

Copy

ATTORNEY GENERAL'S OFFICE. April 20th 1837.

SIR. In answer to the questions proposed in the letter of the Commissioner of Indian Affairs, and referred to me by your communication of the 23^d ultimo, I have the honor to inform you, that, in my opinion, the thirteenth Article of the Treaty of March 1836, with the Ottawa and Chipewa Indians, by which "the Indians stipulate for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement," must be regarded as reserving the use of the ceded lands, for all the purposes of Indian occupancy as it existed prior to the treaty, until such lands shall have been actually disposed of to individuals, by the United States. Such disposition may be made by sale under the general laws, or by special grants, or in any other way that Congress may direct, and whenever an actual disposition of any particular tract shall be made, the usufructuary right of the Indians, will cease as to such tract.

In the mean time, however, that right cannot lawfully be interrupted by the Government, still less by any citizen of the United States.

I am, sir, Very respectfully Your Ob^t Serv^t

(Signed.) B.F. BUTLER.

THE HONORABLE J.R. POINSETT. Secretary of War.

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Exhibit 48

Attorney General's Office.
April 30th 1837.

Sir,

In answer to the questions proposed in the letter of the Commissioner of Indian Affairs, and referred to me by your communication of the 23rd ultimo, I have the honor to inform you, that, in my opinion, the thirteenth Article of the Treaty of March 1836, with the Ottawa and Chippewa Indians, by which "the Indians stipulate for the right of residing on the lands ceded, with the other equal privileges of occupancy, until the land is required for settlement"; must be regarded as reserving the use of the ceded lands, for all the purposes of Indian occupancy as it existed prior to the treaty, until such lands shall have been actually disposed of to individuals, by the United States. Such disposition may be made by sale under the general laws, or by special grants, or in any other way that Congress may direct, and whenever an actual disposition of any particular tract shall be made, the usufructuary right of the Indians, will cease as to such tract.

In the mean time, however, that right cannot lawfully be interrupted by the Government, still less by any citizen

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of the United States.

I am, Sir,

Very respectfully

Yours Obedt. Servt.

(Signed)

R. S. Butler.

The Honorable

J. R. Fournell.

Secretary of War.

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