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Report : Mr. Tipton

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S. Doc. No. 32, 23rd Cong., 1st Sess. (1834)

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IN SENATE OF THE UNITED STATES.

JANUARY 10, 1834.

Read, and ordered to be printed.

MR. TIPTON made the following

REPORT,

[With Senate bill No. 54.]

The Committee on Indian Affairs, to which was referred the petition of James Bennett and others, assignees of Francis Lafontain and Son, report:

That the petitioners state, in their memorial, that they purchased, by permission of the President of the United States, certain lands which had been granted to Lafontain and Son by a treaty between the United States and the Miami tribe of Indians, concluded at St. Mary's, in Ohio, on the 6th of October, 1818; and it appears, by copies of the deeds of conveyance accompanying the petition, that payment has been made for these lands. The petitioners state that, prior to their purchase, they were informed, by the officers of the proper land office, that these lands were duly located and reserved according to said treaty; and that they accordingly entered upon said lands, and made large and valuable improvements thereon, entertaining no doubt that these lands had been surveyed and located in strict conformity to the provisions of the treaty aforesaid; but that doubts have recently arisen, in the minds of some individuals, as to the proper location of said reservation; and the said petitioners pray that a law may be passed confirming the survey of said lands made by authority of the United States many years since.

It appears, on reference to the treaty abovementioned, in volume 6, laws United States, page 730, that there is some ambiguity in the phraseology of said treaty which admits of various construction, as by one article the reservation of Lafontain and Son was directed to be located on the east side of the St. Mary's river, near Fort Wayne, and, by a paragraph of same article, this reservation is mentioned as being on the west side of the St. Mary's river.

The committee are of opinion that this reservation was surveyed and located in conformity with the spirit and meaning of said treaty, and to the satisfaction of the Indians. And it appears that the location has been entered upon the maps and books of the General Land Office, and recognized, in a formal manner, in May, 1823, as appears by a letter received by the committee from the Commissioner of the General Land Office; and that the reservees had sold said lands, received payment therefor, and conveyed the same, by permission of the President of the United States, to a third party.

The committee report a bill.