

9th CONGRESS.]

No. 126.

[1st Session.

LAND TITLES IN MICHIGAN TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, THE 18TH OF MARCH, 1806.

Mr. JACKSON, from the committee to whom was referred the message from the President of the United States, transmitting a report from the Governor and presiding judge of the territory of Michigan, relative to the State of that territory, made the following report, in part:

That one of the subjects of primary importance referred to in the said communication relates to the public lands in that territory, and the claims of individuals upon the justice and liberality of the General Government, for their respective occupancies. In directing their attention to these objects, the committee, by their chairman, addressed a letter to the Secretary of the Treasury upon the 3d of January last, requesting to know of him when it was expected the report of the commissioners appointed under the act of Congress of the 26th day of March, 1804, relating to the claims of lands in the Michigan territory, would be received at the Treasury Department: to which they received his answer of the same date, expressing his expectation that a partial report, consisting of a list of all the claims entered, and on what species of title grounded, might be expected by the next mail. It, however, did not arrive in time to be communicated to the committee until the 5th instant, when a copy of the report and documents, with communications from Judge Woodward, were sent under cover of a letter from the Secretary of the Treasury to them; and which, being necessary to a correct understanding of this subject, are referred to, and made part of their report. The committee have deemed it proper to state concisely these facts, as offering an apology for the great delay which has attended their deliberations upon subjects which, from their importance to the territory of Michigan and its inhabitants, they recommend to the prompt attention of the House: for, should the present session pass by without affording legislative relief, it is confidently stated to them that those people would consider it as a rejection of their claims, would abandon their farms, and remove beyond our limits, despairing of ever receiving a complete title. And this is enforced by a recurrence to the report of the commissioners, and the communications aforesaid; and also a letter addressed by Judge Woodward to the chairman, by which the House will perceive that, notwithstanding the settlement of this country for nearly one hundred and fifty years, only *eight* regular titles are to be found within its limits.

Some difficulty suggested itself to the committee in determining to what period the settlements should be confined to the occupants. If only to the 30th of November, 1782, when the treaty of peace was concluded with Great Britain, the claims of persons who might be induced to remove from the adjacent British provinces, by attachment to our Government, and who have certainly more merit than many antecedent settlers, would be excluded. And if to any subsequent period prior to the organization of a regular Government there, which was not until the 2d of July, 1805, claims would be omitted, which differed only in a single unimportant shade from those receiving confirmation. By the address of Governor St. Clair to the Indians, bearing date the 3d of October, 1799, which must be regarded as a *pledge* to the Canadians "that the United States would not take their farms from them," it is fair to presume that many persons were induced to remain on lands not then endeared to them by a course of cultivation and improvement, which makes *home* one of the strongest ties to our country. And when it is considered that the last blow of Indian hostilities, which cost the United States much blood and treasure, had there been recently struck, and they were no doubt restless under their defeat and consequent losses, the promise made to the Indians in behalf of these people was dictated by the soundest policy. If, therefore, as the committee conceive, the United States cannot consistently reject claims founded on settlement prior to that time, it will be found, by a recurrence to the chronological table communicated by Judge Woodward, that a very few remaining ones up to the said 1st day of July, 1805, have not received a sanction already. In addition to the foregoing reasons, the committee cannot forbear impressing it upon the House, that this territory must be viewed as an out-post, far removed from the immediate protection of the United States; and, therefore, the truest economy would be promoted by a liberal policy to the people of the said territory, as a sure means of binding them to us by the ties of interest and of friendship; thereby to increase the physical force of the country, so as to oppose a formidable barrier to encroachments in that quarter, and soon supersede the necessity of the maintenance of a military force there by the United States.

In conformity with these ideas, the committee submit to the House the bill which accompanies this report.

WASHINGTON, *January 3d*, 1806.

SIR:

The committee of the House of Representatives, to whom the message of the President of the United States, transmitting a report from the Governor and presiding judge of the Michigan territory, was referred, have instructed me to request information of you, when it is expected the report of the commissioners appointed under the act of Congress, of the 26th day of March, 1804, relating to the claims to lands in that territory, will be received at the Treasury Department.

Very respectfully, your most obedient servant,

J. G. JACKSON.

Honorable A. GALLATIN, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *January 3d*, 1806.

SIR:

As by the law of last session the time to enter with the proper Register notices of claims to lands in the three districts of Detroit, Vincennes, and Kaskaskia, was extended to the 1st day of November, and it was only after that date that the commissioners would enter into an examination of the claims, it is probable that their report may not be received in time to be laid before Congress during the present session, as had been contemplated by the act above mentioned.

I am, however, informed by a letter from the clerk of the Board, dated December 1st, 1805, that the commissioners had prepared a partial report, consisting of a list of all the claims entered, and on what species of title grounded; which partial report he expected to be sent by the same mail which brought his letter. It has not been received, but may be expected by next mail. If it be as comprehensive as he states it to be, it will differ from the final report only in that it shall not be accompanied by the commissioners' decision on the claims. But the nature and amount of those claims may, perhaps, be sufficiently described in it to enable Congress to adopt some general rules for their confirmation or rejection, without waiting for the final report.

I have the honor to be, respectfully, sir, your obedient servant,

ALBERT GALLATIN.

Honorable JOHN G. JACKSON, *Chairman, &c.*

SIR:

TREASURY DEPARTMENT, *March 5th, 1806.*

I have the honor to enclose a *partial* report, made by the commissioners appointed to ascertain the land claims in the district of Detroit.

The full and legal report will not probably be received sufficiently early to be laid before Congress during this session. That which is now sent is defective, particularly in that it does not state the date of each improvement, and the quantity, situation, and boundaries of the land claimed by virtue of actual settlements. That information will, according to law, be contained in the final report of the commissioners.

I also enclose copies of some communications from Judge Woodward, of Michigan, which may throw some light on the subject.

I have the honor to be, respectfully, sir, your obedient servant,

ALBERT GALLATIN.

Honorable JOHN G. JACKSON, *Chairman, &c. in Congress.*

WASHINGTON, *January 4th, 1806.*

I have the honor to reply to the inquiries made by the Secretary of the Treasury, on the second instant, relative to the measures of land, and the number of improved farms, in the territory of Michigan.

There is a difference of quantity, by no means inconsiderable, between the acre used in that country and the common American acre. To ascertain this difference exactly, it is necessary to contrast their square measures with the square measures used by the Americans.

If the London foot be divided into one thousand equal parts, it will require sixty-eight of those parts to be added to make the foot of London equal to *le pied royal de Paris*.

Eighteen Parisian feet constitute *la perche*. Ten *perches* square, that is to say, one hundred square *perches*, constitute *l'arpent*.

In *Normandie* twenty-two feet compose *la perche*. Forty square *perches* compose *la vergée*. Four *vergées* compose *l'acre*. The Norman series, excepting as to the length of the foot and perch, was introduced into England by William the First and from England has been transferred to America.

The Paris *arpent* must not be confounded with the Norman *acre*. By the *French acre*, as used by the inhabitants of the territory of Michigan, is always understood the *arpent of Paris*, and never the *Norman acre*. The case is universally the same in the settlements of France in North America.

The American acre is nearly thirteen poles square, that is to say, exactly one hundred and sixty square poles, the pole containing sixteen feet six inches.

The French acre of Michigan is a square, the side of which is one hundred and eighty Paris feet, equal to one hundred and ninety-two London feet and nearly three inches.

The American acre gives a square, the side of which is two hundred and eight feet eight inches and a half, with a small fraction.

The difference of the side of a square containing one French acre, and the side of a square containing one American acre, is sixteen feet five inches and about sixty-four hundredth parts of an inch, nearly one pole.

The difference of the contents of a French acre and an American acre is eight thousand nine hundred and fifty-six square feet and a fraction of four-fifths of a foot, that is to say, more than one-fifth part of an acre.

The common practice of the country is, to consider the French foot as equal to thirteen English inches; and the side of a French acre to be, therefore, one hundred and ninety-five English feet, making thus an error of two feet nine inches.

The farms, with respect to size, may be comprehended in four classes.

The first class contains farms of eighty French acres; that is to say, two acres front and forty acres depth.

The second class contains farms of one hundred and twenty French acres; that is to say, three acres front by forty acres depth. This is the common size.

The third class contains farms of one hundred and sixty French acres; that is to say, four acres front by forty acres depth.

The fourth class contains farms of two hundred French acres; that is to say, five acres front and forty acres depth.

It thus appears that the depth of a farm is always the same, that is to say, forty French acres; and the front varies from two to three, four, and five French acres, which last none exceed.

It is to be observed, however, that many persons claim a *duplication* of their farms, by adding another farm of exactly the same dimensions in the rear, making the whole depth eighty French acres, the front unchanged, and varying, as before, from two to three, four, and five acres. The largest French claim, therefore, that can exist, is four hundred French acres, not three hundred and sixty American acres. The common claim, without the duplication, is one hundred and twenty French acres, not one hundred American acres; with the duplication, two hundred and forty French acres, not two hundred American acres.

The nature of this claim to a *duplication* will be well understood from a reference to the remarks on the same point, in the representation of the Legislature of the territory of Orleans. They are perfectly similar. It is termed *the second concession*, and is what has been always used for wood, and to which, it is alleged, the Government would at any time have given a grant, when it was applied for. This was seldom done. The French colonists never possessed the same knowledge of agriculture which the English colonists possessed. In the front of their farms is the dwelling-house and garden; in the rear of this is, generally, a beautiful and very valuable orchard. In the rear of the orchard, a few have a wheatfield, or a cornfield. The cultivation of the whole depth of the farm is seldom instanced. In this way, both sides of the strait are settled, the houses in one line along the banks of the river, about twenty-five rods apart, resembling one continued village, without any settlements off from the river. Their farming is altogether on the small scale, and hence there is little or no disposition to engross land.

These circumstances explain, and, perhaps, in some measure, produce, the character of the people. Possessed of comfort, content, and habitual gayety; honest beyond comparison; generous, hospitable, and polished; they seek in the duties of piety, and in the pleasures of sociability, an oblivion of all the cares of ambition and of avarice, as well as of science.

The titles to all the farms may be comprehended in six classes.

The first class consists of grants made by the French Governors of Canada and Louisiana, confirmed by the King of France.

The second class consists of grants made by the French Governors, not confirmed by the King of France.

The third class consists of occupancies by permission of French military commanding officers, without confirmation, or even grant, and perhaps, without any written evidence of the permission, but accompanied by long and undisturbed possession.

The fourth class consists of occupancies while France possessed the country, without any permission whatever, but still accompanied by undisturbed possession.

The fifth class is composed of similar titles, together with extinguishments of native right, by individuals, while the country belonged to Great Britain.

The sixth class is composed of occupancies, and extinguishments of native right by individuals, since the country has appertained to the United States.

The titles, therefore, are neither extremely numerous, nor extremely intricate. In order to do justice to the Government, they require a close attention to circumstances on the spot. They may be enumerated, however, with so much ease, without danger of essential error, that it may be well to state the amount of them.

The lots in the city or town of Detroit are now in those peculiar circumstances, from the causes heretofore shown, that perhaps no other authority than the Government can adjust their titles.

North of Detroit, the native right is extinguished to lake St. Clair. Along this line, there are, in all, sixty-four farms, varying in size, as before mentioned; the average about one hundred and twenty French acres, and claimed, generally, under the four first classes.

South of Detroit, the native right is extinguished to the right bank of *la rivière aux Raisins*. Along this line there are thirteen farms claimed under the four first classes, and about one hundred and sixty-three farms claimed under the two last classes of title.

Along and north of lake St. Clair, in a country of which the Indian title is not yet clearly extinguished by the Government of the United States, there are one hundred and twenty-three farms, claimed under the two last classes of title.

Along lake Erie, and south of *la rivière aux Raisins*, there are about seventy-five farms, in the same circumstances, and under the same classes.

In the strait, there are two islands, both claimed by one person, under the fifth class of titles, and on which there are ten or fifteen tenants.

There are thus about seventy-seven claims under the four first classes; about one hundred and sixty-five claims under the two last classes; making about two hundred and forty-two claims now within the limits of the American title.

There are about two hundred claims out of the limits of the American title, so far as it has a definite boundary, without the aid of a new treaty.

Thus, there are about four hundred and fifty farms in the whole country; and when the settlements of Michillimackinack, of fort Miami, and of the town of Detroit are added, together with from fifty to one hundred families dispersed in remote, and, in a great measure, unknown parts of the Indian country, it comprises all the white settlements at this day contained within the limits of the territory of Michigan. Of these, a little more than one-half have been entered under the former acts of Congress, the time expiring on the 1st day of November last.

The geographical contents of the whole territory, the proportion of good land, and the quantum of settlements, are not susceptible of precise ascertainment. The southern boundary is not certain. It is also uncertain whether the most northern extreme of lake Michigan is in Green bay, or an intermediate point between Green bay and the straits of Michillimackinack. From this extreme, the line runs due north to the British boundary, in the middle of lake Superior. From the southeast extremity of the territory, in lake Erie, or its vicinity, to the northwest extremity in lake Superior, is five hundred miles. From the northeast extremity, in the middle of lake Huron, to the middle of lake Michigan, southwest, is three hundred miles. The greatest length, multiplied by the greatest breadth, would give one hundred and fifty thousand square miles, equal to ninety-six millions of acres. For its deviation from a square form, which is very considerable; for water, of which the proportion is very great; and for land not valuable, of which the proportion is also not small; let the large allowance be assumed of seventy-six millions of acres. The quantity of good land may then be estimated at eighteen or twenty millions of acres.

From the most liberal adjustment of claims which can possibly be made, there cannot be required a deduction exceeding one hundred and fifty thousand acres, a very inconsiderable proportion of the whole; but, from the prosperous state of which part, the whole of the remainder must derive its consequence, and until the adjustment of which it is probable no other parts can conveniently be disposed of.

AUGUSTUS WOODWARD.

WASHINGTON, January 17, 1806.

In addition to my letter of the 4th instant, I have the honor to communicate to the Secretary of the Treasury, in conformity to his request of yesterday, the following supplementary facts relative to the fifth and sixth classes of the titles in the territory of Michigan.

It is well known that, shortly after the acquisition by Great Britain of the possessions of France on the continent of North America, by the treaty of Paris of the 10th February, 1763, His Britannic Majesty issued a proclamation restricting the further extinguishments of native title. By this proclamation, now before me, but lengthy, and a copy of which, I presume, is already in the possession of the Treasury Department, His Majesty's Governors are expressly forbidden to issue grants, except within certain specified limits; and His Majesty's subjects are also expressly inhibited from making purchases of the Indians, or settlements out of the limits specified. Notwithstanding this proclamation of the King, the officers and subjects of His Majesty still continued to make purchases and settlements within the limits assigned to the native inhabitants; and they have not entirely discontinued the practice since the country has been in the possession of the United States of America.

The following historical statement will evince the nature and extent of the settlements made in this manner within the limits which constitute the present territory of Michigan:

In the year 1765, Patrick Sinclair, an officer in the service of His Britannic Majesty, commandant of fort Sinclair, purchased of the natives about four thousand acres, lying on the river named, in commemoration of him, the river Sinclair. This officer is a distinct character from the officer, in commemoration of whom lake St. Clair derived its appellation, and who was in the service of France. He remained in possession seventeen years, deriving great profits from the use of the land as a pinery, and then sold to a Canadian, who afterwards sold to others; and the present proprietors are in possession of valuable improvements.

In the year 1771, seven Canadians made a purchase of about two thousand acres on the strait called Detroit, below the town of Detroit; and Henry Bassett, an officer in the service of His Britannic Majesty, commandant of the post of Detroit, undertook to confirm the acquisition.

In the year 1776, Pierre François Combe purchased about four thousand acres on *La Rivière a l'Ecorce*, and placed his settlers on it almost immediately after.

In the same year, William McComb purchased of the natives the island at the mouth of the strait, or river Detroit, called *La Gros Isle*, including a small adjacent island, called *Limestone Island*, from its possessing a valuable limestone quarry. It contains, probably, more than six thousand acres, and there are ten tenants on it.

In the year 1779, a Canadian purchased from the *Pattawatamie*, *Ottawa*, and *Chébois* nations, about eight thousand acres on *La Crique aux Loutres*, or Otter creek.

In the year 1780, Joseph Benac purchased about six thousand acres on *La Crique au Sable*, or Sandy creek. Twelve years after, he conveyed to others, who made settlements; and two years after these, the settlements on the purchase immediately preceding were made.

In the same year, three settlements were added to the seven made in 1771 on the strait.

In the same year, thirty-eight settlements were made on *La Rivière Rouge*, and four at *Pointe au Tremblé*.

In 1782, there were nineteen settlers adjacent to the tract of Patrick Sinclair.

In 1783, twenty settlements were made on *Lake St. Clair*.

