

**THE PROPRIETORS GIVETH AND THE
PROPRIETORS TAKETH AWAY:
THE GREAT SHELL GAME OF 1859, DOCUMENTED**

**27/Petition Presented to the Albany Legislature
Claiming to Represent the Shinnecock People
(January 1859)**

Petition of the trustees of the proprietors of common and undivided lands in the town of Southampton, county of Suffolk, praying for the passage confirming an exchange of lands of the Shinnecock tribe of Indians. Mr. Wiggins. In assembly, Jan. 7, 1859. Assembly, Jan. 7, 1859.

To the Legislature of the State of New York:

The petition of the undersigned persons belonging to the Shinnecock tribe of Indians, residing in the town of Southampton, county of Suffolk, respectfully sheweth:

That on the 13 day of December, 1640, Mandush and other sachems of the said tribe of Indians gave to John Gosmer and others a deed for certain lands lying east of the Canoe Place, and being part of what is now the said town of Southampton; that on the 6 day of December, 1686, Governor Dougan issued a patent confirmatory of this purchase from the Indians; that on the 14 day of April, 1687, a lease for a nominal rent and in perpetuity was given by the purchases of those lands to the said tribe of Indians; that subsequently on the 16 day of August, 1703, a second deed was given to the patentees by which the rights gained under the lease of 1687 were released and given up; that at the date of the second deed a second lease was given to the said tribe of Indians; by this lease the annual rent was changed from forty shillings (the rent named in the original lease) to one ear of corn, and the grant instead of being in perpetuity was for one thousand years.

Your petitioners further show that of late years various disputes have arisen between the said Indians and the trustees of the proprietors of common lands of the town of Southampton in regard to their respective rights under the several deeds and leases, and that to put an end to these differences they have consented to an arrangement with the said trustees by which they are to surrender their lease to certain portion of these lands, and the trustees are to reconvey to the said tribe the residue; and further your petitioners are informed and believe that the said bargain and arrangement cannot be consummated unless by the consent of the legislature; they would therefore most respectfully ask the legislature to pass a law for this purpose, as your petitioners will ever pray.

JAMES L. CUFFEE
WICKS CUFFEE
DAVID S. BUN (X).
AGE (X) CUFFEE.
JOHN (X) THOMPSON.
DAVIS JACOBSON.
AFPHONSO (X) BOARDMAN.
WM. RICHARD.
TOBIAS (X) COLES
STEPHEN WALKER.
JAMES L. CUFFEE

JAMES LEE.
SAIRA H. WALKER.
PAUL CUFFEE
LUTHER (X) CUFFEE
VINCENT (X) CUFFEE.
ADDISON J. RYER.
CHARLES (X) KELLIS.
WICKHAM CUFFEE.
JOEL (X) DAVIS.
THOMAS (X) BEAMAN.

I certify that the above names were signed in my presence.

ALBERT J. POST,
Clerk of Town of Southamp.

I hereby certify that the within is a true and correct copy of a petition on file in the manuscript department of the New York State library in the custody of the regents of the University of the State of New York.

Albany, 4 Oct., 1900.

ARNOLD J. F. WAN LAER, *Archivist.*

Source: Hearings before the Subcommittee of the U.S. Senate Committee on Indian Affairs, Sept. 22, 1900. pp. 93-94 (microcard copy available in Stony Brook Library).

Petition of the trustees of the proprietors of the town of Southampton, county of Suffolk, praying for the passage confirming an exchange of lands of the Shinnecock tribe of Indians. Mr. Wiggins in assembly, Jan. 7, 1859. Assembly, Jan. 7, 1859.

To the Legislature of the State of New York:

The petition of the undersigned persons belonging to the Shinnecock tribe of Indians, residing in the town of Southampton, county of Suffolk, respectfully sheweth:

That on the 15 day of December, 1840, Mandush and other sachems of the said tribe of Indians gave to John Gosner and others a deed for certain lands lying east of the Canon Place, and being part of what is now the said town of Southampton; that on the 6 day of December, 1888, Governor Douglass issued a patent confirming of this purchase from the Indians; that on the 14 day of April, 1887, a lease for a nominal term and in perpetuity was given by the purchase of those lands to the said tribe of Indians; that subsequently on the 15 day of August, 1903, a second deed was given to the patentees by which the rights gained under the lease of 1887 were released and given up; that at the date of the second deed a second lease was given to the said tribe of Indians; by this lease the annual rent was changed from forty shillings (the rent named in the original lease) to one ear of corn, and the grant instead of being in perpetuity was for one thousand years.

