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## **Ratified treaty no. 161, Documents relating to the negotiation of the treaty of February 8, 1831, with the Menominee Indians. February 8, 1831**

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**RATIFIED TREATY NO. 161**

**DOCUMENTS RELATING TO THE NEGOTIATION OF THE  
TREATY OF FEBRUARY 8, 1831, WITH THE MENOMINEE INDIANS**

Henry [unclear] Bay  
Col. J. C. [unclear]

Com. [unclear] & treats  
with Indians

[Treaties, 2/8/31] 1831

2-8, 17-31

Washington City

July 1<sup>st</sup> 1831-

To Genl. A. Eaton

Secretary of War &

J. C. Hornbush agent at Green Bay

You are specially authorized & directed, to enter into some amicable arrangement with the Menomonic tribe of Indians now at the City of Washington for a settlement of their dispute with the Ojibwa Indians, & to obtain for them such cession of Country as may appear just & reasonable and also such portions of the Country as they may be disposed to cede to the United States given under my hands

Andrew Jackson

Letter,

J. H. Starnberg, A. S. Agent.

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Concerning Menominee Treaty,

Aug. 4. 1831.

Indian Agency,

Green Bay, Aug. 14<sup>th</sup> 1831.

To the Secretary of War.

Sir,

Having discharged the duties assigned me by that part of your Instructions of the 21<sup>st</sup> of April last, which requires me to make known to the Menominee Indians "that the Treaty recently made with their people, though not acted upon by the Senate at their last Session, will no doubt be considered by them when they next meet." - And requests that I should "endeavor to suppress all disagreements and unkind feelings arising upon this subject, and awaken them to a disposition of living in amity with the United States, and resting satisfied and contented until the wants they have signified in the concluded Treaty, can be heard, understood and acted upon:" - And that part, also, which requires me to distribute certain Presents among the Menominee Indians, "in such a way as would be most acceptable to them, and best calculated to effect the object of the additional agreement entered into on the Mon-

ing of their departure from this city," I have the honor of communicating the manner in which I have performed those duties, with the success attending it, for your consideration.

In obedience to my instructions I met the Menomonic Chiefs, in council, on the 18<sup>th</sup> ultimo; the proceedings of which, I herewith transmit to you. It was the largest assemblage of Indians ever known within this Agency; and comprised every Chief of the Menomonic Nation, with one exception. This Chief, being far in the interior of their hunting country when he received notice of the council, could not arrive in time to be present; but upon his arrival a few days afterwards, he gave his full sanction to the acts of the other Chiefs, as you will perceive by his "acceptance" enclosed, marked B.

Aware of the responsibility of the position I occupied - deeply impressed with the importance of the objects to be accomplished - and anxious to effect a final adjustment of the unfortunate and perplexing difficulty so long existing between these Tribes, I de-

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terminated to have a full understanding on the subject, with the Menomines. I accordingly took great pains to have all the Chiefs and principal Warriors of the Nation, present; and, also, the officers of the garrison at this Post and the principal Inhabitants, to witness the Proceedings, and give them a more solemn & imposing appearance. I endeavored, and I believe successfully, to place before the Menomines their true condition - explained to them the character of their dispute with the New York Indians - the wishes of the President on that subject, and the nature and object of their Treaty arrangement with the Government. Firm in the belief, <sup>that</sup> all deception, or even obscurity or equivocation, should be carefully avoided in the transaction of business with Indian Tribes, I left nothing unexplained which occurred to me as being connected with the subject before us; and made no promises that I did not believe would be fulfilled to the very letter. The accompanying Report of the Proceedings in Council, with the annexed papers marked A. & B. will, however, shew the manner in which



The trust confided to me has been executed; and will exhibit to you the Menomines' acceptance of the Treaty made with the United States, in a form which makes it binding and obligatory upon their Tribe.

You will perceive, upon perusal of this Report, that I made minute and strict enquiry upon every matter which I supposed might furnish an impediment to the confirmation of the Treaty, for the purpose of obtaining correct information to lay before the Senate. The correct geographical knowledge of their Country, manifested by the Chiefs, with their remarks concerning the charge, that they had "encroached upon the lands of the Potawatimies," have led to subsequent enquiries, and can be more appropriately commented upon in another report concerning the locality and advantages of the Country, which I am required to make to the Department of War. I will, therefore, confine this communication exclusively to the proceedings had in Council, predicated upon the controversy with the Waubesaes or New York Indians. The feeling evinced by the Menomine

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Chiefs on the subject of the provision made for these Tribes, convinced me that their acquiescence in this arrangement was entirely the effect of a belief that the President so willed it, and that their dispute would now be put forever to rest.

That this question would have been settled long since, I have no doubt, had the government possessed correct information on the subject. It has now existed for more than ten years - has assumed a complicated and important form - and has become a serious and expensive burden to government. Yet I consider it a very plain case; and I believe the Treaty, if ratified, will have secured its adjustment, upon sound principles of Law, of Justice and of common sense. As one of the Commissioners who negotiated that Treaty, I claim the right of offering my opinion on the subject, founded upon facts and circumstances which have come under my observation.

In entering upon an examination of the merits of this question, I declare myself divested of all party or personal feeling. I have no bias for or against either of the Tribes concerned. I have no

interests at stake other than that produced by a desire to sustain the reputation of an honest and faithful public servant. The government has large interests at stake, which have already severely suffered from the effects of this prolonged controversy; and believing that the future preservation of those interests depends upon a speedy settlement, I have determined to present all the proofs and allegations adduced by the New York Indians, with the simple but earnest response of the Menomines, before the government, for its consideration and final decision.

The friends of the New York Indians have presented a long "Appeal," in support of their rights of those Tribes, for the consideration of the President and Senate of the United States. They have dated their determination to remove from the State of New York as early as 1810. The evidence they have produced then goes to shew that their "wants and wishes" were expressed to President Madison, in 1815, through their friends Genl. Porter, Mr. Granger and Capt. Parish, of the State of New York, which solicited

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permission to remove "into the neighborhood of their  
western brethren." This appeal elicited a reply, signed  
by Mr. Crawford, as Secretary of War, dated Feb: 12, 1816, grant-  
ing their request. By virtue of this permission various  
attempts were made to effect a purchase of lands, in the  
"neighborhood of Lake Erie, and on White River in Indiana;  
but the "wicked whites," in the language of their Writers,  
always interfered, and "their attempts were unsuccessful."  
Determined, however, in their purpose of "locating a  
country for themselves," they continued their applica-  
tions to the government, till 1820, when Eleazer Williams,  
a half breed of the St. Regis Tribe, then residing among  
the Oneidas as a Missionary, took the matter into his  
keeping. He proceeded to Washington in the winter  
of that year, and succeeded in obtaining authority  
for a Delegation from the "Six Nations" to proceed  
to Green Bay, for the purpose of "selecting and purchas-  
ing a country." "This enterprise," says the writer  
of their "Appeal," "was cordially approved of by the then  
President Monroe," as he proves by exhibiting a  
letter from Mr. Calhoun, Secretary of War, dated

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February 9, 1820, which purports to be a reply to a petition from Mr. Williams, and which "allows \$300, a blanket for each of the exploring party, powder and lead, Morse's Geography and Gazetteer, and rations necessary for their support, to be drawn at the various military posts on the route. Another letter is exhibited, of the same date with the above, from Mr. Calhoun to Gov. Cass & Genl. McComb, making known the objects of the exploring party, and "recommending it to their assistance while travelling through the Indian country." As additional links in their chain of evidence, three others letters, or orders, from Mr. Calhoun, are published by the advocates of the New York Indians: One is dated June 24<sup>th</sup> 1821, which appears from its face to be a reply to another application from Mr. Williams, and assures that gentleman "that instructions had issued to procure provisions for the party at Detroit, Mackinac and Green Bay:—" The other two bear the same date, June 21<sup>st</sup> 1821— the first recommends "Solomon N. Hendrick & others to the attention of Indian agents, &c. in Michigan Territory:" and the other is an order to the Com-

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Companies at the different Military posts to "issue provisions to Solomon W. Hendricks & his companions."

It appears further from the "testimony" offered by the New York Indians, that after Mr. Williams had supplied himself with the funds of the government and other necessaries in 1820, "the Delegation set out for Green Bay, and had proceeded as far as Detroit, when they were informed that the Tract of Land which was the object of their pursuit, had been already purchased for the United States, from the Menominee Indians, by Col. Boyer," the Indian Agent at Green Bay. The "testimony" then goes to show that the "Delegation immediately retraced their steps, explained to the Secretary of War the causes of their failure, and implored him not to ratify Col. Boyer's purchase!" This petition, it appears was granted; and in the summer of 1821, the Delegation again started for Green Bay, joined by the deputation from the Stockbridge & Munsee Tribes, headed by Solomon W. Hendricks. Mr. Howbridge was instructed to accompany the Delegation to Green Bay and superintend their negotiations. On the 15<sup>th</sup> of August,

(1821)

1821, a purchase was made from some of the Menominee and Winnebago Indians, which is produced in the form of a Treaty. The name of Mr. Howbridge is signed to this Instrument, among the witnesses thus: "Chas. B. Howbridge, agent for the Deputations." The boundary defined by this Treaty embraces a tract of country on both sides of Fox river, extending from the foot of the rapids of the Grand Kaccaulin to the rapids of Winnebago Lake, a distance of eighteen miles, and running back on each side of the river "equidistant with the lands claimed" by the Menominees. The quantity of land contained in this Tract, may be justly estimated at 860,000 acres! for which, the New York Indians prove by their Treaty, they have paid two thousand dollars in Goods!

The arrangement was approved by President Monroe on the 9th of February 1822. This immense body of Land it was supposed would satisfy the "wants and wishes" of the New York Tribes: "But," says the author of their Appeal, "the tract of country thus acquired, was

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found too small for the convenient accommoda-  
tion of all the New York Indians, consisting of  
"Nine Tribes," which are called the "Oneida, Seneca, Man-  
dago, Cayuga, Tuscarora, Stockbridge, Brothertown,  
St. Regis and Munsee Tribes," each of which claim  
according to ancient usages, a separate and distinct  
location." Upon these representations, and the  
complaints of some of the Tribes that their purchase was  
too far from Green Bay, they were again permitted to  
proceed to Green Bay, resume their negotiations and extend  
their former purchase. In support of this movement  
they exhibit the letters, and Instructions of Mr. Calhoun  
and Gov. Casp, containing similar instructions to those  
already referred to. The expenses of this second depu-  
tation were also borne by the government - they were joined  
at Detroit by Mr. Mo. Sergeant, junr: who was instructed to  
superintend the new negotiations by Governor Casp. On  
the arrival of the Deputies at Green Bay, according to  
their Report, a "Council with the Menomines was held,  
and a second Treaty concluded," on the 23<sup>d</sup> of Sep-  
tember, 1822 - before any of the Tribes had settled upon



the land claimed under the arrangement made the year previous.

The boundary which is described in the second Treaty, includes the whole of the Menominee Country East & North of Winnebago Lake - it is about 140 miles in length and 75 in width, containing six millions, seven hundred and twenty thousand acres!! The first signature to this "Treaty" reads thus - "Nit nep, John Sergeant, jun. Agent on the part of the government of the United States." The provisions of this Instrument are only partially approved of by the President, as appears from his "Approval" appended, dated March 13<sup>th</sup> 1823. I omitted to mention that this Treaty, after conveying all the Lands to the Tribes from New York, gives the Menominees the right to occupy them in common with these Tribes: and also, that the consideration given for this cession was three thousand dollars, to be paid in three annual instalments, in goods.