In 1784, a large body of Canadians settled on *La Rivière aux Raisins*.

In 1785, four settlers were added to those at *Pointe au Tremblé*.

In 1786, François Pepin purchased about three thousand acres on *La Rivière aux Roches*. The purchasers under him have carried their improvements to a great extent. In the same year, William McComb acquired *L'Isle à Cochon*, in the strait, by a purchase from George McDougall, whose right is not fully understood, as up to the year 1764 it had been held by the French as an appendage to the garrison at Detroit.

In the year 1788, twenty settlements were made on *La Rivière aux Hurons*; and Gabriel Godfroy purchased the same quantity with François Pepin, on the *Rivière aux Roches*.

In 1790, a few settlers were added to those at *Pointe au Tremblé*.

In 1792, a couple of settlements were added to those on *La Rivière a l'Ecorce*; and, in the same year, a body of Canadians settled on *La Crique au Sable*, or Sandy creek.

In 1793, a considerable addition was made to the settlements on the Huron river; and, in the subsequent year, an inconsiderable addition was made to those on the river Ecorce. At the same time, a large body settled on Otter creek.

In 1797, a large number of families, altogether Canadians, settled on what is called Milk river, and in the country north of it. A small addition was made in this and the subsequent year, to each of the settlements on La Rivière à l'Ecorce, and La Rivière Rouge.

In 1800, four settlers were added to those on the Huron river, and in that and the subsequent year about six families were added to those on the river Sinclair. In 1801, also, pretensions were manifested to a salt spring in this quarter.

During all this period, great anxiety existed among the people to obtain regular titles. Attached to the American jurisdiction, their determination seemed to be to throw themselves on the mercy of the American Government, when it became inclined to attend to their situation.

In 1802, directions were given to the Indian agent by the Secretary of the Department of War, to investigate and report the titles of this country. The inhabitants received him with the greatest hospitality and candor, concealing or misrepresenting none of the facts attending their respective settlements, and manifested their joy at the Government's turning their attention to the titles of that country.

In February, 1804, a minute report of the agent was transmitted to Congress.

In 1805, the people of the country unanimously, and at their private expense, delegated an agent to Congress on the same business.

In the present year, 1806, the Governor of the territory charges himself with this task, as an official duty, enforced by their earnest request. In pursuance of a former act of Congress, the evidences, both written and oral, and all the minute circumstances of a considerable number of the settlements, have been collected and recorded, and will be transmitted to the seat of Government as soon as their transcription, and their conveyance by an uncertain mail, can be effected.

For the purpose of presenting a more clear view of the date, position, and extent, of these settlements, together with those of the four first classes, up to the year 1763, the following chronological table is annexed; of which the first column exhibits the respective years; the second, the geographical position of the settlements; the third, whether they are within the limits of the American title, as defined by the treaty of fort Mackintosh; and the fourth, the number of distinct farms or settlements made. The treaty of fort Mackintosh is taken rather than that of Greenville, because in the latter some additions are made, which the commissioner no doubt conceived to be to the interest of the United States, but the sanction of which, without a new treaty, will probably be deemed not consistent with good policy.

For reasons which have been before sufficiently stated, all the titles and claims in the city or town of Detroit are omitted in these enumerations.

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

A. WOODWARD.

A Chronological Table exhibiting the settlements in the territory of Michigan.

Date of the settlements.	Geographical position of the settlements,	Whether within the American title.	No. of farms or distinct settlements.
1763,	Detroit, or the strait, - - - - -	Within,	77
1765,	La Rivière de Sinclair, - - - - -	Without,	1
1771,	Detroit, or the strait, - - - - -	Within,	7
1776,	La Rivière à l'Ecorce, - - - - -	Within,	10
"	La Grosse Isle, - - - - -	Within,	10
1779,	La Crique aux Loutres, - - - - -	Without,	1
1780,	La Crique à Sable, - - - - -	Within,	1
"	Detroit, or the strait, - - - - -	Within,	3
"	La Rivière Rouge, - - - - -	Within,	38
"	Pointe au Tremblé, - - - - -	Doubtful,	4
1782,	La Rivière de Sinclair, - - - - -	Without,	19
1783,	Lake St. Clair, - - - - -	Doubtful,	20
1784,	La Rivière aux Raisins, - - - - -	Both,	121
1785,	Pointe au Tremblé, - - - - -	Doubtful,	4
1786,	La Rivière aux Roches, - - - - -	Within,	2
"	L'Isle à Cochon, - - - - -	Within,	1
1788,	La Rivière aux Hurons, - - - - -	Without,	20
"	La Rivière aux Roches, - - - - -	Within,	1
1790,	Pointe au Tremblé, - - - - -	Doubtful,	4
1792,	La Rivière à l'Ecorce, - - - - -	Within,	2
"	La Crique à Sable, - - - - -	Within,	15
1793,	La Rivière aux Hurons, - - - - -	Without,	10
1794,	La Rivière à l'Ecorce, - - - - -	Within,	3
"	La Crique aux Loutres, - - - - -	Without,	22
1797,	La Rivière au Lait, - - - - -	Doubtful,	30
"	La Rivière à l'Ecorce, - - - - -	Within,	2
1798,	La Rivière Rouge, - - - - -	Within,	5
1800,	La Rivière aux Hurons, - - - - -	Without,	4
1801,	La Rivière de Sinclair, - - - - -	Without,	6
"	The Salt Springs, - - - - -	Doubtful,	1
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A. WOODWARD.

WASHINGTON, January 17, 1806.

SIR:

LAND OFFICE, DETROIT, December 1, 1805.

The people of this district, not yet satisfied with the laws heretofore passed for an investigation of land claims, will, we understand, again address either Congress or yourself on that subject, for this reason; and as it is yet uncertain whether we shall be able to finish the business before us sufficiently early to enable Congress to act on our report during their ensuing session, we deem it our duty to transmit to you a general summary, which will exhibit a faithful yet a concise statement of the nature and situation of such claims as have been presented within the time limited by law.

Before we were informed of the passage of the last act, we had examined and decided on all claims which had been regularly entered with the Register on the first day of January last. When that act reached us, we conceived it altogether unnecessary to forward the report, as four-fifths, at least, of those claims were founded on possession, settlement, and improvement merely, and would, of course, require a reconsideration. By persons in this situation, additional evidence, as we had foreseen, has been brought forward to prove the possession, the actual settlement, the date of the first improvements, the quantity and situation of the land claimed, the length of time, the claimant, and those from whom he pretends to derive right, have been in possession, together with other accidental matter. As this evidence is, in almost every case, necessarily the testimony of individuals in the respective neighborhoods, a length of time is required to interpret most of the witnesses speaking the French language only, to methodize and reduce to writing the substance of what each witness deposed on his examination.

The clerk attends the Board the greater part of each day to keep mere minutes of its proceedings, with references to the written documents, which are exhibited as evidence of each respective claim; and in the evenings he has hitherto been employed in translating deeds and other writings executed in the French language. Had the people been more prompt in their entries, our time might have been better economized; the summer would have afforded leisure for recording and translating, and the business might have been completed by the first day of January at furthest; but as they never do that to-day which can be delayed until to-morrow, not one-twentieth of their notices or written evidences were filed, until the last moments allowed by the law.

The Register was desirous of employing, as a translator, some person other than the clerk of the Board, whose attention was already engrossed; but the commissioners know of none else here sufficiently qualified, in whom confidence could be reposed. The business then cannot be regularly and attentively gone through before February next; after which, time will be required for the clerk to draw up, at length, such of the minutes of our proceedings and decisions, with the evidence adduced in support of each claim, as he may not be able to complete in the intermediate time, and to make out the necessary transcripts. This duty will unavoidably occasion much delay, as there are many claims, wherein ten, fifteen, and twenty deeds are produced as evidence of either title or continued possession. These facts will justify our apparent tardiness; and we beg you, sir, to be assured that we are using every diligence in order to complete the business before us, and to report on as early a day as circumstances will allow.

We believe that the statements now submitted, aided by the accompanying documents, will exhibit, substantially, the merits of every species of claim within the district.

- I. Claims founded on the grants of Antoine de Lamothe Cadillac, Lord of Bouquet Mondesert, and commandant for the King at Detroit, Pontchartrain, in the first years of the last century. That officer appears to have acted under special instructions from the King of France, and his patents convey a title, in fee simple, upon certain conditions expressed in the document marked A, of which species there are only two. These grants, requiring not the confirmation of the crown of France, we consider to have been originally good; and though the series of transferences from the original patentees to the present claimants is imperfect and unconnected, we decide between them and the Government in their favor, reserving the rights of other persons.
- II. Claims founded on the grants issued by the Governor and the Intendant of New France and Louisiana, in the years 1735 and 1737, with the confirmations of them by the King of France. (Vide document, marked B and C, of which kinds there are six.)

We consider the Government right as completely transferred by these grants, and affirm the claims grounded on them, with a reservation of individual rights, in contested cases.

- III. Claims founded on similar grants by the Governor and the Intendant between the years 1734 and 1754, for which a brevet of confirmation was never obtained, though made an indispensable condition of the grant. (Vide document D, of which species there are fifteen.)

During the intermediate period between these two eras, the mode of obtaining grants from the Government was by application to the Governor and the Intendant. These officers, we are induced to believe, possessed the initiative only, and not the complete power to make absolute grants of the soil. From the face of their patents, it appears that, in conformity to the instructions of the King, and on petition or demand of the subject, they granted lands in fee simple, reserving rents and other services; and upon this, among several other conditions, that the grantee do take a brevet of confirmation from his Majesty, within two years from the date of the grant, on pain of nullity thereof.

The performance of this condition is not proven; neither do the claimants attempt to justify the non-compliance therewith, by the allegation of any legal or equitable circumstances whatever. The commissioners, therefore, consider these grants as forfeited, and reject the claims founded on them: for they cannot, on legal principles, consider the forbearance of the French Government to avail itself of this neglect, by actually ousting the grantee from his possession, as a waiver of its right, or as an implied confirmation of the grantee's title. On the contrary, they are decidedly of opinion, that, after the expiration of the said two years, upon the non-performance of the conditions, the grant reverted to the grantors, and, not being otherwise disposed of, all rights to such forfeited lands were, together with the country itself, transferred to the Government of Great Britain, by the fourth article of the treaty of Paris of the 10th of February, 1763, and to the United States by the definitive treaty of peace between the two latter powers, in the year 1783. Some of these claimants endeavor to support a *prescriptive right*, and it is in evidence before the commissioners, that they, or those from whom they derive claim, have been in the peaceable possession of their respective farms for upwards of sixty years. But a moment's reflection will show the fallacy of these pretensions on legal grounds.

In the year 1763, these lands became subject to the laws of England, in relation to crown lands; for, although the laws and customs of Canada were the rule for the decision of all matters of controversy between subject and subject, relative to property and civil rights, yet we imagine that the disposal of territory or soil, acquired by treaty, is regulated by the laws, usages, and customs of the Government making the acquisition, unless it should be otherwise specially provided.

Antecedently to the date of the treaty of Paris, it is not contended that a sufficient time had elapsed to enable the claimants to prescribe. Under the British Government, until the twenty-first year of the reign of James the First, title by prescription against the crown could not be pleaded; and not then, unless the occupant, or those from whom he derived his claim, had been in the peaceable and uninterrupted possession of the lands in question for sixty years precedent to the 19th of February, 1623. The statute of James the First becoming ineffectual by efflux of time, the limitation was afterwards, early in the reign of George the Third, fixed at sixty years, to commence, and be reckoned backwards, from the institution of the suit, or other process, for the recovery of the thing in question.

From the year 1734, prior to which period no grants of this description were issued, to the year 1783, when the United States acquired this country, and with it, constructively, all rights to such forfeited lands can only be reckoned forty-nine years; not sufficiently long, it is conceded on all hands, to have vested a right by legal prescription. After which latter period, to wit, 1783, if not from the year 1776, those statutory limitations of England ceased to have a force in our country. The common law of England is considered the law of the United States, unless where altered or repealed by laws of our own making; and the immemorially adopted maxim of *nullum tempus occurrit regi*, with an alteration suited to the style of our Government, became, we imagine, the law of the land.

The length of possession necessary to enable citizens to prescribe title against the Government has never been ascertained by any statute of the United States.

Notwithstanding, then, the natural justice and equity of such a plea by these claimants, the commissioners feel themselves obliged, reluctantly, to pronounce it unwarrantable.

IV. Claims founded on grants of Monsieur de Belestre, and other French commandants, and continuations or augmentations by these officers of grants formerly made by the Governor and the Intendant.

These persons had, at several times, the command of the fort and the garrison of Detroit, or Pontchartrain, as it was then called, and took upon themselves, not only to grant extensions of the tracts of land conveyed by the old patents, but also to create and vest new estates, by issuing additional grants, on no other or better authority, than we can discover, than that conferred on them by their military command. Instructions have, indeed, been referred to, though never produced to the commissioners; and their existence may be very reasonably questioned, until the claimants make it appear that those persons were specially empowered and authorized to that effect, when it is considered that it is quite unusual to vest such powers in subaltern military officers, and when it is, besides, satisfactorily ascertained that the regular and common mode of application was by a petition to the Governor and the Intendant, who themselves issued grants, in the form of the documents B & D. (Vide documents, marked E & A.)

There are instances, too, of such extensions of grants by one Celoren, commandant of this post, in conjunction with one Navarre, who subscribes as deputy of the Intendant, which are considered equally irregular. (Vide document A.) The conduct of Monsieur de Belestre, in particular, appears extraordinary, and altogether unaccountable. After the taking of Quebec, and the reduction of the greater part of Canada, he issued a number of certificates, perhaps thirty, in the nature of grants, for the lands on the rivers aux Ecorce and Rouge, and on the main river or strait. We are loath to suppose this officer to have been actuated, by motives of personal aggrandizement; yet he, perhaps, foresaw the conquest of the colony by the British, and that his impositions and frauds could scarcely be inquired into after the loss of the country. At any rate, that he, or his predecessors in command, possessed sufficient powers to dispose of the soil, is highly improbable, cannot be presumed, and, until it be proven, we reject all claims flowing from a source so suspiciously impure.

The articles of capitulation, signed at Montreal on the 8th day of September, 1760, by the Marquis de Vaudreuil and Major General Amherst, contribute nothing towards the confirmation of claims derived in this manner. The thirty-seventh article, indeed, says "that the lords of manors, the military and civil officers, the Canadians, as well in the town as in the country; the French, settled or trading in the whole extent of the colony of Canada; and all other persons whatsoever, shall preserve the entire peaceable property and possession of their goods, noble and ignoble, movable and immovable, merchandises, furs, and other effects, even their ships; they shall not be touched, nor the least damage done to them, on any pretence whatever; they shall have the liberty to keep, let, or sell them, as well to the French as to the British, &c."

General Amherst, however, in his acceptance of this article, says, "but if His Most Christian Majesty has any share in it, that must become the property of the King of Great Britain."

Great faith and reliance is placed on these articles, and particularly on the thirty-seventh, for the confirmation of all claims founded on possession, since the period of their date, however tortuously or illegally such possession may have been gained. But the treaty of Paris, negotiated soon after, is, perhaps, the only authentic document by which legally to try the validity of such pretensions, the fourth article of which is to the following effect:

"His Most Christian Majesty cedes and guaranties to his said Britannic Majesty, in full right, Canada, with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts in the gulf and river of St. Lawrence, and, in general, every thing that depends on the said countries, lands, islands and coasts, with the sovereignty, property, possession, and all rights acquired by treaty, or otherwise, which the Most Christian King and the Crown of France have had till now over the said countries, islands, lands, places, coasts, and their inhabitants; so that the Most Christian King cedes and makes over the whole to the said King and to the Crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said guaranty, under any pretence, or to disturb Great Britain in the possessions above mentioned."

"His Britannic Majesty agrees that the French inhabitants, or others who had been the subjects of the Most Christian King, in Canada, may retire with all safety and freedom wherever they shall think proper, and may sell their estates, provided it be to subjects of His Britannic Majesty," &c.

The British General appeared entirely sensible of the advantages he had gained, and in all his intercourse with the Marquis de Vaudreuil, with respect to the capitulation, dictated the terms, and positively insists on an unequivocal and undiminished transfer to his King of every right which His Most Christian Majesty possessed in and over the colony.

With these dispositions, it can scarcely be supposed that he would have consented to place the inhabitants of a conquered country on a better footing, with respect to property, than they had stood before the war. Giving those articles, then, the most liberal and beneficial construction in favor of the persons for whom stipulations were made, we must conclude that nothing more was intended than to secure every one in the free use and enjoyment of his property, according to the *nature* and *tenure* of each one's estate and title therein; and that it would be extremely absurd to suppose that they ever meant to have legalized a trespasser's or a disseiser's possession, and to have also added or conveyed thereto the right of property, so as to perfect and complete a title founded in injustice and wrong: for such would be the effects of the construction insisted on by some of the claimants. The intention of the parties is, however, too strongly and unequivocally expressed, to leave the least shadow of doubt on the subject.