Your petitioners further show that of late years various disputes have arisen between the said Indians and the trustees of the proprietors of common lands of the town of Southampton in regard to their respective rights under the several deeds and leases, and that to put an end to these differences they have consented to an arrangement with the said trustees by which they are to surrender their lease to certain portion of these lands, and the trustees are to convey to the said tribe the residue; and further your petitioners are informed and believe that the said bargain and arrangement cannot be consummated unless by the consent of the legislature; they would therefore most respectfully ask the legislature to pass a law for this purpose, as your petitioners will ever pray.

JAMES LEE
SARA H. WALKER
PAUL CUPPER
LUTHER (X) CUPPER
VINCENT (X) CUPPER
ADDISON J. RYER
CHARLES (X) KELLIS
WICHAM CUPPER
JOEL (X) DAVIS
THOMAS (X) BRYAN

JAMES L. CUPPER
WICKS CUPPER
DAVID S. BUN (X)
AGE (X) CUPPER
JOHN (X) THOMPSON
DAVIS JACOBSON
AFRONSO (X) BOARDMAN
WM. RICHARD
TOMAS (X) COLES
STEPHEN WALKER
JAMES L. CUPPER

I certify that the above names were signed in my presence.
ALBERT J. POST,
Clerk of Town of Southampton

28/Petition Presented to the Albany Legislature Claiming
That the above Petition (Document 28) Was Fraudulent
(January 1859)

Petition of the trustees of the Shinnecock tribe of Indians & others, praying for the passage of a law ratifying an exchange of lands. Mr. Wiggins. In Assembly Jan. 7, 1858.

STATE OF NEW YORK, Suffolk, ss.

We, the undersigned affiants, on oath depose and say:

That we are members of the Shinnecock Tribe of Indians of Southampton, in said county of Suffolk; that we have had submitted to us the names of the signers to a certain petition which was presented to the assembly of New York State by certain people claiming to be Shinnecock Indians, residing in said county of Suffolk in 1859, and presented to the assembly on January 7th, 1859; and we depose that said names, as signed thereon is said petition, were forgeries, and of this we are ready to offer substantial and conclusive evidence in any court of law.

We further certify that some of the names thereon purporting to be names of signers were not signed by the parties bearing the name thereon in the petition; that others of the signers, or pretended signers, who had a right to those names signed were dead and buried for years; that others thereon were never known to the tribe, nor did they ever belong to the tribe; that others thereon are in existence today who never signed the petition as claimed, and that others thereon, pretended signers, were minors, and that others thereon, pretended signers, did not sign said petition, and of this we are ready to prove.

DAVID KILLES.
A. H. CUFFEE
ANNA C. KELLIS.
JAMES L. CUFFEE.
MARY BREWER
CHAS. H. ASHMAN.

FANNIE ASHMAN.
LYDIA WARD
HARRIET RICHARDS
MARY J. WALKER
N. J. CUFFEE
MARIA CUFFEE.

Source: Hearings before the Subcommittee of the U.S. Senate Committee on Indian Affairs, Sept. 22, 1900, p. 94.

29/Testimony of David Killes before the U.S. Senate
Subcommittee on Indian Affairs
(September 22, 1900)

DAVID KILLES, being duly sworn, was examined and testified as follows:

Mr. TREADWELL. Where do you live?

Mr. KILLES. Shinnecock Reservation, town of Southampton.

Mr. TREADWELL. Are you a member of the Shinnecock tribe?

Mr. KILLES. Yes, sir.

Mr. TREADWELL. How old are you?

Mr. KILLES. fifty-five.

Mr. TREADWELL. Do you live on the reservation now?

Mr. KILLES. Yes, sir.

Mr. TREADWELL. How long have you lived there?

Mr. KILLES. Off and on all my life. I was on the ocean about eighteen years. Since then I have lived on the reservation.

Mr. TREADWELL. You heard the testimony of Mr. Johnson in regard to the Shinnecock Hills and the Shinnecock Reservation?

Mr. KILLES. Yes, sir.

Mr. TREADWELL. You are acquainted with the acts of the Shinnecock tribe?

Mr. KILLES. Yes, sir.

Mr. TREADWELL. Is his statement substantially correct?

Mr. KILLES. Yes, sir.

Mr. TREADWELL. Do the Shinnecoaks maintain their tribal organization?

Mr. KILLES. Yes, sir.

Mr. TREADWELL. Do they have tribal officers?

Mr. KILLES. Yes, sir.

Mr. TREADWELL. Elected at stated times?

Mr. KILLES. Yes, sir.

Mr. TREADWELL. They regulate and govern the conduct of the tribe?

Mr. KILLES. Try to, the best they can.

Mr. TREADWELL. And apportion out the land?

Mr. KILLES. Yes, sir.

