEYES.

January 3, 1820.

REVEREND AND DEAR SIR: I took your letter from St. Louis Post Office, but a few days since, dated Jan. 22, 1819. The negligence of Postmasters in detaining or delaying letters thus, almost a year, cannot be too severely reprobated. However, at this late period, I would congratulate you on your safe arrival among your friends and family. I am highly gratified to discover in your style of writing, that persevering principle which has ever marked your conduct, and will, in the end, I hope and trust, ultimately succeed.

During the summer of 1818, I wrote two letters to you, in which I stated, what I then had reason to believe, from the information of Mr. Campbell, that your business might be brought to a favorable issue, provided you had the sanction of the General Government, in writing; otherwise, we could go no further. I remained at Prairie du Chien till May, 1819, when, despairing of hearing from you, and, believing it to be of no use to remain longer in this expensive place, I came down the river, and am now in Madison county, state of Illinois. I have been sick several months, but am now gaining health and strength.

Mr. Andrews still perseveres in the Indian country. He has been employed the summer past in building a sawmill on Black River, the mouth of which is 100 miles above Prairie du Chien. I shall forward the letter I received from you to him by the first opportunity.

I must now conclude by wishing you health and happiness for years to come.

Yours respectfully,

WILLARD KEYES.

Rev. SAMUEL PETERS, LL. D.

The deponent, Samuel Peters, clerk in holy orders, under solemn oath testifies and says, he was in London, A. D. 1774, and saw Captain Jonathan Carver, a native of Canterbury, in the colony of Connecticut, in New England, and knew he had laid a petition before his Majesty George III, praying his majesty to approve of and ratify a certain deed of a tract of land to himself, heirs, and assigns, forever, given by two Indian chiefs of the Nadowissie tribes, dated at the Great Cave on May 1st, 1767, lying on the east side of Mississippi river, near the

Fall of St. Anthony and Lake Pepin, which could not be approved of, or ratified by, any governor in any of his Majesty's colonies in North America, because the land laid not within any British colony; and all governors were forbid by a proclamation of King Charles II, dated October 7th, 1663.

The deponent saith further, that the King and Lords of his Council, held a court in the month of February, A. D. 1775, on the petition of said Carver, and ordered said Carver, Mr. Iron, Carver's counsellor, learned in the law, and this deponent, to attend, and they obeyed. The court asked said Carver, Is this your petition? Carver answered, Yes. The court asked Carver, Is this deed from the two Sachems to you genuine, bona fide, upon your honor? Carver answered, Yes, genuine, bona fide, upon my honor. After many other questions to Carver, the court asked Mr. Iron, As you have drawn Carver's petition and seen all his papers, have you discovered any reason why the prayer of Carver's petition ought not to be granted? Mr. Iron answered, I have not.

The court then asked this deponent, How long have you known the petitioner and his character? The deponent answered, from A. D. 1754; he was born in Canterbury, in the colony of Connecticut, near where I was born; he is great grandson of John Carver, the first English governor that settled Plymouth, in New England, A. D. 1620. He served as Captain under General Lyman, in Connecticut troops against Canada, in the war of 1755, and supported a brave character during that war, and ever after a moral character. He served also under General Wolfe in taking Quebec, and under General Amherst in taking Montreal and all Canada. He also greatly suffered at Fort William Henry. After the peace made in 1763, he travelled in the northwestern part of North America with two servants, one a Frenchman, the other a Mohawk, to visit the distant Indians, and discovered a country where no white man had ever been seen before.

Question by the court. Do you believe the Indians would give so much land to Carver for his services, and presents? The deponent answered, Yes, for the Indians are generous and grateful to their friends and benefactors, and Captain Carver was their friend and benefactor, and made peace between them and other powerful tribes, which was worth to them more than the territory given in their deed, and besides, the Indians had lands and wilderness enough, and they loved Carver, and wanted him to settle and abide with them as a *Sachem* and *protector*, which he promised to do.

Question by the court. Of what religion is Captain Carver? The deponent answered. He is by profession an Anabaptist, and deemed to be a good and honest man, and worthy of full credit in his native country.

Then was read Lord Amherst's certificate, viz: "I knew Captain Jonathan Carver in America, of the troops from Connecticut, under my command, to be a brave and faithful officer and soldier."

Then Carver, Iron, and this deponent, were ordered to retire into

another room; after some time, were again called before the court, and the Minister said to Captain Carver: His Majesty has graciously granted your petition, and has ordered a gratuity of £1373 6s. 8d. to be paid to you, and that you prepare to sail for New Orleans next June, and take possession of your territory with *one hundred and fifty* men, of whom you will be commander; and his Majesty will provide ships, men, and necessities, to convey you there. Captain Carver received the money; and all things were making ready, when news arrived of the battle of Bunker's Hill, which put a stop to Carver's return.

After leaving the court Mr. Iron said to Captain Carver, "I give you joy; this is ratification sufficient of your deed from the two Indian chiefs."

*This affidavit is a copy of the affidavit this deponent made before Israel Smith, Abraham Baldwin, and John Smith, all Senators in Congress, appointed by the honorable Senate in January, A. D. 1806, a committee to examine and report on the claim and petition of the heirs of Captain Jonathan Carver, in right of their father, who died in London on January 31st. 1780, and the committee left it with Samuel Otis, Esq. Secretary of the Senate, which was missing (or lost) in February, A. D. 1824, as this deponent has been informed; and so caused the unfavorable report on his petition of November 29th, 1823.*

SAMUEL PETERS.

Personally appeared before me, John Willing, Justice of the Peace, in and for the county of Bergen, in the state of New Jersey, the reverend Samuel Peters, LL. D. and made solemn oath that the foregoing deposition is true. Sworn before me at Jersey City, this 25th day of September, 1824.

JOHN WILLING,

*Justice of the Peace.*