V. Claims pretended to be derived from the British Government. Of this description, there are about one hundred, most of which have been conveyed through different channels.

1st. The claim of the heirs and legal representatives of the late William McComb, deceased.

The document marked F will discover this to be nothing more than an estate at will, determined by the treaty of 1783. The foundation of this claim is the permission of the King of Great Britain to one George McDougall for the temporary occupation of Hog island, so long as the military establishment at Detroit might be continued by His Majesty; provided this could be done without umbrage to the Indians, and upon consideration that the improvements, projected by the said McDougall, would be directed to the more easy and effectual supply of His Majesty's fort and garrison maintained at Detroit.

If the treaty of Mr. Jay continued this estate, of which, indeed, we are doubtful, we yet feel no hesitation in the opinion that it is determined at the will of the Government of the United States.

2d. On the 20th of May, 1781, Major Arent Schuyler Depeyster, at that time commanding the Detroit garrison, executed a writing, in the nature of a grant, to Captain Henry Byrd, for a lot of ground, between the fort and the old town, containing two thousand and twenty-nine square yards. The accompanying document, marked G, will show you the nature of the pretended confirmation of this grant by the Governor of the province of Quebec. Besides the informality of these papers, and their known insufficiency to convey a title to real estates, it is acknowledged that the commanding officer was not clothed with the necessary authority to grant lands; and the confirmation of General Haldimand is one year after a British Governor could rightfully interfere in the disposal of public lands within the limits of the United States.

We have decided against their claim.

A third claim of this description is that of Elijah Brush, trustee for Alexander McKee the younger. (Vide document H.)

The claimant produced a writing, under the hand and seal at arms of Henry Hamilton, Lieutenant Governor of the province of Quebec, requiring such as had pretensions to the lot of ground in question, to produce their titles; otherwise, that Mr. Elliott, the then occupant, should hold possession thereof, until further orders, conveying, at most, only an estate at will. This will was determined by the relinquishment of His Britannic Majesty of all the claims to the Government, propriety and territorial rights of the United States, to the people thereof.

Elliott, and those who claimed under him, have, since that period, occupied said lot as tenants at sufferance, not as actual trespassers.

If the treaty of amity, commerce, and navigation with Great Britain contributed to strengthen this claim, and others in like situation, it can only be said to have re-vested in the occupant an estate at will: for the treaty says that

British subjects, holding lands in the territories of the United States, shall continue to hold them, according to the nature and tenure of their respective estates and titles therein. This estate, then, is liable to be divested the instant the Government of the United States will determine that the claimant shall hold no longer. This pretended grant is, moreover, dated in 1785, at which period, we imagine, the British Government, notwithstanding their retention of the Western posts, had not authority to dispose of lands in the United States.

4th. The document marked I will show you the nature of the titles of many who claim to hold lots situate on the water-side, in the town of Detroit, all of which we have rejected; it not appearing that Major De Peyster had authority to make such grants.

5th. On the 1st of September, 1783, Colonel De Peyster granted permission to one Peter Cummings to build on a lot of ground, now claimed by Messrs. Meldrum and Park, by a writing, executed by the commandant of this post on that occasion, for a copy of which see the document marked K. This claim has also been rejected, as not founded upon a legal grant issued by either of the Governments named in the acts of Congress on the subject of claims. Nor has the possession which Cummings, his assignee, and the claimants have had, vested a right by legal prescription.

On the back of the original permit of Colonel De Peyster is endorsed a writing, whereby Cummings "assigns all his right and title to the house and lot within mentioned" to John Laughton. In the deed executed by Laughton to the claimants, is contained a clause of general warranty, with an exception as to the acts of the Crown of Great Britain, or of any of the officers of that Government; clearly evincing that he was sensible of the weakness of his title.

6th. A claim of Robert Navarre, pretended to be founded on a grant issued by authority of the British Government, has also, upon examination, been rejected. (Vide document, marked L.)

The claimants have offered no evidence to prove that Major Basset was legally empowered to make grants of lands.

7th. A claim of Pierre Descontes del Labadi. The voucher principally relied on for an affirmance of this claim is the certificate of Henry Hamilton, Lieutenant Governor and Superintendent, which, admitting that he was fully authorized to execute grants of land, conveys, at most, only an estate at will, determined or determinable as in the first and fourth species of this division. (For the certificate of Hamilton, vide document M.)

8th. Claims to lots of ground on the island of Michillimackinack, founded on grants issued by Patrick Sinclair, Lieutenant Governor and commandant of that post in 1780, '81, and '82; by Captain Daniel Robertson, commandant in 1786; and by Captain William Doyle, commandant in 1792, intending to convey only estates at will. (See the document marked N.) They are all executed in the same form, and on the same limitations and conditions. There are about fifty claims of this nature.

An act of the Parliament of the province of Upper Canada, passed in the year 1797, clearly demonstrates the usages and conduct of the British Government on the subject of lands. This act is entitled "An act for securing the titles to lands in this province," and the preamble of which states, "Whereas many persons are possessed of lands, under land-board certificates, and otherwise, by authority of His Majesty's Government, and now hold or claim to hold the same, either as the original nominees, or as the heirs, devisees, or assignees, of the original nominees thereof; of which lands no grants have as yet issued under the great seal of this province, whereby the legal estate and interest thereof is still vested in His Majesty: for the better securing of such persons in the ownership and possession of such lands, *Be it enacted, &c.*" Now, although that Government has since, through motives of humanity, expediency, or policy, confirmed the original purchases and claims of almost all descriptions, however irregular or illegal, yet it evidently appears that nothing less than the solemn act of the King, or the provincial Government authorized by him, could dispose of the lands of the crown.

VI. Indian grants, generally for a few hundred acres, though there are several for five, ten, fifteen, thirty, and fifty thousand acres, and some for even one hundred thousand acres.

To justify our decisions against these claims generally, we beg leave to detail to you those facts which appeared to us of the most material consequence in the investigation. A proclamation of the King of Great Britain was issued on the 7th of October, 1763, by which power was granted to the Governor of the province of Quebec, of which this country formed a part until 1783, to dispose of lands to persons applying therefor, upon such terms, quit-rents, services, and acknowledgments, as were then settled in the other colonies, and under such other conditions as the King, with the advice of his Privy Council, might direct. This applies exclusively to lands, the native right to which the Government had already acquired.

A subsequent paragraph of the same proclamation, in order to prevent irregular purchases from the Indians, enjoins and requires "that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians, within those parts of our colonies where we have thought proper to allow settlements. But if, at any time, any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting of the said Indians, to be held for that purpose, by the Governor or Commander-in-chief of our colonies, respectively, in which they shall lie," &c. Thus we find an early and a very express prohibition against these purchases by private persons; and the laws and usages of the British Government, at every intervening period, from the time of the repeal of so much of the before recited proclamation as relates to the province of Quebec, in 1774, down to the day of the date of the definitive treaty of peace in 1783, have interdicted and thrown an equal discontinuance on these illicit transactions.

A considerable number of these grants are executed since the year 1783, although the treaties with the several nations of Indians, as well as the laws and ordinances of Congress, so expressly declare their unlawfulness.

VII. Claims founded on actual settlements and improvements, without other pretended title. Of this and the last mentioned description, there are about four hundred. The settlements on rivers Raisins, Ecorces, Rouge, and on the borders of lake St. Clair, are from ten to twenty years old.

We will not waste our time nor yours, which is still more precious, by attempting to prove what, indeed, is almost self-evident, that claimants of this description have every thing to *hope* from the humane benevolence of the Government, but nothing to *demand* from its justice. Our reasoning on the third division of this subject, against prescriptive rights, applies, with all the force they may possess, to defeat and invalidate the pretensions of those who claim, by virtue of possession, for a length of time and actual settlement and improvement.

Having briefly stated our opinions of the several descriptions of claims which have come under our examination, we beg your attention to a few additional remarks, which we conceive it our duty to make. Except Captain Byrd, who claims, under the pretended grant of General Haldimand, and a few others, who claim by virtue of grants issued by Lieutenant Governor Hamilton, none of the holders of lots, in the late town of Detroit, could deduce an original title from any one of the Governments under which this country has successively been; yet these persons appear to entertain no doubts that the adjudication will be ultimately in their favor. Although, acting as commissioners, we have thought it our duty to reject them, as well as the claims founded on the grants of Celoron, De Bellestre, and other French officers, who have at various times commanded this post, yet we should certainly feel a very lively pleasure in the accomplishment of these expectations.

There have been a number of claims filed with the register for lands, within the acknowledged Indian boundaries. Such are the settlements on the river Sinclair, part of lake St. Clair, river Huron of said lake, and on the south side of river Raisin, and settlements more than six miles from the main river or strait. They are all unfounded on Government title, and most generally the Indian conveyance or the settlement is of not more than five, ten, fifteen, and twenty years' standing.

A paper has been filed with the Register, without official stamp, though alleged to be correct and authentic, purporting to be a schedule of all the grants issued by the Governor and the Intendant of New France and Louisiana.

They are fifty-six in number, located on both sides of the strait, or river Detroit, only thirty-three of which have been confirmed by the French king. On a comparison of this schedule with the patents deposited in the Land Office, we find so exact a coincidence, as to imagine it to be altogether relied upon as a valuable body of presumptive

evidence of the quantity of land granted by that Government in this part of their then dominions. By it is also negatively proven the futility of the pretensions of the people of the late corporation of Detroit, the trustees of which always contended that there had been an old French grant for the town, and many acres of the adjacent commons, which was either lost, mislaid, or carried away by the British agents; they have repeatedly, without success, endeavored to obtain a copy thereof, from the archives at Quebec, referring to this schedule to prove the validity of their claims. Colonel McDougal, in whose possession it has been, never, until the present fall, suffered it to be examined, when it was found to contain no memorandum of any such charter or patent.

After the repeated delays for the indulgence of the claimants of this district, their omissions and negligencies, will perhaps appear to you inexcusable. In twenty instances, where the pretended title papers have been registered, they have been unaccompanied by any notices, and fifty writings have been filed as notices, so substantially defective that we have declined an examination of them.

We state, for your information, that on the list of claimants will be found the names of British subjects, who have purchased from American citizens since the day of the exchange of the ratification of the treaty of amity, commerce, and navigation, between the United States and Great Britain, and many who claim by virtue of actual settlements and improvements by themselves or their tenants without other pretended title. How far it will be good policy to extend equal liberality to them, and our own citizens, will, we presume, be a subject for the consideration of Congress. Will not a general affirmance of the claims of a British subject, who has lately purchased, and whose land was liable to escheat, as not having the capacity of taking and holding lands in the United States, debar and preclude the Government from ever after availing itself of the profits of such escheat? At this time the commissioners have not the authority, officially, to make any inquiries of that nature; certain inquisitions must, in all such cases, be taken in order to vest the lands escheated in the Government, and to put it into possession; for until an inquest of office, called an office of intituling, be found, the alien may hold the lands; and before us, there is no discrimination between a citizen and an alien.

There are many interfering, contending claims, and much difficulty will be experienced in ascertaining boundaries. There has hitherto been no general survey of the country; surveys have indeed been made, but they are partial, irregular, and perhaps, in many instances, inaccurate. In the event of a confirmation, a very minute inquiry must necessarily precede the issuing of a patent, in order justly to decide the conflicting claims of private persons; otherwise, the consequences will be endless litigation, and almost numberless law-suits.

We have the honor to be, very respectfully, sir, your obedient servants,

G. HOFFMAN,
FREDERICK BATES.

The Hon. ALBERT GALLATIN, Esq. *Secretary of the Treasury of the United States.*

A.

ANTOINE DE LAMOTHE CADILLAC, Esq. *Lord of Bouaquet Montdesert, and Commandant for the King at Detroit, Pontchartrain.*

His Majesty, by his despatches of the 14th, 17th, and 19th June, 1705, and 1706, having given us power to concede the lands of Detroit, in the manner which we shall judge good and convenient; we, by virtue of the said power from His Majesty, have given, granted, and conceded, to François Fafard Delorme, interpreter for the King in this place, his heirs and assigns, an extent of land, of two arpents in front by twenty in depth, joining on one side our manor, and on the other, François Bosseron, and on the south the Grand river; which two arpents in front shall be drawn and alienated in the depth, by the course north-northwest; and in case any part short of two arpents was found in the alienation, the same quantity shall be furnished to him in another place not yet conceded, without any expense: which said two arpents in front, by twenty in depth, the said François Fafard, his heirs and assigns, shall hold and enjoy forever, with the privilege of fishing, hunting, and trading; hares, rabbits, partridges, and pheasants excepted. Said François Fafard, his heirs and assigns, shall be bound to pay us, our heirs and assigns, in our castle and principal manor, each year, on the 20th of March, for the said habitation, the sum of five livres quit-rent and rent, and over and above for other rights, whereof we have divested ourselves, the sum of ten livres, in peltries, good and merchantable; and when a current money shall be established in this country, the said François Fafard shall pay the said rent in said money forever. He shall likewise be obliged to begin to clear and improve the said concession within three months from the date of these presents; in default whereof, we shall concede his habitation to whom it shall appertain. He, his heirs and assigns, shall be moreover obliged to comply with the following charges, clauses, and conditions, to wit: to come and carry, plant or help to plant, a long May-pole before the door of our principal manor, on the first day of May, in every year, and if he fails, he shall pay us three livres in money, or good peltries; he shall likewise be obliged to come and grind his grains in the mills which we have, or shall have hereafter, in paying for the right of grinding of whatever kind the grains may be, eight pounds weight by the bushel; and in case he shall sell his habitation, in the whole or in part, he shall be obliged to inform us of it, and we reserve to ourselves the preference for the price and sum which may be offered to him, and on the same conditions lawful and permitted; he shall not sell, cede, or transfer it, by mortgage, but with our consent, and he be subject to the public charges and servitudes, as also to the fees for right of alienation. Said François Fafard shall not be permitted, during ten years, to work, or cause any person to work, directly or indirectly, at the profession and trade of a blacksmith, locksmith, armorer, or brewer, without a permit under our hand; reserving, besides, the timber which may be wanted for the fortifications, and for the construction of boats or other vessels. Said François Fafard may send down to Montreal, or other places of the lower colony, all the articles he pleases, in as large a quantity as he chooses, and to bring from thence merchandises, and other effects, in as large quantity as he pleases; on the condition that he shall sell his said effects and merchandises, by himself only, or by other inhabitants of this place, but not by engagees, or clerks, or foreigners, or strangers, not established residents in this place, with their family, on pain of confiscation and loss of said effects or merchandises; and in case that the said François Fafard shall sell, cede, or transfer, his habitation, in the whole, to a foreigner, or another not established in this place, the possessor or purchaser of said habitation, in any manner whatever he may be or become such, shall be liable to the same quit-rent and rent, as the said François Fafard; and if the said François Fafard sells, cedes, or transfers, part of his habitation to a foreigner, the purchaser, in whatever manner he be or become such, shall be obliged to pay us, our heirs and assigns, forever, in proportion of the said rent and quit-rent, and besides over and above for the rights whereof we have divested ourselves, the sum of ten livres for each year, on the 20th day of March. Said François Fafard shall not be permitted to sell or trade brandy to Indians, on pain of confiscation and loss of his habitation, and of the brandy found thereon, or effects received for the same; and if the said purchaser, in the whole or in part, is an inhabitant, and pays the sum of ten livres for the rights whereof we have divested ourselves, he shall pay us only the quit-rent and rents of his acquisition, and not the sum of ten livres, over and above; and if the habitation of the said François Fafard passes into other hands, in whatever manner it may be, and that he be or become proprietor of another piece of ground, house, or habitation, the said François Fafard shall pay us, our heirs and assigns, forever, the sum of ten livres, for the rights whereof we have divested ourselves, besides the quit-rent and rent of the habitation, piece of ground, or house; and in case the said François Fafard remains without possession of any land, house, or habitation, he shall be divested of all the privileges to him granted by this present concession. In consideration thereof, and generally of all the clauses, charges, and conditions aforesaid, towards us, our heirs and assigns, the said François Fafard, his heirs and assigns, shall hold and enjoy the said concession, shall sell and trade, as well with the French as with the Indians, in conforming himself to the regulations, and to the orders of His Majesty.

Done at fort Pontchartrain, the 10th of March, 1707.

LAMOTHE CADILLAC.

Afterwards is written, expedited the said day and year by me, Secretary.

GRANDMESNIL, *with a flourish.*

Collated upon the original minute presented by Etienne Verow de Grandmesnil, and this instant returned to him by the Notary Royal, in the precinct of Quebec, the 23d of August, 1742.

