

Grand Rapids  
April 14<sup>th</sup> 1846.

Mr. Philander Harris  
Sir.

Mr. Joel A. Wheeler the Gunsmith at Thos. Apple (to the Indians on Grand River) having resigned his post, I have to request that you take charge of the station temporarily. You will receive from Mr. Wheeler the stock on hand and all property in his care belonging to the government - making full inventory thereof in duplicate - and send one to me & another by yourself - Your pay will be at the rate of \$600 per annum, furnishing your own tools, coal and shop.

I am respectfully Sir  
your obt. Servant  
Wm. A. Richardson  
Acting Supt. Ind. Affairs

# 244

Office Supt. Indian Affairs  
Detroit May 1<sup>st</sup> 1846.

Sir -

I respectfully call your attention to the following statement of circumstances and facts as communicated to me in regard to a certain tract of land situated in T. 7 N. 9. W. within the Iowa District -

In the year 1839 this tract was applied for previous to the day of Public Sale by a Band of Ottawa Indians who had made it their residence, had improved and fenced it, and it was their wish to have become the purchasers thereof from the government - It was their only planting ground, and it had been by public consent accorded to them and their use. They made an application and tendered their money in payment. The officers refused this application to the Gov. I O when a decision was made that an Indian could not receive the benefit of the Pre-emption Act the land was

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was reserved from the public sale, and has since remained in the use and possession of the Indians they patiently waiting to have it come into market at Public Auction or some other action being had by which they could with their own money become the purchasers. This was generally expected by the people who had purchased this tract on the 17th January last under the provisions of the pre-emption law of 1841 - but that no Patent had yet been received for said land. Mr. Tracy informed me that he had not only a certificate but that he had received a Patent from the Government. I am also informed that no such residence as is required under the law has ever been had by Mr. Tracy on that land and that the public astonishment was very great when it was known that he had applied for a pre-emption and received the certificate of purchase from the office at Iowa. To the Indians it is a great loss and a serious misfortune. Their improvements, houses and planting grounds are thus snatched from them under circumstances which surprise and grieve them.

They had clung to this little spot as a home and resting place, and as the last vestige of their once large possessions - they expected to buy it - had the means on hand and was only waiting the opportunity, which they had been told would present at an open sale.

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of becoming the buyers. I am of opinion that not a man in the whole country could have been found who would have come forward and bid against them for that piece of land under all the facts and circumstances in regard to it - at a public sale. I have therefore to request that the action of the Department may be suspended, until the whole subject can be investigated, to do which it will be necessary to have a copy of the application, and testimony in the case of Mr. Seay.

It is very singular that this tract should have been subject to Pre-emption ever since 1839, when it was reserved from the Public Sale (at which these Indians could have purchased without opposition) by the direction of the Register and Receiver and not by the Court, and now in 1846 without any notice or further action by the Department it is entered under the Pre-emption law of 1841 - as I understand and by a person who I am informed has not been in the possession or cultivation of the premises.

The land was reserved by the Receiver and Register from sale of 1839, on request of the Question to the Genl. Land Office as to right of Indians to hold by Pre-emption. The decision being adverse - would not the land be subject to Public Sale under the direction of the Department. Land which for any cause are reserved from sale, cannot as I understand be taken by Pre-emption - this land now a reservation, made as by the action of the office, and any act making it subject to entry in any form should have been made public that all might know the fact. But in this case it had remained a reservation, made by the action of the office from 1839 to 1846 a period of 7 years and no one knew that the office had the right to sell at private sale - and all knew it was a reservation and could not be held by Pre-emption - It was understood that if it came into market the Indians should have it in justice for they had possession, had improved and cultivated and were ready and willing to purchase it. They would have received the title in 1839, but for the decision of the Department that an Indian could not hold by Pre-emption.

This question will have a great influence upon the

the feelings of these Indians towards the government  
they look for protection and for full justice at its hands,  
and any act of its officers which may be construed  
into unkindness or injustice, seriously impairs their  
confidence in our promises of friendship and protection.

I am Sir

with very

great respect

Your obt. Servant

Wm A. Richmond

Actg. Supt. Ind. Aff.

Hon. James Shields.  
Comd. Genl. Land Office  
Washington.

(This letter has been omitted in its proper order of date.)

Office Supt. Ind. Affairs  
Detroit April 23. 1846.

Sir:-

Mr. H. H. Stevens has enclosed to me a power  
of Attorney from James M. Stark and Madeline his wife  
(late Madeline M. husband of Mackinac) from which I infer  
you expect to receive the amount allowed her under the treaty  
with the Ottawas & Chippewas of 28<sup>th</sup> March 1836.

I find upon reference to the files in this office  
that the amt. allowed her under that treaty was paid  
her by Col. John Garland, amounting to \$95<sup>00</sup> - nothing  
of course is now due her, and the Power is herewith  
returned.

I am respectfully

Your obt. Servant

Wm A. Richmond

Actg. Supt. Ind. Affairs

Wm Scott Esq.  
Mackinac  
Mich; -

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