

12-20-1841

## Report : Mr. Smith

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IN SENATE OF THE UNITED STATES.

DECEMBER 20, 1841.

Submitted, and ordered to be printed.

Mr. SMITH, of Indiana, submitted the following

REPORT :

*The Committee on the Public Lands, to whom was referred the petition of Isaac Thomas, William Donalson, and Curtis H. Butler, trustees of school township No. 27, range six, south of the Wabash river, in the county of Wabash, in the State of Indiana, report :*

The object of the petitioners is to obtain other lands, or an equivalent, for section 16, township No. 27, range 6, lying in Wabash county, Indiana, for the use of the inhabitants of said township, for school purposes, it being alleged that said section is covered by reservation No 55, of John B. Richardville, under a treaty with the Miami Indians. It is admitted by the petitioners that the "act of 20th May, 1826, provides for townships similarly situated to select other lands equivalent thereto;" but the petitioners allege that this special case is not sufficiently provided for by the act; they say "the trustees of said township, No. 27, according to the provisions of said act, have made diligent search for lands, not only in said townships, but in the adjoining townships, and have found but little lands belonging to the United States in those townships, and such as they have found is not worth so much as one dollar per acre, while said section 16 is worth from seven to ten dollars per acre; but again, from the circumstance that the great Miami reserve is not attached by law to any land district, no selection that might be made for that object can at this time be perfected." The committee cannot see anything in this case to call for special legislation. The act referred to authorizes the Secretary of the Treasury to select other lands "out of any unappropriated public lands within the land district where the township for which any tract is selected may be situated." As the selection in the case presented under that act can be made of any lands *in the land district*, the choice of other lands will surely be ample to do full justice to the claims of the inhabitants of the congressional township represented by the petitioners. The committee intend to express no opinion of the validity of any reserve conflicting with the rights of the inhabitants of a congressional township to the 16th section for school purposes, but merely intend to say that the case represented by the petitioners requires no special legislation, being provided for by the act of 20th May, 1826. They therefore report the following resolution :

*Resolved*, That the prayer of the petitioners ought not to be granted.