LOUET.

Continuation granted. Celoron, Knight of the military order of St. Louis, commandant at Detroit, Erie.

Upon the demand made to us by Claude Gouin, an inhabitant at Detroit, to grant him a continuation of forty arpents in depth, by two and a half in width, which he occupies by virtue of the present title, we, by virtue of the power to us given by the Governor and Intendant, have given, and by these presents do give, concede, and grant, to said Gouin, his heirs and assigns, the said continuation of two and a half arpents in width, by forty in depth, by reason of which he shall enjoy sixty arpents in depth, by two and a half in width, on the condition that, besides the rents mentioned in this deed, he shall pay yearly to the King's profit, the first year of which shall be due on the 11th of November, 1751, the sum of five livres to the Receiver of the King's domain.

Given at Detroit 28th February, 1751.

CELORON.

NAVARRÉ, *Deputy of the Intendant.*

B. and C.

CHARLES MARQUIS de BEAUHARNOIS, Commander of the military order of St. Louis, Governor and Lieutenant General for the King, in New France and Louisiana; Gilles Hocquart, Knight, member of the King's council, Intendant of Justice, Police, and Finances, in New France and Louisiana.

Upon the representation, made by the inhabitants of fort Pontchartrain, of the strait of lake Erie, to Messrs. de Boishebert, captain of a company detached from the navy, formerly Commandant at said fort Pontchartrain, and Pean, knight of the military order of St. Louis, Mayor of the city and Government of Quebec, commanding at the said fort, and whereof they have reported to us, containing that hitherto they had not dared to undertake any clearings, and establish farms, because they had no title which could secure to them the property thereof; that if it should please us to grant titles, they would not only be able to work without running any risks of being disturbed, but that considerable advantages would result from their labor, in procuring thereby provisions in abundance, which would serve to procure an easy subsistence, as well to the garrison as to the inhabitants and travellers; which being by us taken into consideration, and also the letters patent of His Majesty, given at Paris in April, 1716, registered in the superior council the first December following the decree of the King's council of the 19th May, 1722, we, in the name of His Majesty, have given, granted, and conceded, and do give, grant, and concede, on condition of quit-rent and rent, to Jean Casse St. Aubin, senior, an inhabitant at the said fort Pontchartrain, for himself, his heirs and assigns, a concession of land, situate on the strait of the lake Erie, containing four arpents in front, by forty in depth, joining on one side, towards west-southwest, the farm before conceded to Charles Chene, bounded by a line running north-northwest, and south-southeast, and on the other side towards east-northeast, unconceded lands, in front by the strait of lake Erie, and in rear by a line north-northeast and south-southwest joining also unconceded lands, to hold, use, and dispose of by the said St. Aubin senior, his heirs and assigns on the charges, clauses, and conditions following, viz: That the said St. Aubin, senior, his heirs and assigns, shall be obliged to carry their grains to be ground at the common mill, when one is established, on pain of confiscation of the said grains, and arbitrary fine; to inhabit the said concession, or cause it to be inhabited, within one year from this day at furthest; to enclose the improvements of the neighbors as fast as wanted; to till the said land, and suffer thereon the roads which shall be thought necessary for the public utility; to make line fences, as it shall be regulated; and to pay, each year, to the Receiver of the King's domain in this country, or to the clerk of said Receiver, who shall reside at Detroit, one sol quit-rent for each arpent in front, and twenty sols rent for each twenty arpents in superficies, making, for the said four arpents in front, by forty in depth, eight livres rent, and four sols quit-rent; and besides, one bushel of wheat for the said four arpents in front, the whole payable each year on the day and feast of St. Martin, the first year of which shall become due on the eleventh of November, 1735, and to continue from year to year. The said quit-rent bearing profit of fees for right of alienation, default, and fines, with all other royal and seigneurial rights, when the case may be agreeable to the custom of the vicinity and precinct of Paris. It shall, however, be lawful for the said St. Aubin, senior, to pay the said eight livres rent, and four sols rent, in peltries, at the Detroit price, until a current money is established; reserving, in the King's name, on the said plantation, all the timber which His Majesty may want for the construction of buildings and forts which may hereafter be established; as also the property in mines and minerals, if any be found, within the extent of the said concession. And the said St. Aubin, senior, his heirs and assigns, shall be obliged to cause the said concession to be forthwith alienated, measured, and bounded, in all its width and depth, at his expense, and to execute all the clauses inserted in this present title, and to take a brevet of confirmation from His Majesty, within two years, on pain of nullity of these presents.

Done and given at Montreal the 15th of July, 1734.

HOCQUART. [L. s.]

By my Lords,

DE VALMUR.

BEAUHARNOIS. [L. s.]

By my Lords,

DE CHEUZEMONT.

Brevet of confirmation of the above grant.

Extract from the register of the Superior Council of Quebec.

From the brevet of ratification of the concessions made at Detroit by Messrs. the Marquis de Beauharnois, Governor and Lieutenant General for the King in New France, and Hocquart, Intendant in the said countries, has been extracted what follows:

This day, 22d of February, 1735, the King, being at Marly, being willing to confirm and to ratify a concession made by the Marquis de Beauharnois, Governor and Lieutenant General for His Majesty, and Hocquart Intendant in New France, the 15th of July, on condition of quit-rent and rent, to the named St. Aubin, senior, an inhabitant at fort Pontchartrain, of a piece of land of four arpents in front by forty in depth, situate on the strait of lake Erie, joining on one side the land of the named Chene, and on the other side, towards east-northeast, unconceded lands, in front the strait of lake Erie, and in rear a line east-northeast, and west-southwest unconceded lands; His Majesty has ratified and confirmed the said concession, being willing that the said St. Aubin, senior, his heirs and assigns, hold and use the said farm, to him conceded, on the charges, clauses, and conditions following, to wit: That he shall be obliged to carry his grains to be ground at the common mill, when one is established, on pain of confiscation of the said grains, and arbitrary fine; to inhabit the said concession, or cause it to be inhabited, within one year; to enclose the improvements of the neighbors as fast as wanted; to till the said land, and to cause the same to be forthwith alienated, measured, and bounded at his own expense, if it is not already done; to suffer the roads which shall be thought necessary for the public utility; to make line fences, as it shall be regulated; and to pay each year to the Receiver of his Majesty in Canada, or to the clerk of the said Receiver, who shall reside at Detroit, one sol quit-rent for each arpent in front, and twenty sols rent for each twenty arpents in superficies, and, besides, half a bushel of wheat for two arpents in front,

the whole payable each year on the day and feast of St. Martin, the first year of which shall become due on the 11th of November, 1735: the said quit-rent bearing profit of fees for right of alienation, default, and fines, with all other royal and seigneurial rights, when the case may be agreeably to the custom of the precinct and vicinity of Paris. It shall, however, be lawful for him to pay the said quit-rent and rent in peltries at the Detroit price, until a current money is established; reserving on the said farm, above conceded, all the timber which His Majesty may want for the construction of buildings and forts which may hereafter be established; as also the property in the mines and minerals, if any be found, within the extent of the said concession. And as a testimony of his will, His Majesty has ordered me to expedite the present brevet, which shall be registered in the superior council of Quebec, to have thereto such recourse, as it shall appertain, and which he has signed with his own hand, to be countersigned by me, his Secretary of State, and of his commands and finances. Signed LOUIS, and underneath PHILIPPEAUX.

Registered in the register of the superior council of New France, having heard the Attorney General of His Majesty, agreeably to the decree of this day, by us, counsellor, secretary of the King, chief clerk of the council; undersigned at Quebec, the 26th September, 1785.

DAINE.

The original French writings produced to the commissioners, appear to have been for only three acres in front. The word *trois* in several places is dashed out thus — and the word *quatre* interlined; a few other alterations are also made in the places marked in this copy.

D.

The Marquis DE LAJONQUIERE, Knight of the royal military order of St. Louis, Commodore of His Majesty's naval armies, Governor and Lieutenant General for the King in all New France and countries of Louisiana; FRANCIS BIGOT, member of the King's council, Intendant of Justice, Police, Finances, and of the Navy in said countries.

Upon the demands made to us by Antoine Robert, an inhabitant on the strait of lake Erie, to grant and concede him a piece of land of three arpents in front by forty in depth, situate on the said lake Erie, joining on one side towards west-southwest, the land of the named Champagne, bounded by a line running north-northwest, and south-southeast, on the other side towards east-northeast, the land of M. Navarre; in front the strait of lake Erie, and in rear a line, east-northeast, and west-southwest, joining, also, unconceded lands; we, by virtue of the powers to us jointly given by His Majesty, have given, granted, and conceded, do give, grant, and concede, on condition of quit-rent and rent, from this day, forever, to the said Antoine Robert, his heirs and assigns, a concession of a piece of land, situate on the strait of lake Erie, containing three arpents in front by forty in depth, bounded on the courses before designated; to enjoy and dispose of the same, by the said Antoine Robert, his heirs and assigns, on the charges, clauses, and conditions, hereafter, to wit: that the said Robert, his heirs and assigns, shall be obliged to carry his grains to be ground at the common mill, when one shall be established, on pain of confiscation of the said grains, and arbitrary penalty; to inhabit the said concession, or cause it to be inhabited, within one year from this day, at furthest; to enclose the improvements of the neighbors as fast as wanted; to till the land, and suffer thereon the roads which will be thought necessary for the public utility; to make line fences, as it shall be regulated; and to pay each year to the Receiver of the King's domain in this country, or to the clerk of the said Receiver, who shall reside at Detroit, one sol quit-rent for each arpent in front, and twenty sols rent for each twenty arpents in superficies; making, for the said three arpents in front by forty in depth, three sols quit-rent, and six livres rent, and, besides, three-fourths of a bushel of wheat for the said three arpents in front; the whole payable each year on the day and feast of St. Martin; the said quit-rent bearing profit of fees, for right of alienation, seisin, and fines, with all other rights, royal and seigneurial, when the case may be, agreeably to the custom of the precinct and vicinity of Paris. It shall, however, be lawful for the said Antoine Robert to pay the said six livres rent, and three sols quit-rent, in peltries at the Detroit price, until a current money is established; reserving in the King's name, on the said habitation, all the timber which His Majesty may want for the construction of buildings and forts, which may hereafter be established; as also, the property in the mines and minerals, if any be found, within the extent of said concession. And the said Robert, his heirs, and assigns, shall be obliged to cause the said concession to be forthwith marked out, measured, and bounded, in all its width and depth, and to execute all the clauses inserted in this present title, and to take a brevet of confirmation from His Majesty, within two years, on pain of nullity of these presents.

Done and given at Quebec, the first April, one thousand seven hundred and fifty.

[L. s.] LAJONQUIERE.

By my Lords,
ST. SAUVEUR.

[L. s.] BIGOT.

By my Lords,
DESCHESNEAUX.

To Messrs. DE CELORON, Knight of the royal and military order of St. Louis, Commandant for the King at Fort Detroit; Landrieve, doing the duty of Commissary and Deputy Intendant of New France, in the said place.

The inhabitants of Detroit humbly represent to you, gentlemen, that the mill, situated on the farm of Claude Campeau, is of an indispensable necessity and convenience for the public. They have heard that the named Cabacier, an inhabitant of Detroit, was seeking the means to have it demolished, under the pretext that the corner of his meadow was inundated by the said mill. It is easily seen that it is by a spirit of incompatibility and contradiction towards his neighbors: for, in summer, his meadow is dry, and, in winter, the water has its natural course, the said mill not going on account of the ice.

This mill was constructed by the consent of Monsieur de Boishebert, formerly commandant in this fort, as a thing useful to the public, and a long time before the concession of the land of the said Cabacier. If this mill had given any prejudice to the meadow which is alongside of his land, the first proprietors would not have failed to make representations on that subject: the said mill has always subsisted till now without any interruption, it being, besides, erected on the land of its proprietor.

This being considered, may it please you, gentlemen, taking into view the public advantage and convenience, to order that the said mill shall continue as before; it being, besides, the only one handy to this fort, and which goes the greatest part of the year; to forbid said Cabacier, and all others, to attempt any depredation on the said mill, and to trouble the owner, on pain of damages, costs, and interest, and you shall do justice.

PIERRE REAUME,
——— CHAPOTON,
——— LE GRAND,
JEAN BAPTISTE MALLET,
YACINTHE REAUME,
——— CECIRE,
JEAN PILET,
JACQUES GODDELTE,
BAPTISTE GOYEAUX, Jr.
NICHOLAS LENOIR,
LAURENT PARENT,

JACQUES CARDINAL,
CARLE MORAN,
BELLE PERCHE,
WIDOW CARRON,
ANTOINE CAMPEAU,
JEAN BORDE,
JEAN BAPTISTE CAMPEAUX,
——— LABUTTE,
JEAN MILHOMME,
——— BARTHE,
J. BLONDEAU.

Having seen the above, and no title having appeared to us, we order that the parties do apply to the Governor and the Intendant, and the mill shall remain in its present situation, until the decision of the Governor and the Intendant is had.

Done at Detroit, the 30th June, 1753.

LANDRIEVE, CELORON.

After having seen the foregoing petition, we order that the named Campeaux be in peaceable possession of the said mill, having given due regard to the opinion of Messrs. Celoron and Landrievie.

Done at Montreal, 22d August, 1753.

DUQUESNE.

E.

TRANSLATION.

We, Commandant for the King at Detroit, &c. upon the demand made to us by Jacques Pilet, proprietor of the farm above conceded, by title in the other part, to grant him a continuation of forty arpents in depth at the end of the said farm, have, by virtue of the power in us vested by the General, given and conceded to said Pilet the said continuation of two arpents in width by forty in depth, on the same lines, quit-rent and rent, and rights of servitudes, contained in the aforesaid deed, the first payment of which shall become due on the 11th of November, 1759. Moreover, to leave, between the first concession and the said continuation, a distance of thirty-six feet at least, to be used as public road by the inhabitants who shall obtain the continuations.

Done at Detroit, the 15th of March, 1759.

PIQUOTEE DE BELLESTRE.

TRANSLATION.

We, Commandant, &c. have conceded to Baptiste Reaume a piece of land of four arpents in width, and forty in depth, this side of river Rouge, adjoining to Dominique Labrosse, on the east-northeast side, to enjoy the same on the charges which shall be regulated by men in authority. Done at Detroit, 1st September, 1760.

PIQUOTEE DE BELLESTRE.

Seen the above deed, by order of the Commandant, the 10th day of September, 1770.

P. DEJEAN, Notary.

On the 21st day of February, A. D. 1805, the claim of Jean Batiste Barrois was taken up, and the notice by him filed with the Register of the Land Office being read in the words following, to wit:

The children and heirs of François Barrois, Jun., deceased, formerly of Detroit, and since of Vincennes, notify the Register of the Land Office at Detroit that they claim, as such heirs, a tract of land below Detroit aforesaid, containing about four acres wide, and forty arpents in depth, bounded on one side by lands of Mr. Navarre, and on the other side by lands formerly of Monsieur Dequindre; which said tract of land was granted and conceded by the French commandant, then at Detroit, to the said François Barrois, by deed or concession, dated the 1st April, 1760, to hold the same to him whenever the Pattawatamie Indians should abandon or leave the village they then lived on, and which was then situate on the said lands so granted, and which they have long since done. The land has never been surveyed. Herewith he delivers for registry the original grant made of the said land to the said François Barrois, on behalf of himself and the other heirs.

JEAN BATISTE BARROIS, × his mark.

DETROIT, 6th November, 1804.

The evidence adduced by the claimant in support thereof was also read and considered, in the words and figures following, viz.

TRANSLATION.

We, Commandant for the King at Detroit, have conceded to François Barrois, Jun., a piece of land of three arpents wide, or four arpents if they be found, by forty in depth; to begin from the boundary of the farm conceded to Navarre, near the Pattawatamies' village, in going towards the land of Mr. Dequindre; to have and to hold unto the said Barrois, the said piece of land, after the Pattawatamies have changed or abandoned their village, without which condition this present concession shall be void, not understanding to dispossess the said Indians in any manner. And the said Barrois shall enjoy the said land, on the aforesaid conditions, and such servitudes as shall be regulated by persons in power to do it. In testimony whereof, we have expedited him the present title, which will be in lieu of provisory deed. At Detroit, the 1st April, 1760.

PIQUOTEE DE BELLESTRE.

F.

ON MONDAY, the 2d day of December, A. D. 1805.

The board met pursuant to adjournment, and proceeded to the examination of the claims of the heirs and legal representatives of the late Wm. McComb, deceased.

Whereupon, the notice filed by the said heirs with the Register of the Land Office being read, of which the following is an extract, viz.

