AMERICAN STATE PAPERS.

PUBLIC LANDS.

VOLUME V.

AMERICAN STATE PAPERS.

DOCUMENTS

OF THE

CONGRESS OF THE UNITED STATES,

IN RELATION TO

THE PUBLIC LANDS,

FROM THE

FIRST SESSION OF THE TWENTIETH TO THE SECOND SESSION OF THE TWENTIETH CONGRESS, INCLUSIVE:

COMMENCING DECEMBER 3, 1827, AND ENDING MARCH 3, 1829.

SELECTED AND EDITED, UNDER THE AUTHORITY OF CONGRESS,

BY

ASBURY DICKINS, SECRETARY OF THE SENATE,

AND

JOHN W. FORNEY, CLERK OF THE HOUSE OF REPRESENTATIVES.

VOLUME V.

WASHINGTON

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AMERICAN STATE PAPERS.

PUBLIC LANDS.

EVANSTON, II

20TH CONGRESS.] No. 588. [1ST SESSION.

OPERATIONS OF THE LAND SYSTEM AND THE NUMBER OF MILITARY BOUNTY LAND WARRANTS ISSUED DURING THE LAST YEAR.

COMMUNICATED TO CONGRESS BY THE PRESIDENT OF THE UNITED STATES DECEMBER 4, 1827.

GENERAL LAND OFFICE, *November* 23, 1827.

SIR: In compliance with your request, I have the honor to submit the following statement relative to the laws passed at the last session of Congress, the superintendence of the execution of which has been placed under the immediate charge of this office.

On the 9th of April last instructions were issued for carrying into effect the act passed January 29, 1827, relative to the location of two townships of land for a seminary of learning in Florida, and to complete the location of the grant to the Deaf and Dumb Asylum of Kentucky. The location of the lands under this act are in progress, but have not yet been completed.

On February 26, 1827, instructions were issued from this office to the surveyor of public lands in Florida to carry into effect the act passed on the 8th of February last, "to provide for the settlement of private land claims in East Florida, and for other purposes," so far as related to the surveying of the private claims. Under those instructions some progress has been made in surveying the private claims in West Florida, and it is expected by Colonel Butler that the survey of the whole of the private claims in West Florida will be completed in the course of the ensuing winter. It is doubtful how far the provisions of the act referred to will be adequate to the completion of the private claims in East Florida within a reasonable period. The survey of the private claims in East Florida will be necessarily suspended until the report of the commissioners, authorized by the act referred to, shall have been made and acted upon by Congress.

The act passed on the 22d of February, for the removal of the office in the Choctaw district, has been carried into effect by the removal of the office to Mount Salus in July last.

The act passed on the 2d of March last, "supplementary to an act to perfect certain locations and sales of public lands in Missouri," has been carried into effect by issuing the patents on the locations therein referred to, so far as returns have been made to this office.

No measures have been taken by this office to carry into effect the several acts passed on the 2d of March last, granting certain lands to the State of Illinois for the purpose of aiding in making a canal, and to the State of Indiana for aiding in making a road and canal; the canals and road therein referred to not having been as yet located by the respective States.

Instructions were issued on the 12th of April to Mr. Tiffin, the surveyor general, to carry into effect the act passed on the 2d of March last, authorizing the President to ascertain and designate the northern boundary line of the State of Indiana; and the return of the plat and survey of this line will probably be received at this office in the course of the ensuing month.

Under the provisions of the act passed on the 2d of March last, authorizing the sale of certain Moravian lands in the State of Ohio, those lands have been proclaimed for sale.

On the 23d of March instructions were given to the register and receiver of the land office at St. Stephen's for carrying into effect the act passed on the 3d of that month, "supplementary to the several acts providing for the adjustment of land claims in the State of Alabama." Between one and two hundred claims have been filed under the provisions of this act, and I am advised by the register and receiver that they will meet at Mobile on the third Monday in December for the purpose of deciding and reporting on those claims.

Under the provisions of "An act to grant a certain quantity of land to the State of Ohio for the purpose of making a road from Columbus to Sandusky," a certain quantity of the public land has been reserved from sale on each side of the road, as located by the Sandusky Turnpike Company; but as there is some difficulty in designating the lands intended to be appropriated by the act, the selections have not yet been actually made.

The several private acts for the relief of individuals, passed at the last session of Congress, the execution of which requires the interposition of this office, have been executed, so far as the individuals interested have as yet claimed the benefits of said acts.