I have now given a concise but accurate history of the manner in which the New York Indians obtained the possession of land in this Country; and have cited all the authority, and introduced all the

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testimony in support of their claims, which they  
now ask the government to sanction. You have  
access to all the letters and papers I have referred  
to and will doubtless examine them. I have  
been guided in my research, by the published  
appeal to the President & Senate of the United  
States, and to the feelings of the community,  
lately circulated by the friends of the New  
York Indians. They have however neglected  
to publish all the "testimony" which has hereto-  
fore been brought forward in support of the  
claims set up by those Tribes. There is a  
"Treaty," so-called, in existence, and I presume  
filed among the archives of the War Department,  
concluded on the 8<sup>th</sup> day of Nov. 1705, between the Six  
Nations, St. Regis, Stockbridge and Muncy  
Tribes of the one part, and the Brothertown  
Tribe of the other part; by which the former  
cede to the latter, a tract of the same country  
which they allege they had just purchased from

14 the Menomines. In this respect the Brothertown Indians appear to have paid, nine hundred and fifty dollars; although this Tribe is expressly named as one of the "nine separate Tribes, who could not be accommodated by the first purchase, from the Menomines."

It was this movement on the part of the New York Indians that first alarmed the Menomines. They had looked upon their strange neighbors as humble petitioners, "praying for a small piece of land for some of their people to rest upon, who they said were crowded out of the State of New York, by the White Man." But they now found out that they had been deceived - that the "Notoways" were not only claiming their Country, "but were selling it, at a speculation, to other Tribes." This sale to the Brothertown Indians, too, was concluded some time after the Menomines had protested against the further settlement of any of the New York Tribes, upon their lands.

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I will now proceed to lay before you the declarations of the Menomines upon this subject, and the testimony by which these declarations are to be supported.

The Menomine Tribe of Indians & their friends deny having sold any of their country to the Waubenochies or New York Indians. They say that the Deputies from these Tribes only asked permission, "to come and sit-down with them, (the Menomines,) - that they would teach them how to cultivate the soil, and live together like brothers." They declare that the principal chiefs of the Menomines were not consulted in the transaction, and that they never agreed to sell a foot of their Land to the Waubenochies. In these declarations the Menomines have acted consistently as you will perceive from the testimony adduced on their part. They are much the weakest party in this controversy, and have apparently been entirely over-reached - uneducated, poor and ignorant.

<sup>16</sup> in business transactions, they were no match for their shrewd brethren from New York; and the few Chiefs who did sign the instruments of writing ceding away their Country, could not have known the contents of what they were signing, or the consequences which would result from it. They had no disinterested friends to appeal to, sufficiently interested in their welfare, to step forward in their defence; and they were entirely left at the mercy of strangers whose business with them was to obtain their lands. The provisions of the Treaty speak plainly on this subject. But, the friends of the Menominees affirm, that the Chiefs of the Nation, whose acts should be considered binding upon it by those acquainted with their National Character, neither signed those Treaties nor approved of their stipulations, in any shape or form. The evidence I have been able to collect elucidating this transaction on the part of the Menominees, I will now lay before you.

In the year 1824, when the wanken-

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settles began to settle upon the Land obtained in the  
country, the Menominee Chiefs were first apprised  
of the character of the purchase made from some of  
their Tribe; and they immediately pronounced it  
a deception, and appealed to the President for pro-  
tection. The first public expression on this subject  
which I have been able to find, is in the form of  
a Memorial, dated June 16<sup>th</sup> 1824, signed by the  
Principal Chiefs of the Menominee Nation, and  
addressed to the President of the United States:—  
Copy of which Memorial, with the affidavits, on  
the same subject, of three citizens of Green Bay,  
I have enclosed, marked C. The original  
is on file in the office of Indian affairs, at  
Washington. The memorial is in plain  
language, and conclusively shows that the material  
party to the compacts of 1821 & '22, was entirely ig-  
norant of their provisions. The affidavits are  
from respectable inhabitants, still residing here,  
who were present at the Council of 1821; these  
affidavits corroborate the statement of the Meno-

minies, and if they can be believed, clearly prove that this Tribe did not intend to sell their Country, and that the Chiefs who signed the Treaty, were ignorant of its contents. These Papers are respectfully recommended to your perusal and consideration.

The next item of Testimony which the Menomines are able to adduce, shewing their early opposition to the settlement of the New York Indians upon their lands, is a Memorial, dated September 21<sup>st</sup> 1824; signed by "James Duane Doty," U. S. District Judge, and a number of other Citizens of Green Bay: A copy of which is enclosed, marked D. The original of this paper is also filed in the office of Indian Affairs. It is in support of what had previously been done by the Menominee Chiefs; and appears to have been elicited by the conduct of the Agent of the New York Tribes, in convening the Menomines and attempting to force the provisions of the Treaties upon them. There are some curious and important facts, connected with the question at issue, disclosed by this Memorial; and

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I take the liberty of recommending it to your attention. Notwithstanding the opposition it exhibits, however, the Manhachies continued slowly to settle upon the land claimed under their Treaties.

In the mean time the Menomines, relying upon the justice of the government of the United States, whose protection they had solicited in this case, through their Great Father, the President, remained quiet on the subject until they appeared before the Council held at Butte des Morts, in Aug: 1827, by Governor Cass and Col. McHenry. The principal object of this Council was to investigate the dispute between the Menomines and New York Indians, and if possible settle the question of boundary between them in a way which would render justice to both parties, and effect the objects of the government in permitting the original negotiations between them. The parties were here arrayed face to face; and Governor Cass, who was perfectly familiar with all the facts connected with their former transactions, so far as the government was concerned, commenced a strict ex-



"amination of the Subject. Throughout the whole of this examination, the Menominee Chiefs adhered firmly to their former declarations, that they "had sold none of their land to the New York Indians." Every inquiry that was made by the Commissioners, was answered promptly, and apparently, with a perfect understanding of the subject. The "Journal of these proceedings," are in the War Department, and are worthy of your examination. I have made copious extracts from it, appertaining to the present investigation, which I enclose as paper, marked E. The first extract I have made, is the reply of the "first chief of the Menominee Nation" to the request of the Commissioners for information, after "Mr. Sean, the Agent for the New York Indians, had submitted the documents in his possession, in support of their claims. These "documents" are the same that I have referred to in another part of this communication. I did not arrive at this Agency until three years after the Treaty of Battle des Morts, and cannot speak of the appearance of things there from personal observation; but from the information I have ob-

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tained from the most authentic sources, I do not  
hesitate to say that <sup>there</sup> was a general expression of dis-  
approbation against the conduct of the New York  
Indians. They refused to listen to the good coun-  
sel of the Commissioners, and permit the settle-  
ment of their difficulty upon principles of law  
and justice, preferring to contest the question  
of their claims with the government, under the  
written contracts which had received its sanction.

The Commissioners, then, disregarding the claims  
they had set up, went on to negotiate with the  
Menomies for a cession to the United States, with-  
in the purchase set forth in their compact of 1822.

This Treaty, like that of Col. Boyer's was opposed  
by Mr. Williams and other Delegates from the New  
York Tribes, who proceeded to Washington in  
the winter of 1827, but with little success.

It was ratified by the Senate, with a pro-  
viso: "that if the President of the United States should  
be of opinion that the boundaries thus established  
interfere with any just claims of the New York  
Indians, the President may then change the said

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boundaries in any manner. He may think proper  
so that the quantity of Land contained in the  
said Tract be not greater than by the bounda-  
ries herein defined." This confirmation, however,  
was suspended until Feb'y 1829, in consequence  
of the exertions and influence of the friends of the  
New York Indians, aided by the excitement ex-  
isting in relation to the "Indian question," which,  
unjustly, was brought to bear upon this occasion.

The President being thus called upon  
for a decision on this question, appointed John  
J. Mason, Esq. Genl. Erasmus Root and James  
McCall, Esq. Commissioners, with instructions to  
proceed to Green Bay, investigate the Controversy  
between the Tribes, and if possible adjust the  
matter satisfactorily to both parties. These  
Commissioners appeared at this place in Aug-  
ust 1830, and on the 24<sup>th</sup> of the same month  
they opened a Council with the Menominee  
Winnebagoes and New York Tribes. The Jour-  
nal of these proceedings, with the Report of the  
Commissioners, are in your possession. I prefer  
recommending the whole of these proceedings

to your examination, to making extracts from the notes in my possession. They present amusing and novel scenes, bordering close upon the ridiculous. The St. Regis, Oneida, Tuscarora, Munsey and Stockbridge Tribes, were represented by Delegates - Mr. Doan, from New York, was present as the Agent of the Brothertown Tribe. The Delegates had various Counsellors with them in Council - among whom was the Rev. Mr. Caulton, a missionary from Massachusetts, I believe, who appeared to take great interest their affairs. - Mr. Beal, of Green Bay, appeared as attorney for the Oneida & Stockbridge Tribes. - Much difficulty was experienced in organizing the Council. The Menomies objected to the Interpreter, on the ground that he did not speak their language, but spoke the Chippeway, which they understood imperfectly. He was the same who interpreted at the Treaty with the N. Y. Indians in 1822! A proposition was made by the Delegates of the New York Tribes to hold a private conference with the Menomies and Winnebagoes, which was rejected by the latter. At

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length, on the 26<sup>th</sup> of August, Charles A. Grignon  
was appointed as Interpreter. The Menominee  
Chiefs then asked for a copy of the President's  
Instructions to the Commissioners; and said,  
"as the New York Indians are men of learning,  
yet they have employed white men to defend  
their case, we think we ought to have a  
man to defend our case." The Winnebagoes made  
a similar request, and Judge Doty was  
appointed Counsel for the Menomines and  
Henry S. Baird, Esq. for the Winnebagoes.

On the fourth day of the Council the  
New York Indians presented a voluminous ad-  
dress, which they proposed <sup>to read</sup> to the Commis-  
sioners, as its contents were intended exclusively  
for their consideration. This paper was an  
elaborate production, filled with commenta-  
ries upon National Law, rights of Indian Tribes,  
policy of government, entirely foreign to the ques-  
tion before the Council. Mr. Augustine, was told  
by the Commissioners, after he had finished reading  
this address, that "the Menomines wanted the  
New York Indians to define their claim - to say

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what they wanted." Mr. Augustine, who was a young  
Onida from the State of New York, said they "had  
now stated their whole claim, and they would  
answer in short tomorrow." Accordingly on  
the next day, Aug: 28, <sup>they</sup> described the following as  
the tract of Country which they would now  
agree to take: "Beginning at the Rapids de Peres and  
extending up Fox river to Winchago Rapids, having a per-  
pendicular width of 27 miles, and running to  
the north west from the river 30 miles, and to the  
S. E. as far as the Menominee Proprietary extend."  
The quantity of Land estimated in this tract, is  
one million two hundred thousand acres! and  
contains all the valuable water power on Fox  
River.

The Menomines were then asked by  
the Commissioners what they had to say to this  
proposition? - "Kausk-kau-nan-nien" or Gizzly  
Bear, was their Chief Speaker, and they protested  
forcibly against the injustice of this request, repeating  
all their former declarations; "that they never intended  
to sell their lands to the Warbonacks." The Com-

Messieurs then repeated to them the great desire of  
 their Great Father the President, to have this dis-  
 pute settled between them and their brothers from  
 the State of New York, and they should now  
 say what they would be willing to give these  
 Tribes: that they had said they were willing to  
 give them some land. The Menominee Chief  
 then offered to give a tract, commencing  
 "at the head of the Rapids of the Grand Kac-  
 caulin and extending to the Little Butte, on the West  
 side of Fox river, and running back thirty  
 miles." The quantity of land in this tract is  
 estimated at 144,000 acres. This tract the  
 New York Indians refused to accept, and  
 the Commissioners made their proposition,  
 for the consideration of both Parties. They  
 proposed to give to the Brothertown Tribe a  
 tract on the East side of Fox river, extending from  
 the Little Kaccaulin up & along the river five miles  
 to Plumb Creek, containing twenty thousand acres.  
 To the Stock bridges they proposed to give a tract  
 "including their present settlement, on the East

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Side of Fox river, containing six thousand acres.  
This location is at the Grand Kaccalin, about four  
miles above the upper line of the Brothertown  
grant. To the residue of the New York Tribes  
the Commissioners agreed to give a tract on the  
"west side of Fox river, including part of the  
Oneida settlement at Duck creek, & being  
but a short distance on the river, containing  
250,000 acres."

