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Report : Petition of J. Campau

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IN SENATE OF THE UNITED STATES.

FEBRUARY 9, 1844.

Submitted, and ordered to be printed.

Mr. WOODBRIDGE made the following

REPORT :

[To accompany bill S. 78.]

The Committee on Public Lands, to whom was referred the petition of Joseph Campau, praying for the confirmation of a certain tract of land, ask leave to submit the following report :

The tract of land, to confirm his title to which the petitioner applies, contains, according to the official returns of the surveyor general, seventy-five acres and twenty-nine hundredths. It constitutes one of that numerous class of small French farms in the State (lately the Territory) of Michigan, of which its ancient inhabitants were found in possession at the time when the Government of the United States was first extended there, and for the adjustment and confirmation of the legal titles to which Congress, by its act of the 3d of March, 1807, and other acts, made provision. Finding that throughout that region but few perfected legal titles could be shown by the acts alluded to, it was provided, in the act referred to, that all those inhabitants who could respectively adduce proof of the continued occupation and improvement of them from the 1st of July, 1796, to the 3d of March, 1807, by the respective claimants, or by those from whom, respectively, their rights and claims had been deduced, should be confirmed to the extent of the small number of acres in those acts limited, in their respective claims; and, in order to give effect to the intentions of Congress, a board of commissioners was constituted, to take the necessary proofs, and to adjudicate upon the claims, subject, in many cases, to the review of the Treasury Department or Congress. Prior to 1812, a great proportion of those claims had been investigated, confirmed, and reported to the Treasury Department; and, among others, it is presumed that the particular tract for which a confirmation is now sought was investigated and confirmed, but no report of such confirmation appears to have reached the proper department here. The last meeting of that board for the transaction of business, of which any record appears in the General Land Office, seems to have been on the 28th February, 1811; on which day, after the transaction of business, it adjourned to meet again at an hour mentioned on the next day. There is no record of its subsequent meeting. But the particular tract now in question, fully identified and described, was surveyed by Aaron Greely, who was the special deputy of the surveyor general, and by him authorized to survey and make return of this, among other tracts, the surveys of which he also returned. Of this official evidence exists.

But the surveyor general was not authorized to cause to be surveyed any but those claims which had been confirmed by the board. The register of the land office at Detroit certifies his opinion to be, that this claim was in fact regularly preferred to the board, and confirmed; and refers to this fact, in support of his opinion, that the last volume of the reports of that board had been lost during the late war. It is indeed matter of history, and not in that country susceptible of doubt, that when, soon after the commencement of that war, the British and the Indians had full possession of Detroit, the files, books, and a large number of patents, then in that land office, were taken possession of, scattered over the country, and many of them taken into Canada. But however the fact may be—of which, nevertheless, there would seem but small room for doubt—the evidence now adduced seems very sufficiently to establish the material point of occupation and improvement, during the whole period defined, so as to bring the claim clearly within the conditions of the law in that regard; and if it had been thus adduced before that board, it would undoubtedly have assured a confirmation of the claim. The deed of conveyance from the original proprietor of the claim and possessor of the land to the present applicant, with equal certainty transfers that claim to him. The claim of the petitioner seems twice to have been the subject of action in the Senate, and twice to have been favorably reported on, but too late in the session to admit of final action; and your committee can perceive no just or reasonable ground of objection to the prayer of the petition. They therefore herewith present the same form of bill which, at two different sessions of Congress, has been reported, and respectfully recommend that the same do pass.

All which is respectfully submitted.

[Petition of Joseph Campau, presented at the 2d session of the 27th Congress.]

To the honorable the Senate and House of Representatives of the U. S. :

The petition of Joseph Campau, a citizen of Detroit, in the State of Michigan, respectfully represents :

That your petitioner is the claimant of a small tract of land situate upon the border of Lake St. Clair, in said State, of which he is now in possession, and the cultivator; and that your petitioner, and those under whom he claims, have been in possession of said land for half a century past. Under the act of Congress of March 3, 1807, Joseph Laurent, or Griffard, under whom your petitioner claims title, presented his claim to the commissioners for adjusting titles to lands under said act, and, upon reference to the map of surveys, made by Aaron Greely, of private claims, under the direction of said commissioners, it will be seen that said tract was surveyed by Mr. Greely, but, owing to some accident, it is discovered that said commissioners omitted to report this claim for confirmation to Congress. It further appears that the commissioners adjourned upon a certain day, to meet the following day, as would seem, for the purpose of passing upon this claim, (No. 736, on Greely's map,) but never afterwards met, and consequently said claim was not embraced in their report. Evidence, it is hoped, satisfactory to Congress, of the equity of the petitioner's claim, is herewith presented. Your petitioner therefore prays that an act may be

passed for his benefit, authorizing the register of the land office at Detroit to grant a certificate to your petitioner, should said register be fully satisfied of the justice of this claim, and that thereon a patent may be granted to your petitioner, in the usual manner in which patents have been heretofore granted to claimants under said act of 3d March, 1807.