Mr. TREADWELL. You have been one of the tribal officers?

Mr. KILLES. Yes, sir.

Mr. TREADWELL. What do they call them?

Mr. KILLES. Trustees.

Mr. TREADWELL. Have you any idea what is the value of the Shinnecock Hills?

Mr. KILLES. Oh, I do not know. It is of great value now; sold anywhere from \$1,000 to \$1,500 an acre; some hills have been sold there for about \$10,000 to \$12,000 for 1 acre.

Mr. TREADWELL. Do you know what its value was in 1859?

Mr. KILLES. No, sir; it was good value then. It was pastured by cattle.

Mr. TREADWELL. Was it worth nearly as much as now?

Mr. KILLES. It was valuable then.

Mr. TREADWELL. Did the Indians ever receive anything for that land?

Mr. KILLES. Never a penny.

Mr. TREADWELL. It had considerable value at that time?

Mr. KILLES. Yes, sir; it always had great value, because there were thousands and millions of sheep and cattle pasturing there.

Mr. TREADWELL. Since the hills were conveyed or taken away from the Indians have they been able to live on the reservation?

Mr. KILLES. It is hard work to live there.

Mr. TREADWELL. They had to go away to procure a living?

Mr. KILLES. They had to go away to procure a living. We are cramped in every direction. We have been sued. Louis Scott, one of the proprietors, sued our men for cutting their own firewood, and it cost them \$100. My brother and I have been sued, and they wanted to cost us \$20; set down for damages; to collect the damage.

Senator PLATT, of Connecticut. Where?

Mr. KILLES. On the reservation. There are oceans of wood growing there. My aunt got banged pretty nearly to death for cutting a stick of basket wook.

Senator PLATT, of Connecticut. If they have a reservation there why can they not cut wood on it?

Mr. MORRISON. They are not allowed to do so. The tribe has the woodland and the Neck besides. It belongs to them as a tribe.

Senator PLATT, of Connecticut. Who brings suit against them?

Mr. KILLES. The white people who pretend to own it. Almost anybody seems to own it nowadays. They drive us away from it. They forbid us to drive across it.

Mr. TREADWELL. And you have to go into court to defend yourselves?

Mr. KILLES. Yes, sir.

Mr. TREADWELL. And you are not permitted to maintain suits?

Mr. KILLES. No, sir.

Mr. TREADWELL. I understand you to say that for the Shinnecock Hills, when it was taken, the tribe got nothing?

Mr. KILLES. No, sir.

Mr. MORRISON. Previous to 1859 you used to hold one side for you fields and have your pasture on the other side?

Mr. KILLES. Yes, sir.

Mr. MORRISON. And the people would drive their cattle down into your fields?

Mr. KILLES. Yes, sir.

Mr. MORRISON. And when you reversed the conditions they would drive the cattle the other way?

Mr. KILLES. Yes, sir.

Mr. MORRISON. Notwithstanding the dissension, the people did not sign the petition, but it was forged?

Mr. KILLES. I remember the day when Capt. Louis Scott, Austin Rose, and Capt. Jeter Rose drove on the reservation. They said the petition is going down to Albany to-morrow, and he said to my father, "Are you going to sign it?" He said, "I told you I would never sign it." He said "Luther" (my uncle), "are you going to sign?" He said, "I never will sign it;" but they forged the names and put them on.

Mr. MORRISON. There are other witnesses to that occurrence?

Mr. KILLES. Yes, sir; here is my brother.

Mr. TREADWELL. Are you a Christian or a pagan?

Mr. KILLES. A Christian.

Mr. TREADWELL. Are there any pagans in the Shinnecock tribe, to your knowledge?

Mr. KILLES. No, sir.

Mr. TREADWELL. Are there any pagans in the Montauk tribe?

Mr. KILLES. No, sir.

30/Testimony of James Louis Cuffee before the U. S. Senate Subcommittee on Indian Affairs (September 22, 1900)

JAMES LOUIS CUFFEE, being duly sworn, was examined and testified as follows:

Mr. MORRISON. You have heard Mr. Killis's testimony?

Mr. CUFFEE. Yes, sir.

Mr. MORRISON. Were you trustee at the time the order was forged?

Mr. CUFFEE. Yes, sir.

Mr. MORRISON. Tell about it.

Mr. CUFFEE. Mr. Rose came out, as Mr. Killis said, on the Neck and tried to get all the names signed to it that they could. He came to me at that time. I was trustee on the Neck and I told him no, I would not sign anything of the kind, and he went to several others to my knowledge—I do not know how many—but he could not get the majority of them. They would not sign it. It was the minority that he got; probably not over a dozen.