With these propositions of the Commis-  
sioners both parties were dissatisfied. The  
New York Indians refused to accept them  
and the Menomines declared positively  
that they "would not give a foot more  
than they had already offered." After various  
other ineffectual attempts, by the Commissioners, to  
bring about a compromise, they adjourned the Coun-  
cil, sine die, on the first of September. On  
the afternoon of the same day the Menominee Chiefs  
assembled at my Quarters, and in the presence of Messrs.  
Mason & McCall, two of the Commissioners, and a



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number of citizens, they expressed their determination to visit the President of the United States, and lay all their grievances before him, provided he would permit them to go. In compliance with their request, I made known their wishes to the President; and when the answer was received, the Delegates were selected and ready to proceed on their mission. I was careful in making this selection to take chiefs who could unite the greatest influence in the nation. And, anxious not to give the New York Indians any ground for complaint; I took with me, as one of the Delegates, the "Great Wave," the only chief now living, who signed the Second Treaty, in 1822. The particulars attendant upon our negotiations at Washington, and the provisions of the Treaty embodied there, are known to you. I will, therefore, only say in relation to these matters, that the Treaty gives the New York Indians upwards of 500,000 acres

of Land, in one tract, including all their settlements on the west side of Hay river, for which the United States have agreed to pay twenty thousand dollars. I will give you a faithful and I trust, a favorable description of this tract of Country, in my Report, after the examinations I am required to make, are completed.

It may be proper here to state, that previous to going to Washington, and immediately after the Council of last year, I held frequent conferences with the Tribes interested, who reside here: used every exertion to allay unkind feelings which I found existing between them, and advised them to be friends. I strenuously endeavored to effect a good understanding between them, in order that they could go to Washington with some certain hopes of finally settling their dispute. The Menominee always expressed a willingness to submit the whole matter to the President, and abide by his decision; and at one time I had

succeeded in obtaining the promise of the  
 Oneidas to sign a paper, assenting to the same  
 proposition: I was also induced to believe  
 by one of the Stock bridge chiefs that they  
 would likewise consent. In consequence  
 of this belief I held a Council with the chiefs  
 of these Tribes, early in last November, a  
 few days before I left the Agency with  
 the Menominee Delegation for Washing-  
 ton. But, instead of accomplishing the  
 object contemplated and happily termin-  
 ating this unfortunate quarrel, the New York  
 Delegates refused to fulfill their promises,  
 and the Menomines left the Council much  
 dissatisfied. After various questions pro-  
 pounded to me in this Council, by Mr. Marsh,  
 a Missionary residing among the Stock-  
 bridges, John W. Quimby pronounced the  
 decision of that Tribe not to "submit the  
 matter to the President, unless the right of  
 an appeal to Congress was reserved, if his

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decision would not be found satisfactory to them." Mr. Eleazer Williams, who was also present and interpreted for the Oneidas, gave the same decision for that Tribe. Delegates from the New York Tribes, you are aware, however, proceeded to Washington last Winter and were present at the Treaty made with the Menomines.

I have now, Sir, placed all the facts of this case before you, that are within my knowledge. I believe I have omitted no testimony relied upon by either of the parties, to make out their case. Upon <sup>that</sup> of-  
fered on their part the New York Indians have undertaken to argue the legality of their purchases of 1821 & '22. Now, what is the Law which can be made to operate on this case? The act of 1802, March 30<sup>th</sup> entitled "an act to regulate Trade and Intercourse with Indian Tribes, &c." contains all the Law

to be found on the subject of Indian Treaties: The 12<sup>th</sup> section, ~~it~~ enacts as follows:-

"That no purchase, grant, lease or other conveyance of lands, or of any title or claim thereto, from any Indian or Nation, or Tribe of Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by Treaty or Convention, entered into pursuant to the Constitution."

The Constitution of the United States says:

"The [the President] shall have power, by and with the advice and consent of the Senate, to make Treaties, provided two thirds of the Senators present concur, &c." See the 2<sup>nd</sup> Art. 2<sup>nd</sup> Sec. and 2<sup>d</sup> cl. of the Constitution.

Now, as neither Mr. Frowbridge nor Mr. Sergeant were appointed Commissioners to negotiate for the purchase of Indian Lands; and as neither of the Treaties made in their presence, were sent to the Senate for appro-

33.

nal, they can have "no validity in law or equity," and their provisions are neither binding upon the United States nor upon either of the Tribes who may have become parties to them.

The New York Indians, however, contend that, inasmuch as the government permitted their negotiations with the Menomines, and approved of their subsequent removal upon the lands thus acquired, that therefore it is bound to sustain their claim at every hazard and at any expense. These arguments, beside being entirely fallacious, are, under the peculiar circumstances of this case, extremely illiberal. In my apprehension they are not the production of Indians! The ready acquiescence of the government in their views, and the ultimate success of a system of diplomacy, which I think a novel one, upon which these Tribes place so much reliance, in making out their case, only go to shew the kind feeling of the government

toward them - its great desire to indulge all their wishes, and assist them in their accomplishment. This feeling dictated the letters of Gen. Van Buren & Calhoun, and Gov. Cass. Other powerful reasons might have influenced these public functionaries, in seconding the desires of the New York Indians, so earnestly expressed. The feelings of the people of the State of New York were, also, doubtless consulted, and the policy of the government on this question may have had its due weight. But the government did not request these Tribes to remove from New York, nor did it direct their steps to Green Bay, after they had obtained permission to remove. - Every thing was left to their own decision. - The government did nothing more than sanction that decision, and pay the expenses of carrying it into effect. I cannot accord, therefore, in the charge, that "there is harshness in this case" toward the New York Indians. The conduct of the government toward them has been kind and indulgent. The purity

35

of their motives was never called in question, when soliciting permission to procure a piece of land from the Western Tribes, to sit down upon "as cultivators of the soil." Those who granted this permission, could not have supposed it was intended to authorise the purchase of a Territory, containing six millions of acres!!

The advocates of this claim have produced the Report of Mr. Rowbridge to prove that "undue influence was exercised over the Menomines by the French Settlers" at this place, "at the Council held in 1821." I have no doubt but that improper influence was used in this case, because every interference of this kind is improper - and I can appreciate the feelings of Mr. Rowbridge on the subject. He was sent with the New York Indians to assist them in effecting an arrangement with the Menomines, and he felt anxious that they should be successful in their enterprise. But if those who have quoted the Report of Mr. Rowbridge, could have referred to the Journal kept by that gentleman,



36  
on that occasion, they might have detected  
"improper influence" on the part of the Delegates  
from the State of New York - they might have  
discovered that the "Western Indians" refused  
to treat with their "Eastern brethren" for three  
days! and were then induced to sign the  
Treaty by a species of bribery on the part of  
the "civilized Indians," which scarcely would  
have been thought of by the "French Inhabitants."

A Winnebago Chief took a great fancy to a  
uniform coat on the back of Solomon W.  
Howdicks, and upon condition that the  
Winnebago would sign the Treaty, Solomon  
presented him with the coat. These are  
small matters, but they may as well all  
go together, and be taken for what they are  
worth.

I have no doubt but that impro-  
per influence, as I have before stated, was ex-  
ercised by the French Inhabitants. These peo-  
ple are generally intermarried with the Indians, &

they will not permit them, if they can prevent  
it, to sell any of their lands unless they are pro-  
vided for by the conditions of the sale. These  
same French settlers would, most probably,  
have interfered to defeat the Treaty made between  
the United States and the Menominee, last winter,  
had it been negotiated here. I had to con-  
tend with this "influence" since my return this  
Summer with the Delegation, to prevent a  
non-concurrence in the Treaty by the Tribe,  
because there were no "reservations made for  
the Lazy heads." The same "pernicious in-  
fluence" I presume exists in all frontier  
settlements, inhabited by Indians, and there-  
fore the government suffers much from  
imposition, in consequence of it, in Treaty  
negotiations. I firmly believe that it would  
be an immense saving of expense to the Govern-  
ment, to transact all business of this kind, with a  
Tribe of Indians, at the City of Washington. A

38  
Treaty cannot be made with a nation of Indians,  
near their own country, without assembling the  
whole Tribe, Men, Women & Children, who must  
be fed while in Council; and there will not be  
"influence" wanting to induce them to require a  
large amount of Presents, before they will listen  
to any terms of negotiation.

I cannot perceive, however, by what  
party of reasoning the "improper influence" of  
these letters, if any did exist, can be made to  
bear upon the case before us, if that case is to  
be decided upon principles of law, of justice,  
of common humanity. This is a dispute  
between two Indian Tribes, and one of these  
Tribes cannot expect to excite sympathy  
in its behalf by publishing "affecting appeals"  
on the subject of "Indian wrongs." The Men-  
ominees are equally entitled to the pro-  
tection of government, with the New York  
Indians: and, acting the part either of a  
faithful Guardian or an impartial Judge, the  
government cannot take the property of one

39

Tribe to bestow it upon another. If the government is bound to sustain the New York Tribes because it gave its sanction to their purchase of, and removal upon, the lands of the Menominees; surely it is, upon the same principles, bound to redress the wrongs sustained by this Tribe, in consequence of the sanction which sent the Chippewa Indians into their country, and by whom they allege they were cheated out of their lands.

I cannot leave this part of the subject without again adverting to the "improper influence" so much complained of by the New York Indians, and which I will presently show branded in some of the most respectable citizens of Green Bay as "enemies of their government," and called out the military force of the country to attack, & put them down, for daring to interpose "their opinions" in favor of the Menominees. These charges of "improper influence" can be safely retorted upon the New York Indians. I know that "improper influence is now and always has

20.  
been exercised over the New York Indians, and  
which alone prevented an adjustment of their  
difficulties long ago: this baneful influence is  
still, for the same selfish purposes, prevent-  
ing their adjustment. I know that this in-  
fluence prevented the Oneidas last winter, accept-  
ing the provisions of the Menominee Treaty, and  
I have good reason for believing that a similar  
influence operated upon the Stockbridge Tribe.  
They have also deeply interested advisers near  
them who spare no means to destroy their  
confidence in the government, and thus  
keep up an excitement which must prolong  
the controversy, and consequently contin-  
ue the advisers in their places! This "in-  
fluence" is considered so plain here, that he  
"who runs can read" it. Why does it  
escape the censure of the government; and  
why are not proper measures adopted to  
prevent its exercise, when the most rigid  
measures were resorted to against the friends

41.

of the Menominee, upon the mere report of  
their enemies charging "mad influence?" As

I have shown by the testimony, the Chiefs of  
the Menominee Tribe appealed to the President  
of the United States in the year 1824, protesting  
against the settlement of the New York Indians  
upon their lands. This "appeal" was seconded

by the testimony of their friends, and the first  
reply they received to it, was a letter from

the War Department, attributing their opposition  
to the "improper interference of the Inhabitants,"

and directing the Indian agent at this place,  
among other things, to call upon the "military at

the post" to assist him in suppressing this  
interference. I enclose you a copy of this letter,

from the original in my possession, with an ex-

tract from the "orders" issued on the same  
subject, from the Adjutant Genl's Office

to Genl. Gaines, dated March 12, 1825, marked

H. and G. They are singular documents, and go

far to expose the true character of this controversy. After perusing them, in connection with the protests of the Menominees the year previous, what will the Pamphleteer for the New York Indians think of his declaration, which says:—  
 "Up to the period of the negotiation which terminated in the Treaty of Butte des Morts [in August 1827] harmony and confidence had prevailed among the western Tribes & those of New York."