"John, William, and David McComb claim an island situate in the strait about three miles above Detroit, commonly called Hog island, containing, by Mr. Boyd, who surveyed it in 1771, seven hundred and four acres, by purchase from the Ottawa and Chippewa nations of Indians, who, in council, under the direction of His Britannic Majesty to the Hon. Thomas Gage, Commander-in-chief of all His said Majesty's forces in North America, for that purpose, did convey the same to Lieutenant George McDougall, on the 5th day of June, 1769, whose heirs sold the same to Wm. McComb on the 11th of November, 1793."

The following instrument of writing, together with the deeds, whereof mention is hereinafter made, presented to the Register, and recorded as evidence of the claim aforesaid, were also read and considered by the commissioners, viz.

By an order of His Majesty and council, dated at St. James's, May 4th, 1768, transmitted to the Hon. Thomas Gage, Major General and Commander-in-chief of all His Majesty's forces in North America, &c. &c. ordering that he shall put Lieutenant George McDougall, late of the 60th regiment, in possession of Hog island, situated and lying in Detroit river, three miles above the fort of Detroit, provided that can be done without umbrage to the Indians, and upon consideration that the improvements projected by the petitioner be directed to the more easy and effectual supply of His Majesty's fort and garrison maintained at Detroit. The Commander-in-chief having transmitted the same to George Turnbull, Esq. captain in the 60th regiment, commanding at Detroit, that he shall see the same executed by being present when the said George McDougall shall receive a deed from the Indians for the said island, &c.

By virtue of the above order, this indenture, made by and between Lieutenant George McDougall, late of the 60th regiment, of the one part, and Oketchewandug, Couttawin, Ottawachin, chiefs of the Ottawa and Chippewa nations of Indians, in the other part, do for ourselves, and by the consent of the whole of the said nations of Indians, witnesseth, that the said chiefs, for and in consideration of five barrels of rum, three rolls of tobacco, three pounds of vermilion, and a belt of wampum, and three barrels of rum, and three pounds of paint, when possession was taken, valued one hundred and ninety-four pounds ten shillings, current money of the province of New York, to them in

hand paid, the receipt whereof the said Indians chiefs do hereby acknowledge, have granted, bargained, sold, alienated, and confirmed, and by these presents do hereby grant, bargain, sell, alien, and confirm, unto the said George McDougall, his heirs and assigns, forever, the aforesaid island, that he may settle, cultivate, or otherwise employ to His & Majesty's advantage, as he shall think proper, the aforesaid island in Detroit river, about three miles above the fort, together with all the houses, out-houses, and appurtenances whatsoever on the said island, messuage, and tenement, and premises belonging, or in any ways appertaining; and also the reversion and reversions, remainder and remainders, rents and services of the said premises, and every part thereof, and all the estate, right, title, claim, and demands, whatsoever, of them, the said Indians, of, in, and to the said messuage, tenement, and premises, and every part thereof. To have and to hold the said messuage or tenement, and all and singular the said premises above mentioned, and every part and parcel thereof, with the appurtenances, unto the said George McDougall, his heirs and assigns, forever. And we, the above mentioned chiefs, do hereby engage ourselves, our heirs, our nations, executors, administrators, and assigns, forever, to warrant and defend the property of the said island unto the said George McDougall, his heirs, executors, administrators, and assigns, forever against us or any person whatever claiming any right or title thereto.

OKITCHEWANONG, ×
COUTTAWGIN, ×
OTTOWACHKIN. ×

GEORGE TURNBULL, *Captain 2d battalion, 60th reg't, commanding.*
DANIEL McALPIN, *Lieutenant 2d battalion, 60th reg't.*
JOHN AMIEL, *Ensign 2d battalion, 60th reg't.* } *Witnesses.*
DETROIT, 5th May, 1769.

Received and recorded in the Register's Office, in Quebec, on Thursday, the 23d day of January, 1777, at one o'clock in the afternoon, in the English register, letter E, page 616.

GEO. ALLSOPP.

A deed of feoffment, executed by John Robert McDougall, conveying a moiety of said island, in fee simple, to William McComb, containing a clause of warranty against himself, his heirs, and assigns, dated the 11th day of November, 1793, with a memorandum of livery of seisin endorsed on the back of said deed.

Also, a deed of gift from George McDougall to John Robert McDougall, for a moiety of said island, with the like clause of warranty therein, and the like memorandum of livery of seisin endorsed thereon, dated the 6th day of January, 1794.

Also, a deed of feoffment, executed by John Robert McDougall, conveying and transferring the other moiety of said island to the said William McComb, in fee simple, containing a clause of warranty against the feoffer, his heirs and assigns, with a memorandum of livery of seisin endorsed thereon, dated the 7th day of April, 1794.

The claimants then brought forward George Meldrum to be examined as a witness with regard to Hog island, who, being sworn, deposed and said, that the late Lieutenant McDougall built on this island a dwelling-house, and sundry out-houses about the year 1770 or 1771. About the same time, one Cassety, as a tenant of the said McDougall, went on a part of these lands, who, in the course of some few of the following years, cultivated about thirty acres, and, as well as this deponent recollects, built a small house; said Cassety was succeeded by one Ridley, and the said island has been constantly occupied by successive tenants of the said McDougall and McComb families to the present day.

At the request of the claimants, the said claims, generally, were continued for further investigation.

On Tuesday, the 3d day of December, A. D. 1805, the board met pursuant to adjournment.

The fourth claim of the heirs and legal representatives of the late William McComb, deceased, being again under consideration,

John Laughton was brought forward as a witness, who, being sworn and examined, deposed and said, with respect to Hog island, that, in the year 1776, he, the deponent, leased the said island of one Cassety, who at that time held it under the lease of the late Lieutenant McDougall. When in occupation of the said island, he, the said deponent, was ousted of his possession by the orders of Colonel De Peyster, then the commanding officer at Detroit, who put thereon some prisoners brought to his garrison by the Indians. The late William McComb, as the guardian of the then infant sons of the said McDougall, petitioned General Haldiman for redress, who ordered the said McComb to be again put into the possession thereof. The deponent also recollects that Colonel De Peyster, on restoring the said island, left with the said McComb a barn, erected at the expense of Government, and a scow, as a compensation for the disseisin. This property, the deponent imagines, must have been worth about twelve or fourteen hundred pounds. When the deponent went first to this island, there were two farms thereon, each of which was improved with a dwelling-house, and, inclusively, had about eighty acres of cultivated land, and two large barns.

John Robert McDougall being sworn, deposed and said, with respect to Hog island, that some short time after Colonel De Peyster had taken forcible possession of this island, that officer was desirous of purchasing it for the use of the Government, and made an offer to this deponent and his mother of six hundred guineas therefor; these terms were, however, rejected. The said De Peyster then paid to Alexander McComb a quantity of corn, as the rent of said island, for which said McComb, as guardian of the infant children of this said deponent's late father, afterwards accounted. Some few years before the evacuation of this garrison by the British troops, Major Claus, commanding Detroit, put a number of cattle on the said island to pasture, for which damages were awarded to the deponent in the court of common pleas of the upper province of Canada.

The order of the King of Great Britain, by the advice of his privy council, referred to in the instrument of writing executed by the Indians therein named, was this day produced by the claimants as evidence of their title to the said island, and is in the words following, viz.

[L. s.]

AT THE COURT AT ST. JAMES'S, the 4th day of May, 1768.

Present: *The King's Most Excellent Majesty.*

Lord President,
Duke of Grafton,
Duke of Ancaster,
Duke of Northumberland,
Marquis of Granby,
Lord Chamberlain,

Earl of Huntington,
Earl of Denbigh,
Earl of Shelburne,
Viscount Weymouth,
Viscount Falmouth,
Viscount Howe,

Viscount Clare,
Viscount Villiers,
Welbore Ellis, Esq.
Richard Rigby, Esq.
Thomas Townshend, Esq.
George Onslow, Esq.

Whereas there was this day read at the board a report for the right honorable the lords of the committee of council for plantation affairs, dated the 3d of this instant, in the words following, viz.

Your Majesty having been pleased, by your order in council of the 12th of December, 1767, to refer unto this committee the humble petition of Lieutenant George McDougall, of the royal American regiment, on half pay, praying, for the reasons therein contained, that your Majesty will be graciously pleased to grant to him a certain small island, three miles above Detroit, called Hog island. The lords of the committee, in obedience to your Majesty's said order of reference, did, on the 3d of March last, take the said petition into their consideration, and thought proper

* This "&" appears evidently to have been inserted after the above instrument was written, if not after the same was executed, for it is written on an erasure, and renders the sense thereof somewhat less clear and perspicuous than what it must have been before. There is no memorandum made of the erasure, nor of another interlineation which is in the instrument.

to refer the same to the lords commissioners of trade and plantations, who have thereupon reported to this committee: "That the abovementioned island, lying within that territory, which, by your Majesty's proclamation of the 7th of October, 1763, is reserved and set aside as hunting grounds for the several tribes of Indians, it follows that no absolute grant of the same can be made, consistently with the terms and reservations of the said proclamation; and, therefore, it will not be advisable for your Majesty to comply with the prayer of the petition, as to this particular, in its full extent; but, as the merits of the petitioner, in clearing part of the said island, building a house, and making a settlement thereon, in consequence of permission obtained from the commanding officer at Detroit, in 1761, appear to be true; and as he has sustained considerable damage by being dispossessed of these improvements by the savages in the subsequent war, more especially, as it is evident that considerable savings may be, and actually have been, made in the articles of supply and provision for the garrison at Detroit, by stocking and cultivating lands in the neighborhood thereof, the said lords commissioners are of opinion that advantages may be derived to the public service from the settlement and improvements of this island; and as the petitioner, as well from his intercourse and acquaintance with the Indians, as by his interest and connexions in those parts, (he being married, and having a wife and family now residing at Detroit,) doth appear both able and willing to carry his proposals into execution; and as it is represented that the said island, though within the limits of the Indian territory, yet has always been considered as an appendage to the fort, the said lords commissioners are of opinion that every encouragement should be given to him in the settlement of the said island, as far as the tenor of the proclamation above recited will allow; and this they think can best be done by referring the matter to the Commander-in-chief in America, recommending to him to allow the petitioner a temporary occupation of the said island, so long as your Majesty shall think fit to continue an establishment at Detroit; provided this can be done without umbrage to the Indians, and upon consideration that the improvements projected by the petitioner will be directed to the more easy and effectual supply of your Majesty's fort and garrison maintained at Detroit."

The lords of the committee, upon consideration thereof, do humbly report to your Majesty that they agree in opinion with the lords commissioners for trade and plantations, and thereupon humbly propose that your Majesty will be graciously pleased to direct the Commander-in-chief of your Majesty's forces in America, for the time being, to allow the petitioner a temporary occupation of the said island, so long as your Majesty shall think fit to continue an establishment at Detroit; provided this can be done without umbrage to the Indians, and upon consideration that the improvements projected by the petitioner will be directed to the more easy and effectual supply of your Majesty's fort and garrison maintained at Detroit.

His Majesty, taking the said report into consideration, was pleased, with the advice of his privy council, to approve thereof, and to order, as it is hereby ordered, that the Commander-in-chief of His Majesty's forces in America, for the time being, do allow the petitioner a temporary occupation of the said island, so long as His Majesty shall think fit to continue an establishment at Detroit; provided the same can be done without umbrage to the Indians, and upon consideration that the improvements projected by the petitioner be directed to the more easy and effectual supply of His Majesty's fort and garrison maintained at Detroit. Whereof the Commander-in-chief of His Majesty's forces in America, for the time being, and all others whom it may concern, are to take notice, and govern themselves accordingly.

WM. BLAIR.

Received and recorded in the Register's Office, in Quebec, on Thursday, the 23d day of January, 1777, at one o'clock in the afternoon, in the English register, letter E, page 612.

GEO. ALLSOPP.

A writing, purporting to be a "paragraph of General Gage's letter to Captain Turnbull, of the 29th August, 1768, relating to Hog island, given to Mr. McDougall by His Majesty and council," was also exhibited as evidence of the claim aforesaid, and is as follows, to wit:

As Mr. McDougall's occupying these lands depends upon the suffrage of the Indians, who have claims thereto, it will be necessary that those Indians should be collected by the friends of Mr. McDougall, and publicly signify to you, or rather give a written acknowledgment of their consenting to the cession of those lands in favor of Mr. McDougall.

You are to contract no expense upon this account: the collecting and supporting these Indians must be the act of Mr. McDougall, or his friends. In his absence, you are only to acquaint them that you cannot admit them to take possession till you are satisfied of the Indians' intention, and acquiescence therein.

This must be a solemn act, performed, in your presence, by Indians concerned in the property of the lands, to which they must sign the marks of their tribes: and you will certify the same to be done by you, and under my authority, and in your presence. Their permission must, at the same time, be had to people the island for cultivation: for every necessary particular should be mentioned in the writing for the cession of these lands, and the whole fully and distinctly explained to the Indians, to prevent future claims or disputes. You are likewise to attend to the nature of the improvements carried on by Mr. McDougall, and see that they are such as may, when called upon, serve to the purposes intended, of an effectual and easy support of the garrison at Detroit.

GEORGE TURNBULL, *Capt. 2d Bat. 60th Reg't.*

Received and recorded in the Register's Office, in Quebec, on Thursday, 23d of January, 1777, at one o'clock in the afternoon, in the English register, letter E, page 615.

GEO. ALLSOPP.

And, thereupon, the commissioners, having maturely weighed and considered all the evidence adduced by the claimants in support of their title to Hog island, It is, &c. (Decision.)

G.

I, Arent Scuyler De Peyster, commanding the King's or eighth regiment, and the posts occupied by it on the different communications, by the authority in me vested, as a means of improving the appearances in the front of the fortifications and grand parade, by improving and cultivating the ground adjacent, bounding the town of Detroit to the northwest, do grant, by these presents, unto Captain Henry Bird, of the King's or eighth regiment, and unto his heirs and assigns, forever, a lot of ground, beginning at the northwest end of St. Honore street, and on the east side, continuing in a line with said street as far as the run or ditch which terminates the grand parade; then, turning towards the east, and bounded by the said run, continues as far as the fence which encloses that part of the King's garden occupied by the officers of the eighth regiment; thence, returning by the side of said fence, as far as the King's stables, and following the division in front of said stables, as they now stand, to the side of — street; the whole lot containing 2,029 square yards, more or less.

Given under my hand and seal, this 20th day of May, in the year of our Lord, 1781.

A. S. DE PEYSTER, *Major King's Reg't, Command't.*

Registered in the register of Detroit, No. 2, pages 299 and 300, by me,

T. WILLIAMS, *Recorder.*

QUEBEC, 15th October, 1784.

SIR:

Captain Bird, of the King's or eighth regiment, having memorialised his excellency General Haldimand to confirm a grant made to him by Lieutenant Colonel De Peyster, of a small lot of land and house, at Detroit, (formerly a blacksmith's shop,) described therein, I am commanded by his excellency to acquaint you that, in consideration of Captain Bird's particular services at Detroit, and of his having been at some expense in fitting up the said house, he is pleased to relinquish to him all right to it, on the part of the Crown, and desire that you will put him in possession of it accordingly.

I am, sir, your most obedient and most humble servant,

Lieutenant Governor HAY.

R. MATTHEWS, *Secretary*.

H.

On the 28th day of February, A. D. 1805, the claim of Elijah Brush, trustee for Alexander McKee, was taken up, and the notice by him filed with the Register of the Land Office, being read in the words following, viz:

To George Hoffman, Esq. Register of the United States' Land Office at Detroit, in the District of Detroit.

DETROIT, December 24, 1804.

SIR:

In pursuance of an act of Congress of the United States, passed the 11th of March, 1804, making provision for the disposal of the public lands in said territory, and for other purposes, I hereby make entry of a certain messuage and tenement, situate, lying, and being upon Detroit river, in the township of Detroit aforesaid, containing ninety-three feet in front on said river, and eighty-two and a half feet in rear, by three hundred and three and a half feet on the northeast side, and two hundred and ninety-seven feet on the southwest side; which I hold and claim, as trustee to Alexander McKee the younger, by gift from his father, Thomas McKee, who held by the descent, as the only legitimate heir to the estate of the late Alexander McKee, deceased, who also held said lot of land by gift from the British Government, for his services and losses in that Government.

E. BRUSH.

QUEBEC, September 9, 1785.

The evidence adduced by said claimant, in support thereof, was also read and considered, in the words and figures following, to wit:

Whereas, Matthew Elliott has, for some time, occupied a certain lot lying near the dock yard at Detroit, by the water side; this is to signify to all whom it may concern, that, if any person has pretensions to the aforesaid lot, they are to produce their titles, otherwise the said Matthew Elliott is to hold peaceable possession thereof, until further orders.

Given under my hand and seal at arms, at the castle of St. Louis.

HENRY HAMILTON.

NOTE.—With a wafer seal appendant.

DETROIT, May 26, 1786.