Mr. MORRISON. Did he get the dozen?

Mr. CUFFEE. Not over that. I do not know exactly how many.

Mr. MORRISON. Were not two of the dozen names forged?

Mr. CUFFEE. I have understood they were.

Mr. MORRISON. Do you know the names which were forged?

Mr. CUFFEE. I will ask permission to introduce later a copy of the petition from the Statehouse.

The CHAIRMAN. You may do so.

The petition referred to is as follows (see Document 28):

Senator PLATT, of Connecticut. What sort of a document was it that they wanted you to sign?

Mr. CUFFEE. It was a lease, or a deed; rather, that they wanted us to sign for the hills.

Mr. MORRISON. A petition?

Mr. CUFFEE. A petition for us to give up our claims on the hills.

Senator PLATT, of Connecticut. To whom?

Mr. CUFFEE. To those proprietors; self-made proprietors.

Senator PLATT, of Connecticut. Did they claim that it belonged to them in any way?

Mr. CUFFEE. They claimed it belonged to them. It the first place Pungam Chise took and sold the whole reservation, and the hills of Shinnecock and all, unbeknown to the tribe, and then took what he got for it, which was a small, paltry sum, and cleared out. Nobody ever knew what became of him.

Senator PLATT, of Connecticut. They were the parties who bought of him, or their descendants, who asked you to give up the Shinnecock Hills?

Mr. CUFFEE. Yes, sir. Then Austin Rose's people—they said out of pity for the Indians—reserved what privilege they wanted and leased it back to the Indians again for nine hundred and ninety-nine years. They reserved the grazing and the meadows and the marshes, and the rest they gave back to the Indians, they said, out of pity.

Senator PLATT, of Connecticut. The "rest," I suppose, was sand.

Mr. CUFFEE. Then, of course, the Indians were not to keep a hoof on the place. They were to plant nothing but corn and white beans, and then from the first day of November until the last day of April they were to keep the fields common for the proprietors' cattle to go and graze on the reservation—eat right up around by the houses and everywhere. They wanted to compromise with the Indians. They said, "We will take the hills and give you the reservation out and out."

Mr. MORRISON. The Neck, you mean?

Mr. CUFFEE. The Neck.

Senator PLATT, of Connecticut. They were the parties—

Mr. CUFFEE. Who stole it from us in the first place.

Senator PLATT, of Connecticut. They were the parties who got the deed from old King Pungam Chise?

Mr. CUFFEE. Yes, sir.

Senator PLATT, of Connecticut. That is what they founded their claim on?

Mr. CUFFEE. Yes, sir. They told us that we should have the neck of land for our reservation, independent of everything. Since that they have claimed the meadows and the marshes. Some have been arrested for cutting grass. The courts decided in favor of the white men, and they had to pay.

Mr. TREADWELL. How old are you?

Mr. CUFFEE. Seventy years old.

Senator PLATT, of Connecticut. When was this conveyance from the old king?

Mr. CUFFEE. Before I can remember.

Senator PLATT, of Connecticut. Before your time?

Mr. CUFFEE. Yes, sir.

Mr. TREADWELL. Did you say the tribe did not receive any money for that land?

Mr. CUFFEE. Not a cent.

Mr. TREADWELL. Did they meet and ratify what was done in any way?

Mr. CUFFEE. No, sir. What was done was done by a minority of the tribe, and the tribe, as a tribe, never ratified anything. I know that to be the fact because I was one of the trustees.

Mr. TREADWELL. You have always rejected the right of the so-called proprietors to the use and occupancy of this land?

Mr. CUFFEE. Yes, sir.

Mr. MORRISON. Where did you get the name Cuffee?

Mr. CUFFEE. From Priest Paul Cuffee. His father was Peter John Cuffee. There wer seven sons. I forget the names. Nathan Cuffee was one of Priest Paul's sons, born in 1745 or 1746. He was my greatgrandfather; my father's grandfather.

Mr. MORRISON. Where is he buried?

Mr. CUFFEE. He is buried in Canoe Place.

Mr. MORRISON. His monument is alongside of the railroad?

Mr. CUFFEE. Yes, sir.

Mr. MORRISON. The Long Island Railroad runs right through there?

Mr. CUFFEE. Yes, sir.

Mr. MORRISON. The name Peters appears in the book I have introduced?

Mr. CUFFEE. That was Peter John Cuffee. He was Paul Cuffee's father.

Mr. MORRISON. I will ask you to explain further about the name Paul.

Mr. CUFFEE. The only way I can explain it is by saying that Priest Paul always went by the name of Priest Paul.

Mr. MORRISON. But his name was Cuffee?