I have now presented for your consideration, what occurs to me as the correct view of this case, in accordance with what I conceive to be the faithful discharge of my duty. I trust that I have succeeded in attracting your serious attention to this question, and that you will see the powerful reasons which exist for deciding promptly and definitely upon it. The

43.

Facts and circumstances connected with the transaction, clearly demonstrate these truths: - that the removal of the New York Indians from their lands in the State of New York, was a voluntary act of their own - that so strong was their desire to form a colony in this country, that they even opposed the "ratification of a former purchase," by the United States, which they alleged was "the tract of land which was the object of their pursuit!" This was "Col. Boyer's purchase," and only embraced a tract of land containing about 1,124,000 acres!! They will also demonstrate that the country, claimed to have been purchased by the New York Indians, and for which the Menominee's received \$5,000! would have sold to the United States, at the lowest price ever paid for Indian lands, for a sum exceeding \$500,000 dollars!! These



44  
"facts & circumstances" will also shew, that the Menomines never did recognize these claims, and hence that the New York Indians can expect nothing more at their hands. Then, what course must be pursued to do that "equal & exact justice" to the parties, which the nature of the case will admit of in the present stage of their dispute? The provisions of the Menominee Treaty, I believe furnish the best answer to this question.

This Treaty, if it be ratified by the Senate, contains a provision which will secure to the New York Indians a valuable tract of Land, agreeably to law, for which the United States is to pay the Menomines twenty thousand dollars. In this Treaty the New York Indians are not made a party - its conditions are, therefore, not binding upon them: It is an arrangement only between the United States and the Menomines, which conveys to government

45

The interest of this Tribe in the Contested Territory - it gives the New York Indians a "certain claim" which no "improper influence" can affect. If the emigrating Tribes find, when they come to remove on this land, that the quantity is insufficient or the location not agreeable, they can apply to the government to remove these objections, and if their request is reasonable it will unquestionably be complied with.

I believe that the interests of the government at this time and the good of the Indians require, that they should be located together, on the west side of Hay river. If the government entertains the same opinion, and good land cannot be found to supply the wants of the several Tribes, within the cession made by the Treaty on that side of the river, an additional cession can be procured from the Monomies for a thing equivalent: They will dispose of any

reasonable portions of their land to the United States, but they will not agree that it shall be taken from them without price, and justice would not sanction such an act.

The Treaty, however, provides for the contingency just adverted to - one of its provisions gives the United States the power to possess all their country, surrounding that allowed them for farming purposes, and the President can fix the price to be paid to the Menomines for this additional grant.

The Menomine Tribe had not sold any of their land to the government, by which they secured annuities, before their Treaty last winter - the New York Tribes are receiving large annuities from the General Government, and from the State of New York, for their lands sold in that State at a high price. These Tribes are rich and the Menomines are poor.

47

I firmly believe that the true interests of the New York Indians will be promoted by the ratification of the Menominee Treaty. I most solemnly declare that if I believed they would suffer one grain of injustice from its ratification, I would oppose it. Its provisions divest the Menomines of the control of the country, and vests it in the United States. Instead of contending with the Menomines for what they believe their rights, the New York Tribes can appeal to the government, which will then have the power to decide, and in which they have always found a steady and liberal friend. I feel confident that if these Tribes were left to the exercise of their own judgment, with none but disinterested friends to counsel with, they would be well satisfied with the provisions made for them in the Treaty, as it now stands. Those of them who reside here appear

to be a well disposed people, and would be valuable settlers to locate first in an Indian Territory. I would be glad to see them settled on the delightful Country, which I verily believe is secured to them by the Treaty.

The feelings of the people of New York are doubtless deeply interested in this matter: They must feel great anxiety on the subject of the removal of the Indians from that State; which should be another and powerful inducement to bring the question to a speedy termination. After I complete the examination of the Country ceded by the late Treaty, agreeably to my Instructions from the War Department, I will ~~of~~ make a faithful report to you on that subject. If I believe that the provision made for the New York Indians, by the Treaty, will not furnish these Tribes with a sufficient quantity of Land for the purposes of agriculture, I will respectfully recommend that the government will negotiate for an extension

49.

of the purchase already made, in a southerly  
direction from the upper boundary line, after  
the ratification of the Treaty. I will add that  
before the confirmation of this Treaty, by the  
Senate, it would be useless to attempt any  
further negotiations with the Menomies, con-  
nected with this subject.

I trust, Sir, you will find a suf-  
ficient excuse for the latitude I have taken  
in the examination of this question, in the  
importance of the subject which it res-  
pectfully submits to your further consid-  
eration.

I have the honor to be,  
very respectfully,  
Yr obt. St.  
W. Stambaugh

Washington March 16. 1831

Memoranda Treat

1831

1831

Last Agreement  
made between U.S.  
and Mexico  
in 1848 - in consequence  
of Senate not having  
yet acted on the  
Treaty of Feb. 1848



Whereas, an agreement was entered into on the 9<sup>th</sup> day of February last, between John W. Eaton, and Samuel C. Stambaugh, Commissioners appointed on behalf of the United States, and the chiefs and head men of the Menominee Indians, by which portions of their lands, on the Fox River and Green Bay, was ceded to the United States, and said agreement being laid before the senate was not acted upon by that body.

Now for the purpose of preserving the provisions of that agreement, and as a further evidence of the confidence & good will existing between the parties, they hereby stipulate and agree, that the said article of agreement heretofore entered into, shall be laid before the next senate of the U. States, at the ensuing session & if sanctioned, that each and every article thereof shall be as binding and obligatory upon the parties, respectively, as if they had been sanctioned at the late session of Congress. In consideration of which, it is hereby requested by the Menominee Chiefs and agreed to on the part of the United States, that presents be delivered at Green Bay, to the Menominees, immediately after the arrival at home, of the present Delegates, to the amount of five thousand dollars, and that eight hundred dollars more, be immediately paid for the erection of an interpreters House & Blacksmith shops at Green Bay for the benefit of said Tribe.\* The six thousand dollars hereby stipulated for, is considered necessary to satisfy the Menominee

Tribe on the subject of the failure in fully accomplish-  
ing an arrangement which would have settled the long  
existing dispute between the Menominee & New York  
Indians: and said sum shall be charged as part  
of the amount secured to be paid under the original  
agreement. after it shall be approved by the Senate.

And whereas, by the Treaty of Butte des Morts  
of 1827 as well as other acts prior & subsequent to  
that time, a small band of the Winnibago Indians  
were made a party, to the dispute between the men-  
ominee and New York Indians, as if they were part  
owners of the land in controversy. Now for the purpose  
of preventing disputes or misunderstanding between said  
tribes, in future, the Delegates of the Menominee Nation  
respectfully request the President of the United States,  
to make known to the Winnibagoes the provisions of the  
last agreement entered into by the parties, hereto,  
and to settle the boundary line between the Winnibagoes  
and Menominee Countries as soon as practicable.

It being very important for the safe transaction  
of business with the agents of the U. States. that the Men-  
ominee Nation should have an interpreter who can under-  
stand & speak their language, they therefore respectfully  
ask their great Father the President of the United  
States to cause such interpreter to be appointed for  
them in addition to the present U. S. interpreter who  
speaks the Chippeway Language only. The refusal  
on the part of the President, however to, would be

with these two last requests, here made shall not  
impair any other part of this agreement.

In testimony, whereof the parties respectively, who  
signed the original agreement, and who intend to  
make this a part of the same have hereto set their  
hands and seals this 15<sup>th</sup> day of March 1831.

\* It is also agreed that in addition to the  
provisions made in the original articles for the  
benefit of the Menominee Tribe, it is hereby agreed  
that two hundred Dollars shall be paid annually  
by the United States for such medical aid at  
Green Bay as may be required for this assistance  
under the direction of the U.S. Agent the first two  
hundred to be applied for services during the present  
year.

Memoranda

United States



Patent



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Treaty

Whereas, an arrangement was entered into on the \_\_\_\_\_ day of February last, between John H. Eaton and Samuel C. Hambrough, Commissioners appointed on behalf of the United States, and the Chiefs and head men of the Menomonee Indians, by which certain portions of their lands on Fox River and Green Bay, were ceded to the United States; and said agreement having been laid before the Senate of the U.S. but not acted upon by that body;

Now therefore, for the purpose of preserving the provisions of said Agreement, and as a further evidence of the confidence and good feeling existing between the parties, they hereby stipulate and agree, that the said Articles of agreement, heretofore entered into, shall be laid before the next Senate of the United States, at the ensuing session, and if sanctioned, that each and every article thereof, shall be as binding, and

Obligatory, upon the parties respectively, as if they had been sanctioned at the late Session of Congress.

In consideration of which, It is hereby requested by the Menomonee Chiefs, and agreed to on the part of the United States, that presents be delivered at Green Bay, to the Menomonee Nation, immediately on the arrival at home of the present Delegation, to the amount of five thousand dollars: and that eight hundred dollars more, be immediately paid, for the erection of an Interpreting house, and a Black Smiths Shop, at Green Bay, for the benefit of said tribe. Also that the sum of two hundred dollars per annum be paid for such medical aid, as may be necessary for the Menomonee Nation, applied under the direction of the U.S. Agent at Green Bay; - the first two hundred, to be paid for services during the present year.

The six thousand dollars, hereby

Stipulated for, is considered necessary, to satisfy the Menomonee Tribe, on the subject of the failure in fully accomplishing an arrangement which would have settled the long existing disputes between the Menomonees and New York Indians. And said sum shall be charged as part of the amount secured to be paid under the original agreement, after it shall have been approved of by the Senate.

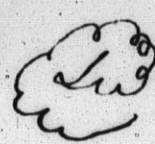
And whereas, by the Treaty of Rattle des Mort, of 1827, as well as by other acts, prior, and subsequent to that time, a small band of the Winnebago Indians were made a party to the dispute between the Menomonees and the New York Indians, as if they were part owners of the land in controversy, Now therefore, for the purpose of preventing disputes, or misunderstandings between the said tribes in future, the Delegates of the Menomonee Nation respectfully request, the President of the United States, to make known to the Win


nebagoes, the provisions of the late agreement entered into by the parties hereto, and to settle the boundary line between the Winnebago and Menomonee Country, as soon as practicable.

It being very important, for the safe transaction of business with the Agents of the United States, that the Menomonee Nation should have an Interpreter who can understand and speak their language, they therefore respectfully ask their Great Father, the President of the United States, to cause such Interpreter to be appointed, for them, in addition to the present ~~the~~ Al. S. Interpreter, who speaks the Chippeway language only. The refusal, on the part of the President, however, to comply with the two last requests here made, shall not impair any other part of this Agreement.

In testimony whereof, the parties respectively, who signed the original Agreement, and who intend to make this a part of the same, have hereto set their hands and seals, this sixteenth day of March. 1834.



In 1894 Eaton 

Standing 

Kaush-ka-no nev. Grizzly Bear	l.s. his. X mark
Aya-ma-taw	- l.s. his. X mark
O. ho. pa. shak Small whoop	l. - his. X mark
Koma-ni kei Big wave	- l.s. his. X mark
Koma-ni kei notha Small wave	l.s. his. X mark
Ah-ke-ne pa wch Standing Earth	l.s. his. X mark
Mash ke wet	- l.s. his. X mark
Shap auno south	- l.s. his. X mark
Che mi na no quiet Cloud	- l.s. his. X mark
Pa sha nah shush	- l.s. his. X mark
Che ca cho ke mah <sup>The</sup>	l.s. his. X mark
Liquid in presence of <sup>(Chief)</sup>	l.s. his. X mark
<sup>Interpretter</sup> Ch. A. Grignon Ana kea toka peak	l.s. his. X mark
A. G. Ellis	The one sitting in the cloud.

