

**Instructions from the War Department,**

To    Genl. Erastus Root    |  
      James McCall        | - Commissioners  
      J. T. Mason          |

**Department of War,**

9<sup>th</sup> June, 1830

Gentlemen,

The 2<sup>nd</sup> Article of a Treaty made and concluded at the Butte 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 a 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, whose 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 claim to have made bona fide 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 2<sup>nd</sup> 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, as he 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 accommodate 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 enclose herewith extracts from the articles of agreement made at those periods, which define the alleged cessions. The controversy hitherto existing between those Indians, as to what was, or what was not purchased and sold in 1821 and 1822, may be assumed as settled in the Treaty aforesaid, and in the authority vested in the President by the Menominees and Winnebagoes, to act as umpire in establishing boundaries between them.

With a view to the execution of the trust referred to him, in the 2<sup>nd</sup> Article of the Treaty aforesaid, the President of the United States hereby appoints you joint commissioners, to repair to Green Bay and select a suitable country within the limits of that claimed and owned by the Menominee 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 country which you may select, the President will approve or disapprove, as in 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 Indian Tribes, and for preserving peace on the frontiers.

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

First, the providing a Country, and a home for the New York Indians that shall be acceptable to them, in extent, and soil, and wood and water Etc.

Second, in consulting the views and feelings and condition of the Menominces 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 that Justice to the Winnebagoes and Menominces, and ultimately to the New York Indian, requires that no more be taken from the first, and given to the last, than will subserve the interests, and promote the comfort and prosperity of the last; Indian Tribes in a hunter state, (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 ranges, 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 important, 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 roving 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 etc., 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 Country, 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 respectable 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 and, should you find it necessary or expedient to employ them, you will distribute in useful goods equally among the Menomince 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 etc. 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 favor 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 show 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 of their correctness.

The amount of the appropriation will be placed to your credit in the Branch Bank in New York.

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 any thing 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 its 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 agreement to be made by you, he will require to be fully satisfied, that the important considerations here suggested, are certainly obtained; and to effect these, care and caution must be regarded.

Very Respectfully  
Gentlemen  
Your obedient Servant  
Gn. H. Eaton

To General

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

## Memos To and From the New York Indians in the 1830's

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1. 1772 - World Turned Upside Down  
 - Speech of Onida Headmen to Kirkland and Whelock 1772  
 - Speech of Onondaga Council - 1772 - About dealing with the British and the Americans  
 - Onidas Declare Neutrality  
 - Onida Speech to Governor Trumbull - 1775 - About Neutrality
2. May 10, 1819 - Onida Request how their Annuities be Paid
3. January 26, 1821 - Onida Request to use of Funds for the Church
4. June 1, 1821 - Onida Acknowledge Receipt of Annuities
5. April 1821 - Support Letter for Eleazar Williams
6. December 4, 1829 - New York Indians complain to Congress about Americans and French Men Causing Trouble between them and the Menominee and Winnebagoes
7. June 1, 1830 - Detroit Party Acknowledge Receipt of \$60.00
8. June 9, 1830 - Eaton - War Department Sends - Commissioners - Root, McCall and Mason.  
 To Green Bay to bring back Recommendation to the President to solve the difference between the New York Indians and Menominee's.
9. August 21, 1830 - New York Indians Acknowledge the Commissioners calling them to a Council an they send back Recommendations.
10. August 25, 1830 - New York Indians State the Inferences of Green Bay Citizens
11. September 1830 - New York Indians Reply to Judge Doty's Statements against the New York Indians
12. January 20, 1831 - New York Indians explain their position on the Meets and Bounds of the Wisconsin Land
13. Three maps the Cession for the New York Indians
14. April 13, 1831 - New York Indians explain to the New York Governor the problems they face in Wisconsin and ask for his help.
15. August 13, 1836 - Statements by the New York Indians Against the Commissioners proposal to move West.
16. October 2, 1837 - Menominee's ask for land for Robert Grignon
17. February 5, 1838 - Onidas leave Rev. Johnson Davis in Washington De. C. to finish their affairs.
18. February 7, 1838 - Onidas asking for ratification of Schceemhorn Treaty of September 1836
19. March 10, 1838 - Col. Geo. Boyd asking for approval of giving Provisions to starving Onidas. These provisions taken from purchased for Menominee's
20. March 12, 1838 - Geo. Boyd complaining about a letter not delivered by a half-breed.
21. March 18, 1839 - Part of the New York Onidas want to move to Missouri.

To the President of the A.S.C.

Sir,

Green Bay  
Wisconsin Wis.  
Sept. 15, 1830.

Aware of the interest which

you take in all measures affecting the rights and

condition of the Indians, and as you did see the

Honors' Committee to make those of the Indians

of this country a subject of consideration with you,

I take the liberty to enclose for your perusal,

the copy of a charge delivered by me to the Senate

of this State in the month of June last. It

will not be deemed singular, I hope for me to offer

such a thing since that my substance may meet

with some expressions.

I trust the honor to be done,

Respectfully

Approved and Verified

J. D. D. D.

540 1830

Wm. Mason, Esq.