Mr. CUFFEE. Yes, sir; and his children were Cuffees. One of his sons married my great-grandmother, Sarah Jeffrey. She belonged to the Narragansetts.

Mr. MORRISON. Then those who appear here as Pauls are Cuffees, and those who appears as Peters are also Cuffees?

Mr. CUFFEE. Yes, sir.

Mr. MORRISON. I will ask if, according to history and traditons and knowledge, those people emigrated back and forth between Brothertown, N.Y., and those reservations?

Mr. CUFFEE. I have always heard say so.

Mr. MORRISON. They are your people?

Mr. CUFFEE. They are my ancestors.

Mr. MORRISON. And that graveyard is there on Shinnecock Reservation and the name is Richards?

Mr. CUFFEE. Yes, sir.

Mr. MORRISON. And the name William Richards refers to Billy Dick?

Mr. CUFFEE. I think the name on his tombstone is Dick.

Mr. KILLES. No; it is Richards.

Mr. CUFFEE. His daughter married a Richards.

Mr. MORRISON. You have heard the evidence about Montauk. There were but four or five of the Indians at the most, who conveyed that land?

Mr. CUFFEE. There were very few.

Mr. MORRISON. They were not officials of the Tribe?

Mr. CUFFEE. No, sir.

Mr. CUFFEE. I think the name on his tombstone is Dick.
Mr. MORRISON. And the name William Richards refers to Billy Dick?
Mr. CUFFEE. Yes, sir.
Richards?
Mr. MORRISON. And that graveyard is there on Shinnecock Reservation and the name is
Mr. CUFFEE. They are my ancestors.
Mr. MORRISON. They are your people?
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emigrated back and forth between Brookhaven, N.Y., and those reservations?
Mr. MORRISON. I will ask it, according to history and tradition and knowledge, those people
Mr. CUFFEE. Yes, sir.
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Mr. MORRISON. Then those who appear here as Pauls are Cuffees, and those who appear as
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Mr. CUFFEE. Yes, sir, and his children were Cuffees. One of his sons married my great-
name of Peter Paul.
Mr. CUFFEE. The only way I can explain it is by saying that Peter Paul always went by the
Mr. MORRISON. I will ask you to explain further about the name Paul.
Mr. CUFFEE. That was Peter John Cuffee. He was Paul Cuffee's father.
Mr. MORRISON. The name Peters appears in the book I have introduced?
Mr. CUFFEE. Yes, sir.
Mr. MORRISON. The Long Island Railroad runs right through there?
Mr. CUFFEE. Yes, sir.
Mr. MORRISON. His monument is alongside of the railroad?
Mr. CUFFEE. He is buried in Canoe Place.
Mr. MORRISON. Where is he buried?
Mr. MORRISON. Where is he buried?
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Mr. CUFFEE. From Peter Paul Cuffee. His father was Peter John Cuffee. There were seven
Mr. MORRISON. Where did you get the name Cuffee?
Mr. CUFFEE. Yes, sir.
occupancy of this land?
Mr. TREADWELL. You have always rejected the right of the so-called proprietors to the use and
tribe never ratified anything. I know that to be the fact because I was one of the trustees.
Mr. CUFFEE. No, sir. What was done by a minority of the tribe, and the tribe as a
Mr. TREADWELL. Did they meet and ratify what was done in any way?
Mr. CUFFEE. Not a cent.
Mr. TREADWELL. Did you say the tribe did not receive any money for that land?
Mr. CUFFEE. Yes, sir.
Senator PLATT, of Connecticut. Before your time?
Mr. CUFFEE. Before I can remember.
Senator PLATT, of Connecticut. When was this conveyance from the old king?
Mr. CUFFEE. Seventy years old.
Mr. TREADWELL. How old are you?
to pay.

31/Testimony of Nathan Cuffee before the U. S. Senate
 Subcommittee on Indian Affairs
 (September 22, 1900)

NATHAN CUFFEE, being duly sworn, was examined and testified as follows:

Mr. TREADWELL. Where do you live?

Mr. CUFFEE. I live at Shelter Island Heights, N.Y.

Mr. TREADWELL. Are you a member of the tribe?

Mr. CUFFEE. Yes, sir.

Mr. TREADWELL. What tribe?

Mr. CUFFEE. I am a member of the Montauk and Shinnecock tribes and the Narragansetts and Mohegan tribes.

Mr. TREADWELL. By intermarriage?

Mr. CUFFEE. By intermarriage.

Mr. TREADWELL. How old are you?

Mr. CUFFEE. I will be 47 next month.

Mr. TREADWELL. Are you familiar with the extent of the Montauk Reservation?

Mr. CUFFEE. I am.

