

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

3-16-1840

Resolutions of the Assembly of Wiskonsin

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

Recommended Citation

H.R. Doc. No. 144, 26th Cong., 1st Sess. (1840)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

RESERVATION AT FORT SNELLING.

RESOLUTIONS

OF

THE ASSEMBLY OF WISCONSIN.

MARCH 16, 1840.

Referred to the Committee on the Judiciary.

Whereas, the advantages of steamboat landings are of vast importance to an agricultural district, and particularly necessary to the citizens of this Territory residing near the head of the navigation of the Mississippi river; and whereas, the military reservation of Fort Snelling, in Iowa Territory, has been so surveyed as to embrace the only convenient steamboat landings east of the Mississippi for fifteen miles below the head of navigation, and also includes a valuable agricultural district, much of which is under a good state of cultivation, and occupied by an industrious and enterprising people, some of whom have made valuable improvements; and whereas, it appears efforts are being made by the military at said fort to procure a sanction of the reserve as lately surveyed for speculative purposes, and without any regard to the good of the military service; now, be it

Resolved by the Council and House of Representatives of the Territory of Wisconsin, That our delegate in Congress be requested to protest against the extension of the military reserve of Fort Snelling to the Wisconsin side of the Mississippi.

Resolved, That the Governor be requested to forward one copy of the foregoing preamble and resolution to the Secretary of War, and one copy to our delegate in Congress.

EDWARD V. WHITON,
Speaker of the House of Representatives.
JAMES COLLINS,
President of the Council.

Approved, December 16, 1839.

HENRY DODGE.

MADISON, December 10, 1839.

SIR: Enclosed I transmit you the proceedings of a meeting of the citizens of this Territory interested in the land (as claimants) lately surveyed by the military intended as a "reservation" for Fort Snelling, and extend-

ing into this Territory. Feeling ourselves aggrieved by the efforts now making for the attainment of the reserve as surveyed, we have petitioned our Legislature to pass a resolution requesting the delegate in Congress to protest against the extension of the reserve to the Wisconsin side of the river, and impressed with the belief that you will render all the assistance in your power to prevent our being driven from our homes by a band of unprincipled speculators, I have taken the liberty of giving you a true statement of the circumstances attending the whole procedure.

From the first establishment of Fort Snelling until within the last three or four years it has been customary with the different commanding officers to grant permission to persons to locate on what has been usually termed "Pike's purchase," with the assurance, in many instances, they would not be disturbed, consequently, at the time of the treaty with the Sioux, in 1837, the population on the "purchase" numbered upward of one hundred; that portion of it lying east of the Mississippi, from its being near the head of navigation, containing and being surrounded by agricultural land of the first quality, is important to the growth of our frontier. Immediately, therefore, after the promulgation of the cession by the Sioux of their land east of the Mississippi, the land on the river, for twenty miles below the head of navigation, was located and a great portion occupied by *actual settlers*, who made such improvements as best suited the wants and views of the occupants. About the same time a company of speculators was formed (which included the commanding and other officers of Fort Snelling), which made locations at the falls of St. Anthony and other valuable points. The falls, possessing great advantages of water-power, cannot fail to command the immense lumber country to the north and west, became to them a point of paramount importance, as, also, did another location at the mouth of the St. Croix, which will command the lumber region of that river; on which three mills, one on a magnificent scale, are now being built. Every obstacle in the way of enhancing the value of these points, therefore, they wish removed. One great thorn in their side was the steamboat landings on the east side of the Mississippi, which would, if left open, render a competition in the commerce of the pine regions feasible, as the country is well adapted for roads to the upper part of the Mississippi.

During the autumn of 1837, therefore, a survey was made and a plat drawn out, at the instance of the commanding officer, taking in a small slip of land on the east side of the Mississippi, from near the falls to the "Cave," so called, a distance by water of about ten miles. Public notice was given to all the persons residing within the lines so surveyed to remove, and forbidding all further improvement within the "military reserve." To avoid collision with the military, many persons removed, as they were assured no interruption would be given to improvements without the lines surveyed; and the military applied to the Secretary of War for a grant of the survey as a military reserve for Fort Snelling. No action, however, was had on it at the last session of Congress, and the settlers within the limits were kept in a state of suspense, fearing to make improvements they might lose, yet clinging to their locations, owing to their value, on account of the steamboat landings. A settlement, however, in 1838, '39, was formed immediately below the "Cave," which possessed an inconvenient steamboat landing and became the only rallying point. This, it appears, was unlooked-for by the officer speculators, and as the settlement was little more than three miles below the fort, they still feared the consequences of the rise of this place, as

the distance still would enable the citizens to compete in the upper trade; therefore, under the flimsy pretence of preserving the timber for public use and the prevention of the sale of spirits to the troops, an extension of the reserve was applied for and another survey was made, which embraced the greater portion of the new settlements, and included the only steamboat landings for the space of twenty miles by water from the head of navigation. Thus the settlers again find themselves within the reserve, again ordered off, to seek new locations, build new houses, open new farms, and undergo all the hardships and privations of exposure while erecting new buildings, and all this to satisfy the avarice of a few speculators, who are seeking their own interest in the garb of public duty, and imposing falsehoods on the Government for the purpose of obtaining its sanction to a measure that will be an injury of the greatest magnitude to the settlers, for the sake of procuring a monopoly of the trade of the Mississippi pine region; they having convenient access to the falls by the military road west of the Mississippi. Any man who will examine the tract east of the Mississippi, asked for as a reserve, will see that it does not contain any timber of consequence, all the best timber being already cut by the troops; and as for the sale of spirits, it is useless to suppose the distance of two, three, or five miles will prevent soldiers from getting it when so inclined.