Dear Sir,

Yours Very Truly  
Wm. Mason

See complete as on the page

rather, as expressed in conversation today, I subscribe  
for your connection my views in relation to a serious  
practical reform in the Indian Department.

The writer has some the ultimate result of  
the bill as all, <sup>as it is</sup> exemplified by the Indian Statutes.  
These laws then are a legitimate fruit of the  
action of the Indian States; as viewed to us there  
is no doubt the bill has been perfect.

The Commissioner of Public Lands should  
therefore, I would suggest, be charged with the  
management of the estate, and of all matters  
immediately connected with it.

The general direction of Indian Affairs,  
and more particularly the management of the  
Indian lands from some part of the country to  
another, should be given to the system.

There is no necessary connection between  
the duties of the Secretary of War and the  
management of Indian Affairs - between the  
Army and the Indians. The military

and

promising her collect upon by the civil service,  
 to rise in the execution of the Revenue being in  
 public calls, and in recovery independent part  
 on public grants. In the measure it should  
 be employed, when required in the exercise of  
 the ordinary jurisdiction of the District of the  
 State of Indiana. It is true of more or less  
 the exercise a dependent character; and those  
 have since the arrangement against us commonly  
 to be given in foreign nations; for in  
 as the are granted, they submit again to the  
 same government of the District, and all will  
 stay jurisdiction is withdrawn.

In my view that the duties of the  
 Justice of Peace are to conduct the business  
 assigned to him so important that the  
 may be done for the change - While duties  
 are not taken from him where our relations  
 with the business more nearly intelligent.  
 These duties have for years amounted to  
 a very small number of them, and the  
 business more important is better than  
 usually is -

of the President's desire to give the opinion that he  
was not entitled to the role of an act of Congress, since the  
President of the United States, the President of the  
Executive branch, was not a member of the Executive  
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General Perry  
Sept. 16. 1830

Dear Sir

I have the honor to be  
informed that the  
Commissioner of Public  
Works, I must suppose, he  
has not yet received  
the report of the  
Committee of Public  
Works, & consequently  
cannot yet have  
been able to report  
thereon to the  
Legislature. I  
trust, however,  
that the report  
will be made  
very soon, and  
that the  
Legislature will  
be able to  
take prompt  
action thereon.  
I am, Sir,  
very respectfully,  
Your obedient  
servant,  
John C. Calhoun

01830

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Chippewa & New York

Instructions

from the New York

at home

To

Paul Brooks

James A. Wood

J. T. Wilson

Commissioner

1850

Department of War  
9<sup>th</sup> June 1835

Gentlemen

The 2<sup>nd</sup> Article of a Treaty (made and concluded at the Pottowauton and Monticau Fox River, in the Territory of Michigan, between Lewis Wolf and Thomas L. McKenny, Commissioners on the part of the United States, and the Chippewa and Menomonic and Winnebago Tribes of Indians, provides that a reference of a difficulty as set forth in said article, between the Menomonic and Winnebago and the New York Indians, shall be referred to the President of the United States, whose decision in regard to it shall be final. This 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 claim to have made bona fide purchases, and the Menomonies and Winnebagos deny it, alleging their intention to have been, only, to grant permission to their Brothers in New York to sit down among them. The Menomonies and Winnebagos in the 2<sup>nd</sup> 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, as he may consider equitable and Just; and the President esteeming it proper to leave any decision upon the question of the Validity of these Compacts of 1821 and 1822, has determined to accommodate the New York Indians, under the privilege given to him to do so, by locating a boundary, and establishing such boundaries between the parties as may be equitable and Just. That you must know the boundary purchased to have

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That you may know the Country purported to have  
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extracts from the articles of agreement made at those periods, which define the alleged injuries. The Controversy hitherto existing between those Indians, as to what lands, or what was not purchased and sold in 1821 and 1822, may be assumed as settled in the Treaty aforesaid, and in the authority vested in the President by the Menomonic and Minnebagos, to act as umpire - in establishing boundaries between them.

With a view to the execution of the trust referred to him, in the 2<sup>d</sup> article of the Treaty aforesaid, the President of the United States hereby appoints you Joint Commissioners, to repair to Green Bay and select a suitable country within the limits of that Claim and owned by the Menomonic and Minnebago-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 country which you may select, the President will approve or disapprove, as in his Judgment 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 Indian Tribes, and for preserving peace on the frontiers.

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

First, the providing a country, and a home for the New York Indians that shall be acceptable to them,

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You are referred for the topography of the Country, 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 a chain carrier, should you find it necessary or expedient to employ them will distribute to the several parties and all

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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 Menomonic 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. This will also form part of the cost, and be a charge against the appropriation of the \$5000 aforesaid.

You will in making up your returns, state your accounts so as to show the number of miles travelled, 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 this accounts your certificate of their correctness.

The amount of the appropriation will be placed to your credit in the Branch Bank in New York.

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 Winnebago and Menomonic if any thing of heart buring 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.

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quire to be fully satisfied, that the important consid-  
-erations here suggested, are certainly obtained; and to  
effect these, care and caution must be regarded.

Very Respectfully

Gentlemen

Wm. W. Eaton

In St. Louis

To General

Erastus Root

James M. Ball Esq.

J. T. Masow Esq. (of Kentucky)

Commissioners &c.