

sent a remonstrance against the treaty to Gov. Cass to be forwarded to the Government, they received and distributed the last payment in November 1824, and thereupon applied to Major Brevort, the U. S. Agent, to send on a countermand.

The authority in the treaty of 1827, given to the President to establish boundaries between them and the New York Indians admits that some thing was granted to the latter, and other than that granted by the treaty of 1821, for then the boundaries were already established. It is not pretended but the submission to the President's final decision was well understood. This very circumstance then repels the idea of the total invalidity of the instrument.

The second objection is already answered. The instrument does not grant any more than the Menominie chiefs alledge they intended to give, that is, a right in common with them. The Commissioners have so understood it and have acted accordingly. Indian property is generally held and distributed according to the number of polls including all of every age and sex. By this rule the New York Indians being more numerous than the Menominies would be entitled to the greatest share. But in this case the number of polls and the number of acres can have but little influence in making a just partition. The one party are to occupy as husbandmen, the other as hunters, probably for many years yet to come. A comparatively small number of polls will be as valuable to the one as a much larger quantity to the other. The Commissioners therefore propose to set apart to the New York Indians only about three hundred thousand acres, while they leave to the Menominies an immense tract of five or six millions. The tracts so set apart are described on a paper headed "Boundaries of lands at Green Bay, located for the accommodation and settlement of the New York Indians by Commissioners appointed by the President of the United States," and on two maps of that country, all of which are herewith transmitted. It will be perceived by the map that a considerable portion of the lands set apart for the New York Indians is included within the purchase of the Menominies by the United States