

down the Wisconsin, to the Mississippi. This channel of communication between the great lakes and the Mississippi, from about that period, had attracted a considerable portion of public attention. The French voyagers continued afterwards generally to take that route; their Indian traders most usually did; and it is the same channel through which Carver also penetrated into the Mississippi country in 1766.

Although the commissioners have not, on this head, been able, in so short a time, to procure that ample and certain information which is desirable, yet it is believed that not very many years after its first discovery in 1673 by the French a permanent establishment was made by them at the Prairie des Chiens. Vestiges of an old and a strong *French* fort are still discernible there, although it is stated to have been destroyed so early as in the first years of the revolutionary war.

When, in 1805, the late General Pike was on his voyage up the Mississippi, he computed the fixed white population of the place, in the absence of the traders and those connected with them, at 370; and the total number at from 500 to 600. Mr. Schoolcraft, in 1820, estimates the population of the place at 500. No evidence can be obtained from the traditionary history of the country that, at any *one* period, that settlement has received, by emigration, any sudden and large augmentation in the number of its inhabitants. It has never been characteristic of the French Canadian settlements to increase rapidly; and it is considered a fair inference, from all that can be learned on the subject, that for a long and indefinite time, its numbers have been considerable, and increasing only at a tardy pace. This consideration is supposed to be eminently corroborative of the position the commissioners have assumed, of the antiquity of this settlement.

With what propriety the inhabitants of Prairie des Chiens, who were born there and whose ancestors have for more than a century resided there, may be said to have "taken possession of the public lands in violation of the laws;" how *they* may be said to be "intruders" who, and whose ancestors through so many political changes, have, with the assent, express or implied, of each successive sovereignty, continued to inhabit the country which gave them birth, it is hard to imagine.

It has been urged against them that their only right in the soil which they occupy consists in the *permission accorded them by the Indians to remain there*. Surrounded, as that settlement always has been, by numerous hordes of ferocious savages, quite well disposed at all times to cause their power to be felt, it may, perhaps, be emphatically said (especially since the power of the French government here was overthrown) that its inhabitants have occupied their lands "*by permission of the Indians*." Left with none to defend them, they must have accommodated themselves to their humors; it has from *necessity* resulted that they have been compelled to submit to their commands, and, however reluctantly, to subserve, perhaps often, their vindictive views. But it is not considered that anything in their history, in such respects, detracts from the force of their present claims.

The commissioners have not had access to any public archives by which to ascertain, with positive certainty, whether either the French or English government ever effected a formal extinguishment of Indian title at the mouth of the Wisconsin; yet the same observation, with the same truth, may be made in relation to the land now covered by the city of Detroit. It is believed that the French government, particularly, was not accustomed to hold formal treaties for such purposes with the Indians. And when lands have been anciently procured from them, either in virtue of the assumed right of conquest or by purchase, evidence of such acquisition is rather to be sought for in the traditionary history of the country, or in the casual and scanty relations of travellers, than among collections of State papers. Tradition *does* recognize the fact of the extinguishment of the Indian title at Prairie des Chiens by the old French government before its surrender to the English. And by the same species of testimony, more positive because more recent, it is established also that, in the year 1781, Patrick Sinclair, lieutenant governor of the province of Upper Canada, while the English government obtained over this country, made a formal purchase from the Indians of the lands comprehending the settlement of Prairie des Chiens.

In Pike's Journal allusion is made to the last-mentioned purchase.—(Pike's Journal, appendix to part 1, page 47.) The agent also took down some testimony concerning the same facts, which may be found in the subjoined abstracts.

Whatever purchases may thus have been made by the French or British authorities have since been sanctioned by the treaty of St. Louis, holden June 3, 1816; and by another treaty, (see acts of 2d session of the 14th Congress, pp. 307—309,) concluded also at St. Louis on the 24th of August of the same year. It is provided (Art. 2) that the United States relinquish to the tribes with whom that treaty was holden a certain tract of country lying north of a west line from the south bend of Lake Michigan, "*excepting out of said relinquishment a tract of three leagues square at the mouth of the Wisconsin, including both banks*," &c.; thus giving additional sanction to the allegation of a previous acquisition of the country comprehending the Prairie des Chiens settlement. For it will not escape observation, upon a reference to the treaty of November 3, 1804, (U. S. Laws, vol. 1, p. 428,) that the last-mentioned treaty *does not contain a cession* of the tract thus excepted by the United States from their relinquishment. The real object of the clause alluded in the treaty of the 3d November, it is apprehended, was to enable the United States, in its election, to erect a fort on the west bank of the Mississippi, where the Indian title had not yet been extinguished, and where a more eligible site, it was supposed, could be selected.

If further evidence were necessary on this head, it might be found perhaps in the provisions of the fourth article of the treaty of Greenville. The settlement of Prairie des Chiens lies "*east of the Mississippi*;" it is "*west*" from Detroit. It was certainly "*in the possession of the French people*," who, or whose children, still inhabit it. It is believed to be comprehended within both the words and the spirit of the provisions of the third and fourth articles of that treaty.

After all, it is not deemed important (except so far as it may seem to strengthen the equity of the claimants) to establish the proposition of an early extinguishment of the Indian title. There can be no doubt but that the Indian title is *now* extinguished. It would be hardly admissible to suppose that the American government have been themselves guilty of an act of oppressive usurpation and violence; and yet it cannot otherwise be if the Indian title be not extinguished—for they have erected forts and established garrisons there. It would equally violate every principle of decorum for the commissioners to suppose that they had no power, and that the people of Prairie des Chiens had no right in relation to this matter, when the law of May 11, 1820, under which they act, expressly extends to that people all the benefits and all the rights which, in virtue of former acts of Congress, the people residing within the Detroit land district heretofore possessed in relation to their land titles; and also imperatively requires of the commissioners that they give effect to that act.

The act of March 3, 1807, vested in those for whose benefit it was passed a right to be confirmed in their claims upon the exhibition of proof of continued possession from July 1, 1796, to March 3, 1807,