Description of a lot of ground situated next to His Majesty's ship yard at Detroit, bounded on the front by the King's domain; in the rear by the river; and on the east-northeast by a lot occupied by Captain Lamothe, of the Indian Department. Courses—west, nineteen, southerly three hundred and forty-five feet; south, twenty, westerly two hundred and seventy-five feet; east, nineteen, northerly three hundred and forty-five feet; north, twenty, westerly two hundred and seventy-five feet, to the place of beginning; containing, in all, ninety-four thousand eight hundred and seventy-five feet, more or less.

PHIL. R. FRY, *Deputy Surveyor*.

Registered, page 374, in Reg. B, by me, this 24th day of May, 1790.

T. SMITH, *C. C. Pleas, District of Hesse*.

The deed of gift of Thomas McKee to Elijah Brush, in trust for Alexander McKee the younger, was produced by the claimant, and read and considered by the commissioners.

The claimant has not produced a deed conveying the said lot of ground from Matthew Elliott to Thomas McKee.

I.

To all the Inhabitants occupying lots next the water sides.

GENTLEMEN:

As the vacant spaces of ground lying between each of your lots and the water side, now occupied with all sorts of filth, and become a public nuisance, should be removed, if you will go to the expense of filling up the whole of them with good earth, and render it an even surface, at the same time extending your lots with fences, so as to leave only a passage for carts between them and the water edge, you shall have such spaces of ground in lieu of the expense you may be at; but if you do not choose to occupy them on these conditions, let me know, and I will give them to others, for I can no longer suffer them to remain as they now are.

Given under my hand, at Detroit, this 1st day of June, 1782.

A. S. DE PEYSTER, *Major*,
Commanding Detroit and its dependencies.

K.

On the 8th day of March, 1805, the claim of George Meldrum was taken up and read, in the words following, to wit:

George Hoffman, Esq. Register of the Land Office at Detroit.

SIR:

Please to take notice, that I enter in your office a permission of Arent De Peyster, commandant of Detroit and its dependencies, to Peter Cumming, to build on a lot of ground, eighty feet in front, on river Detroit, bounded on the south by the ship yard, and on the north by Col. McKee, running to the road, bearing date 1st September, 1783. And likewise transfer to John Laughton, and by said Laughton's deed to Meldrum and Park, bearing date 5th of March, 1793, and am, with respect, &c.

Yours, &c.

GEORGE MELDRUM.

And thereupon the evidence adduced by the claimant, in support thereof, was also read and considered, in the words and figures following, to wit:

To all concerned.

For and on account of the good character of Peter Cumming, late ship builder in His Majesty's yard, I do permit him to build on a lot of ground lying to the northwest of the ship yard; eighty feet in front on the river; thence, back to the highway, and thence to the ship yard aforesaid.

Given under my hand at Detroit, this 1st day of September, 1783.

A. S. De PEYSTER, *Lieut. Col. King's Regt.
Commandant at Detroit, &c.*

Registered in the Register at Detroit, No. 2, page 342, by me,

T. WILLIAMS, *Rec.*

The claimant produced also a deed of transfer from Peter Cumming to John Laughton, dated 26th August, 1788; and also a deed of bargain and sale, executed by John Laughton to Meldrum and Park, dated the 5th of March, 1793: which deeds were read and considered.

Whereupon it is considered by the commissioners, that, &c.

L.

On the 21st day of February, A. D. 1805, the claim of Robert Navarre was taken up for consideration, and the notice by him filed with the Register of the Land Office was read, in the words following, to wit:

“DETROIT, 17th December, 1804.

“GEORGE HOFFMAN, Esq. *Register of the Land Office at Detroit:*

“Please to take notice that I claim title to the farm on which I now live, the deed of which I enter into your office, to be recorded, with all the vouchers, to wit:

“No. 1. Original Indian deed. No. 2. Survey. No. 3. Receipt of the King's Receiver. No. 4. Confirmation of title by Major Basset, Commandant, &c.”

And, thereupon, the evidence adduced by the claimant in support thereof, being also read, in the following words and figures, to wit:

TRANSLATION.

No. 1. We, the chiefs of the tribes of the Pattawatamie nation, at Detroit, have deliberated and given, of our free will, a piece of land of four arpents in width, by the whole depth, situate at our ancient village, to Robiche, son of the scrivener. We give him this land forever, that he may cultivate the same, light a fire thereon, and take care of our dead; and for surety of our words we have made our marks, supported by two branches of wampum.

[Signed in the original by twelve chiefs.]

Ratified by the Honorable Henry Basset, Commandant at Detroit, 15th July, 1772, in presence of Mr. George McDougall, of the Pattawatamie chiefs, and Robert Navarre, Jun'r, put in possession in the forms prescribed, in the name of His Majesty, and in conformity to the orders of his excellency.

No. 2. I, the undersigned, doing the duty of Surveyor, at Detroit, with the approbation of Mr. Henry Basset, Major Commandant at Detroit and dependencies, do certify that I have bounded and alineated a piece of land of four arpents in width, conceded this day (28th July, 1772) to Robert Navarre, Jun'r, situate on the river Detroit, at the ancient village of the Pattawatamies, joining on the E. N. E. Jacques Godfroy, and on the W. S. W. vacant land, where I have placed a bound, with witnesses underneath. I have also alineated the said piece of land, in front, by a line running E. N. E. and W. S. W. and in depth by a line N. N. W. and S. S. E. counting eighteen feet per pole, and ten poles for each arpent, measure of this place: which shall be verified when necessary.

Done at Detroit, 28th July, 1772.

CHARLES GOUIN, Jun.

PIERRE GOUIN, } witnesses.
GEO. McDOUGALL, }

No. 3. Received of Robert Navarre, Junr. the quit-rent and rent for a piece of land of four arpents in width, which has lately been confirmed to him, and conceded in the name of His Majesty, by Mr. Basset, Major Commandant at Detroit, in conformity to the orders of his excellency General Gage; these quit-rent and rent due for the first year, the 11th November last, 1772.

Done at Detroit, the 2d of January, 1773.

JAMES STERLING,
Receiver of the King's domain.

Idem for the year 1773.

JAMES STERLING.

Received at the same time of Mr. Robert Navarre, the father, the quit-rent and rent for his three arpents of land, for the same year, 1773.

JAMES STERLING.

Received idem of the son, for the year due on the 11th of November, 1773.

JAMES STERLING.

No. 4. Robert Navarre, Junr. is permitted to cut, on the unconceded lands, the timber necessary to enclose the concession which has been made to him in the King's name, by order of his excellency.

Given at Detroit, the 24th December, 1772.

HENRY BASSET, *Major and Commandant.*

M.

On the 21st day of February, A. D. 1805, the claim of Pierre Descontes del Labadi was taken up for consideration, and the notice by him filed with the Register of the Land Office was read in the words following, viz:

“DETROIT, 19th November, 1804.

“GEORGE HOFFMAN, Esq. *Register of the Land Office at Detroit:*

“SIR:

“Please to take notice that I do enter into your office a farm on which I now live, consisting of three arpents in front by forty in depth, bounded in front by the river Detroit, on the E. N. E. by the farm of Robert Navarre, Esq. alias Robiche, and on the W. S. W. by the farm formerly the property of Mrs. widow Du May, and now the property of the heirs of the late Alexis Campeau; which farm was sold to me, for a valuable consideration, by Joseph Portier Benac, by a deed of bargain and sale, executed at Detroit the 29th January, 1781.

“Joseph Portier Benac had bought the said farm of Isidore Chene, for a valuable consideration, by deed of bargain and sale, executed at Detroit the 3d October, 1778.

"And Isidore Chene had it by a deed of gift, executed by the chiefs of the Pattawatamie nation of Indians, at Detroit, the 27th day of May, 1776; which deed of gift was executed with the permission of Henry Hamilton, then Governor and Superintendent. When Joseph Portier Benac purchased of Isidore Chene, he paid to the King's Receiver (Thomas Williams) twenty-one pounds five shillings and nine pence, for the *lods et ventes*, i. e. for fines of alienation.

"When I purchased I paid the said fines to William Monforton, who was then the King's Receiver.

"Of the truth of the above statement, I am ready and do offer to give substantial proofs, in writing, either by original or from public records."

And, thereupon, the evidence adduced by the claimant in support thereof, being also read and considered in the words following, to wit:

[TRANSLATION.]

We, the chiefs of the tribe of the Pattawatamie nation, at Detroit, after having deliberated, have, of our free will, given to Isidore Chene, forever, the piece of land between that given by us to Robiche and that also given to the widow Du May, that he may cultivate the same, and take care of our dead buried thereon; and for surety of our parole, we have made our marks underneath, supported by two branches of wampum; and the principal chiefs have signed or made their marks on the minutes of these presents.

P. DEJEAN,
Notary and Recorder for Detroit.

DETROIT, 27th May, 1776.

A true copy from the old register, folio 397.

R. POLLARD, *Register W. D.*

This is to certify that Wawerattan, chief of the Pattawatamie nation, having applied to me for liberty to cede a lot of land of three acres in front, in that part of the settlement of Detroit called the Pattawatamies village, to Isidore Chene, an inhabitant of Detroit, I have allowed to said Isidore Chene to take possession of it, and to occupy the said lot till notice be given to him to restore the same, according to such orders as may be given him to restore the same relative to the cession of lands by his excellency the General Governor of the province. Given under my hand,

HENRY HAMILTON,
Lieutenant Governor and Superintendent.

A true copy from the register, folio 397.

R. POLLARD, *Register W. D.*

N.

This grant is ceded to Joseph Howard and his heirs, executors, administrators, or assigns, for a space of land with the following limited right and title, viz: That the said Joseph Howard is to have; hold, and possess, with full and free powers to convey, sell, or dispose of said lands without fees or burthens whatsoever, (excepting the registering of this deed in the office of the Notary Public) during the pleasure of His Majesty or the Governor and Commander-in-chief of the province of Quebec; and by these presents, he, the said Joseph Howard, stands, and shall stand, of right, lawfully, solely, and absolutely seized of and in the land and lot, with the appurtenances, of a good, sure, lawful, rightful, absolute, and indefeasible estate; having in himself good right, full power, true title, and lawful authority to settle and assure the same and every part and parcel of the said lot and premises, which are forever to be held and enjoyed by him, his heirs, executors, administrators, or assigns, according to the limitations aforesaid. And for the security of the said Joseph Howard, proprietor of the above limited and recited land and premises, this conveyance is granted on the 10th day of November, 1781, in the presence of the following witnesses.

I have put my hand and seal of the post,

PATK SINCLAIR, *Lieutenant Governor.*

Registered by me in folio 81.

NOTE. Most of the grants issued by Sinclair specify the situation, boundaries, and extent of the tract of land intended to be granted; and all of the original writings produced by the Michillmackinack claimants contain the limitations and conditions of the foregoing, and are precisely in the same form.

O.

GEORGE HOFFMAN, Esq. *Register, &c.*

SIR:

I am requested by Francis Navarre, Esq. to enter into your office the enclosed deeds, viz:

No. 1.	Pattawatamies, to Francis and James Navarre,	20 arpents by 80, or 100; river Raisins,	3d June, 1785.
2.	Isidore Chene, to Joseph Menard and Isidore Roberts,	6 to 7 do. by	do. do. 18th April, 1791.
3.	Joseph Reaume, Jun. to Batiste Reaume, Sen.	3 do. by 40	do. do. 4th July, 1800.
4.	Joseph Bourdeaux, to Jean Batiste Reaume, Sen.	3 do. by	do. do. 14th July, 1800.
5.	Pattawatamies, to A. Campeau, transferred to Suror,	3 do. by	do. do. 24th Sept. 1786.
6.	Pattawatamies to Batiste Reaume, Jun.	- do. by	do. do. 6th July, 1789.
7.	J. Portier Benac, to Joseph Leufant, Sen.	3 do. by 40	do. do. 1st Mar. 1785.
8.	Same to same,	3 do. by 40	do. do. 2d Mar. 1785.

PETER AUDRAIN.

31st December, 1804.

NOTE.—Francis Navarre claims, in his own right, only a moiety of the tract conveyed to Francis and James Navarre, by the Pattawatamies.

From notices which were filed after the date of this writing, it appears that the remaining seven tracts are claimed by seven different persons. We have rejected no writing, filed as a notice, from which we could possibly gather the nature and extent of a claim. But this is all blunder, and there are many precisely in the same form and situation, written by the same person, who, however, knew how to execute them correctly, having presented many that are perfect and complete.

P.

Know all men by these presents, that we, the chiefs and principal leaders of the Pattawatamie nation of Indians, at Detroit, for ourselves, and by and with the advice and consent of the whole of our said nation, in consideration of the good will, love, and affection, which we, and the whole of our said nation, have and bear unto Arent Schuyler De Peyster, Esq. Major of the King's eighth regiment, Commandant of Detroit, and its dependencies, &c.; and also, for divers other good causes and considerations, us, the said chiefs, and the rest of our said nation, hereunto moving, have given, granted, aliened, enfeoffed, and confirmed, and by these presents do give, grant, alien, enfeoff, and confirm, unto the said Arent Schuyler De Peyster, a certain tract of land of fifty acres in front, and one hundred acres in depth, bounded on the northeast by a tract of land formerly granted to Philip Dejean; on the southwest and in the rear by unlocated lands; and in the front by the river Detroit; the whole containing five

thousand acres, or arpents, more or less, with all and singular the appurtenances unto the said tract of land appertaining, or in anywise belonging, and the reversion and reversions, remainder and remainders, rents, and services of the said premises; and also all the estate, right, title, interest, property, claim, or demand whatever, of us, the said chiefs, or any one whatever of our said nation, of, in, and to the said message and premises, and every part and parcel thereof, with the appurtenances: to have and to hold the said message, tenement, lands, hereditaments, and premises, hereby given and granted, or mentioned, or intended to be given and granted, unto the said Arent Schuyler De Peyster, his heirs and assigns, to the only proper use and behoof of the said Arent Schuyler De Peyster, his heirs and assigns, forever. And the said chiefs, for themselves, and in behalf of the whole of their nation, their heirs, executors, and administrators, do covenant, promise, and grant, to and with the said Arent Schuyler De Peyster, his heirs and assigns, by these presents, that he, the said Arent Schuyler De Peyster, his heirs and assigns, shall, and lawfully may, from henceforth and forever after, quietly and peaceably have, hold, occupy, possess, and enjoy the said message and premises hereby given and granted, or mentioned, or intended to be given and granted, with their and every of their appurtenances, free, clear, and discharged, or well and sufficiently saved, kept harmless, and indemnified from and against all former and other gifts, grants, bargains, sales, estates, entails, rents, and from and against all former and other titles, troubles, charges, and incumbrances whatsoever, had, done, or suffered, or to be had, done, or suffered by them, the said chiefs, or by any one of the said nation, their heirs, executors, and administrators, or any other person or persons lawfully claiming or to claim by, from, or under them, or any or either of them; and by these presents, do make this our act and deed irrevocable under any pretence whatever, and have put the said Arent Schuyler De Peyster in full possession and seisin, by delivering a piece of the said tract of land on the premises.

In witness whereof, we the said chiefs, for ourselves, and in behalf of our whole nation of Pattawatamies, have hereunto these presents set the marks of our different tribes, at Detroit, the 28th day of July, A. D. one thousand seven hundred and eighty.

[Signed by ten Indian Chiefs.]

I, the subscriber, do hereby certify that the abovementioned lands are a voluntary gift, and that the chiefs made the marks of their different tribes in my presence, at Detroit, the 28th day of July, 1780.

T. WILLIAMS, *Justice of the Peace.*

I have resigned all my right and title to this Indian grant of land, in favor of my nephew, Arent Schuyler, son to Pierre Guillem De Peyster, of New York. DUMFRIES, 12th February, 1798.

A. S. DE PEYSTER.

There are several Indian conveyances, which are certified to have been voluntary, by A. S. De Peyster, colonel commanding, &c.

[TRANSLATION.]

We the chiefs, Pattawatamies, of the river Raisins, do declare to have given forever to Michel and Antoine Campeau, brothers, and children of Alexis Campeau, to each of them, three arpents of land in width by all the depth situate on river Raisins, on the right hand going up, and joining the land of their sister Angelique, to hold unto the said two brothers, the said lands jointly or separately. We have also thought proper to give, and do give, to Madeleine Campeau, on the left hand side of the river Raisins, in going up, a piece of land of three arpents in width by its depth, right opposite to the upper end of the rapid, nearly opposite to the land which we have given to her brothers: for such is our will, and the will of all those who compose our village.

Done at Detroit, the 24th of May, 1786. Witness our marks above and below. We have also, in the same manner, given to Madeleine Campeau, the mother, a piece of land of three arpents, joining the lands of her children above named; to hold the same, &c. the same year as above.