The act passed May 4, 1826, "making further provisions for the extinguishment of the debt due to the United States by the purchasers of public lands," having ceased to be in operation after the 4th of July last by the limitation therein contained, I now submit the table marked A, which exhibits the results of the several operations of that act; from which it will appear that the amount of debt extinguished by

it is $1,971,068 49, exclusive of forfeitures; and that there remains a debt yet due from individuals to the government of $4,305,365 28, including the amount forfeited on the lands which have been further credited for six years. The whole debt now due is payable on or before June 30, 1829. The expediency of recommending to Congress the renewal of the provisions of the act of May 4, 1826, is therefore respectfully submitted.

The paper marked B is a synopsis of the public lands brought down to December 31, 1825. That marked C exhibits the operations in respect to the sale of, and the receipts on account of, the public lands for the year 1826, and for the first six months of 1827. The paper marked D exhibits the period to which the monthly returns of the registers and receivers have been made, and that to which the quarterly accounts of the receivers have been returned to and adjusted at this office, and the balances in the hands of the receivers, as exhibited in their returns to the 30th of September last.

I have also the satisfaction to state that the books of this office, and the business of its various branches are generally brought up as nearly to the current period as the returns and the nature of the business would admit.

The surveying of the public lands in the several surveying districts has progressed during the present year without any particular embarrassment; and the returns required to be made by the surveyors to this office have been generally received, with the exception of the surveying district south of Tennessee, embracing the States of Mississippi and Louisiana. On this subject, I take leave to refer to the report made to you from this office on December 1, 1826, and printed with documents accompanying the President's message to Congress in December last.

All which is respectfully submitted.

GEORGE GRAHAM.

Hon. Richard Rush, *Secretary of the Treasury.*

A.

Exhibit of the operation of the act of Congress passed May 4, 1826, entitled "An act making further provision for the extinguishment of the debt due to the United States by the purchasers of public lands.

States.	LAND RELINQUISHED.		LAND COMPLETELY PAID FOR.							Aggregate amount of debt liquidated under the act.	Aggregate amount of balances due from individuals on account of public lands.
	Quantity—acres.	Purchase money.	Quantity—acres.	Purchase money.	Am't due and paid for by relinquishment, cash, and discount.	Am't paid by transfer from lands relinquished.	Amount paid in cash.	Am't of discounts of 37½ per cent. allowed.	Amount paid on forfeited lands redeemed, including discounts.		
Ohio	38,465.75	$81,596 56	227,706.05	$456,219 49	$274,129 74	$22,623 80	$157,159 60	$94,346 33	$1,629 15	$334,731 64	$385,443 49
Indiana	98,131.31	198,109 67	105,556.44	218,369 33	142,582 84	55,202 61	54,614 08	32,766 15	.....	285,489 90	419,385 75
Illinois	65,269.27	131,744 51	31,147.43	64,023 84	35,544 08	29,290 34	3,904 94	2,348 80	.....	137,998 25	194,849 39
Missouri	29,815.82	71,242 51	37,443.49	88,677 69	58,296 98	20,492 64	23,627 95	14,176 39	3,715 29	112,762 14	109,166 42
Louisiana	240.19	480 39	4,274.04	8,548 09	5,788 64	120 09	3,542 84	2,125 71	1,892 44	8,041 38	38,701 69
Mississippi	11,481.98	22,964 03	67,348.13	134,696 29	85,894 84	21,145 02	40,469 18	24,280 64	607 14	88,320 99	438,781 11
Alabama	209,683.50	914,820 15	146,353.29	480,400 95	318,143 33	243,657 52	46,554 77	27,931 04	2,889 70	992,195 66	2,692,362 63
Michigan Territory	867.50	4,931 76	5,371.38	12,271 98	8,544 44	2,719 70	3,640 46	2,184 28	772 03	11,528 53	26,674 80
Aggregates	453,955.30	1,425,889 58	625,200.25	1,463,207 66	928,924 89	395,251 72	333,513 82	200,159 34	11,505 75	1,971,068 49	4,305,365 28

NOTE.—The quantity and purchase money of the land relinquished in July, 1827, at Cahaba, Alabama, and in June and July, 1827, at Washington, Mississippi, not having been yet reported, are therefore not included in the foregoing statement.

