

THE TERRITORIAL PAPERS OF THE UNITED STATES

Compiled and edited by
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VOLUME III

The Territory Northwest of the
River Ohio, 1787-1803

Continued



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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^r 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 integrity 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[si]derable 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 Privilege 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 they 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 necessities 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 relive 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^v 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 McLane
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 Campbell
 John Crain
 John M^o Cashen Junior
 Ja^s Cannon
 John Walsh
 Ebenezer Heaton
 Aron Richardson
 Friedrich Nütz
 John Kelsey
 James Dearth
 John Toseet
 John Roods
 David Sutton
 James Byers
 James Pettierew
 Moses Young
 Isaac Rubart
 W^m Freeman
 Joseph Mooney
 Owen Davis
 Lewis Davis
 Alexdr M^o Cullaugh
 Jacob Rhindeldeker⁷
 Patrick Brodrick
 Samuel Freeman
 John Aiken
 John Vance
 Benj^a Whiteman
 Nathan Lamme
 James Collier
 Samuel Hulick
 William Allen
 John M^o Knight
 John Morgan
 Harry Martin
 Jn^o Morgan Sen^r
 Evan Morgan
 Isaac Morgan
 Justus Luse
 John Luse
 allandrew Finey
 W. Maxwell
 Danⁱ Ferris
 Paul Butler
 Peter River
 John Webb
 Even stevens
 Richard River
 Cornelius Westfall
 John M^o clure
 James M^o clure
 Baziell Williams

John Nelson
 Christopher Truby
 Philip Petro
 Robert Edgar
 George Needaam
 Joseph Layton
 Peter Davis
 John Whiten
 James Westfall
 Joseph Whiten
 Solomon Hemon
 James Gordon
 Samuel Tomson
 Benjamin Van Cleve
 William Van Cleve
 Geo Westfall
 M Low
 John phillips
 David Lucas
 Michel Williams
 Abner Garard
 John Knight
 David H Morris
 Henry Garard
 James Blue
 [MS. torn]
 Benjamin Noop
 Uriah Blue III
 Daniel Noop
 Benjamin Hamlet
 Chrisley Noop
 Urih Blue
 James Lennen
 [MS. torn]
 Benjamin Carver
 Uriah Blue Juner
 Joseph Coe
 Tho^s Rich
 Daniel Cox
 Job Gard
 Benj [MS. illegible]
 Edward Mitchel
 David John
 Ebenezar Wead
 John Wead
 James Thomson
 Armstrong M^o Cabe
 David Lamme
 James Miller
 Thomas Newport
 John Pentecost
 Jonathan mercer

⁷ Reading uncertain.



his
George X Kerkingdol⁸
mark

Adam M^cfarson
John M^cpherson
W^m Donnel
Bengamin Turman
Alexander Miller
Elijah Chapman
Elisha Adamson
W^m Chapman
John Humphrey
William Owens
James Ha^s Robison
Michael Auld
William Hunter
Thomas trousdale
William Stitt
James long
James Brady
Calvin Morrell
David Logan
Thomas Erwin
John Bigger
Joseph Larimar
Richard Watts
Joseph Williamson
John Bigger Jun^r
John Ewing
John Devor
Smith Gregg
David Huston
John Huston
William ConCanon
Samuel huston
Alexander Huston
Edward hustone
W^m Lamme
John M^cCabe
David Riffle
Nathan Talburt
William Westfall
James M^cCabe
James Barns
Job Wesfall
Jacob Shayer
John Ladly
Joseph Vance
Benjamin Archer
James Eakin
Stephen Welch

James Small
Isac Linley
Matthias Roll
John Robinson
Andrew Creary
James Flinn
William Gowdy
W^m Crean
W^m Sayors
David Littell
John peters
Robert Maxwell
Robrt ross
James Miller
James Byers
James Pettierew
Jeramiah Blackford
Hen^y Marshall
John Blackford
Edward Dearth
Michael Engel
Fergus MClæn
George Heminger
William M^cDonal
Danⁱ Richardson
Robert Carhick
Samuel Everman
Aron Richardson
John M^cDanel
Ephran Larrem
James M^cDonel⁹
Jacob Richardson
Thomas Kelcy
Adam Null
Christean Null
Francis Dean
Wintil Dean
John Boads
Samuel Westerfield
William Blair
M^{rs} Martha Bounel
William boyd
Lenard Petro
Rob^t Griffing
Conrad Lemasters
James Galloway
James Galloway Bth Smith
George Galloway
John Judy
James Popenoe
William Robins

⁸ Reading uncertain.

⁹ Or McDanel.



Jacob Judy
 James Galloway jun
 George Allen
 Martin Judy
 Nathan Allen
 Leonard Leachman
 John Freeman
 Elisha Webb
 Thomas John
 John John
 Joseph Robinson
 William Chemorelt
 John Luce
 Justice Luce
 John Fenny
 Soloman Kelley
 Jn^o Ewing
 Thomas Arnet
 John Welch
 James Morris
 James Benefiel
 Johann Geil
 William Huessan
 Charles Williams
 John Ceasey
 Abraham Barnett
 Thoma F Lowry
 George Alexander
 John Folkert
 Charles Curtis ¹¹
 Jerom Holt
 Andrew Locke
 James McDanel
 Daniel C Cooper
 Isia Closon
 W^m Low
 John Bailey
 John Patterson
 Andrew Bailey
 William Owens
 And^w Keiff
 James Thatcher
 Jonathan Noland
 James Thompson
 Bengamin Grovor ¹²
 William Filler
 John Hunter
 Ralph French
 Peter Gelson ¹³
 David Lowry

archabol lowry
 James paxson
 David Flin
 W^m Waugh
 Withers Berry
 George Williams
 Morten Erhart
 Jonathan Crane
 David Bay
 Ja^s Bay
 Ithanier Drake
 Jonathan Donnel
 Seimon Kenton
 William halmas
 James Demint
 Thomas Cowhick
 Thos Denney
 W^m Moore
 W^m Ward
 thomas robertson
 Britan Lovitt
 Phelix Rock
 Patrick Rock
 Samyel Molean
 France litel John
 John L John
 James Woods
 Robert C Crawford
 James Lee Crawford
 John Mann
 Michel Williams
 George Williams
 John Fisher
 William Trousdail
 Joseph Parks
 Rithard Kerby
 Abner Crane
 W Humphreys
 Alexander M^cConnel
 Jo^s Barnett
 Nathaniel Garard
 John Manning
 Nathaniel Hadnad
 Ritchard Sunderland
 John Dunkin
 William Sunderland
 William Vanarsdol
 Peter Sunderland
 Samuel Beck
 Boston Hoblet

¹¹ An alternative reading is Sintis.

¹² Or Grovov.

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 purchasors, ¹⁸ and beleiving 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.