Mr. TREADWELL. About how many miles of the Long Island Railroad are laid in the Montauk Reservation?

Mr. CUFFEE. Well, about 2 miles.

Mr. TREADWELL. Are you a member of the tribal council?

Mr. CUFFEE. Yes, sir.

Mr. TREADWELL. To your knowledge, did the tribe ever get anything from the railroad company for the use and occupation of that land?

Mr. CUFFEE. Nothing whatsoever.

Mr. TREADWELL. Does the railroad traverse the Shinnecock Reservation?

Mr. CUFFEE. It traverses the Shinnecock Hills, not the reservation proper as it now is.

Mr. TREADWELL. About how much of their roadbed in length is contained on Shinnecock Hills?

Mr. CUFFEE. About 4 miles.

Mr. TREADWELL. Are you able to state whether the Shinnecock Indians ever received anything from the Long Island Railroad Company for the use and occupation of that land?

Mr. CUFFEE. Nothing whatever.

Senator PLATT, of Connecticut. How did they get the right of way?

Mr. CUFFEE. By legislative enactment, independent of the Indians.

Mr. TREADWELL. You heard Mr. Johnson's testimony?

Mr. CUFFEE. I did.

Mr. TREADWELL. You are familiar with the facts as to which he testified?

Mr. CUFFEE. I am.

Mr. TREADWELL. Is he correct in the main; is he substantially correct?

Mr. CUFFEE. Regarding the Shinnecoeks, he did not make it quite plain as to the manner or the object for which Shinnecock Hills were taken from the Indians.

Mr. TREADWELL. State that to the committee.

Mr. CUFFEE. It was brought out in his testimony that there was a contention between the Indians and the Freeholders, so called, of the hills on account of their cattle passing back and forth from the hills onto the reservation or the Neck proper, much to the discomfiture of the Indians, as the agreement was that the cattle should be allowed free grazing on the Neck after the crops were gathered, and the exchange was made this way. The Indians up to that time had always held the Neck proper and the hills as their reservation in common, and the whites made

this proposition to us: That for the sake of stopping the strife engendered by the cattle breaking fences, etc., if the Indians would sign this compact with the whites, which would put them in possession of the fee simple of the hills, they would relinquish the Neck proper to the Indians and give them a fee simple, wherein they would hold all the property under the lease for the nine hundred and ninety-nine years. That is why and that is the manner in which the hills were taken away from them.

Mr. TREADWELL. Was that agreement consummated?

Mr. CUFFEE. It was consummated by the legislative act of 1850.

Mr. TREADWELL. Was it consummated by the Indians?

Mr. CUFFEE. No, sir; it was a forged instrument. It was taken to the legislature and enacted on a forged petition.

Mr. MORRISON. Tell us about Richards. Trace your people back two or three generations, according to the documentary history of New York.

Mr. CUFFEE. I can trace back on my maternal side in the Shinnecock Nation six generations, taking us back to 1608. There is an instrument in existence now, one of the deeds held by the whites for Shinnecock, in which the name of Johnaquon appears as head of the tribe. Johnaquon was my ancestor on my maternal side at that time. You will find it in the Documentary History of the State of New York, volume 3, page 361. At that time, under the order of King George, a census of the Indians, slaves, and freeholders of the town of Southampton was taken, and they were enumerated at that time; Johnaquon and his family. Only the male members, fifty-two in number, of the Shinnecock tribe were enumerated at that time, the women and children not being enumerated. Johnaquon's wife at that time was Jeminia my sixth grandmother.

Mr. TREADWELL. How many people are there in the Montauk tribe now?

Mr. CUFFEE. Somewhere between 250 and 300 souls.

Mr. MORRISON. Did they migrate to Brothertown?

Mr. CUFFEE. Some of they did.

Mr. MORRISON. Then farther west, to Wisconsin?

Senator PLATT, of Connecticut. How many generations back?

Mr. CUFFEE. They went back there in 1784 and 1787—between those years and, at other times up to 1840.

Senator PLATT, of Connecticut. They took part in the Buffalo Creek treaty of 1838?

Mr. CUFFEE. Yes, sir.

Mr. MORRISON. Some returned home again?

Mr. CUFFEE. Yes, sir.

Mr. TREADWELL. How many people are there in the Shinnecock tribe?

Mr. CUFFEE. I am unable to say.

Mr. TREADWELL. Have you any idea as to what was the value of Montauk Point in 1890?

Mr. CUFFEE. It was valued at between \$3,000,000 and \$4,000,000 at the time.

32/Testimony of Joshua Killes before the U.S. Senate Subcommittee on Indian Affairs (September 22, 1900)

JOSHUA KILLES, being duly sworn, was examined and testified as follows:

Mr.. MORRISON. You reside on Shinnecock Reservation?