~~W. J. N. S. H. H.~~

Francis H. Nicoll

Asa Hall  
Robt. W. Wilkins

Papers.

Referred to in the Letters of S. C. Blamough  
U.S. Agent at Green Bay dated August 21<sup>st</sup> 1831  
marked **C.D.E.F & G.**

A & B

Acceptance,

By the Menominee Tribe of Indians,  
Of the Provisions of a Treaty, concluded at the  
City of Washington, on the 9<sup>th</sup> day of February  
1831, between John H. Eaton, Secretary of War,  
& Samuel C. Stambaugh, Commissioners on behalf  
of the United States, and the Representatives of the  
Said Menominee Tribe, &c.

In full Council, at Green Bay,  
July 18<sup>th</sup> 1831.

A.

At a council held on the 18th day of July 1831. with the Chiefs and warriors of the Menomonee Nation by Samuel C. Lambaugh, United States Agent, for the purpose of communicating to the Nation certain arrangements entered into at the City of Washington, between the United States and the Representatives of the Menomonee Tribe, and of delivering presents to the amount of five thousand dollars to the said Tribe, in pursuance of an article of an agreement concluded on the 15th of March last, the following instrument of writing was explained to, and signed by said chiefs, on behalf of their Nation:

Whereas, certain Articles of Agreement, were made and concluded at the City of Washington, on the day of February last, (1831) between Commissioners appointed on behalf of the United States, and the Delegates of the Menomonee tribe of Indians, whereby the said tribe ceded certain portions of their lands, on the East side of Fox River & Green Bay, to the United States, for the benefit of their white brethren; and another portion on the west side as a home for the New-York Indians: These Articles of the said Treaty, with the Supplement thereto, being this day read & explained to the Menomonee Indians, in full council assembled, in the Chief & head mansion of said Tribe, holding the whole power of the Nation, upon full and mature consideration, do give our sanction to each and every article of said Treaty, and do highly approve of all

its provisions. And whereas certain other Articles of Agreement, made and concluded by the said parties on the fifteenth day of March last, for the purpose of pursuing the provisions of the aforesaid Treaty, until acted upon by the Senate of the United States, at its next Session, have been also read & explained to us. Now therefore we, the Chiefs and Warriors of the Menomonee Nation aforesaid, having considered this Agreement, do highly approve of each and every Article thereof; And we hereby acknowledge to have received, the full amount of presents second time, by the said last mentioned Article, in full satisfaction and payment of all their stipulations, and for the purposes for which they were intended. In testimony whereof, we the Chiefs and Warriors of the Menomonee Nation, hereunto sign our respective Names, at Green Bay, this eighteenth day of July 1831.

Chiefs - *his*

Joseph or Josette Carron.

*m. ark.*

Kanah-kaw-no-neuw.

his Medicine Bear

or Ma-cau-ma-tan

his mark. Gizzly Bear.

The above paper, was read and explained to the Menomonee



Chiefs

see Chief and War  
= row, by G. C. Stone  
= caught, U. S. Agent,  
and their names signed  
there in our presence.

Sh-yarn-eh-taw <sup>his</sup> X mark.

Ho-me-ni-Keen <sup>his</sup> X Big Wave mark.

N. Clark  
Capt & Insp

Komak-ni-Keen-o-shak <sup>his</sup> X Little Wave mark.

Robert Lewis Jr O-ho-pak-shak <sup>his</sup> X Small Whoop mark.

John Derry <sup>his</sup> X The Rain  
Lt & Capt Pe-wagh-tee-net mark.

J. Thompson  
Lt & Capt

Maw-baw-20- <sup>his</sup> X mark.

Richard L. Cagle  
Samuel Whitney  
Henry S. Baird

Cha-naw-paw-meh <sup>his</sup> X The one they look upon mark.

William Dickinson

Meh-shek-nah <sup>his</sup> X mark.

John P. Arnold

Ree-shee-aw-ko-teuh <sup>his</sup> X Flying Cloud mark.

A. J. Arnie

W. H. Whittle

Waw-boake <sup>his</sup> X The Rabbit mark.

Joe Dickinson  
E. Robinson

mark - (over.)

(Bird over)

Ship

Kaa-a-shoh. <sup>his</sup> X The Sun.  
mark.

Ah-wah-sha-nee-chee-un <sup>his</sup> X The Little Bear - or infant Bear.  
mark.

Pah-mo-ne-Rot. <sup>his</sup> X mark

Monsh. <sup>his</sup> X The Moose.  
mark.

Pau-me-go-non <sup>his</sup> - the Big Soldier.  
Sho-nee-neuh <sup>his</sup> X mark

<sup>his</sup> X mark

Opa-wan-no-ma-tenh <sup>his</sup> X The South Medicine  
mark.

Ma-cha-aw-naw-quet <sup>his</sup> X The Red Cloud.  
The Spaniard & his mark. mark.

Witness to the above, and within signatures  
Joseph Jourdain  
U.S. Blacksmith

Eben. Childs

Rufus Hunter

Richard <sup>his</sup> Pickett. U.S. Inteprete

<sup>mark</sup> C. J. A. Guignon Menomonee Inteprete  
A. G. Ellis

## B.

Whereas the undersigned, one of the principal Chiefs of the Menomonee Nation, being absent in the Indian Country, at the distribution of presents, to the Menomonee Nation, secured to them under certain articles of agreement, concluded at Washington, on the 15th day of March last, and was unable to reach Green Bay, in time to be present at the Council held for that purpose, on the 18th ultimo. And having this day held a talk with S. C. Stambaugh, U. S. Agent, the above, with the several articles of agreement concluded at Washington City last winter, between John W. Eaton, Secretary of War, and Samuel C. Stambaugh, Indian Agent, on behalf of the United States, and the Delegates of the Menomonee Tribe, on behalf of their Nation, being fully explained to me. Now therefore, in confirmation of the acts of the other Chiefs, I do hereby declare my



full, and entire approbation of each and every  
article of said Treaty or agreement, with the Sup-  
-plement thereto, and desire that the same may  
be recorded as the act of the whole Menomonee  
Nation, of Indians. And I do moreover, join  
with the other chiefs, in acknowledging the re-  
-ceipt, by our Nation, from Samuel C. Stam-  
-baugh, United States Agent, the sum of five  
thousand dollars, in pursuance secured to us, by the  
Article of Agreement entered into on the 15th day  
of March, aforesaid, in full satisfaction and  
payment thereof.

In testimony whereof, I have here-  
unto set my hand & Seal, this second day of  
August, A.D. one thousand eight hundred & thirty one (1831)

The above paper was fully read  
and explained to Cash Kash, one of  
the principal chiefs of the Menomonee  
Nation, & signed by him, in our presence.

Richd S. Cadle. P. C. Misp<sup>AR</sup>  
27/3. S

his  
Cash-Kash X The Pr and

W. Doty  
Robert Smith  
Mr. Dickerson

Re: Picket 215 Mark  
Int. per

Copy — "C"

To the President of the United  
States of America —

The memorial and petition of the under-  
signed Chiefs and principal men of the Menominee  
Nation of Indians residing within the Michigan  
Territory, represents.

That when the New York Indians or Iroquois  
first came to this Country, they asked the menominees  
to sell to them a small piece of their land: That the  
the menominees replied to them they had no land to  
sell — that their Country was already too small for  
their numbers, and that they were themselves compelled  
to hunt upon other Indians lands. That notwithstanding  
this answer, the Iroquois held a Treaty with some  
of the men of the Menominee Nation, at which none  
of the principal chiefs attended, and purchased or pretended  
to purchase, a part of the menominees Country, the bound-  
aries of which they knew nothing about — That the only  
men of this Nation, who have any right to the country  
claimed by the Nation, which extends from Lake Michigan  
to the upper part of the Wisconsin River, now sign this  
paper; not one of whom was present at that Treaty; and that  
as soon as their backs were turned, some of their men, who  
had no right to dispose of the land held the Treaty;  
and whatever consideration was then paid, or has since  
been paid, they know not, having received no portion  
of the same. And as an evidence of the fact,

that they know nothing of that treaty, not one of the old inhabitants of this place was called upon, as is usual, to attend at the making of the same - and they are not accustomed to transact so important a business as this would have been, without asking their advice

They state the same facts or objections to the second, or last, treaty, which is said to have been held, and their object now is to, and they do protest against any farther settlements being made upon their lands by the strangers. If any more should come here, what shall we do with our wives and children, whom we can now scarcely support? We beg of our great Father to prevent any more of them from coming to this Country. With the Minnebagos we are united by kindred, yet it is with great difficulty that we can live upon terms of Friendship even with them. We are satisfied with the settlement made here by the Whites, but we cannot admit any station of Indians to settle in the Country

Green Bay June 16<sup>th</sup> 1824

This speech, memorial, or petition, made and signed in our presence

W. B. Brewster, Agent of Indian Affairs.

James Duane Doty, one of the judges of the Territory of Michigan.

J. J. Porlier.

John Lame.

Robert Swin.

J. H. Lockwood.

Gen. Johnston.

Ag. Grignon

Savant. Fily

Lewis House

Eben. Childs

Paul Grignon.

L. Grignon [2]

Minimimus

Cash, Kosh, the Brave - X

Joseph Corron son of Thomas - X

Kits, Kai, no, min, - X

Pi, way, tinent, - X

Say, Ke, toak, - X

Amable. Conon - X

Muk, Kay, tay, wet - X

3

Territory of Michigan <sup>3</sup>/<sub>3</sub>  
County of Brown <sup>3</sup>/<sub>3</sub> p.

Personally appeared before me the subscriber Paul Grignon who being duly sworn, deposes and saith, that he was present at the time the Treaty or arrangement was held and entered into at Green Bay in August 1821. between the Menominee and Winnebagoes Nations, and the New York Indians, and that he is a native of Green Bay and is well acquainted with the chiefs and head men of the Menominee Nation, and that none of the head chiefs or principal men, of the nation were present at this Council, but that the Council was held with several men of little consideration in the nation: that the chiefs and principal men were then absent: that the Brother of one of the chiefs, came into the Council and stated that he was sent, by the chiefs of the nation to say that they had no land to dispose of: that they could not part with their lands, for they were already too small, and that they were obliged to go on the lands of the neighboring tribes to hunt, and further deponent saith not  
sworn and subscribed to before me  
at Green Bay this 16<sup>th</sup> day of June 1824

Paul Grignon.

J. G. Porlier

Personally appeared before me the subscriber Lewis Rouse who being duly sworn deposes and saith that he was present at the time the Treaty or arrangement was held and entered into at Green Bay, in August 1821, and that he interpreted the French into English and the English into French at the Council held between the Menominee and Winnebagoes and the six nations, and that from a long residence at the aforesaid Green Bay, he is well acquainted with the chiefs and

[3]

Principal men of the Menominee nation and that none of the head chiefs were present at this council but the council was with men of some consideration in the nation. That the brother of one of the head chiefs of the nation came into the council and stated that he was sent by the head chiefs of the nation to say that they had no land for sale, that they could not spare their lands, or their lands were already so small that they were obliged to go on the lands of the neighboring tribes to hunt.

Sworn and subscribed to before me  
at Green Bay this 16<sup>th</sup> day of June 1824

Lewis Rouse.