[Signed in the original by six chiefs, in the presence of Robert Navarre and Joseph Menard.]

These serve to certify that the representatives of the first original grantors of the donation hereunto annexed, have confirmed the same to Miss Angelique Campeau, in behalf of herself, her brothers and sisters, and their heirs and assigns, forever, acknowledging, at the same time, the said title to be the first granted of the said donation; as witness our hands, at Detroit, the 12th day of June, 1797.

[Signed by four chiefs, in presence of Lieut. Col. Hamtramck, Major J. J. V. Rivardi, and Witmore Knaggs, Interpreter.]

[TRANSLATION.]

DETROIT, July 28, 1780.

We, the chiefs of the Pattawatamie nation, after having deliberated on the present state of our lands, which we leave uncultivated this long time, with the advice and the general consent of the nation, have determined to give a portion thereof to our friend Chevalier Chabert, containing six arpents in front, on the river Rouge, on the left hand in going up said river, which will extend in depth to the lands of St. Cosure, brothers; joining on one side Batiste Cicot, and on the other side Antoine Chene; and, for the sincere friendship which we have for him, we do light for him a fire of peace and tranquillity, warranting him, from this day, forever, his heirs and assigns, the said portion of land, that he may enjoy the same, without any hindrance whatsoever. Therefore, we have made our customary marks.

[Signed in the original by eleven chiefs.]

I, the undersigned, do certify that the above chiefs have made their marks, and declared to have voluntarily given the land above mentioned.

T. WILLIAMS, *J. P.*

[TRANSLATION.]

I, the undersigned, do certify that, since the year 1730, since which time I have resided at Detroit, the inhabitants established in the fort have kept in order the palisadoes, each in proportion of his lot, the King not possessing any thing therein, that is to say, His Majesty had no house, although absolute master to dispose of all things, according to his full power and royal authority.

The commandant had few soldiers, who lived by their work.

In the year 1748 to 1749, the enclosure of the fort, which was not of a large extent, having but four bastions of about twenty feet, beginning at the church and ending at the old guard-house, wanted repairs, and, in order to work with solidity, an expedient was proposed, which was agreed to by Mr. De Sabrevoir, then commandant, (for the King never gave any order.) In the plan proposed, it was said that each owner should plant one picket of oak or ash, fifteen feet long, having at the small end at least six inches diameter for each foot of ground, in front, on the street, and should keep them up by a lining of eight to ten feet long, which was executed. The King himself has submitted to the same rule, when houses and store-houses have been built for his troops; and, in the end, Mr. De Bellestre, commandant, (by order of the Governor, in appearance) got all the fortifications made anew at the King's

expense. In that state things were on the arrival of His Britannic Majesty's troops. There is no doubt that Mr. De Bellestre took all the pickets of private individuals, which were then planted round the fort, and made use of them for the fortifications.

The same undersigned does certify that, since the said year, 1730, he has seen private individuals enjoy the liberty of having their cattle kept in the precinct, and to have thereon stables for the winter, and a park for the summer, near the fort, to put up their cows during the night. The commandant was pleased to assume the trouble of that police for the public good.

Hog island was then considered as commons, where each individual had the right (that is to say, the liberty, for the undersigned having never seen any title of concession, cannot say that the inhabitants had a right) to put in their cattle; but be it liberty, privilege, or right, he has seen the inhabitants put their cattle upon that island. Some of the inhabitants have even been obliged and compelled, by order of the commandant, to put on that island certain animals which committed waste in the grains or wild fields.

As to the precinct of the fort, which is vulgarly called domain, the French commandants made no pretensions thereto; they had only a small garden on the bank of the river, without the fort, which they enclosed at their own expense. And the private individuals had also similar ones near the fort; but, for all that, the undersigned does not pretend to say that either of them had the right of property, or that the possession should be perpetual. It is well enough known that the powers of His Most Christian Majesty had no other boundaries than those of his domains.

Done at Detroit, the 5th October, 1767.

NAVARRE.

Jacques Campeau, captain of militia at Detroit, having returned to me this instrument of writing, saying that he did not want it, I declare that I abjure any other writing which might have a different sense from what is inserted in the above, and other parts; and I am ready to make oath on the Holy Evangelists of the truth of the contents, having never had any other intention than to explain myself, in conformity to what is above written.

At Detroit, the 2d June, 1770.

NAVARRE.

Personally appeared before the honorable Thomas Bruce, major of the second battalion of the sixtieth regiment, commandant at Detroit, Robert Navarre, ancient receiver of the domain at the said place, who has made oath on the Holy Evangelists of the truth of the contents above, and of other parts. Detroit, the 2d June, 1770.

T. BRUCE, *Major 60th Regiment,
Commanding at Detroit.*

No. 8.

DETROIT, *December 16th, 1805.*

SIR:

The people of this district having, through the medium of a committee appointed by them, addressed the President of the United States, to recommend to the consideration of Congress an alteration of the law on the subject of land claims, the commissioners conceived it altogether likely that Congress would take up the business during their present session, and, therefore, unwilling also that the grand object of the petitioners should be impeded, merely for the want of the necessary information from those who were appointed to investigate the claims of lands in this district, and anxious that the subject should be fully and fairly before you, they formed their report of the 1st instant, which will discover to you truly the nature and situation of every description of claim in the country. And unless it is the intention of Congress to examine each individual claim, and to decide thereon according to its own intrinsic merit, the partial report referred to will, we believe, afford them as much useful information as the final one possibly could.

We have, since the date of our last communication, made such great progress in the examination of claims, that we are induced to think it highly probable we shall get through sooner than we then imagined. But the immensity of writing which is absolutely necessary to be performed forbids us to hope that the final report will reach you time enough to enable Congress to act thereon during their present session. Every thing, however, will be done to complete and forward it as soon as possible.

We have been obliged to appoint an interpreter of the French language; I have become liable for a compensation for his services. It was utterly impossible for us to proceed with correctness without such a person, as the greater portion of the witnesses, who are brought before us, are Canadians, and speak the French language only. If this act receives your approbation, I hope you will have an appropriation made to defray the expense attending it.

Should the people of this district succeed in their wishes for the establishment of a new Board of Commissioners, with an extension of powers for the final adjustment of their claims, it may, perhaps, be well to authorize the commissioners to appoint an assistant clerk, in case they should find it essential for the acceleration and speedy completion of the business which may be laid before them. Additional translating will then, no doubt, be required.

We have not been able to form an estimate of the exact quantity of land claimed in this district by persons who rely principally on the humane benevolence of Congress for an affirmation of their claims. I believe, however, from a rough calculation which I have made, that it will not exceed one hundred and fifty thousand acres. The quantity for which there are legal titles, including the grants of the Governor and the Intendant of New France and Louisiana, for which a brevet of confirmation was never obtained; the grants of Bellestre and other French subaltern military officers, with Hog island, granted by authority of the British Government, will not comprehend more than seven thousand arpents superficial measure.

At least one hundred and fifty thousand acres are claimed by non-resident British subjects, who cannot, from the most liberal construction of Jay's treaty of which it is susceptible, demand a confirmation of their claims; a part of which, however, is included in the first estimate, and consists of about forty small tracts, which are somewhat improved, and have been settled and actually cultivated, some for ten or twenty and others for thirty years. The residue consists of large tracts of two, four, five, ten, twenty, and thirty thousand acres, not at all, or very partially improved, except a tract of thirty-three thousand acres, called the Pinery, claimed by Meldrum and Park, on different parts of which are erected a dwelling-house, two saw-mills, and one grist-mill, and a few acres have been enclosed and cultivated. Two salt springs are included in the claims for two of those large tracts.

All those claims are founded on Indian grants merely, and the greater part of the lands are situated without the boundaries of the tract conceded to the United States by the Indians, who are parties to the treaty of Greenville.

There are settlements on the river Detroit, thirty, forty, and fifty years old, for which there are no legal titles, particularly those which were made on the lands granted by Bellestre, as well as some on lands granted by the Indians.

The claims for fifty and one hundred thousand acres are hardly worth mentioning: for the claimants themselves have little idea of receiving the sanction of Government for the illicit purchases from the Indians.

The claims which the people are in hopes of having confirmed are for small tracts of two, three, four, and six hundred acres actually settled, and part of each under cultivation, with buildings and fences erected thereon. The farms in this country are all laid out in the forms of parallelograms; some are forty or eighty, and others one hundred or one hundred and twenty arpents in depth, by two, three, four, or six wide.

The greater part of the claimants would, I believe, be satisfied if they could get the usual width, with the depth of forty or sixty arpents; so that less than one hundred and fifty thousand acres would satisfy all reasonable claims.

This communication is made with the knowledge and entire concurrence of the other commissioner, Judge Bates.

I have the honor to be, with much esteem, sir, your obedient servant,

GEORGE HOFFMAN.

The Hon. A. GALLATIN, Esq. *Secretary of the Treasury, &c.*

No. 9.

To the Chiefs of the Pattawatamies, and Chippewas, and Ottowas.

MY SONS:

I send you this by Nangg, who has been here to pay me a visit. It gave me great pleasure to see him; but it was little we could say to each other, because there was not any body here that could well speak your language.

I was able to learn from him, my sons, that you have been, and still are, anxious to see me. It was my design to have met you when your goods were delivered; but they were so late in coming that it is now out of my power, as our annual council is now sitting, and I cannot leave it, but I will send some persons in my place on whom you may depend.

Believe me, my sons, I wish well, as they do themselves, to all my red children; and the President of the United States will continue to love them, and do them good: but there are people that make you uneasy; they love nobody but themselves, and because some of them have prevailed on individuals amongst you to make grants of lands to them, contrary to our laws, and to all your former practice, that are not approved of, they give you no rest, but are always saying some disagreeable things or other to you. I tell you, and I tell the truth, that it is for your interest the United States do not approve those grants of land. Only consider a little; if every one of you, of yourselves, without the consent of the nation, may give away the lands that belong to you all, and, at times, when perhaps you have been made drunk on purpose, what will become of your wives and children?

Do you not see that it is to prevent your being cheated by bad men, who, if they can get your lands, do not care if you were all to perish with hunger, that the United States will not allow of their people to buy them, but at a public treaty with the nation, when you are all sober, and know that you are not wronged, nor wronging yourselves? If those private sales were countenanced, must not war be the certain consequence when you found your lands gone, and that you have got nothing of value for them? You would kill some of the people who lived upon them, who had, perhaps, no hand in cheating you; some of you would be killed in return, and all the mischiefs of war would follow.

As to the Canadians, my sons, who are living on lands which you have given to them, you need not be uneasy about them, neither need they be uneasy about the land. The United States will not take their farms from them; but they will not allow any of their people to be buying from you, in a private manner, the lands which are to support you, and your families, and your children after you, by thousands of acres, and cheating you in the price at the same time.

I find it to be your wish that some person may be appointed at Detroit, to whom you may speak occasionally. Such agents can be appointed by the President only; and when he knows how much you wish for one, I do not doubt that one on whom you may depend will be appointed.

It is a great satisfaction to me, my children, that there is a peace between you and us; I am sure it is best for both that it should continue forever. On our parts, nothing will be done to weaken it. But I know there have been people amongst you stirring you to take up the hatchet on account of the French. I do not believe that you will listen to them, because you will see the consequences; and if they should succeed in misleading you, the whole burthen must fall upon yourselves, for they cannot help you. The English will not, and the Spaniards are too far off to help you, and too weak to do it if they were willing. Drive, then, those persons away; they are your worst enemies, whatever they may say. On the friendship of your American brothers, who sprung out of the same soil with yourselves, you may safely depend. This is from your friend and father.

ARTHUR ST. CLAIR.

CINCINNATI, 3d October, 1799.

I certify that I have compared the within address with the original, in the handwriting of the Governor of this territory, commencing with "To" and ending with "father," and that it is a correct copy. Given under my hand and seal, at Detroit, in the county of Wayne, the 18th of May, 1800.

MATTHEW ERNEST, J. P. [L. s.]

No. 10

WASHINGTON, March 12, 1806.

I return to the Chairman of the Committee on the Territory of Michigan the letter of the Secretary of the Treasury, and the report of the commissioners for investigating the titles of land, with the several documents accompanying them.

I have carefully compared the information contained in these papers with that conveyed in the letters to the Secretary of the Treasury of the 4th and 17th of January. I do not find any contradiction. As the facts on which those letters are grounded were obtained from sources entirely distinct, without the least intercommunication with the gentlemen who have rendered the report, I consider the one as strongly corroborative of the other; and I presume every material circumstance is now so fully in the possession of the committee, as to preclude the possibility of any essential error, in point of fact, in the arrangement which the committee may find advisable.

From the sentiments of the committee, which you have done me the honor to communicate, I find that the important question now remaining to be decided is no less than this: *whether any of the settlers, subsequent to the 30th day of November, 1782, shall obtain titles?*

The number of settlers up to that period, may be stated at *one hundred seventy-one*; the number of settlers subsequent to that period, may be stated at *two hundred seventy-one*.

As thus more than *three-fifths of all the settlers will be excluded*, if that question should be decided in the negative, I consider the fate of the country, and its future happiness and tranquillity, as turning on the decision which will be now made; and, as the last service which it may be in my power to render, I shall proceed, sir, to submit to the view of the committee those considerations which I conceive ought to operate in favor of sanctioning, at least in some degree of extent, all settlements made prior to the 30th day of June, 1805. It may not be entirely superfluous to premise, that those who have been charged with the administration of this territory, sensible how much the dignity of a Government is liable to be affected by the conduct of its officers, have suffered themselves to have no personal concern in the pretensions of the inhabitants.

Previous to the era last mentioned, the state of the country was such as is unnecessary to describe; it is sufficient to say, it was every thing else than a regular administration of Government. For a considerable period after the peace of 1783, Great Britain retained possession of this territory. After the United States of America obtained possession, it was too remote from the seat of any of their territorial Governments, and the communication too intercepted by a wilderness of savages in every direction, to enable its concerns to be well understood, or the laws to be duly enforced.

I assume it as a point, respecting which not a doubt need to be entertained, that, after the period last referred to, not a single settlement will ever be made on public lands within the limits of this territory. The United States have now a Governor on the spot, who has well impressed a sense of this, as a fixed determination on the part of the General Government, which will be rigorously enforced by the local Government. As soon as any information reaches the seat of Government, of any the least encroachment on public property in any part of the territory, a corps of cavalry, in each extremity of it, are prepared, at an hour's notice, to proceed to the removal of the offender; and, if any should be so hardy as to make resistance, two brigades of infantry are ready to follow, to support the execution of the laws.

There are cases in the history of nations, in which a wise Government will cover with the shroud of oblivion that which is past, and place the hand of rigor only on that which is to come; and this, sir, is one of those cases. In order to appreciate more correctly the policy which it is the interest of the United States to pursue, it will be sufficient only to take a rapid glance of the policy pursued by other Governments, to avoid their errors, (for errors they have unquestionably committed,) and to imitate their conduct in those instances where it has been liberal and judicious.

It is a fact, I presume well known, that the French settlements on the continent of North America are older than those of the English. The first effectual settlement of the latter dates from that of Jamestown, in Virginia, in the year 1607; the second from that of Plymouth, in Massachusetts, in the year 1620. In the year 1605, Port Royal, in Acadie, since become Nova Scotia, was built by the French. Previous to that period, the settlement of Canada had been effected; a Governor was appointed as early as 1540, and in 1608 the foundation of Quebec was laid.

Notwithstanding this priority, in the war of 1756, the relative strength of the two nations, and the superiority of the English, became very conspicuous. The English population exceeded that of the French in the proportion of fifty to one; and their superiority in wealth and resources was still more decided. No plan could have been better judged, or more spiritedly pursued, than that of the French, while that storm was gathering. They had conceived the bold project of connecting their settlements by a chain of fortifications from the mouth of the St. Lawrence to that of the Mississippi; and, by tightening it on the back of the British possessions, to reduce them to the smallest possible limits. The western parts of New York and Pennsylvania, the State of Ohio, and the territory of Michigan, still exhibit the monuments of their labors. But what can the best conceived designs avail against a defect of physical force? Agriculture is the only sure basis on which to support a distant settlement, and the English soon discovered the necessity of application to it. The French, relying on the military ardor of their nation, and neglecting those minute causes from which the sources of all permanent pre-eminence must be derived, gave scarcely the least encouragement to agriculture.