GEORGE GRAHAM, *Commissioner.*

TREASURY DEPARTMENT, *General Land Office, November* 23, 1827.

B.

Synopsis of the public lands within the present boundaries of the United States.

	Acres.
Quantity of lands purchased by the United States	258,377,667
Quantity of lands within the present limits of the States and Territories not yet ceded by the Indians	55,947,453
	314,325,120
Quantity of public lands surveyed to January 1, 1826	138,988,224
Quantity of public lands sold to January 1, 1826	19,239,412
Amount paid by purchasers of public lands to January 1, 1826, including interest paid and forfeitures accrued at the several land offices	$31,345,968 73
Amount due by individuals to the United States January 1, 1826	*7,955,831 03
Total amount of sales of public lands, including interest paid and forfeitures accrued	39,301,799 76
Add sales to Ohio Company, to J. C. Symmes; also sales at New York and Pittsburg	1,050,080 43
Grand total	40,351,880 19

	Acres.
Quantity of lands sold at the United States land offices, including lands sold to J. C. Symmes, to Ohio Company, and also sales at New York and Pittsburg	19,239,412
Quantity of lands appropriated for the support of schools and special donations to colleges	7,708,066
Quantity of lands appropriated as military bounties, to satisfy private claims, and including special donations, &c.	21,156,889
Quantity of lands remaining unsold January 1, 1826	210,273,300
Making the total quantity of lands purchased by the United States January 1, 1826	258,377,667

Table of expenditures on account of the public lands of the United States.

Purchase of Louisiana	$15,000,000
Paid State of Georgia and Yazoo scrip	6,200,000
Paid on account of Indian cessions to January 1, 1826	3,392,494
Paid for surveying 138,988,224 acres of public lands	2,164,368
Expenses incidental to the sale of 19,239,412 acres of public lands	1,154,951
Total actually paid	27,911,813
Due on account of the Florida loan	5,000,000
Grand total, including expenses of surveying and sale	32,911,813
Amount of duties received at the custom-house at New Orleans to September, 1826	$15,568,734

The expense of selling nineteen millions two hundred and thirteen thousand four hundred and twelve acres of public lands, including the expense of surveying the same, amounts to 3 6-10ths per cent. on the total amount of sales.

Quantity of unceded lands lying north and west of the States and Territories within the limits of the United States, seven hundred and fifty millions of acres.

C.

Statement of public lands sold, and of moneys received in payments therefor, during the year 1826 *and the first and second quarters of the year* 1827; *showing, also, the incidental expenses of the land offices during the said periods, and the amount of payments made by receivers into the treasury.*

Periods.	Land sold, in acres.	Purchase money.	Amount received under the credit system.	Aggregate receipts.	Incidental expenses.	Payments made by receivers into the treasury.
During the year 1826	847,996.76	$1,127,500 41	$36,397 82	$1,163,898 23	$111,212 65	$1,393,785 09
From January 1 to June 30, 1827	426,687.55	685,320 13	236,836 77	922,156 90	62,829 62	765,380 13
Totals	1,274,684.31	1,812,820 54	273,234 59	2,086,055 13	174,042 27	2,159,165 22

NOTE.—The column of "incidental expenses" in the foregoing statement is greatly increased in consequence of the operation of the act of May 22, 1826, providing for the allowance to registers and receivers of the amount of clerk hire incurred in the execution of the laws for the relief of the purchasers of public lands, passed in the years 1821, 1822, and 1823, and allowing the one-half of one per cent. on the payments made by relinquishment and discounts; and also in consequence of allowances made to receivers for depositing public moneys since April 20, 1818, in pursuance of the provisions of an act to that effect passed May 22, 1826.

GEORGE GRAHAM.

TREASURY DEPARTMENT, *General Land Office, November* 23, 1827.

* The accounts from which this balance is formed were rendered from the office at St. Louis only to December 31, 1824; from that at St. Stephen's to May 27, 1824; and from that at Cahaba to December 31, 1824.

D.

Exhibit of the periods to which the monthly returns of the registers and receivers have been made, and the periods to which the quarterly accounts of the receivers have been returned and adjusted at the General Land Office, and showing the balances in the hands of the receivers, as exhibited in the returns to September 30, 1827, or by their last returns previous thereto.

