

Invitation of the New York Indians and
Communication of the New York Indians

To the Honorable General E. Root and ----- H.J. Commings

Green Bay Aug. 21st 1830

The chiefs of the New York Indians to the Honorable the commissioners of the President of the United States, now at Green Bay.

Respectfully make known - That they are happy to hear of the -----, On which the Honorable commissioners have come to congratulate them on their safe arrival.

The chiefs of the New York Indians hereby acknowledge the official notification of the commissioners calling them to a united council to be composed of the Honorable Commissioners the Winnebagoes, The Menominees, and the New York Indians for the purpose of settling certain questions known to be at issue between the New York Indians and the other tribes above named which council the commissioners have appointed to be opened on Tuesday the 24th Inst. at or near Green Bay.

The chiefs of the New York Indians beg have to make the following preliminary requests:

First: That the place of holding the council may be without the settlement of Green Bay

Second: That now but the parties concerned and the Honorable the commissioners may be admitted to witness the deliberations of the council

Third: That the doings of the council shall be sacredly kept from all persons without until the deliberations are concluded

The Honorable commissioners will be able to appreciate the motives of these requests when they are informed that the chiefs are fully certified of the interested and meddling interference of the white citizens of Green Bay in the affairs of the Indians; and moreover, that the chiefs have was or to be fully convinced, that little or nothing can be effected in the contemplated negotiations of this council towards the adjustment of existing differences, and for the attainment of the objects of this commission, unless the influence of the white citizens of Green Bay can be entirely excluded.

Confiding in the Justice of the Honorable commissioners, and in their earnest desire to fulfill the purposes of their commission, the chiefs of the New York Indians, flatter themselves that the commissioners will see and feel the reasonableness of these requests and that they, the measures for the sessions and deliberations of the contemplated council to be held in strict and rigid conclave, until they are concluded - so that those without cannot be made acquainted with what is passing within.

Most respectfully submitted.

John T. Mason
Erastus Root
James McCall

Neddy Archiquette
Mr. W. Quinney
A. Miller

Daniel Bread
John Anthony
Henry Powlis

The Chiefs of the New York Indians to the Honorable commissioners, beg leave to reply to the communication of Judge Doty, of the 1st Inst. On behalf of the Menominee and Winnebago Nations:

first: as to the assertion that the declaration of the Honorable Commissioners and of the New York Indians of a sale for land and payment there for, as negotiated between the parties now at issue: "is false". Whatever might have been the intention of the Commissioners in assuming this ground the New York Indians rest is solely upon the terms of the Treaties and the receipts passed in acknowledgment of the considerations, which they have supposed sufficient, at least to justify the calling of the transactions "a sale" etc. Whether the sale was fair seemed to be the question at issue, and it was hardly to be expected in common courtesy, that giving these transactions there own legal and proper denomination w/out assuming the question of their equity would subject the commissioners, or the New York Indians to do harsh a charge as that of falsehood. To support this charge reference is made "to the testimony recorded in the journal of the commissioners" of 1827. It is not in our power to quote that Journal.

The utmost possible, however, it can be supposed to prove, could not annihilate the fact, but only affect the character of the sale in equity. And we have before to the same transactions in proof of the equity of the purchase. The notes, preserved by us; of the testimony offered to, and also by a disinterested person, who happened to be present of the Treaty of 1827, which notes we presume cannot differ essentially from the official documents of the commissioners - go to establish all that is essential to our purpose especially when the characters and relations of that testimony are understood and appreciated.

Since the learned council, opposed to us had accused us of falsehood, we suppose it fair to refer to a document presented and read by himself in 1827 as part of the testimony which he now refers to and which document is said to have been formed by himself, himself a witness to its veracity. This document is a memorial of certain Menominee chiefs to the President of the United States dated June 16th 1824. And it asserts - "not one of whom (the Chiefs signing this memorial) was present at that Treaty;" that is, the Treaty of 1822. Whereas one of these Chiefs - viz. Say-kee-took signed that Treaty. Now, we allow, this might have been a mistake. But it was a very strange and very unnecessary one.

Another of the same Chiefs viz. Kets-kani-no-nien, signed the Treaty of 1821.

This document, got up in 1824, as a memorial to the President, under all its advantages and pains, may, we suppose, fairly be considered; as embodying the substance of the testimony referred to only seven of all the Menominee Chiefs, it seems, could be persuaded to subscribe it - two of whom were subscribers to the Treaties of 1821 + 1822 - (one to the former and one to the latter); another of the seven Oush-Kosh, was a mere boy at the time of those Treaties. And besides, when these very Chiefs came to be informed of the true nature and intent of that memorial, they sent word to Detroit to have it arrested and at their instance it was arrested, but after a year or two forwarded without their consent.

It is singular, indeed, that because certain men have been created Chiefs and made principal, since 1821 and 1822 and consequently could not have been the highest authorities in those Treaties. It should then be asserted that none of the Chiefs and principal men were concerned in those negotiations. The New York Indians are willing to abide by the proofs in the case, when adduced. It is not their design here to go into the argument. They have only to request, that the confidence of assertion may not be taken for evidence.

As the moral and confidential considerations, involved in the negotiations of 1821 and 1822 have been necessarily drawn out in this controversy, it is due to the New York Indians in the present state of the argument and especially to meet the animadversions of the communication now under review on the price per acre paid by us for a territory 140 miles by 75 - to make some remarks.

The additional territory desired and asked for by us in 1822, including what was negotiated in 1821, embraced precisely, or nearly the same with that which was comprehended in our first overture to the Honorable Commissioners, covering a country about 45 miles by 26. At the voluntary instance of the Menominees themselves, and for the moral and confidential considerations already referred to, we accepted the larger territory in trust, to be tenanted and used in common. We did not desire it. We have never asserted a purchase of this wide territory, except confidentially, and for the sacred considerations shielded. Had we been limited to our own request, we should have taken the land only on the terms of the first Treaty, independent of the right of tenancy in common. And we ourselves have become embarrassed in our claims, for the sake of doing a favor to our brethren the Menominees. Considering, therefor, the actual limits supposed to be involved in the purchase. Considering the time when the negotiations were held, and the value them attached to these lands, there is no evidence, that the price stipulated and discharged by us, was not one between these parties. And if the value of this territory has since risen in a supposititious market, it is altogether unfair to turn upon us, and say we have over reached the Menominees. Why not bring the same charge against the United States for the many wide territories they have acquired of Indians Nations for even smaller considerations, and which have since become highly valuable. Ten miles square - or a hundred square miles on Connecticut River in Massachusetts taking Northampton for a centre - was once sold by Indians to the white's for 20 shillings sterling and has been gravely defended by moralists as a fair bargain - the full value of the land at the time. And are we to be ejected from our purchase at this time by a showing that this land is now worth more than what we gave for it.

As to the insidious remarks of the learned counsel respecting our better dress and manners and the superiorities of our condition in sundry respects - our coming - learning, etc., we do not think it becoming to make a grave reply. The arguments of our cause lies in its own merits, in naked facts, and on these we are willing to rest it before the Commissioners, before our Father the President, before the nation and before the world.

By order of the Chiefs of the New York Indians

Green Bay, Sept. 1830.

P. N. H. Augustine

N.B. The statement made by Judge Doty of \$3950 paid by the New York Indians for their land, should have been \$5000.