

BARNHART ISLAND

by Douglas George

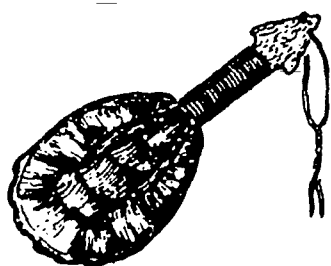
The Mohawks of Akwesasne have long been in active possession of the area called the St. Regis Mohawk Reservation. There is ample archaeological evidence confirming the presence of Mohawk-Iroquois in the region, pre-dating by centuries the arrival of Europeans in America. Like many native communities, the area's Mohawk villages followed a cycle of growth, decline, and abandonment while never completely leaving the rich waters of the St. Lawrence. Akwesasne's written history, however, begins about the year 1760 when a French Jesuit established a Catholic mission on the peninsula separating the St. Lawrence and St. Regis rivers.



The Akwesasne community was composed mainly of Mohawks with a few families of Algonquins, Onondagas, and Oneidas. During the American Revolution the settlement was a refuge for Mohawks driven from their central New York homes by rebel forces. Its strategic location at a particularly narrow part of the St. Lawrence also attracted military attention. The British manned a garrison in the village of St. Regis while the Americans sent Mohawk-speaking agents there to agitate the population into a pro-rebel stance. The Akwesasne Mohawks, in keeping with its avowed intent, generally remained neutral.

The Americans exceeded expectations by securing their independence from Great Britain. However, the nation as a whole and the states in particular were faced with massive war debts. New York sought quick money by assuming title to Iroquois lands and then selling those lands to individual speculators or corporations. The state often disregarded federal law by not seeking to have the title extinguished first. Mohawk territory in the northern part of the state was held up for sale with the eventual buyer being Alexander Macomb who secured 6,000,000 acres. The state exempted six square miles for use by the Indians at Akwesasne but retained title to itself.

The community sent delegates to inquire as to the taking of Mohawk land by the state. These delegates instead signed the infamous Treaty of Seven Nations in 1796. The surrendered Seven nation claims to all land within the state but for six square miles between the Racquette and Salmon rivers plus a small tract at Massena Springs and meadow land along the banks of the Grasse river. The Seven Nations was not a political body but simply seven Christian Indian villages along the St. Lawrence. Lacking a nation, or even tribal status it



NOTE: Baxter Island was renamed Upper Long Sault Island and was located west of Barnhart... It was renamed again, to be known as Croil Island. With the construction of the St. Lawrence Seaway, Baxter-Croil, Long Sault and Shiech's Islands were flooded with but small remnants left today as part of the St. Lawrence Seaway Park system.

would have been impossible for Christian villages to sign a treaty with a sovereign power since they had no title to the land. The Mohawk nation held sovereignty to Akwesasne, with its government retaining its seat at that time within the Six Nations Confederacy.

The state sold Macomb dubious title including the Islands in the St. Lawrence. The Treaty of Paris ended the war and set the boundary between Britain and the U.S. at the 45th parallel with the border then proceeding south-west in the middle of the St. Lawrence. There was dispute as to where exactly the middle of the river was. The British assumed it was in the center of the channel of the river that flowed south of Barnhart Island. That being so, the island was included within the borders of the British-Canadian side of the reservation since the 45th parallel also cut Akwesasne in half.

Barnhart and its sister island Baxter were leased by the "Canadian" Mohawks to farmers named George Barnhart and Asa Baxter. Barnhart's lease was originally drawn in 1795 for 999 years at \$30 per annum. The lease was renegotiated twice, in 1806 and 1817, rising to \$60 and finally to an annual rent of \$150 for 99 years only. Barnhart and the other subsequent settlers were also taxed by the British colonial government.

The Americans were not satisfied with the border. Macomb had sold his interests in the area to Daniel MacCormick with the stipulation that his purchase included the St. Lawrence islands. MacCormick interpreted this to mean the inclusion of Barnhart and Baxter islands. This discovery that in fact those islands were outside of the U.S. did not deter him from petitioning the state legislature in 1806 and again in 1814 to have the border redrawn. Failing this, he sold his interests in the islands to David Ogden in 1817.

Ogden was a man with connections. His family invested in vast tracts of Iroquois land, making a fortune by virtue of their ability to find the right Iroquois to put their mark on a 'treaty' and having the document endorsed by both state and federal governments. Indeed, Abraham Ogden was the federal commissioner present at the signing of the Seven Nations treaty.

The War of 1812 made clear to both British and Americans the need for a definitive border. Ogden secured Barnhart and Baxter Islands when the commission appointed to redraw the border placed the line north of Barnhart. The commission traded Barnhart and Baxter for an island near Gananoque, Ontario. The new border was agreed upon in 1822. The next year Ogden evicted all farmers from both islands. He then sold Barnhart for \$11,434.75.

The Mohawk community was not pleased at losing a substantial part of its shrinking land base and a major source of revenue. They petitioned the state for the return of the islands. The argument was that since the islands were not included in the 1796 treaty nor referred to in any way and that the Treaty of Ghent ending the War of 1812 had a special

provision for the preservation of Indian rights, the islands should either be returned or that compensation be paid for their loss. An 1851 report by the state Land Commissioner agreed, as did the state Committee on Indian Affairs in 1856. The Committee fixed damages at \$5,960 which was the 33 year loss of rents plus interest. The legislative authorized payment with distribution to the 'Canadian' side through the British Indian agent Southerland Colquhoun and for the 'American' side by one William Dart.

The construction of the St. Lawrence Seaway in the 1950's meant a great increase in Barnhart Island's value. Ultimately, the island would have a state park, including a camp and beach, two ship locks, a hydro electric dam and high voltage power lines. The location of these facilities meant the flow of million of dollars into the area as industry arrived to take advantage of the cheap labor, power and transportation.

The 'American' side of the Akwesasne sought the return of Barnhart island by filing suit in state court in 1958. The tribal council attorneys William Quimby and Arthur Hart argued that the Indian title was



Photostat by New York State Library