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Report : Petition of M. Paquette and T. Brisbois

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IN SENATE OF THE UNITED STATES.

APRIL 15, 1850.

Submitted, and ordered to be printed.

Mr. SMITH made the following

REPORT:

The Committee on Public Lands, to whom was referred the petition of Moses Paquette and Theresa J. Brisbois, praying for the relief after-mentioned, respectfully report:

That it appears that the said Moses and Theresa are the children and heirs of one Pierre Paquette, and that, under and by virtue of the treaty made with the Winnebago Indians at Prairie du Chien in the year 1829, two sections of land were reserved to the said Pierre, and that he was, by the terms of said treaty, prohibited from disposing of said lands without the approval and consent of the President of the United States; that certain sections of land specified in said petition were designated and set apart by the United States for the said Pierre Paquette, under and in conformity with the provisions of said treaty; and that the said Pierre Paquette departed this life in the month of October, 1836, or about that time. The petitioners allege that, previous to his death, he had made no sale, lease, or transfer of said lands; which appears to be true, as the records of the proper office in this city furnish no evidence of an approval or consent by the President to any such sale, lease, or transfer. The petitioners go on to allege that a question has arisen as to the validity of their title; and the doubt is, whether the said lands have reverted to the United States or descended to the petitioners as the heirs-at-law of the said Pierre; and conclude with praying for the confirmation of their title, signifying their willingness to take other lands in lieu of said sections set apart for the purpose aforesaid, "in a less thickly-settled portion of the country, and nearer their own place of residence." The fifth article of the treaty referred to provides that "there shall be granted to the persons therein named," (one of whom was the said Pierre,) "being descendants from Indians, the quantity of land" specified; and then the section goes on to provide that "the aforesaid grants are not to be leased or sold by said grantees to any person or persons whatsoever, without the permission of the President of the United States." The committee are clearly of the opinion that, when the two sections were designated and set apart for the said Pierre, in conformity with the treaty, the effect of such treaty was, to vest in him a fee, without the power of alienation by the said Pierre, except "by the permission of the President of the United States;" but that, on

his decease, the said lands descended to his children and heirs-at-law absolutely and in fee simple, wholly discharged of the restriction on the power of alienation, which operated only during the life of the grantee. They are, therefore, of the opinion that the petitioners are not entitled to the relief sought; and they recommend the passage of the following resolution:

Resolved, That Moses Paquette and Theresa J. Brisbois have leave to withdraw their petition.