

**JAMES BREWER.**

[To accompany bill H. R. No. 65.]

**MARCH 3, 1840.**

**Mr. LINCOLN**, from the Committee on the Public Lands, made the following

**REPORT:**

*The Committee on the Public Lands, to whose consideration was referred the claim of James Brewer, of the State of Ohio, to be refunded a sum of money by him heretofore paid to the United States, at the office of the receiver of public moneys, in the Zanesville land district, Ohio, for land to which he could obtain no patent by reason of a pre-existing pre-emption right, report:*

That this case was examined by the Committee on the Public Lands at the 1st session of the 24th Congress, and a favorable report made thereon. The committee, having re-examined the case, adopt the same report, as furnishing a clear and correct state of facts, and here with submit a bill for the relief of the claimant.

**MARCH 24, 1836.**

*The Committee on the Public Lands, to which was referred a resolution to inquire into the expediency of providing by law for refunding to James Brewer, of Tuscarawas county, Ohio, the sum of one hundred dollars by him heretofore paid to the United States, for the west half of the southwest quarter of section No. 14, in township 8, range 3 military, in the Zanesville district, report:*

That, from the papers submitted, it is proven to the satisfaction of the committee, that on the 30th day of January, A. D. 1832, James Brewer applied at the land office in Zanesville, Ohio, to enter and pay for the southwest quarter of section No. 14, in township No. 8, range No. 3 military, in the Zanesville land district, containing by estimation 160 acres, and the purchase money of which amounted to two hundred dollars.

The register informed him that said land was for sale, and requested him to state what kind of money he had to pay for it. Brewer showed his money; and while they were conversing on the subject, and looking at the land plats, &c., in a few minutes, and by some process in which Brewer

had no agency whatever, his cash, which was good land office money, was converted into land scrip, by persons in the office, strangers to him; in consequence of which, said land was returned by the Zanesville officers to the General Land Office as having been purchased and paid for in land scrip by Brewer.

The scrip thus improperly thrust into his purchase was issued under the act of the 30th of May, 1830, for the relief of certain officers and soldiers of the Virginia line, &c., the fifth section of which provides "that no scrip issued under the provisions of this act shall entitle the holder to enter or purchase any settled or occupied lands, without the written consent of such settlers or occupants as may be actually residing on said lands at the time the same shall be entered or applied for."

On the 26th day of July, A. D. 1833, a man by the name of John Benninger proved, to the satisfaction of the proper officers in the Zanesville land office, that on the 30th day of January, 1832, (the date of Brewer's purchase,) he had settled upon, and then occupied, the west half of said quarter of land, and insisted that for that reason Brewer's purchase, so far as said west half was concerned, was illegal and void, as it appeared to have been paid for with scrip, and that he (Benninger) had a right to enter it, notwithstanding Brewer's former purchase; and such was the decision of the legal officers. Benninger was thereupon permitted to make said purchase, and has since received a patent for the said west half of said quarter section.

As the books of the Zanesville land office show that this land was paid for in military scrip, the amount paid for said west half cannot be refunded to Brewer without an act of Congress authorizing it. He has received and accepted a patent for the east half of said quarter.

The committee are clearly of opinion that he is entitled to relief. They therefore report a bill for refunding to the said James Brewer the sum of one hundred dollars, by him paid for the west half of said quarter section of land.

MARCH 24, 1836

The Committee on the Public Lands, to which was referred a resolution to inquire into the expediency of providing by law for refunding to James Brewer, of Tazewell county, Ohio, the sum of one hundred dollars by him heretofore paid to the United States for the west half of the southeast quarter of section No. 14, in township 8, range 3, mile-

That from the papers submitted, it is proven to the satisfaction of the committee that on the 30th day of January, A. D. 1832, James Brewer applied at the land office in Zanesville, Ohio, to enter and pay for the south-west quarter of section No. 14, in township No. 8, range No. 3 military, in the Zanesville land district, containing by estimation 160 acres, and the purchase money of which amounted to two hundred dollars.

The register informed him that said land was for sale, and requested him to state what kind of money he had to pay for it. Brewer showed his money; and while they were conversing on the subject, and looking at the land plat, &c., in a few minutes, and by some process in which Brewer