Mr. KILLES. Yes, sir.

Mr.. MORRISON. You are a member of the tribe?

Mr. KILLES. Yes, sir.

Mr.. MORRISON. You are a brother of David Killes?

Mr. KILLES. Yes, sir.

Mr.. MORRISON. Called King David—nickname. He is of the line of kings of Shinnecock, and so are you?

Mr. KILLES. Yes, sir.

Mr.. MORRISON. You have heard the testimony given by the people who are related to you?

Mr. KILLES. Yes, sir.

Mr.. MORRISON. It is true?

Mr. KILLES. Yes, sir.

Mr.. MORRISON. Do you wish to add anything to it?

Mr. KILLES. No, sir; I do not know of anything.

33/Opinion of an Observer at the Hearings on September 22, 1900 Edited by Peter Ross, Long Island Historian

One who watched the proceedings closely said that the committee seemed satisfied that the Indians had made out a good prima-facie case, and there was every possibility that the subject would be permitted to reach the courts. Such at least would simply be a measure of justice.

[Note: In spite of their pleas, the Federal government did not come to their aid. One reason for this may well have been that the U.S. Government in 1900 was committed to an allotment policy designed to break up reservations and force Indians to fend for themselves in white society.]

Source: Peter Ross, *A History of Long Island*, Vol. I. New York: Lewis Publishing Company, 1902, p. 42.

34/State Legislation Enabling the Proprietors of Southampton to Abrogate the Thousand Year Lease in Exchange for a Deed in Fee Simple to Shinnecock Neck (March 16, 1859)

Chap. 46

AN ACT to enable the Shinnecock tribe of Indians to exchange certain rights in land with the trustees of the proprietors of the common and undivided lands and marshes in the town of Southampton.

Passed March 16, 1859.

Whereas, the Shinnecock tribe of Indians, by virtue of a lease for one thousand years, are in the occupation of a tract of land lying in the town of Southampton, in the county of Suffolk, called Shinnecock Neck, and are living therein as a tribe, subject to certain rights of pasturage, and the fee of the said land is in the trustees of the proprietors of the common and undivided lands and marshes in the town of Southampton, and other lands are held in the same manner; and whereas, the rights of said tribe of Indians and said trustees of said proprietors are of such a nature as to be conflicting, and have become the cause of frequent and expensive litigation, and render the improvement of the land far less valuable than the same would be if equitably divided and improved in severalty; and whereas, a verbal agreement and arrangement has been entered into between the said tribe of Indians and said trustees of said proprietors, for the full and clear release, each to the other, of all their rights on either side of an established and well defined line, to the end that each may improve and own in severalty all the land on their side of said line. Now therefore:

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the said tribe of Indians are hereby authorized and empowered, in behalf of the said Indians, to convey, release and quit-claim to the trustees of the said proprietors of common and undivided lands and marshes in the town of Southampton, by deed in the ordinary form, and to be acknowledged in the usual manner before the county judge of Suffolk county, all their right, title and interest in and to certain lands in the town of Southampton, Suffolk county, generally known as Shinnecock Hills and Sebonack Neck, and lying north of a certain line commencing at the head of the creek and running along the Indian ditch, where the fence now stands, to the Stephen Post meadow, so called; thence along the old ditch on the south side of the said meadow to old Fort Pond, where the water fence formerly stood. And the said trustees of the said proprietors are hereby authorized to receive the same in consideration of a deed in like manner, in the ordinary form and to be acknowledged in the usual manner before the county judge of Suffolk county, conveying, confirming and releasing to the said trustees of the said Indians, in behalf of the said Shinnecock tribe, all that tract of land commonly called Shinnecock Neck, and lying south of the before described line, commencing at the head of the creek on the east side of said Neck, and running along the Indian ditch, where the fence now stands, to the Stephen Post meadow, so called; thence along the old ditch on the south side of the said meadow to old fort Pond, where the water fence formerly stood.

§2. The true intent and meaning of this act is, and it shall be construed to be, to enable the said Shinnecock tribe of Indians to exchange all their rights in and to the land north of said line, for a full release to them by said trustees of said proprietors, of all their rights in and to all land south of said line; and the consent of the people of the state of New York is hereby granted to such exchange.

§3. This act shall take effect immediately.

