

5-6-1850

Report : Memorial of the Wisconsin Legis.

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Recommended Citation

S. Rep. No. 117, 31st Cong., 1st Sess. (1850)

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IN SENATE OF THE UNITED STATES.

MAY 6, 1850.

Submitted, and ordered to be printed.

Mr. FELCH made the following

REPORT:

The Committee on Public Lands, to whom were referred the memorial of the legislature of the State of Wisconsin, asking a survey of the Menomonic purchase, and for the right of pre-emption to settlers, and also the petition of settlers on said lands on the same subject, respectfully report :

The lands of which the survey and sale are desired by the memorialists were acquired from the Menomonic Indians by treaty, dated on the eighteenth day of October, 1848. By this treaty, all the lands of that tribe in the State of Wisconsin are ceded to the United States. But the eighth article of the treaty provides as follows: "It is agreed that the said Indians shall be permitted, if they desire to do so, to remain on the lands hereby ceded for and during the period of two years from the date hereof, and until the President shall notify them that the same are wanted."

Under this provision of the treaty, the Indians have the right still to continue in the undisturbed possession of the lands in question, and the faith of our nation is pledged to do no act inconsistent with the full enjoyment of this right. To make surveys of the lands, to invite settlers upon them, or to offer them for sale, while the Indian right to possession remains, would be manifestly unjustifiable. Until the Indian title has been fully extinguished by treaty, no surveys have ever been permitted by law, and individuals becoming settlers on their lands are regarded as wrong-doers. These principles cannot be disregarded without a breach of faith on our part, and constant collision with the native tribes.

The location and productive qualities of the lands referred to are such as to make them desirable to purchasers; and, as soon as the difficulty above considered shall be removed by the limitation contained in the treaty, or obviated by a new arrangement with the tribe, they will undoubtedly be brought into market by the executive department of the government, under authority already given by law; when the general law in reference to pre-emption rights will, it is presumed, be found sufficient to cover all just claims of settlers.

The committee recommend the adoption of the following resolution :

Resolved, That the prayer of the memorialists be not granted.