Land offices.	Monthly returns of registers; periods to which rendered.	Quarterly returns of receivers; periods to which rendered.	Quarterly returns of receivers; periods to which rendered.	Quarterly returns of receivers; periods to which adjusted.	Balance of cash in the hands of receivers, as shown by their last accounts.	Remarks.
	1827.	1827.	1827.	1827.		
Marietta	September 30..	September 30..	September 30..	September 30..	$898 79	
Zanesville	....do....	....do....	June 30....	June 30....	None.	
Steubenville	....do....	....do....	September 30..	September 30..	1,863 85	
Chillicothe	....do....	....do....	.... do....	....do	597 13	
Cincinnati	....do....	....do..	....do....	....do....	None.	
Wooster	....do....	....do....	....do....	....do....	2,467 87	
Piqua	....do....	....do....	....do....	....do....	359 09	
Delaware	....do....	....do....	....do....	June 30....	3,213 84	
Jeffersonville	....do....	....do....	....do....	....do....	2,795 35	
Vincennes	....do....	....do....	June 30....	March 31	14,852 52	
Indianapolis	....do....	....do....	September 30..	June 30....	1,145 89	
Crawfordsville	....do....	....do....	....do....	September 30..	7,491 74	
Fort Wayne	....do....	....do....	.... do....	....do....	1,181 12	
Shawneetown	....do....	....do....	....do....	....do....	3,846 47	
Kaskaskia	....do....	....do....	.... do....	....do....	2,096 29	
Edwardsville	....do....	....do....	June 30*....	June 30....	2,511 35	
Vandalia	....do....	....do....	September 30..	September 30..	395 30	
Palestine	....do....	....do....	....do....	....do....	1,302 42	
Springfield	....do....	....do....	....do....	....do....	3,793 95	
St. Louis	....do....	....do....	June 30....	June 30....	24,059 17	
Franklin	August 31	....do....	September 30..	....do....	60,988 85	
Cape Girardeau	September 30..	....do....	.... do....	September 30..	5,451 06	
Palmyra	....do....	....do....	....do....	....do....	15,069 74	
Lexington	....do....	....do....	....do....	....do....	1,391 91	
Little Rock	August 31	August 31	June 30....	June 30....	2,006 79	
Batesville	....do....	September 30..	September 30..	September 30..	5,528 09	
Ouachita	September 30..	....do....	....do....	....do....	465 09	
Opelousas	....do....	....do....	....do....	....do....	3,260 80	
New Orleans	....do....	....do....	....do....	June 30....	30,495 39	No sales during 3d quarter 1827.
St. Helena Court-house	No sales....	.....	February 16....	.....	.....	
Cahaba	September 30..	May 31....	.....	February 16....	8,943 10	(See note A.)
St. Stephen's	....do....	September 30..	September 30..	September 30..	259 54	(See note B.)
Huntsville	....do....	....do....	....do....	....do....	526 46	
Tuscaloosa	....do....	....do....	....do....	....do....	None.	
Sparta	June 30....	....do....	....do....	June 30....	29,844 89	Register's returns for 3d quarter 1827 not received.
Washington	September 30..	....do....	March 31	March 31	278 29	(See note C.)
Augusta	....do....	....do....	September 30..	September 30..	54 48	
Choctaw district	....do....	....do....	....do....	....do....	2,486 51	
Detroit	....do....	....do....	....do....	....do....	7,438 74	
Monroe	....do....	....do....	....do....	....do....	1,091 70	
Tallahassee	....do....	....do....	....do....	....do....	219 26	
St. Augustine	No sales....	.....	.....	.....	.....	
					250,672 83	

* The return from the receiver under the *credit system*, for the *third quarter* 1827, is delayed for causes fully explained by him. His return under the *cash system*, for the same quarter, has been received.

CAHABA—*Note A.*—This is the balance in the hands of the present receiver, May 31, 1827. His quarterly accounts have not been rendered in consequence of the books of his predecessors not having been fully posted. The balance of cash ascertained to be due by the late receiver, February 16, 1827, is $35,205 14, of which $27,445 64 were paid into the treasury during the first quarter 1827. The register's returns under the *credit system*, for the month of July, 1827, have not yet been received.

ST. STEPHEN'S—*Note B.*—This is the balance in the hands of the present receiver September 30, 1827. The quarterly accounts of his predecessor have not been yet received to a later period than March 31, 1827, when he acknowledges a balance of $1,841 55.

WASHINGTON—*Note C.*—The late receiver resigned March 31, 1827. The present receiver has rendered no quarterly accounts. The register's returns of lands relinquished during June and July, 1827, under the credit system, have not yet been received.