As an example of their policy, I will only refer you, sir, to the earlier claims which appear on the files of the committee. The first is the grant of the nobleman De la Mothe Cadillac to an inhabitant of Detroit, François Fafard de Lorme, in the year 1707; the conditions of which are nearly similar to that of the Marquis de Beauharnois, Governor and Lieutenant General of New France and Louisiana, to St. Aubin, which is the next on the file. That of De la Mothe conveys two arpents of front, by twenty of depth, about thirty-two American acres, for a colonist and his family in an American wilderness. But what are the conditions of these grants contrasted with an American estate in fee simple? They are no less than these: 1. To pay a reserved rent of fifteen livres a year to the Crown forever. 2. To begin to clear and improve the concession within three months from the date of the grant. 3. All of the timber is reserved to the Crown, whenever it may be wanted for the fortifications, or for the construction of boats, or other vessels; that is to say, when reduced to plain language, it may be taken at the pleasure of any military officer who may happen to have the command of the country. 4. The property of all mines and minerals, if any be found, does not pass by the grant. 5. The privilege of hunting hares, rabbits, partridges, and pheasants, does not pass. 6. The grantee is to come and carry, plant, or help to plant, a long maypole before the door of the principal manor house, on the first day of May in every year. 7. All the grains of the grantee are to be carried to the *moulin bannal*, or mill of the manor, to be ground, paying the tolls sanctioned by the *coutume de Paris*. 8. On every sale of the land a species of duty is to be paid, termed the *lods et vente*, which, in the English law, might bear the name of a *fine of alienation*, but is more intelligible to an American ear under the appellation of a *tax on the sale of the land*. This tax, by the *coutume de Paris*, forms no inconsiderable proportion of the value of the whole. 9. Previous to a sale, the grantee is to give information to the Government, and if the Government is willing to take it at the price offered to him, it is to have it. 10. The grantees cannot mortgage it without the consent of the Government previously obtained. 11. For ten years the grantee is not permitted to work, or cause any person to work, directly or indirectly, at the profession and trade of a blacksmith, locksmith, armorer, or brewer. 12. All effects and articles of merchandise sent to, or brought from, Montreal, must be sold by the grantee himself, or other person who, with his family, is a French resident, and not by *engagés*, or clerks, or foreigners, or strangers. 13. The grantee is not to sell to a foreigner, without special permission. 14. If he sells to a foreigner, with permission, the rent reserved is greatly increased; and the duties of the *coutume*, in such cases, are to be paid. 15. He is not to sell or trade brandy to Indians, on pain of confiscation. 16. The public charges and servitudes, and royal and seigneurial rights of the *coutume de Paris*, are reserved generally. 17. The grantee is to suffer on his land the roads which may be thought necessary for the public utility. 18. The grantee is to make his fences as it shall be regulated. 19. He is to assist in making his neighbor's fences when called upon. 20. He is to cause his land to be *alineaed*, that is, surveyed, at his expense. 21. He is to obtain a brevet of confirmation from Europe within two years.

With a system of policy so narrow and illiberal, it was impossible for France to raise in her settlements a strong agricultural interest, alike the support of colonies in peace, and their defence in war. Independent of their great superiority in point of policy, the English possessed no inferiority in spirit and in judgment. The councils of that nation, guided by the capacious and illumined mind of a Chatham, and her arms conducted by the valor of an Amherst and a Wolfe, her triumphs were complete, both on the land and the ocean; and the war of 1756 terminated in gathering into her hands the fruits of all the labors of her rivals. The effects of her policy, in making agriculture the basis of political prosperity, have not yet ceased; they will never cease. After her settlements had been erected into an independent nation, the short period of twenty years has placed that nation in circumstances so unlooked for, that it now claims to be ranked among the four first Powers of the world. In respect of physical strength, extent of dominion, maritime resources, and that energy which is the result of moral causes, France, Great Britain, Russia, and the United States of America may be regarded as those nations who are likely to lead, for the future, the councils and affairs of the civilized world. The first of these Powers owns not a foot of that soil they once possessed in North America. The two other Powers have both settlements, which are growing into consequence; and, with Spain and the United States, form the four nations who are co-proprietors of this continent, and with respect to whom it is peculiarly incumbent on our country to be the first in liberal and judicious policy.

In the territory of Michigan, the policy of Great Britain was not better than that of France. During the twenty years this territory belonged to her, she withheld all grants of land. While they were her subjects, the Canadians here were obliged either to renounce the civilized state, by an association with the natives, to enter into the pursuit of an insignificant commerce with them, ruinous to morality, and retarding political growth, or otherwise to take possession of lands without authority, and thus procure subsistence for themselves and their families. It was in vain that, after the treaty of 1783, she repented of her dereliction of this peninsula, and was disposed, *by force*, to wrest it from the United States. Though stimulated by the folly and the malice of a Simcoe, she, in her turn, came to experience, like France, that the energy of an officer is of no effect without that physical force which is derived only from an extensive and flourishing state of agriculture. The victory of Wayne, and the treaty of '94, closed the door of her hopes and her prospects.

Since this period, she has fully perceived, and has as fully corrected, her error. While the American side of these settlements has been languishing under the neglect of the nation, Great Britain has completely adjusted the affairs of her own side, and is extending her settlements with a rapidity and judgment that already emulates, if it does not exceed, the United States. She has relieved her subjects of all burthens whatever from the mother country. She supports all the expenses of a well organized civil Government. She has even given political liberty, as far as it is possible for a colony to possess it. Her provincial Parliament is a respectable and intelligent Legislature, elected on the representative principle; and so attractive has her policy become, that a considerable portion of Americans enter into the composition of that body, and participate in the direction of her councils. With respect to the titles of land, she has investigated and ascertained the claim of every individual inhabitant, according validity to the slightest pretensions. When ascertained, she has bestowed at once a duplication of it as a bounty. To every person who had no previous pretensions, or who may, in future, be attracted to the country, she gives two hundred

acres of land without price. Whatever the prejudices of Americans may be, the difference in point of soil, or in other matters, is not so much in their favor as alone to enable them to sustain a successful competition against such liberality. It is to these contrasts our country ought to look. Advancing with a rapid and steady march to the sublimest of destinies, to arrest its career, to snatch from the humble Canadian his little enjoyments, would be an act unworthy the American nation; it would be to treat with unmerited harshness a virtuous citizen, and to inflict a wound on its own prosperity. Rather ought it to invite, by a liberal donation, a body of New England settlers into these regions; and then that hardy valor which contended with Great Britain along the Atlantic and the St. Lawrence, to the plains of Saratoga, will again meet her, in another age, beyond the coasts of Lake Superior, and on the shores of the Pacific.

Though it is more than twenty years since the right of the United States to the territory of Michigan was acquired, though twelve years have elapsed since the possession under that right has been made secure, and though the actual possession is of ten years' duration, yet there exists at this day, in a country nearly a century and a half old, and nearly a quarter of a century the property of the United States, only *eight legal titles to land*, and those still wearing the fetters of antiquated despotism. In all this period the old titles have not been adjusted, no channels have been afforded of acquiring new, and the evil of unauthorized encroachments has been accumulating with time.

Under these circumstances, caustical acuteness might find arguments in abundance to urge to the poor Canadian, to convince him that he has no legal title, that his claim is defective in courts, will sustain no ejection, is unsanctioned by the will of the nation, and involves a principle which, carried to extent, would dry the streams by which so much wealth is now pouring into the coffers of the United States. He has no knowledge of those legal formalities which you tell him constitute title; your action of ejection is a mystery his understanding rejects an acquaintance with; your interests and your policy are subjects he does not pretend to comprehend. This only he knows, *that he comes to you as an humble cultivator of the earth, and not as an unprincipled speculator, to place a rapacious hand on a share of your treasures.*

He will not argue with you on your laws, or your forms, or your systems of policy and government. He looks only for that pittance of soil, on which, perhaps, he drew his breath, and which he has embellished and fertilized by a course of labors, which he knows to be honest, whatever irregularity you may be pleased to attach to it. He cannot be intimidated by a fear of your rigor; he cannot be tempted, by the allurements of money, to part with the hopes of himself and his family. Tell him that you are about to dispossess him! He folds his arms, and, with a pious resignation, commits the event to his God. Amidst the collisions of nations, the incessant din of arms, the mighty tide of revolutions, he has lost a country to love, and by which to be loved in return; and, cast among strangers to his language, his jurisprudence, and religion, he asks only a small and obscure spot upon the earth, on which to spend, in peace, the fleeting transit of his existence. Deprive him of this, he will raise no arm of resistance; he will utter no imprecation of disappointment; he will withdraw himself, with an unchanged temper, from your laws and your dominions, and will seek again, *under the banner of a monarchy, that mercy which has been denied him in the bosom of a republic.*

Adverting with a strict eye to precedent, and reposing on the principle that it is not the business of the representatives of the United States to give away the resources of their constituents in *charities and donations*, the committee appear disposed to restrain, what would otherwise be their inclination, to very narrow limits.

In a Government of which the principles and practice are, perhaps, without example, to tie itself to precedent, is to shut out the light of reason and experience. There is no case in our history which is strictly a precedent of this. That which resembles it most, is presented in the arrangements made between the Government and individuals in that state of things which resulted from the treaty of San Lorenzo el Real. In two features, this case differs from the present. The settlements made, though within foreign jurisdiction, were chiefly by American characters; and shortly after the Government obtained possession, it turned its attention to the subject, so that the evil of unauthorized encroachments was not allowed to go on increasing for such a length of time.

The policy of the Government, in this case, was to allow a pre-emptive right to six hundred and forty acres. Whether the result of this policy has been such as to recommend it, is questionable.

The rule of our Government, in that system which regulates the disposition of their lands, is to make two dollars for an acre the minimum price, to require a small portion of the price immediately, another larger portion a short time after, and the remainder at the end of successive years; but, by a regulation which is perhaps stamped with an aspect of unjust cupidity, entirely at variance with those mild and equitable principles which generally characterize our laws, and which is, probably, practised by few civilized nations but our own, if the ulterior payments should fail to be made, the whole of the land is lost; and, if no bidder appears, all the previous payments are forfeited to the Government; whereas, equity, the least moderate, would either allow the purchaser the proportion he had paid for, or return him his money without interest.

Where the privilege of pre-emption has been accorded, many have been unable to avail themselves of it. Many, having made payments, finding themselves unable to complete the purchase, have been obliged to abandon their improvements, with the moneys they had paid, and were thus plunged into greater distress by the very remedy intended to afford them relief. Pre-emptive rights have generally benefited the speculator more than the settler.

If a similar privilege is adopted in this case, the poor Canadian, unable to command the sum of thirteen hundred dollars, will not make the attempt to avail himself of the benefit; and if many should even make the attempt, some, after making it, would fail to effect it, and the result, both as to them and as to the Government, would be far less favorable than the *absolute* donation of a smaller quantity, with no incumbrance.

If the case referred to should be resorted to for a rule, not only ought the confirmation to come down to the first day of June, 1796, but the quantity to be six hundred and forty acres without price, and a pre-emptive right from that day to the present for the remainder—terms which are certainly more favorable to the Canadian than he has yet pretended to ask.

The propriety of donations for those objects of policy which the nation may deem worthy its attention, is best gathered from its own sense of it, in the exercise of the power. I will enumerate the cases of this description, that they may undergo a comparison with the present case.

1. A donation of four hundred acres to every head of a family at Vincennes.
2. A donation of four hundred acres to every head of a family on the north part of the Mississippi.
3. A donation of one hundred and fifty acres to the Piankeshaw Indians.
4. The use of six thousand acres to different villages, as commons, which will probably fall to the towns in which they are situated.
5. A donation of one hundred acres to every person coming into the territory, and entering into the militia, whether of the age of twenty-one years or not.
6. A grant of four hundred acres to every person who had improved and cultivated in the vicinity of the north part of the Mississippi, under *supposed* grants of commandants, *claiming* authority to make such grants.
7. A donation to the Kaskaskia Indians.
8. A donation of land which had been occupied by priests at Kahokia.
9. A similar grant of lands occupied by the Jesuits at Kaskaskia.
10. *One hundred thousand acres* as a bounty to settlers within the State of Ohio, of the age of eighteen years and upwards, by the act of April 21, 1792.
11. A donation of twenty-four thousand acres to a modern French emigration, whose first place of settlement was termed Galliopolis.
12. A donation of twenty-three thousand and forty acres for a seminary of learning in the State of Ohio, by the act of May 5, 1792.
13. A location of one thousand nine hundred and forty acres on the Muskingum, Hockhocking, and Scioto rivers, on returning warrants of military bounties of that number of acres, for opening a road in the State of Ohio.
14. A donation of twelve thousand acres to the Moravian missionaries, for the propagation of the Gospel among the Indians.

15. A donation of one thirty-sixth part of all the United States' lands in its limits to the State of Ohio, for literary purposes.
16. A grant of twenty-four thousand three hundred and twenty acres, including three distinct salt works, to the State of Ohio, to the use of its Government, on condition of lands sold by the United States after the 30th of June, 1802, being exempt from taxes for five years from the sale.
17. An application of one-twentieth part of all the future proceeds of lands sold by the United States within the State of Ohio, to the purpose of making roads into the said State to communicate with the Atlantic.
18. Pre-emptive rights to owners of mills.
19. A privilege equivalent to pre-emption, and a credit of twelve years, with no interest, to cultivators of the vine.
20. Six thousand dollars for roads, by the act of May 1, 1802.
21. An equivalent to one thirty-sixth part of all the land disposed of by the United States in the State of Ohio, anterior to the erection of the State, including even the lands which had been given as bounties.
22. A donation of one thirty-third part of all the proceeds of lands sold by the United States within the State of Ohio, to the disposal of the Government of the State of Ohio, for roads *within the same*, in addition to the former twentieth, for roads into the said State to communicate with the Atlantic.
23. A donation of two town lots, one out-lot of thirty acres, and a tract of twenty-three thousand and forty acres to Jefferson college.

Thus the committee will perceive that but a small proportion of the liberality shown to others can ever be expected by this territory. What has been hitherto asked is only that which the people of the country had acquired, in a political capacity, before the United States had obtained any rights, and which, therefore, fell into the hands of this Government without cost. It was acquired by the *people* of the country, not by their *Government*. *Their* blood was expended in fighting for it; and *their* resources in buying that savage good will which could alone preserve it. The American treaty of fort M'Intosh only identified that which was before indefinite, and which was certainly defined much less to the advantage of the people of this country, than if they had themselves negotiated it under their then Government: for, at the very period of the treaty, the Canadian settlements had extended much beyond the boundaries expressed, and the natives had retired to a great distance from them, with only one small exception. In the system which would generally be pursued, some donations would be made; and on an occasion of calamity and distress, to advance and concentrate some of them, would be desirable. The principle of a thirty-sixth part, which has become general, and will, of course, apply to the territory hereafter, with a particular tract of six miles, has been made to have, as has been seen, a retroactive operation in former instances, independent of the immense aids otherwise bestowed.

From the complexion of some former statutes for the investigation of the titles, it would appear to be intended that Congress should take up and consider each individual case on the facts of it as reported; and, where they may decide in its favor, to include it in a general act, naming the persons and the quantities, and the surveys to be afterwards made. Insuperable obstacles would oppose the prosecution of that idea. With respect to eight claims, the committee will perceive that it might not have been impossible. Perhaps, by further labor, fifteen more might have been settled; but, for the National Legislature, aided by the most exact lights, to have settled the whole, and to have done it so as at once to give satisfaction to the country, and render justice to the Government, would have been impossible. Great are always the difficulties of exercising the judgment on matters at a distance, with which the mind is not familiar; greater are those difficulties, where foreign manners, language, and customs give a tinge to every transaction, which the powers of translation prove sometimes inadequate to describe. Where one body of men is to *investigate*, and another to *decide*, the former, ignorant of the principles which will govern the latter, may supply a multitude of unimportant facts, and pretermitt some fact, which, if the principles of decision had been known, would have proved highly important. Where equitable considerations attach themselves to the investigation of a claim, evanescent circumstances, insusceptible of being communicated or apprehended at a distance, often enter into the elements of a correct decision. Nothing is more capable than a subject of this kind of being made to appear very straight and clear upon paper, and to produce inextricable confusion when applied to the ground. The same surveyor, with the same instruments, cannot measure a tract of land so as to be upon the ground what it appears by paper, at every repetition; much less could he measure a compact body of settlements, of thirty or forty miles, actually inhabited and under cultivation, preserving them contiguous, and so as to give to every claimant a quantity expressed in a statute, without throwing their lines, as existing on the ground, into the utmost confusion. In an unsettled waste, the case would be different; but, even then, when the settlements become contiguous, few Governments have been capable of acting with that penetration which subjects not the people to long and ruinous controversies. In cases like the present, experience has taught, and reason confirms her precept, that the powers to investigate and to decide, to be correct, must be cotemporaneous; and that the titles of land, to be exempt from dubiety and litigation, must be founded on surveys, in which the ground is not too strictly regulated by anticipated provisions, and in decisions rendered on a view of the whole subject, where every circumstance is admitted to a clear and forcible operation.

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

A. B. WOODWARD.

The Honorable JOHN G. JACKSON,

Chairman of the Committee of the House of Representatives on the territory of Michigan.