J. G. Porlier  
Justice of the Peace

Personally came before me the subscriber Pierre Grignon who being duly sworn deposed and saith that he is a native of Green Bay, and has resided in the vicinity of the same to this date, and that he is well acquainted with the chiefs and principal men of the Menominee nation, and that he well understands and speaks their language and that he was present at the Treaty or arrangement made between the Menominee nation and the New York Indians, and that none of the head chiefs or principal men of the nation were present at the council held in August 1821. but the chiefs were absent from this place that during the council the brother of one of the principal chiefs came into the council and said that he was sent by the chiefs to say, that they had no lands to dispose of that their lands were already too small; and deponent further saith that the Interpreter did not explain to the Indians that were present at this council, that the agreement which they entered into was to sell their

lands to the New York Indians but that it was a  
permission to them, to hunt on and cultivate a small  
piece of land like themselves, and that the Council  
was held with men of little consideration in the nation  
who at the time stated they had not the authority to  
make any final arrangement, and further the  
deponent saith not.

Sworn and subscribed to before me  
at Green Bay this 17<sup>th</sup> day of June 1824

Pierre Grignon

John Lawe  
Advt. Judge  
C. B.

Copy. D.

To the President of the United States  
of America

The undersigned Inhabitants of the Township  
of Green Bay, in the county of Brown and Territory of  
Michigan, respectfully shew,

That the principal chiefs of the Menominee Nation  
of Indians, are opposed, to the settlement of the New York  
Indians upon their lands;

That within a few days past, many

of the Indians of this nation, have been collected at this place, by the agent for the New York Indians for the purpose (as he states) of making a payment in goods upon certain treaties, which are said to have been made at this place.

That a council was held by said Agent and said Indians, at which all of the Principal Chiefs refused to receive any of the goods, alledging that they had made no sale of their lands. That nevertheless, goods were delivered to some of the inconsiderable ~~men~~ of the nation, the day after the council.

That the said Chiefs were told by the said Agent and others, that it was useless to oppose said settlement of ~~the~~ New York Indians; that the government was determined to establish it here.

The tract of country now claimed by the New York Indians, includes the most of the Menominee Country; and the said Chiefs wishing to protest against said treaties, and said payment, called upon the undersigned Inhabitants to attend them to Commodore Henry B. Brewster, the Indian Agent at this place, that they might openly and publicly state their views upon these subjects.

Accordingly, this day they attended said Chiefs, to the fence around the house of said Indian Agent, when the following note was handed them, by the servant of the said Agent.

"Gentlemen, When I wish a number of Indians collected I will send my Interpreter, to let them know no Citizens dare call Indians together."

[6] We would state that no "citizen" called the Indians

together for this purpose, but it was a perfectly voluntary act on the part of the Indians.

Having returned several rods from the said Agents enclosure, we received the following note from the said Agent - "Let them write their speech and I will look at it. At Present I am engaged"

That shortly after we had returned to the village, and while yet assembled, one of the undersigned had the honor to receive the following note by the hand of said Agents Interpreter.

"Sir, When business of such importance is wished to be transacted, it is necessary to ask the Agent whether they are pursuing the proper mode, and if they are, when it will be convenient for the Agent to <sup>see</sup> ~~hear~~ them

Respectfully yours.

James D Doty Esqr  
20 Sept. 1824.

Henry B Burroort.

We do not think, from all the circumstances which have come to our knowledge, that the Menominee Indians have been treated fairly in this business - as an evidence of which, we would respectfully solicit your attention to the foregoing proceeding of this day

(Signed)

La  
Augusta X Chapin  
marque  
La  
Paul X Polier  
marque  
La  
Benjamin X Ecuyer  
marque  
La  
Alexis X Gardopin  
marque  
La  
Jean Pt. X Jeanvaine  
marque

James Duane Doty.  
Geo. Johnston.  
S. Grignon.  
Lewis Roue.  
A. G. Bear.  
C. Grignon.  
Agt. Grignon.  
Paul Grignon



Dominique <sup>de</sup> Brunette  
mark  
Jean Baptist La Bord.  
Amable <sup>de</sup> Formand.  
marque

Bt. J Jacobs.  
Saml A Whaler  
Brisque <sup>de</sup> Nyotte.  
marque  
James <sup>de</sup> Vieux.  
marque  
Amable Grignon.  
Louis <sup>de</sup> Gravalle.  
marque

II.

Extracts from the  
Journal of a Treaty made and concluded at  
Bottle Des Morts on Fox River in the Territory of  
Michigan between Lewis Cass and Thomas S. Winston  
Commissioners on the part of the United States  
of the one part and the Menominee Wimebagos  
&c. &c. of the other part

• Tuesday August 7<sup>th</sup> 1837

• The Commissioners told the Menominee that  
they wished them to say whether they recognised  
the <sup>submitted</sup> claims by the New York Indians and that

to give them time for a consultation before they made their answer, they would adjourn to 3 O'clock. P.M.

Met at 3:00 clock. P.M.

1<sup>st</sup> Chief spoke.

My Father.

From the time that the stranger Indians first came here we have no knowledge of having ever ceded any part of our country to them. When I heard of their arrival, I sent my brother to them to say, that we could not sell any part of our Land, because it was so small. I did not go myself. I was sick

2<sup>nd</sup> Chief.

My Father. This is the answer the Menominee nation makes to all the treaties which have been made

The Commissioners then required, that the names of the Signers to the two treaties should be proclaimed, and the tribes asked respectively whether they recognized them as chiefs, The following is a list of the names, and the answers of their respective tribes.

First Treaty

Menominee.

Ekenamin No Chief

Asakutaw Do

Wetkaw Chief

Machonetau. War Chief

Spaniard Do

Riskunatum Do

The Menominee who signed the receipt acknowledging payment for the grant, were,

(Great Ware) (Chief)

Denied signing

Asakutaw (Spaniard) (Chief)  
 Oquomkaw (Pine Shooter) (Do)  
 Iskakaw (Secure all) (Do)  
 (Yellow Dog) (Do)

Second Treaty

Menominee.

Oquommonikon (Chf)	Winnisaught.	War Chief
Pahmonikopt Do	Pywekeenough	Do
Saghkettat Do	Wightchunighaugh	Do
Wypukkauchymun War Chf	Skikaughmy	Do
Behawvinnohmitch Do		

August 8. 1827.

The Menominee Chiefs addressed them (the Commissioners)

Father.

You shall hear from me what has passed between the New York Indians and my nation, and you shall hear the truth. Father; When they arrived in this Country, I was too sick to meet them, but I sent my Brother to them Buy to take them by the hand.

They told us on their arrival that they had not come here for land - that they had enough in their own Country - that they had come only to take us by the hand. We understood their object to be, not to purchase land, but to procure the grant of a small piece to sit down upon, that they might live with us like brothers, we never comprehended, either that they wished, or that they had purchased any part of our Territory, This is the absolute truth. Mr. Rouse, who is here interpreted

for my Brother when I sent him with the map  
say, This is all we have to say.

Mr. Rouse was called, who stated, that the Menom-  
inis understood that the land was to be used in common  
by the three nations. He did not understand it to  
be a sale. Mr. Williams (an half Breed of the Oneida Tribe)  
expressed this belief also, to Mr. Rouse. Mr. Grignon  
was present, who can state his impressions on this  
subject.

The Commissioners again took into consideration  
the claims of the New York Indians, in order  
to ascertain from those persons who were present at the  
meeting, as regarded the construction of the terms  
of the treaty by the Menominis and Winnebagoes.

Mr. Grignon was called, who stated that the  
interpreters employed at the treaty, did not interpret  
correctly, either to or from the Menominis & Winnebagoes.  
The land intended to be transferred from them to the  
New York Indians, he understood was that comprehen-  
ded between the little rapids and the Kakalin. It  
was so interpreted to the Menominis. It was not  
a sale but a loan. The New York Indians asked  
as a matter of charity, that the Menominis and  
Winnebagoes should let them have a small piece  
of land, promising to recompense them for it  
when they should return from their own country.

Mr. Paul Grignon being called, said that the New  
York Indians did not ask to purchase land.

They only requested that they might live among  
the Menominitis.

August 9<sup>th</sup> 1827  
3 o'clock P.M.

The Commissioners enquired if the New York  
Indians had done. Their Agent requested to put  
a few questions to the Menominitis & Mimbagoes

The signs of the second Treaty were  
called out and asked if they did not agree that the  
New York Indians, should have the land & that they (the  
Menominitis) should live with them in common.

The great War answered  
"Father

The New York

Indians came to us in great distress & we listened to  
them. They said we are pushed out of our own country  
& we come here to take you by the hand? We answered  
Since it is our Great Father's pleasure, we are glad  
to have you with us. We are few and possibly our  
country may be large enough for us all to sit down  
upon? They said we are glad we have been sent here. We  
have been assisted much by our great Father, we are  
looked upon as Americans ourselves. We call the Great  
Spirit to witness that we will not injure you in any  
way. All we want is a small piece of ground to sow  
We are surprised to see you in so bad a condition & not  
more industrious!

We thought our great Father wanted us

here and that they would show us and make us and make us more comfortable. This is what we understood & we appeal for the truth of it, to Prickett the Interpreter, who was there. They said they would plough our fields and give us cattle & show us how to cultivate the ground.

Mr Dean asked the "Ware" "Have not the New York Indians done as they agreed

Ans. "They ploughed three little fields and a half."

Commissioners. "Did you sign this paper?"

Ans. "We signed it without knowing the contents."

Com. "Describe the Country you agreed to let the New York Indians

Ans. "That between the 'Little Shoot' & the 'Kakalin'"

Com. "Was this for the New York Indians alone or for both of yours?"

Ans. "It was to be held in common"

The 2<sup>nd</sup> Menominee Chief then said.

Father, The great spirit sees me here before you & hears me speak the truth. I speak for my chief who is yet young. He is the head chief of the nation. We are like you. You have many officers about you, but you are the greatest. So with us. You appoint your officers. We ours, When the Chief heard what had been done, he wished to send to his great Father & tell him what was in our hearts, but he could not. We had not even recourse to the Whites at the Bay, <sup>we had to consult among ourselves</sup> We asked Judge Doty to aid us, because he was a man who knew the law. What I say I say before all the nation, who can stop me if I lie

Mr Doty, for the people of Green Bay, said that

they were innocent of all that had been charged against them, denying altogether the truth of every thing that had been said, implicating their conduct.

Mr Rouse denies that he was interputed, & adds, that if he had been, he would have told Mr Howbridge at the time, that the transaction was unfair.

Mr Schoolcraft, being called upon, states, that Captain Smith had told him, that he (Smith) was at Fort Howard when the 2<sup>nd</sup> Treaty was concluded, and refused to sign it because he thought the transaction partial, & that the ~~memorandum~~ were not properly represented.

## F.

Department of War

Off: Ind: Affairs

March 1825

14  
Sir It has been represented to the Secretary of War that the French settlers in the neighborhood of Green Bay have very improperly interfered, to prevent the carrying into effect the arrangements made between the Menominee and Winnebagoes, and the New York Indians (and which have been sanctioned by the government) for a portion of the territory of the former for the latter

to settle on; and that they have endeavored to excite the Indians in that vicinity, to hostility against the New York Indians, with a view of deterring them from settling on these lands which they have acquired under those arrangements.

The conduct of these settlers, from the representation which has been made of it, is highly reprehensible and cannot be supposed by the government with impunity. I am accordingly directed by the Secretary of War to instruct you, forthwith to take strong measures to suppress effectually, such improper and dangerous interference, and to prevent the evil consequences which it is calculated to produce, by rigidly enforcing against all who may be found, or known to be engaged in it the provisions of the law of intercourse. The commanding officer of the Post is ordered to cooperate with you. Should it be necessary, in carrying these instructions into effect a copy of the order is enclosed.

