

Sir

February 3. 1858. [1858]

I hand before me the questions put to you by David Wawanash in relation to his position, supposing that he will to avail himself of the act of last session 19th 20th 1857.

I reply I am directed to state,

- 1st That he will be entitled to the Capital of his share of the annuity due to his title, and of the yearly interest arising from the land sales.
- 2nd That he will be entitled to receive the additional annual payment of \$300 secured to him by the provisional Agreement at the time of the late surrender.
- 3rd It does not seem just to the tribe at large that one individual should have the exclusive right to a portion of their common property to which the advance of settlement has given an extra value as compared with the rest of their Reserve.

You are therefore empowered to offer him the option either of remaining where he is or of removing to another portion of the tract. Should he choose the former alternative, he must be restricted to such a quantity as will not exceed in value the lot which he would receive elsewhere. If he should decide to take advantage of the Act, he may be allowed the full quantity of land, 30 acres, granted by the law provided he agrees to move on to the lower part of the Reserve. If on the other hand, he elects to continue as now a member of the Tribe, he can only receive such an extent of land as the Commissioners shall decide upon for each head of a family.

It may ^{not} be a miss to point out to him that as under the Act he cannot neither sell or lease

his land he could derive but little advantage
from the lot he now occupies, while he might
be liable to increased taxation if it falls
within the City limits.

If he remove from his present location
he would of course be entitled to receive the
value of his improvements.

J. Galfand Esq.

I have the honor to be

Sir
Your obedient servant

R. J. Pennington

Capt. General

Copy of letter Capt. Genl
in reply to D. B. Mearns
quoting respecting his
present proposition

1838

John returns to

D. B. Mearns