35/The 1859 Agreement between the Shinnecock Trustees and the Trustees of the Proprietors of the Common and Undivided Lands and Marshes in the Town of Southampton (April 21, 1859)

THIS INDENTURE, made the 21st day of April, 1859. BETWEEN STEVEN H. WALKER, DAVID S. BUNN & WICKHAM CUFFEE, as Trustees of the Shinnecock Tribe of Indians, in behalf of the said Indians, parties of the first part, and THE TRUSTEES OF THE PROPRIETORS OF THE COMMON & UNDIVIDED LANDS AND MARSHES (OR MEADOWS), in the Town of Southampton, in Suffolk County, parties of the second part.

WITNESSETH, That the said parties of the first part by virtue & force of the Act entitled "An Act to enable the Shinnecock Tribe of Indians to exchange certain rights in land with the Trustees of the Proprietors of the common & undivided lands & marshes in the Town of Southampton, passed March 16th, 1859." And in consideration of a deed bearing even date herewith made by the said parties of the second part to the said parties of the first part in behalf of said tribe and conveying & releasing to said parties of the first part in behalf of said Tribe All their right, title & interest in & to certain lands therein more particularly mentioned & described which Deed was made in pursuance & by virtue of said Act passed March 16th, 1859 & by virtue also of an Act entitled "An Act relative to the common & undivided lands & marshes in Southampton in the County of Suffolk passed April 15th, 1818" & is together with this deed & these presents to be construed as part of one & the same transaction do hereby grant, bargain, sell, release & convey & confirm unto the said parties of the second part.

ALL that certain Tract of land & premises commonly known as "Shinnecock Hills" and "Sebonac Neck" including Ram Island, situated in said Town of Southampton, County of Suffolk & lying North of a certain line commencing at the head of the Creek and running along the Indian Ditch where the fence now stands to the Stephen Post Meadow so called, thence along the old Ditch on the South side of the said meadow to Old Fort Pond where the water fence formerly stood with all & singular the hereditaments & appurtenances to the same belonging or in anywise appertaining:

TO HAVE AND TO HOLD the same premises hereby conveyed or so intended to be to the said parties of the second part & their successors in office forever: The true intent & meaning of this Deed is & it shall be construed to be to release to & vest in the said parties of the second part all the right, title & interest, estate, possession, claim & demand, both in law & equity, & in possession, reversion, expectancy & remainder which the said parties of the first part as said Trustees or the said Shinnecock Indians or Tribe of Indians have or might or could by any means have or convey therein.

A/The Copy Signed by the Southampton Town Proprietors

Transfer of Title in Fee Simple to the Shinnecock Indians, 1859

IN TESTIMONY WHEREOF the said parties of the first part have by Edwin Rose, Esq. their President, signed these _____ presents _____ and hereunto affixed their corporate seal and _____ to wit Erastus Foster, George O. Post, Jonathan Fithian, Edwin Post, Edward White, Selden Foster, Jeremiah O. Hedges, David Hedges, Isaac W. Osborn, David R. Rose, Austin Rose, and Edwin Rose as said Trustees of said Proprietors parties of the first part _____ also hereunto set their hands and seals the day and year first above written.

Sealed and Delivered in presence of
J. Lawrence Smith

Edwin Rose, President
Erastus Foster
George O. Post
Jon Fithian
Edwin Post

Edward White
Selden Foster
Jeremiah O. Hedges
David Hedges
Isaac W. Osborn
David R. Rose
Austin Rose
Edwin Rose

B/The Copy Signed by the Shinnecock Trustees

IN TESTIMONY WHEREOF, the said Steven H. Walker, David S. Bunn & Wickham Cuffee, the parties of the first part as Trustees of the said Shinnecock Indians or Tribe of Indians & in their behalf have hereunto set their hands & seals the day & year first aforesaid.

Sealed & delivered
in presence of
J. Lawrence Smith

STEPHEN H. WALKER L.S.

DAVID S. X BUNN L.S.
his
mark

State of New York
County of Suffolk

WICKHAM CUFFEE L.S.

as Trustees & c of Shinnecock
Tribe of Indians.

On this twenty-first day of April in the year one thousand eight hundred and fifty-nine before me came Stephen H. Walker, David S. Bunn & Wickham Cuffee, and severally acknowledged that they had executed the foregoing deed and at the same time before me came Charles Howell residing in the village of Southampton, in the Town of Southampton, to me known who being by me duly sworn deposed and said that he knew Stephen H. Walker, David S. Bunn & Wickham Cuffee, the persons making the said acknowledgment to be the same persons described in and who executed the foregoing deed which is to me satisfactory evidence thereof.

J. Lawrence Smith,
County Judge of Suffolk County.

Recorded on the 22nd day of April, 1859.
at 2 o'clock and 45 min. P.M.

(Seal)

Chas. R. Dayton, Clerk.

Liber 103 of Deeds, page 257.

[Note: Only the two endings of the deed differ.]