It is very important to preserve peace between the Indians at Green Bay and the New York Indians who may join them, the arrangement between them to this effect having been made with the sanction of the government, gives them a peculiar claim to protection against the arts of designing and intemperate white men.

Major Henry B. Brewster  
Ind. Agent  
Green Bay

I am very Respectfully  
Yr Mo: Offr  
Thos S. Skinner



G.

Extract of a letter dated Adj. Genl. office Washington,  
12 March 1825 to Major Genl. James Comg. Eastern  
Department New York

"It has been represented to the War Department  
that the French Settlers in the neighborhood of Green Bay  
have improperly interfered to prevent the carrying into effect  
the arrangements made between the Menomonies and Win-  
nebagoes, & the New York Indians, for a portion of the  
Territory of the Roman, for the latter to settle on, and  
that they have also excited the Indians in that vicinity  
to hostility against the New York Indians, with a  
view of deterring them from settling on the lands they  
have acquired by the arrangements above mentioned

The Commanding General requests that you  
will give immediate orders to the commanding officer  
at Green Bay, to cooperate with the Indian Agent  
at that place should it be necessary, in carrying  
into effect the instructions he has received for the  
War Department in connection with this subject.

MENOMONIE 1831  
Paper referred to in letters of  
S. E. Stanbury, Aug. 11 1831  
marked CP, 57, add 57

# Journal.

Of the proceedings at a Council, held  
at Green Bay, by Col. Stambaugh, U. S.  
agent, with the Menominee Indians.

At a council held this 18<sup>th</sup> day of  
July, 1831, at the agency House, Green Bay,  
with the chiefs and Warriors of the Menominee Tribe  
of Indians, for the purpose of submitting certain articles  
of agreement entered into between John H. Eaton &  
Samuel C. Stambaugh, Commissioners on behalf of the  
United States, and the Delegates representing said Tribe  
in the city of Washington, on the ninth day of Feb'y.  
last: and for the purpose also of delivering certain  
presents purchased for the said Menominee Tribe, under  
an article of agreement concluded between the parties  
aforesaid on the 15<sup>th</sup> day of March last; Samuel C.  
Stambaugh, U. S. Agent addressed the Council as follows:

Brothers of the Menominee Nation.

I thank the Great Spirit  
who gave life to the white and to the red man, for  
having brought us together this day as friends and brothers.  
I rejoice to see you all here at the hour appointed,  
because it tells me that your hearts are engaged  
in what you are about to do.

2. Brothers, you are not now assembled  
in council for the purpose, alone, of receiving presents;  
but upon a business far more important to you, it is  
to hear what has been done for the Menominee Indians,  
since you and I last held a Talk together, under the  
direction of your great Father, the President of the  
United States.

Brothers, listen to what I say to you.  
It is now but little more than a year since your  
great Father said to me go and live among the men-  
ominies— examine into the condition of their Tribe, admin-  
ister to their wants; and give them good counsel. I found  
you a poor, unhappy, but, as I believe, a very good peo-  
ple, and I soon loved you as my own brothers and sisters  
— You were involved in a dispute with the Wau-  
benockies about your Lands, which had lasted for many  
years; and, although you could look around you and  
proudly point to your vast Forests, your lakes and  
your rivers, as the property of your tribe, yet you  
scarcely had a home to rest in, and your poor children  
were starving and almost naked. The Waubenockies  
claimed a large portion of your country, and said they  
had purchased it from you, and paid for it. You  
denied having sold them any part of your Land, and  
charged them with coming into your Country under false  
promises and pretenses. You both told bad stories  
about each other, which your great Father heard  
and he was very sorry. He keeps a watchful eye over  
his red children, and his heart becomes sad when

ne hears that they do not live in peace with one  
another. You all recollect that last summer he sent three  
of your white brothers, as commissioners, a long journey  
over the great Lakes, to settle the quarrel between you  
and the Maubenockies - but neither you nor your red  
brothers from New York would listen to the good words  
of these Commissioners, and when the council broke up  
you were still angry with each other, and the dispute  
between you about your Lands was left unsettled. You  
then came to me and asked permission to visit your great  
Father, and make known all your difficulties to him.

— As good and dutiful children you professed to  
have full confidence in his wisdom and justice, and  
promised in all things to be guided by his counsel. I  
wrote to your great Father and told him all you  
had said; & through your good father at Detroit, he  
gave you permission to visit him. — You then chose  
your Delegates, giving them full power to act for the  
Menominee Tribe, & they proceeded under my guidance  
to your great Father's house. These Delegates, at the  
head of whom was Kaugh-Kau-nau-niu [Grizzly  
or medicine Bear] now have a seat in your Council.

— I see them all before me; and your friend who  
now conveys my words to you was with us, and  
interpreted at all our public councils.

Brothers I have now pointed out to you  
the situation in which I found you a year ago, and  
have noted all your public conduct from that  
time until your Delegates stood before the

4  
great Father of the red man. Listen to me and I will now tell you what was then done for the menominee Indians. We made known <sup>to</sup> the President & to the Secretary of War the situation of your nation your connection with the New York Indians, your desire to have that matter settled so that it would rest forever; & also your wish to sell some of your Land to provide food and clothes for your poor women & children. Your fathers heard your voice, and they said the menominees should be taken care of, and be poor and unhappy no longer. Brothers I had considered well of the situation of the menominee people, and I drew up an agreement under the direction of your great Father, with an eye alone to your welfare & happiness, and the justice and magnanimity of the government of the United States.

On the 9<sup>th</sup> day of February last, your delegates appeared before the President, in his House, and signed this agreement, with your Father the Secretary of War & myself, who were appointed Commissioners for that purpose. Your great Father the President and the Secretary of War, who is the next great War Chief to him, were well pleased with what we did, for they both love their menominee children.

Brothers I will now read you a copy of this Treaty.

[Col. Stambaugh here read and explained the Treaty concluded Feb'y. 9. 1831. See a copy of which in Paper Numbered one]

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Brothers of the menominee nation - I have now placed your present ~~present~~ situation, both as it regards your connection with the government of the United States & with the New York Indians fairly before you. The arrangement made for your benefit, as it stands in the Treaty could not have been improved had your whole nation been personally present in Council. Its salutary provisions when carried into effect, will make you an independent and happy people. The tears of your little children, who are now crying for bread, will be dried: and after many years have rolled by they will thank you and me for the act of mercy which has kept them from perishing. Brothers, look at your present condition - you are destitute of a home and strangers in your own land - your wives and daughters are poor wanderers, pointed at and insulted as miserable beggars by those who are far beneath you in the powers of body and mind. Your fine young warriors, too, are seen hungry and naked at the doors of the white man; their spirits bending under those scourges of the Indian, Idleness and Intemperance, which have been fast leading the menominee nation to disgrace and destruction. But these things, I trust in the great Spirit, will exist no longer - you will henceforth be like a new people; you will have plenty of wholesome food and good clothes to wear - You will be provided with comfortable homes, and hereafter you can light your council fires in your own wig-wams, and in those of your sons and daughters. Your great Father has laid the foundation for your future comfort

and happiness, and it now remains for you to secure a long continuance of those blessings, by faithfully obeying all his instructions.

Brother, your good friend and brother the Rev. Mr. Cadle, who now sits beside me, told you truly, when he spoke to you the other day, and said that your great Father was anxious to see your children educated like the children of good white men; and you have heard from what I read to you that a large sum of money is given to you for that purpose. How proud the men-ominies will be when their children can read and write, can calculate the prices of what they eat and wear, of the furs they have to sell, and the powder and ball they have to buy. You will then be able to protect yourselves from being cheated and abused, by bad traders who may get into your country, or by faithless agents who unfortunately are sometimes sent to live among Indians Tribes.

Brother, I am looking at the countenance of each of you and find it stamped with the same marks of genius, mildness and benevolence, which brighten the features of the white man. - you can and must become an enlightened and happy people.

Brother, I have still something more to say to you about the Treaty you have made with your great Father. You have heard from what I have read to you that a large country has been set apart for your brothers the Wau benockies, on the west side of Fox River upon which they were requested to remove within the space of three years. When this provision was submitted to

7

Some of their friends, who are also the friends of the memomins, they asked us to alter it in such manner as not to limit the time of removal to three years, but to leave it discretionary with the President, who should also be vested with the power to apportion the land among such of the Waubenocksies as would actually settle upon it. To this reasonable request no objection could be made & I advised the chiefs to accede to it - accordingly it was granted by another "Article" entered into a few days after the original agreement was signed :-

[ Col Stambaugh here read and explained to the Council the Supplementary article of agreement amending the Treaty as above mentioned; See Paper Numbered two ]

Brothers, your great Father now hopes that the dispute with the Waubenocksies is closed forever - that they will remove upon the land allotted to them, and that you will take each other by the hand in peace and friendship, and let your council fires burn together. Your Delegates have given them a much larger piece of land than you were willing to give in Council last summer, but your great Father so advised it & he will not tell any of his red children to do wrong. You have all told me that you would listen to me and take my advice, and I now tell you that I trust every memominee will be satisfied with what has been done.

Your nation can now say it has done its duty as becomes a good people - You have given your brothers the Waubenocksies a large and rich country



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upon which they can sit down and be happy. If they refuse, it is their fault; the Menominee are not to blame.

Brothers, your Treaty as it now stands before you, was sanctioned by the President of the U.S. and sent to the great Council House of the nation, for the approbation of the wise men who sit there to assist him in taking care of the interests of the white and the red man. The laws of the white man require that all articles of Treaties must be sent to that Council House for confirmation or rejection. But those who hold Council there had much business to do before they could reach the Menominee Treaty, and they adjourned to their homes before it came up for consideration. Your great Father, the Secretary of War and myself, however, were desirous of preserving the agreement which we considered so beneficial to the Menominee Nations and the following articles were concluded with your Delegates which I will read to you:—

[Col Stambaugh here read the articles of agreement concluded on the 16<sup>th</sup> March 1831 La Paper Numbered Three]

Brothers, under this agreement you now receive these presents. You see what a kind guardian you have in the President of the United States. He knew that you would be disappointed if you received no presents, on the return home of your friends,

and he authorized that I am about to give you to be ad-  
vanced on the credit of the agreement, which will be  
sent to the Senate at its next session. You do not receive  
as much now as if the treaty had been confirmed, but you  
will get the more hereafter. Next year your mills and houses  
will be commenced. — your cattle & farming utensils will  
be purchased and given to you, and comfort & happiness  
will surround you on every side.

Brothers, listen a few moments longer. — You  
have now given for the first time, a part of your land  
to your great Father the President, in order that your  
white Brothers living far off, may come and sit down among  
you, to cultivate the soil and be your neighbors. By doing  
this you have secured great and lasting benefits to your-  
selves, which I have already pointed out to you. I have de-  
scribed the boundaries of this County to you — it all lies on the  
south and east side of Green Bay & Fox River, running from  
the southern extremity of Winnebago Lake, S. E. to Mil-  
waukee river, and down this river to its entrance into  
Lake Michigan, & along the shore of ~~that~~ Lake to the mouth  
of Green Bay; thus including all your Country, between  
the Lake, Green Bay & Fox River. Brothers, this boundary  
as well as that on the west side of Fox River, your Del-  
egates & the Commissioners who framed the Treaty, believed,  
from the best information they could obtain, faithfully  
defined the Country of the Menominee Indians. Your Del-  
egates had no hesitation in fixing the line, but I have  
since heard it whispered that your neighbors, the Potawat-  
-omies say that you have sold some of their land to the

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United States. Brothers, I do not believe this story. I do not think the Menominees have claimed any land to which they are not justly entitled. As it is said in the Treaty, the Pottawatamies and Winnebagoes, particularly the latter, have sold great quantities of their land and are receiving large annuities from the government; whereas the Menominees had not before last winter sold any of their land, in consequence of which other tribes were gradually settling upon it. This only shows the greater necessity of fixing definitely the lines of the Menominee country, and of their giving some of their land to their great Father, and thus obtain the means of taking care of the remainder. The country you have now sold, was of but little use to the Menominees in their present condition; and by the boundary which you have defined on the west side of Fox River & Green Bay you retain a country large enough for every purpose of farming and hunting. The land which was selected between the Big Butte des neiges & the little Kac-kau-lis for your farming country will furnish comfortable homes for yourselves, your children & your children's children. I hope to live to see your fine fields covered with wheat, corn and potatoes; and hear the Menominee people say they are contented and happy.