I have now given you a correct statement of the case, and humbly hope you will give us your assistance. One thing is important to us, that of having the question settled as early as possible, that we may not be retarded in getting in our crops. I beg, therefore, you will be pleased to give us the earliest information possible as to the probability of the decision. Please direct to St. Peter's post-office, upper Mississippi.

With the highest respect, I have the honor to be, your obedient, humble servant,

JAS. R. BROWN.

Hon. JAMES D. DOTY,
Delegate in Congress.

Pursuant to public notice, a meeting of the citizens of the "Cave" district was held at the house of Mr. Abram Perret, on the 16th November, 1839. On motion, J. R. Clewet, Esq., was called to the chair, and Mr. H. C. Mencke appointed secretary. The meeting being organized, the chairman stated in a very pointed manner the object of the meeting, and discussed the many evils endured by the citizens of this district from the oppressive conduct of the military officers stationed on this frontier, and the many other disadvantages attending the settlement of the western portion of Crawford county: whereupon, it was unanimously

Resolved, That we, as citizens of Wisconsin, and residing on land belonging to the United States, the occupation and improvement of which we consider to be a right we derive from a long established custom, and confirmed by repeated laws passed by our great national Legislature.

Resolved, That we consider the attempt of the military to have the "reservation" extend to the east side of the Mississippi, alike derogatory to the principles of common honesty and justice.

Resolved, That the persons interested in bringing about so unprincipled an act are actuated by the most sordid and mercenary motives, without any

regard to the interests of the military service, and only calculated to enhance the value of certain "claims" in which they are interested, at the Falls of St. Anthony, and at the mouth of the St. Croix river.

Resolved, That the St. Peter's and Mississippi rivers are the most natural, and therefore the most proper boundary of said reservation; as we consider the object of the Government, in placing troops upon our frontiers, is the protection of the settlers from savage inroads, which object, if the reservation should be granted to the extent required, will be completely defeated by removing us out of its immediate influence, so that for any protection we would in that case derive from them, they might as well be stationed at fortress Monroe.

Resolved, That the General Government, by granting the reservation as now surveyed, would commit a most flagrant act of injustice to a portion of the inhabitants of this Territory, inasmuch as it would have the effect of retarding the settlement of a tract of country surrounded by Indians in open and most cruel warfare, which makes the immediate settlement of said tract an object of the utmost importance.

Resolved, That the reserve east of the Mississippi contains good agricultural land, much of which is under a good state of cultivation, and occupied by peaceful and enterprising citizens, who, should the reservation be granted, would be driven from homes which the laws of Congress had induced them to believe they might one day call their own, and who would again have to undergo all the hardships and privations attending the opening of new farms and erection of new buildings.

Resolved, That Messrs. J. R. Brown and H. C. Mencke be appointed a committee to draught a petition to the Legislature of Wisconsin, praying they should pass a resolution requesting our Delegate in Congress to oppose the extension of the "military reserve" of Fort Snelling to the east side of the Mississippi, and also to draught letters to our Delegate in Congress and the Hon. T. H. Benton, soliciting their aid in the case.

Resolved, That they also draught petitions to the Legislature, praying a new law in regard to "claims" on public lands.

Resolved, That J. R. Brown, Esq., be appointed to take our several petitions to Madison, and that he be authorized to use his endeavors to procure the passage of such laws as may be best adapted to the wants of this portion of the Territory.

Resolved, That the proceedings of this meeting be signed by the chairman and secretary, and a copy be sent to each of the members of the Territorial Legislature from Crawford county, to the Hon. J. D. Doty, Delegate in Congress, and to the Hon. T. H. Benton, United States Senator from Missouri.

Resolved, That the thanks of this meeting be returned to the chairman for the able manner in which he has performed his duty.

J. R. CLEWET, *Chairman*.

H. C. MENCKE, *Secretary*.

WASHINGTON, January 12, 1840.

SIR: The Legislative Assembly of Wisconsin has, by a resolution approved by the Governor on the 16th of December, 1839, requested me to protest against the extension of the military reservation of Fort Snelling to

the Wiskonsin side of the Mississippi river, with which I have now the honor to comply.

A question of some importance will arise, if the reservation is made, which I beg leave to state. The United States may reserve any portion of its lands from sale, but can it extend a military jurisdiction over so large a tract of country as is embraced in the limits of this reservation, by the simple declaration that it is necessary for military purposes?

A Territory is a *State*, under a temporary form of government. It may be doubtful with some whether Congress may exercise exclusive jurisdiction over this reservation, the purchase having been made without the consent of the Legislature of that State. Against the exercise of that jurisdiction the legislative power of that State now protests. The subdivisions of the territory northwest of the Ohio are denominated "*States*" in the ordinance of 1787. And in the third section it is ordained, "that the laws to be adopted or made (by the Legislature) *shall have force in all parts of the district.*" It also requires the Governor "to lay out the parts of the district *in which the Indian titles shall have been extinguished*, into counties and townships." An exclusive military jurisdiction would be incompatible with the exercise of this power by the Territorial government.

I am advised that a copy of the resolution of the Assembly of Wiskonsin has been forwarded to the War Department, and I beg leave to refer to the reasons therein stated.

I have the honor to be, sir, with great respect, your obedient servant,

J. D. DOTY.

HON. J. R. POINSETT,
Secretary of War.