

WILLIAM SAWYER AND OTHERS.

[To accompany bill H. R. No. 133.]

JUNE 3, 1864.—Ordered to be printed.

Mr. THAYER, from the Committee on Private Land Claims, made the following

REPORT.

By the treaty of St. Mary's with the Miami Indians, of October 6, 1818, the west half of section 26, the east half of section 28, and the whole of section 27, all in township 5 south, in range 4 east, of 1st meridian, in Ohio, and situated in Auglaize county, in that State, were granted by the United States to Joseph Richardville and Joseph Richardville, jr.

By a paper executed by Joseph Richardville, who was a half-blood Miami Indian, dated August 28, 1827, the said Joseph Richardville undertook, in consideration of the sum of \$3,000 and in pursuance of another treaty made October 23, 1826, to reconvey these lands to the United States. Subsequently the United States and the State of Ohio, under a grant from the United States, at various times sold these lands. A portion of them is still held by the original purchasers, and other portions by persons claiming under the original purchasers from the United States. One Madison Sweetzer, of Fort Wayne, Indiana, who was a creditor of Joseph Richardville, jr., having obtained a judgment against him levied upon a portion of these lands, sold them by due process of law, and bought in his title at that judicial sale. Joseph Richardville, sr., in the mean time had died, and whatever title he had, and which did not pass to the United States by the paper of August 28, 1827, had vested in his son and heir-at-law, the said Joseph Richardville, jr. In the year 1855 said Sweetzer brought actions of ejectment in the circuit court of the United States for the northern district of Ohio, against several of the parties in possession under the title derived from the United States. The said actions were regularly tried and defended, and resulted in verdicts and judgments in favor of the said Madison Sweetzer, the court holding that the papers seized by Joseph Richardville, sr., and purporting to be dated August 28, 1827, passed no title to the United States. Thus his interest had, consequently, upon his decease, passed to his son, the said Joseph Richardville, jr., who thus became the holder of the entire title, and thus the judgment and judicial sale therein made by Sweetzer had vested the whole title in him. By this means honest purchasers from the United States, who paid for their lands, are deprived of them, and are liable to be turned out of their homes, unless some satisfactory arrangement is made with Sweetzer by the government of the United States. The bill proposes to remedy this injustice by authorizing the Secretary of the Interior to cause the unimproved value of the said tract of land to be ascertained by the valuation and assessment of the commissioner to be appointed by him for that purpose, which commissioner shall be duly sworn faithfully and impartially to perform his duties. When the value of the lands is thus ascertained, the Secre-

tary of the Interior is to report the same to the House of Representatives. When his report shall be made, it is of course contemplated that Congress shall by some future action indemnify Sweetzer in some suitable manner for his relinquishment of his title, and thus relieve the *bona fide* purchasers from the United States from the injustice which they would otherwise suffer by the failure of the title which they have acquired from the United States. The committee recommend the passage of the bill.