

JOHN DOUGHERTY.

[To accompany bill H. R. No. 682.]

MARCH 14, 1838.

Mr. CASEY, from the Committee on the Public Lands, made the following

REPORT:

*The Committee on the Public Lands, to which was referred the petition of John Dougherty, of the Territory of Wisconsin, have had the subject under consideration, and respectfully submit the following report:*

That, in the year 1830, Dougherty, who is a white man, married Mary, the daughter of Kenokee, the first or chief woman of the Winnebago tribe of Indians; that, by the treaty between the United States and said tribe, made at Prairie du Chien in the year 1829, it was stipulated that certain persons belonging to the Winnebago tribe should be granted each one section of land, to be located within the bounds of the country ceded by said treaty to the United States, which sections were to be selected by a person to be appointed by the President of the United States; that the person so appointed selected for Mary, the daughter of Kenokee, now the wife of the petitioner, section No. 12, township No. 2, range No. 3 east, in the district of land subject to sale at Mineral Point; that said selection was made in the year 1833; and that the petitioner, in said year, and immediately after said selection was made, took possession of said section 12, built a dwelling-house and out-houses thereon, and commenced cultivating portions of it. It also appears that the petitioner and his family resided on the section of land granted to his wife by the conditions of the treaty with the Winnebagoes at Prairie du Chien in the year 1829, for upwards of four years; during which time, he continued his improvements, believing that he never would be disturbed in its possession. The improvements made by the petitioner extend on portions of section No. 12, and embrace lots Nos. 2, 3, 5, 6, 7, and 8, and the southeast quarter of the southwest quarter, and the northeast quarter of the northwest quarter; the whole of the tracts containing three hundred and ninety-four acres.

By reason of a recent decision of the Commissioner of the Land Office, it has been determined to remove, with but one exception, all the reservations which were made under the treaty at Prairie du Chien in the year 1829; the reservations having been made, as it is thought, contrary to the terms of the treaty. If this determination should be carried out and executed, the petitioner would be subjected to great injury and wrong; and to obviate such flagrant injustice, the committee recommend that he may be permitted to enter the portions of the said section of land as are designated above, by his paying therefor the minimum price into the land office at Mineral Point.

The justice and equity of such procedure are apparent to the committee from the ascertained fact, collected from the Governor of Wisconsin and the register and receiver, that the lands which the petitioner wishes to purchase possess no intrinsic value over the average quality of farming lands in the district in which they are located, and are not believed to possess any minerals of any description. It is also ascertained, by documentary evidence, that no other persons than the petitioner and his wife have any improvements on the lands designated, or any shadow of a claim to any portion of them.

A full examination of the prayer of the petitioner, and the merits of his case, the committee are of opinion that it ought to be granted, and have reported the accompanying bill for his relief.

REPORT

The Committee on the Public Lands, to which was referred the petition of John Dougherty, of the Territory of Wisconsin, have had the subject under consideration, and respectfully submit the following report:

That in the year 1830, Dougherty, who is a white man, married Mary, the daughter of Kenosha, the first or chief woman of the Winnebago tribe of Indians; that by the treaty between the United States and said tribe made at Prairie du Chien in the year 1830, it was stipulated that certain persons belonging to the Winnebago tribe should be granted each one section of land to be located within the bounds of the country ceded by said treaty to the United States, which sections were to be selected by a person to be appointed by the President of the United States; that the person so appointed selected for Mary, the daughter of Kenosha, now the wife of the petitioner, section No. 10, township No. 2, range No. 2 east, in the district of land subject to the Mineral Point; that said selection was made in the year 1833; and that the petitioner, in said year, and immediately after said selection was made, took possession of said section, built a dwelling-house and out-houses thereon, and commenced cultivating portions of it. It also appears that the petitioner and his family resided on the section of land granted to his wife by the conditions of the treaty with the Winnebagoes at Prairie du Chien in the year 1830 for a period of four years; during which time he continued his improvements, believing that he never would be disturbed in his possession. The improvements made by the petitioner extend on portions of section No. 12 and embrace lots Nos. 2, 3, 4, 5, 6, 7, and 8, and the southeast quarter of the southwest quarter, and the northeast quarter of the northwest quarter; the whole of the tracts containing three hundred and ninety-four acres. The reason of a recent decision of the Commissioner of the Land Office has been determined to remove, with but one exception, all his reservations which were made under the treaty at Prairie du Chien in the year 1830; the reservations having been made, as it is thought, contrary to the intent of the treaty. If this determination should be carried out and executed, the petitioner would be subjected to great injury and wrong, and to other and greater injustice, the committee recommend that he may be allowed to enter the portions of the said section of land as an encroachment, by the paying therefor the minimum price into the land office

Mineral Point