

To: General, Erastus Root, James McCall, J.T.
Mason
From: H.Eaton

Department of War
June 9th, 1830

Gentlemen,

The 2nd Article of a Treaty made and concluded at the Buttes des Morts on Fox River, in the Territory of Michigan, between Lewis Cass and Thomas L. McKenny, commissioners on the part of the United States, and the Chippewa and Menominee and Winnebago Tribes Of Indians, provides, that a reference of difficulty as set forth in said Article between the Menominee and Winnebago and the New York Indians, shall be referred to the President of the United States, who's decision in regard to it shall be final. The difficulty referred to, consists in disputes between the parties named respecting the alleged purchase and sale of lands in the years, 1821 and 1822. The New York Indians claims to have bonafide purchases, and the Menominees and Winnebagoes deny it alleging their intention to have been, only to grant permission to their Brothers in New York to sit down among them. The Menominees and Winnebagoes in the 2nd Article of the Treaty aforesaid having given the right to the President to decide upon this controversy, and the right also to establish such boundaries between them and the New York Indians, a she may consider equitable and just; and the President esteeming it proper to waive any decision upon the question of the validity of those compacts of 1821 and 1822, has determined to acuminated the New York Indians, under the privilege given to him to do so, by locating a country, and establishing such boundaries between the parties as may be equitable and just. That you may know the country purported to have been bought in 1821 and 1822, I inclose herewith extracts from the articles of agreement made at those period, which define the alleged cessions.

The controversy hitherto existing between those Indians, as to what was or what was not purchased and add in 1821 and 1822. Maybe assured as settled in the Treaty aforesaid, and in the authority vested in the President by the Menominees and Winnebagoes, to act as empire in establishing boundaries between them.

With a view to the execution of the trust refeered to him, in the 2nd Article of the Treaty aforesaid, the President of the United States hereby appoints you joint commissioner, to repair to Green Bay and select a suitable country within the limits of that claimed and owned by the Menominees and Winnebago Indians, and establish the boundaries of the same for the accommodation of the New York Indians. On your making the selection, and making to this Department your report with a map, or drawing of the county which you may select, the President will approve or disapprove, a sin his judgement he may esteem proper. If he approve, the limits that may be defined by you will be and remain the country, the right of and title to which will be in the New York Indians and their posterity and upon which they will be protected by the laws made, or which may be made, establishing intercourse with the Tribe and for perusing peace on the frontiers.

Two principal objects will present themselves to you and these will keep steadily in view.

First, the providing a country and a house for the New York Indians that shall be acceptable to them, in extent and soil and wood and water -Second- In consulting the views and feelings and condition of the Menominees and Winnebagoes, who have generously given the permission to do so. It will be important that

you harmonize these interests. It is not possible to direct you where to fix. The boundaries, or what location to make, or what quantities of land to assign.

In regard to quantity however it may be proper to remark justice to the Winnebago and Menominees and utility to the New York Indians, requires that no more be taken from the first and given to the last, then will subdue the interests and promote the comfort and prosperity of the last Indian Tribe in a hunter state (and this is the State of Winnebagoes and Menominees Require large tracts of country: while Tribes who's conditions is essentially agricultural, (and this is the condition of the New York Indians,) require a less extensive domain indeed to transfer them from fixed, and reasonable agricultural limits, to boundless forests, or extensive range, is at once to reconvert them from agriculturalists, to hunters; and to undo all that instruction and necessity combined, have accomplished, to lift them from the hunter to the agricultural state. It will be imported, therefore, in fixing on the quantity of land for the possession, and ownership of the New York Indians, to have an eye to this two-fold principle of doing no injury to the hunters by trenching too extensively upon their domain, and of benefitting the agricultural party.

The Indians in the State of New York number, it is believed, at this time, about 2420; and they claim about 131,640 acres of lands, which is a little over 54 acres to each individual. This view is not given to govern you in limiting the New York Indians to a like quantity at Green Bay for it would be proper, doubtless, to allow them a quantity fully adequate to all the demands which, as an agricultural people they ought to possess. But it would be proper in deciding upon the quantity, to guard against leading them by an over quantity, to give up their present state of improvement, and return again to the roaming and the hunter state. This is particularly to be guarded against. You can judge of the location, and boundaries, only, on a Survey of the Country; and on ascertaining the views, of the parties interested in the subject. It is however of the highest importance that both parties should acquiesce, so far as that may be possible, in the boundaries that may be established between them.

You are referred for the topography of the County, to the Maps of the Michigan Territory; and for local information to such sources as may be developed on your arrival at Green Bay, in your intercourse with those who may have the local information to impart.

I enclose herewith a copy of the Treaty above referred to, which contains the object of the trust, the execution of which is referred to you.

Your compensation will be at the rate of Eight Dollars, for every twenty miles of travel from and to your respective homes, the distance to be determined by the Secretary of War; and Eight Dollars, for every day, you may be engaged in the discharge of the duties of this Commission, after your arrival at the seat of your operations, and this will be in full for your services. You will be allowed a Secretary whose compensation will be at the rate of five dollars, a day, for every twenty miles travel; and five dollars a day while engaged at the seat of your operations.

The amount appropriated to carry this object into effect is five thousand dollars. This sum is in no case to be exceeded. The balance, after paying your accounts, and your Secretary's, and an Interpreter, and a Surveyor, and Chain carrier, should you find it necessary or expedient to employ them, you will distribute in useful goods equally among the Menominee and Winnebago Indians.

It is probable that a few of the Chiefs of both Tribes, and also a few of those of the New York bands may desire to attend you in your examinations. If so, you will allow to each, not exceeding five, from the Menominee and Winnebago Tribes; and three from the New York Indians, now located at Green Bay, one dollar and fifty cents, a-day, to furnish them with supplies etc. This will also form part of the cost, and be a charge against the appropriation of the \$5,000, aforesaid.

You will in making up your returns, state your accounts so as to shew the number of miles traveled, and the number of days, you were engaged in the execution of the trust, and accompany them with the original bills of purchases of such goods as you may distribute, and add to the accounts your certificate.

The amounts of the appropriation will be placed to your credit in the Branch Bank in New York, subject to your joint or separate orders, as Commissioners.

I have already called your attention to the great object of reconciling the Tribes concerned in the lands you are entrusted to set apart for the accommodation of the New York Indians. Your attention is again called to that subject. The great object to be attained in this business is harmony. It would not be sound policy to introduce a new and strange tribe near to the Winnebagoes and Menominees if anything of heart burning shall be permitted to exist. Strife would be the consequence, and the New York Indians would become so dissatisfied as to be deterred from a removal. It is a matter of the first importance therefore; in regulating the quantity of land to be given them, and particularly in it's location, that you so arrange matters as to preserve good and kind feelings amongst all the parties. The New York Indians are a weak and feeble tribe, peaceably disposed, and incapable to contend in war with the powerful tribes on the Lakes. It would be cruelty in the Government to send them to a new home, where they would be under any feelings of dissatisfaction, and be subjected to danger. Hence, before the President can give his sanction to any arrangement to be made by you, he will require to be fully satisfied, that the important consideration here suggested, are certainly obtained; and to effect these, care and caution must be regarded.

Very Respectfully,
Gentlemen,
Your Obt. Servt.
In H. Eaton

To General,
Erastus Root,
James McCall, Esqr.
J.T. Mason, Esqr. (of Kentucky)
Commissioners Etc.