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Report : Mr. Felch

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S. Rep. No. 248, 30th Cong., 2nd Sess. (1849)

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IN SENATE OF THE UNITED STATES.

JANUARY 3, 1849.

Submitted, and ordered to be printed.

Mr. FELCH made the following

REPORT:

The Committee on Public Lands, to whom was referred the petition of Peter Whitmore Knaggs, for leave to enter two sections of land in lieu of two sections reserved to him by treaty with the Saginaw Indians, concluded in September, 1819, report:

That the petitioner claims that, by the treaty with the Saginaw Indians, concluded September 24, 1819, a section of land reserved to Non-dar-he-man was intended for and reserved to him, that being his Indian name. He further alleges that the United States have since patented the land thus reserved to him to Maria G. Smith, and he now asks leave to locate a like quantity of government land elsewhere in lieu of it. The patent to Maria G. Smith was issued on the 2d July, 1836, and was made in accordance with an act of Congress approved June 23, 1836, entitled "an act to authorize the President of the United States to cause to be issued to Albert J. Smith and others patents for certain reservations of land in Michigan Territory." In accordance with the terms of this act, the patent for the section claimed by the petitioner was issued to "Non-dar-he-man, (or Maria G. Smith,) a daughter of Jacob Smith, deceased, formerly a trader among the Chippewa Indians."

Congress having determined that the reservation was intended for Maria G. Smith, and a patent having been issued to her for the land, in accordance with the act above referred to, the petitioner ought not to be entitled to the relief sought by him, without convincing proof that he was known by the name of Non-dar-he-man, and was the person intended by the treaty, and that, therefore, the act giving the patent to Maria G. Smith was founded in error. The petitioner has adduced no such proof, and no evidence is found in the department tending to show his identity with the reservee in the treaty.

The petitioner also claims that there was granted to him, by the treaty above mentioned, "one section of land lying and being on the Shiawassee river, at a place called Ketch-e-nam-gen-ink." It

does not appear in the treaty, as ratified, that any such reservation to him was made.

The committee recommend the adoption of the following resolution:

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

January 3, 1849.
Washington, and District of Columbia.

Mr. Faxon made the following

REPORT

The Committee on Public Lands, to whom was referred the petition of Peter H. Hays, for leave to enter two sections of land in lieu of two sections reserved to him by treaty with the Indians, concluded in September, 1848, report:

That the petitioner claims that, by the treaty with the Sisseton Indians, concluded September 24, 1858, a section of land reserved to him had been intended for and reserved to him, and being his Indian name. He further alleges that the United States have since patented the land thus reserved to him to Maria G. Smith, and he now asks leave to locate a like quantity of government land elsewhere in lieu of it. The patent to Maria G. Smith was issued on the 21 July, 1838, and was made in accordance with an act of Congress approved June 23, 1836, entitled "an act to amend the President of the United States to cause to be issued to Albert J. Smith and others patents for certain reservations of land in Michigan Territory." In accordance with the terms of this act, the patent for the section claimed by the petitioner was issued to "Non-ha-ha-man, (or Maria G. Smith), a daughter of Jacob Smith, deceased, formerly a trader among the Chipewyan Indians."

Congress having determined that the reservation was intended for Maria G. Smith, and a patent having been issued to her for the land, in accordance with the act above referred to, the petitioner ought not to be entitled to the relief sought by him, without satisfactory proof that he was known by the name of Non-ha-ha-man, and was the person intended by the treaty, and that, therefore, the issuing the patent for Maria G. Smith was founded in error. The petitioner has produced no such proof, and no evidence is found in the department tending to show his identity with the person in the treaty.

The petitioner also claims that there was granted to him, by the treaty above mentioned, "one section of land lying and being on the Shishwanee river, at a place called Kitchi-naw-gon-lah."