And your petitioner, as in duty bound, will ever pray.

JOSEPH CAMPAU.

DETROIT, *May 17, 1838.*

MAY 12, 1830.

SIR: In answer to your inquiry of this morning, respecting a claim on Lake St. Clair, near the river Huron, in the name of Joseph Laurent, alias Griffard, (No. 736,) for seventy-five acres and twenty-nine hundredths, I have to state that, although such a claim is laid down on Greely's map of the Detroit private claims, yet the reports of the commissioners in this office do not exhibit any such confirmation, nor does it appear that any patent certificate has ever been forwarded in this case. Should the reports of the commissioners on file at Detroit exhibit the alleged confirmation to Laurent, alias Griffard, a certified copy of their proceedings in the case, accompanied by a plat of survey and patent certificate, should be transmitted.

I am, &c.

G. GRAHAM.

HON. JOHN BIDDLE, *H. R.*

DECEMBER 24, 1830.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st October last, covering your patent certificate (No. 258) in favor of the legal representatives of Joseph Lorrain (Joseph Laurent, alias Griffard) for a tract of seventy-five acres and twenty-nine hundredths, on Lake St. Clair, designated on Greely's map as No. 736, with Greely's certificates of survey of the same, dated July 18, 1810. Upon an examination of the reports in this office, no confirmation of this claim is found; and as those reports are perfect up to the 28th February, 1811, the statement in Greely's field notes, that this claim was at that date confirmed to Lorrain, (Laurent, alias Griffard,) must be erroneous. The reports of the commissioners furnishing the only evidence of the confirmation of a claim that can be recognised by this office, and as the reports do not furnish such evidence in this case, no patent can be granted upon your certificate, which is herewith returned to be cancelled. Mr. Greely's field notes are herewith returned. It may be proper to add, that the reports in this office correspond with those in your office in stating that the board of commissioners, on the last day on which the proceedings are recorded, adjourned to meet the next day, but of which subsequent meeting the record furnishes no notice.

I am, &c.

E. HAYWARD.

HON. JOHN BIDDLE, *H. R.*

LAND OFFICE, DETROIT, *March 29, 1842.*

I certify that, having examined the evidence in this office of the proceedings of the board appointed under the act of March 3, 1807, for the

adjustment of private land claims, I am fully of the opinion that the claim (No. 736) of Joseph Laurent, or Griffard, to a tract of land containing seventy-five acres and twenty-nine hundredths, bordering upon the Lake St. Clair, bounded on the northeast by François Duchésne, (No. 645,) and on the southwest by Pierre Griffard, (No. 220,) must have been regularly presented to the consideration of said board, and by that board duly confirmed, because said claim seems to have been regularly surveyed by Aaron Greely, surveyor of said private land claims, and appears upon his plat of surveys now on file in this office. And it further appears, from the abrupt manner in which the last volume of the reports of said commissioners terminates, to wit: "by adjournment until the *next day*," that a volume of the commissioners' [reports,] embracing several high numbers, from No. 730 onwards, has been lost, probably during the war of 1812.

R. A. FORSYTH, *Register*.

WAYNE COUNTY, *State of Michigan*, ss :

Personally came before me, the subscriber, a justice of the peace in and for said county, Pierre Griffard and John B. Thomas, who, being duly sworn, depose and say, that they are well acquainted with the old farm at L'Ance Cruse, on the border of Lake St. Clair, formerly claimed by Joseph Laurent, alias Griffard; that said Laurent, alias Griffard, occupied and cultivated said farm long prior to the first of July, one thousand seven hundred and ninety-six, and continued to occupy and cultivate it until his death, and that after his decease it was occupied and cultivated by his son, Joseph Laurent Griffard, or his guardian during his minority, and that said son continued to occupy it until the year one thousand eight hundred and thirty-two, when said last-named Joseph Laurent, alias Griffard, sold and conveyed said land to Joseph Campau, the present claimant, who has occupied and cultivated said farm from that time to the present, and now occupies and cultivates said farm. Deponents further swear, that said farm is bounded on the upper or northeast side by François Duchésne, and on the lower or southwest side by Pierre Griffard; that said farm is supposed to contain about seventy-five acres.

PIERRE GRIFFARD.

JOHN B. THOMAS, his + mark.

Subscribed and sworn to before me, this second day of May, one thousand eight hundred and thirty-eight.

THEODORE WILLIAMS, *J. P., W. C., M.*

STATE OF MICHIGAN, ss :

This shall certify that Theodore Williams was, on the second day of May, in the year one thousand eight hundred and thirty-eight, a justice of the peace in and for the city of Detroit, county of Wayne, State aforesaid, duly empowered and qualified, and that to all his official acts and attestations, as such justice of the peace, full faith and credit are due, and ought to be given, as well in courts of justice as thereout.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Michigan.

Done at the city of Detroit, in the said State, the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and forty-two, and of the independence of the United States the sixty-sixth.

R. P. ELDREDGE, *Secretary of State*.