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Report : Mr. Felch

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Recommended Citation

S. Rep. No. 249, 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 Godfrey, for leave to locate a section of unsold public land in lieu of section six in the Indian reservation at the Grand Traverse, on Flint river, in Michigan, respectfully report:

That the petitioner claims that, by a treaty made with the Chippewa Indians, at Saginaw, in September, A. D. 1819, a section of land was reserved to him, under his Indian name of Mess-sa-wa-kut, known and designated as section or lot No. 6 (six) in the Indian reservation at the Grand Traverse of the Flint river; that said lot No. 6 has since been conveyed by the United States by patent to Harriet M. Smith, daughter of the late Jacob Smith. The petitioner applies for a grant of a like quantity of unsold land belonging to the United States, in lieu of the section above mentioned.

The treaty with the Chippewa Indians (Laws of United States, volume 7, page 203) reserves, among others, to Mess-sa-wa-kut, six hundred and forty acres, or one section of land, at the place above mentioned. Subsequently, Congress passed a special act, which was 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 lands in Michigan Territory.—(Laws United States, volume 6, page 639.) This act expressly authorized the issuing of a patent for the section claimed by the petitioner to "Mess-sa-wa-kut, or Harriet M. Smith." A patent was issued accordingly on the 2d July, A. D. 1836, describing the grantee as "Mess-sa-wa-kut, (or Harriet M. Smith,) daughter of Jacob Smith, deceased, formerly a trader among the Chippewa Indians."

It is not necessary here to inquire as to the kind or amount of proof by which Congress was induced to pass the act above mentioned, which, in effect, decided that Harriet M. Smith was the person entitled to the land reserved by the treaty to Mess-sa-wa-kut, and directed the patent to be issued to her. If there was error in that determination, the petitioner, claiming to be the true reservee

in the treaty, should show at least that he was known by the Indian name used in the treaty, and should give satisfactory evidence of his identity with the person for whom the reservation was made. He has presented no proof of this, and there is no evidence before the committee tending to show that the petitioner is entitled to any rights under the treaty.

The committee recommend the adoption of the following resolution:

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

REPORT

The Committee on Public Lands, to whom was referred the petition of Peter Coffey for leave to locate a section of waste public land in view of section 23 of the Indian reservation, the Great Smoky Mountains National Park, Tennessee, in which year, respectively report:

That the petitioner claims that by a treaty made with the Chickasaw Indians, at Begonia, in September, A. D. 1838, a section of land was reserved to him, under his Indian name of Mass-wa-ha, and was designated as section or lot No. 6 (six) in the Indian reservation at the Grand Traverse of the First treaty; that said lot No. 6 has since been conveyed by the United States to Hiram M. Smith, daughter of the late Jacob Smith. The petitioner applies for a grant of a like quantity of waste land belonging to the United States, in lieu of the section above mentioned.

The treaty with the Chickasaw Indians (Laws of United States, volume 7, page 203) reserves, among other, to Mass-wa-ha, six hundred and forty acres, or one section of land, at the place above mentioned. Subsequently, Congress passed a special act, which was approved June 22, 1838, entitled "an act to amend the President of the United States to cause to be issued to Albert H. Smith and others patents for certain reservations of land in Michigan Territory." (Laws of United States, volume 6, page 98.) This act expressly authorized the issuing of a patent for the section claimed by the petitioner to "Mass-wa-ha, or Hiram M. Smith." A patent was issued accordingly on the 24th July, A. D. 1838, describing the premises as "Mass-wa-ha, or Hiram M. Smith, daughter of Jacob Smith, deceased, formerly a warrior among the Chickasaw Indians."

It is not necessary here to repeat as to the kind of warrant issued by which Congress was induced to pass the act above mentioned, which, in effect, decided that Hiram M. Smith was the person entitled to the land reserved by the treaty to Mass-wa-ha, and directed the patent to be issued to him. It there was any and decided the patent to be issued to him, it there was any and decided the patent, claiming to be the true owner