

after consulting my friends, and making proposals according to your instructions, none of which would be accepted I applied to Mr Hamilton the late treasurer for his opin[ion] on my claim on the United States for these lands, upon examining the Deeds, his answer was, that the Deeds were of themselves not valid being improperly drawn first they mentioned the lands so purchased were in the Province of Upper Canada, they therefore could not be in the United States. Secondly it was a Deed of Gift mentioned in the Deeds the Indians could not alienate by Gift real Estate unless to near relations. A valuable consideration should have been mentioned and the Articles given specified, thirdly that [it was] a positive law of the States that they only had the right of Preëmtion and no lands could be purchased of the Indians without a particular leave of the Executive of the United States, this law could be not dispenced with by any other means than by treaty between General Wayne and the Indians he also informed me that had the Indians acknowledged to General Wayne in the Treaty they [that] they had disposed of their right of Soil in these lands already and would not resell them, this would have obliged those who purchased from the States, to have obtained the right of Soil from you before they could possess, this was his opinion and was the best that could be procured in the States, but as all is lost by not obtaining any of these things there is nothing more can be done, the only thing remaining is for you to find out what part (if any) of the Lands which were not resold to the States and to have the original Deeds altered as before mentioned and made out for that part only, and then to forward a plan of where they lay, with a Power of Attorney to me to do whatever I may think best for the good of the whole, for it would have been better to give one half away than to lose the whole and this must be done as soon as possible, but without expence, as I have already been at a very considerable charge, without any hope of reimbursement. It is possible you may forward this before the winter setts in, as I will in that case return to New York in the winter. Robert Morrice [Morris] would not do any thing in the business unless the Indians came forward in the Treaty,