Menominee Brothers, I have endeavored to place every provision of the arrangement you have made with government before your eyes, that you can see and understand them. I want you to understand everything well, that there may be no bad feeling hereafter upon pretences that you have been deceived. The Treaty is

I have already told you, provides a large country for<sup>11</sup>  
the New York Indians - almost four times as large as  
you have heretofore agreed to give them. - I know  
some mischievous persons, who pretend to be your friends  
advise you to oppose this part of the agreement, and tell  
you that the government is cheating you out of your  
country to give it to strangers. Do not believe these ~~bad~~  
~~Stories~~. Your great Father will not permit the stranger  
white or red man to cheat you, if he knows that they  
intend to do so; and he knows all about your quarrel  
with the Waubenockies. This unfortunate dispute, which  
has kept you so wretched, so poor and miserable, for many  
years, is now we hope, forever settled: and, for the  
land which you have given to the Waubenockies or N.  
Y. Indians, by this treaty, the United States is to pay  
you twenty thousand Dollars.

Brothers, I have nothing more to say to you  
at this time, about your Treaty. - I have carefully en-  
deavoured to explain it; and I trust you understand  
it all. But I must say a few words to you about the  
presents, which I am about to distribute among you.

Brothers, you have often said and now say  
that your people have confidence in me, and will  
always be governed by my advice. - now I want to try  
the sincerity of these declarations - listen attentively to what  
I say. I have been told that certain persons are prepared  
to exchange whiskey with you for your presents, which  
you are now to receive; and that you have agreed <sup>so</sup> to  
dispose of a great quantity of them.

<sup>12</sup>  
I cannot believe so bad a charge against you. I do not think that the chiefs of the Menominee Tribe, will permit their people thus to barter away the clothes necessary to cover their nakedness, and the guns, traps and ammunition so necessary in their present condition to furnish them with food. If, however, there should be any among you so lost to shame, as to dispose of their presents in this way, I feel it my duty to tell you that I will report the fact to the President, and recommend that the offender or offenders shall receive no more favors from the government of the United States.

The great Father of the red man is kind and merciful, but <sup>when</sup> he finds his children refractory, and they wilfully reject his counsel, his anger becomes terrible, and the punishment he inflicts is very severe.

Brothers, when you receive your presents, I will furnish you with all the provisions I have been able to procure, and I advise you then to break up your encampment, and leave the settlement immediately. Go home to your own wigwams.

Brothers, I will now listen to any thing you have to say in reply to what I have made known to you. Speak freely, and let me hear the voice of the Menominee nation in your answer, that I may send it to your great Father. I hope to hear you say that you approve of what has been done for your tribe, by the Delegates and the Commissioners at Washington, under the sanction of your great Father the President of the United States. If you do so you will sign a paper

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which I will read to you, signifying that approval, to  
be sent to your great Father, to be laid before the  
Senate with your Treaty, for the consideration of the  
good men who sit there in council.

Brothers, I will now hear you.

Asette Carrin, one of the two principal chiefs of the  
Menominee nation, then rose, and addressed his people  
as follows:

Brothers, you have all of you, chiefs  
Warriors, men women & children, heard here in open  
day before all these our white brothers, every thing  
that our Father has said. When we do an act for  
the nation, you all know that we the chiefs, as well as  
our people, must be united. Brothers, I hope your ears  
have been open, and everything our good Father here  
has said to you, has gone deep into your hearts. The  
things which have been <sup>done</sup> for the Menominee nation at the  
Council house of our great Father, last winter, has now  
been fully explained to us. It is a plain matter and  
I am well pleased with it. I hope all of you are  
likewise pleased, and that not one of my people would  
be opposed to measures so wise and good. The Menominee  
have heretofore been poor and unhappy - they believed  
their great Father had forgotten them and that  
they had no friends. Brothers we now find we  
have a strong friend in our father here, and that  
our great Father far off also loves us. — We

We have now given him a piece of our land, and he has promised to take good care of his Menominee Children, as you have heard by the Treaty which our Father has just read to us. Are you all Satisfied? The Chiefs and Warriors replied with one voice in the usual manner—"yes."

[The Chief then turned to the Agent, Col Stambaugh, and said:]

Father, what you have said is heard by us all, and we are glad. You hear my people say so with one voice. The Menominees all were Satisfied when you went away last fall that you knew what was best for them. You and our Chiefs who went with you have done what was good for the Menominee nation, before our great Father the President. Father I thank you for the whole nation, and for them now tell you that we want the Treaty made strong.

Father, some of our friends wish to know if the half-breeds are to settle on the land set apart for our farms. If they are permitted to settle there, by our great Father the President, I hope they will have their pieces marked out, to distinguish them from ours. Then if they sell them, they will have no more. Father, we are satisfied that our children the half-breeds should come on our land, but they want to know if there has been no place kept for them from the land sold to our great Father, the President, on the east side of Fox River.

Father, we have heard what you know about educating our children. It is good, the Menominees United States. If you do it you will sign a paper

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15  
wish to have their children caught like the Americans  
[Then presenting a venerable looking old man the Chief  
said]

Father, I place this old chief before you that  
you may see and remember him. The Menominee now  
seem like a new people - they have a Father that they all  
love, and we all want to be known to you. As one of  
our chiefs, I want this old man known to you.

Father, my friend here, Kaush-Kau-nau-nieu, will  
speak to you on behalf of the Menominee people. We  
all look upon him as our counsellor with the red skin  
and upon you as our friend and counsellor with the  
white skin, who will always tell him what is good  
for the Menominee. When I was a little boy he was  
my Father's friend, and was a great speaker; <sup>since</sup> ~~when~~ my  
father died; he has been the council chief for the Men-  
-ominee people. Father, that was the reason he went  
with you to see our great Father, last winter, because  
we look upon him as being wiser than our other chiefs  
and we know our people would be satisfied with what  
he would do, under your advice. Father I have nothing  
more to say.

Kaush-Kau-nau-nieu, "Grizzly Bear" the chief orator  
of Menominee Nation, then rose and said:-

Father, I have heard what the Chief has said.  
I can now hold up my head & am not ashamed. Let  
those who questioned the authority by which I acted  
for my people at Washington last winter, now  
hear the answer of the whole Menominee Nation.

16 Father, the heart of Kauch-Kau-nau-nieu is glad. Look around and see the Menominee Tribe, Chiefs, Warriors men, women, and children, all are present, they have listened with open ears and glad hearts to what you have said, and you see no dark clouds among them, all is clear as the bright sun.

Father, you hear my voice only, but it speaks for the Menominee Nation. - We understand well the provisions of the Treaty as you have explained them to us. The country pointed out as the country of the Menominees, was ours, part of it is now our great Father's. no red or white man dare say I lie.

Before last winter we sold none of our land - but our brothers, the Pottawattomies & Winnebagoes have sold much of theirs, and they are getting a great deal of money from the government every year, when the poor Menominees get none - now it appears that they want to claim some of the small piece of land we have sold, because we have suffered them, like the Waubesaes, to sit down upon it, and did not with a strong arm drive them away.

Father, we the Menominees look up to you to protect us in our rights - our great Father at Washington, promised last winter, before the great spirit, to take care of his Menominee children, and not permit them to suffer wrong. We feel it in our hearts that he will keep his promise. Father, I again say that our line begins at the river at the south end of Winnebago Lake, and runs back

to Milwaukee, as you read it in the Treaty just now <sup>17</sup>

Father, with respect to the Waubinockies you know our whole hearts. We have always said the same thing - the menominee chiefs never sold them a foot of land.

Our chief long ago sent word to our great Father to take them away, but we were not listened to. It appeared as if we had no friends - but the great Spirit heard us speak, and we at length found our way to the ears of our great Father. At Belle des Mortes, some years ago, our Father from Detroit and another commissioner held a council with our people. I was then on the Mississippi counselling our people there on a serious subject to my red brothers. But the chiefs who are now present, were then there and stood face to face with the Waubinockies, and they then thought that all their troubles with these people were closed. Our Father then spoke good words to us, and we rested a while in peace. -

But after a while there were other commissioners sent here, and the waubinockies again claimed our Land.

Father we told these commissioners the same truth that we had never sold any of our country to the tribes from beyond the Lakes. Then they went away, & we went straight to the house of our great Father and laid the whole matter before him.

Now may Father, you know all that was done at Washington, was done in open day, and our great Father was satisfied. Father, we have given the New York Indians a large piece of land because you said our

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our great father wished them to have a home in our country, and we took your advice. Father, your words to us sounded good - you told us that all our difficulties should have an end, and that the menominee would become a new people.

Father, the hearts of the menominee people are one heart; you have a home in it, and we want to keep you there. Now you have heard what we have said to you - we want you to send all we say to our great Father, with this Pipe. Tell him that I send it; and when he smokes with it - he will think of his menominee Children.

Father when we return from our hunting grounds next spring, we hope to hear you gladden our hearts by telling us that the great Council House of the nation, has said the menominee shall have justice, then we will sit down and be contented in our own country. - I have nothing more to say.

After the chief sat down, the Agent rose and said,

My Brothers. I am rejoiced at the success of this day's work. You deserve to be a happy people. I have heard every word your Chiefs have said. They have spoken like good and sensible men, who have the welfare of their people at heart.

Brothers. The answers of your Chiefs convinced me that you all understood every condition of the arrangement you have made with <sup>the</sup> government of the United States. The menominee can now point

to their own country,  
and no one can come and take it from them. They have  
made a firm and powerful friend in the President of  
the United States. - His justice is like one of the great  
rocks of your Lakes, it cannot be moved. You have  
now drawn a line between the countries of the white  
and red man - you have kept the side nearest to your  
western forests. This is right - some of your people will  
no doubt remain hunters a few years longer. But after  
a while I hope to see an Indian Country thickly settled and  
closely bordering on the dividing Lakes and rivers, from Lake  
Michigan to the Mississippi. Other tribes will come and  
sit down beside you, as you and your great Father  
the President may direct, and your rich lands will soon be covered  
with the comforts which you so much require.

Brothers, I will send all that has been said this  
day, to your Father the Secretary of War, that he  
may tell your great Father the President and the  
members of the <sup>great</sup> Council House in Washington, what  
has been done at this Council. Brothers, I will now  
read you the paper\* I now hold in my hand, which  
gives you a full account to what has been done, and acknowl-  
edges the reception of the presents, given to you under  
the articles of a agreement made to preserve the provisions of  
your Treaty. When you sign this paper every article  
of your arrangement is made binding upon the me-  
morial Tribe.

Brothers, There are no reservations made for

\* see paper marked A

half breeds on this side of the river - if you want to give them land you can apply to your Great Father the President to permit them to settle on your farming country across the river. That is large enough for you all.

"Grizzly Bear" replied:

Father, I know the half breeds cannot settle at this side of the river. I told them they might go with us to our farming country on the west side of the river.

Father we have nothing more to say.

The above Talk was held in open Council in the presence of the witnesses whose names are signed to the instrument hereunto annexed, and the Inhabitants of Green Bay generally; after signing which instrument, the Council adjourned sine die.

A. G. Elly  
Secy