WAR DEPARTMENT, *Bounty Land Office, November* 19, 1827.

SIR: Agreeable to your instructions, I have the honor to enclose the annual report of the business of this office for the year ending the 30th of September last.

I am, with respect, your obedient servant, E. STEPHENS.

Hon. JAMES BARBOUR, *Secretary of War.*

Return of claims which have been deposited at this office for the year ending September 30, 1827, *for services rendered during the "revolutionary war."*

Claims suspended, per last annual report, for sundry reasons	193
Claims received from October 1, 1826, to September 30, 1827, inclusively	478
Total	671
Disposed of as follows:	
Claims which were previously satisfied	122
Claims not entitled to land	298
Claims entitled, but waiting additional documents	89
Claims entitled, for which warrants have issued	65
Claims suspended till known to what line of the army they were attached	97
Total	671

Abstract of the number of warrants issued for the year ending September 30, 1827.

To one colonel, 500 acres	500 acres.
To three lieutenant colonels, 450 acres each	1,350 acres.
To one physician, 450 acres	450 acres.
To four majors, 400 acres each	1,600 acres.
To one surgeon, 400 acres	400 acres.
To two surgeon's mates, 300 acres each	600 acres.
To twelve captains, 300 acres each	3,600 acres.
To twenty lieutenants, 200 acres each	4,000 acres.
To two ensigns, 150 acres each	300 acres.
To nineteen rank and file, 100 acres each	1,900 acres.
Total	14,700 acres.

The number of land warrants signed by Generals Knox and Dearborn which remain on file are	59
The number of "Virginia military land warrants" presented, admitted, and certified to	61

Return of claims which have been deposited at this office for the year ending September 30, 1827, *for services rendered during the "late war."*

Claims suspended, per last annual report	466
Claims received from October 1, 1826, to September 30, 1827, inclusively	276
Total	742
Disposed of as follows:	
Claims which were previously satisfied	53
Claims not entitled to land	39
Claims returned for further evidence, and sent regulations	97
Claims entitled, for which warrants were issued	94
Claims suspended for further evidence, &c.	459
Total	742

Abstract of the number of warrants issued for the year ending September 30, 1827.

First, authorized by the act of December 24, 1811, and January 11, 1812	90
Second, authorized by the act of February 6, 1812	1
Third, authorized by the act of December 10, 1814	3
Total	94
Whereof the 1st and 2d description 91 granted of 160 acres each	14,560
Whereof the 3d description one granted of 320 acres each	960
Total acres	15,520

The number of claims for "five years' half-pay pension" in lieu of bounty land, and those for "Canadian volunteers," remain the same as per last report.

E. STEPHENS.

WAR DEPARTMENT, *Bounty Land Office, November* 19, 1827.

20TH CONGRESS.] No. 589. [1ST SESSION.

LAND CLAIM IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 18, 1827.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the memorial, and documents in support thereof, of John Brest, of the parish of Washita, in the State of Louisiana, reported:

This case was submitted to the Committee on Private Land Claims during the last session of the nineteenth Congress, who made a report thereupon on the 22d day of December, 1826, unfavorable to the claim of the petitioner. They have re-examined said report, and can see no reason by which they are induced to abandon the grounds on which that report is based. They therefore adopt it as a part of this, and are of opinion that the prayer of the petitioner ought not to be granted.

DECEMBER 22, 1826.

The Committee on Private Land Claims, to whom were referred the memorial, and documents in support thereof, of John Brest, of the parish of Washita, in the State of Louisiana, reported:

The petitioner, John Brest, requests of Congress that an act should be passed confirming his title to a tract of land in said parish, containing four hundred and ten superficial arpents. In support of his said claim he relies upon the affidavits of several persons. James McLauchlin, who appears to have been formerly a deputy surveyor in that parish, under the authority of the Spanish government, swears that he surveyed and bounded for one John Pierre Laudernan, now deceased, (with one of whose heirs the petitioner has since intermarried,) a tract of land lying in the Prairie des Chicots, in said parish, containing ten arpents front, or four hundred superficial arpents, on the 22d day of October, 1802, by order of the Spanish commandant of said parish, to indemnify said Laudernan for another tract of land for which he had a requête or order of survey, but which had been taken from him by another claim. From the affidavits of the other witnesses, it appears that a certain tract of land, which the said Laudernan claimed and resided upon in the year 1801, containing about four hundred arpents, and lying above Fort Miro, on the east side of the Washita river, was ascertained, by an experimental survey, to be within an older claim of the Baron de Bastrop; and that, in consequence thereof, the said Laudernan yielded the possession thereof to the said Bastrop; that, by a verbal order of the Spanish commandant, the survey of the land now claimed by the petitioner and other heirs of the said Laudernan was made by said McLauchlin to indemnify said Laudernan for the land the possession of which he had delivered to said Baron de Bastrop; that the said Laudernan took possession of said tract on the Prairie des Chicots in the year 1801, and inhabited and cultivated it from that time until his death, which happened in 1818; and that the petitioner has ever since inhabited and cultivated it, and has incurred considerable expense in its improvement; that when a requête was granted, the Spanish government required only that the land should be inhabited and cultivated by the claimant for three years, and that he should keep the road in front of the land open and in repair.

It is moreover proven that this claim was presented to the board of commissioners at Opelousas for confirmation, who rejected it because it appeared that a certificate had been previously granted in the name of John Pierre Laudernan for land above Fort Miro. Upon an examination of the report of the commissioners upon the claim of one Abraham Moorehouse, Nos. 42, 43, and 44, of the Washita report, it appears that the title to one of the tracts is derived from an order of survey conceded to John Pierre Laudernan, and that it was the opinion of said commissioners that his, Laudernan's, claim to a donation from the United States was thereby barred. Of the correctness of this decision it is presumed there could be no doubt, if the certificate granted by the commissioners in Laudernan's name had been granted for his benefit or by his consent.—(See Land Laws, p. 280, 2d section.) But by Hughes it is proven that the heirs of Abraham Moorehouse entered the said land above Fort Miro in the name of John Pierre Laudernan, and obtained the certificate from the commissioners. The foregoing are the facts upon which this case depends. It remains for the committee to say whether there are any circumstances which, in their opinion, should prevent the application to this case of the provision of the act above referred to, that not more than one tract should be granted to any one individual. They do not conceive that there are any such proven. Whether the land so entered by Moorehouse's heirs be the same, the possession of which was so delivered to Bastrop, is not entirely certain, nor is it important to ascertain. It is not pretended that the possession was delivered in consequence of any legal coercion. Whether Bastrop's claim was superior in law or equity to that of Laudernan is entirely uncertain. Indeed, it is not proven that any one saw the testimony of Bastrop's claim; and the claim which the commissioners confirmed was not upon that claim, but to the heirs of Moorehouse, upon an order of survey conceded to John Pierre Laudernan. There is no proof to show upon what authority said heirs used or claimed said Laudernan's order of survey. It might have been, and most probably was, upon a transfer of it to them or their ancestor. It surely is not to be presumed that the commissioners would have reported in favor of the claims of said heirs upon an order of survey in his name unless there had been proof before them showing such transfer. If Laudernan sold it, or permitted them to use his name, then this claim would, according to the spirit of the act of Congress on that subject, depend on the same principle as if the claim had been granted for his individual benefit. If there was no such contract or authority, some proof in relation to that matter should have been produced; and it should not be forgotten that under such circumstances the grant would, in a court of chancery, enure to the benefit of Laudernan. For the reasons above stated, the committee do report it as their opinion that, upon the proof submitted, the prayer of the petitioner ought not to be granted.

MEMORIAL of John Brest, of Washita, Louisiana, praying for a law to confirm his claim to a certain tract of land, with accompanying documents.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of John Brest, of the parish of Washita, in Louisiana, prays your honorable body to confirm him in his title to a certain tract of land in Washita, containing 410 superficial arpents; and, in support of his claim, he respectfully refers to the certified survey of the proper Spanish officer, and the depositions of John Hughes, James McLawchlin, John Heberard and others, properly certified and attached to this memorial; and, as in duty bound, will ever pray.

STATE OF LOUISIANA, *Parish of Washita, April* 25, 1824.

I do certify that I surveyed and bounded for John Pierre Laudernau, deceased, formerly of this parish, a tract of land lying in the Prairie des Chicots, in said parish, containing ten arpents front, or four hundred arpents superficial, (measure of Paris.) I made this survey on October 22 and 23, 1802, by order of Don Vincent Fernandez Tescheiro, commandant (Spanish) of this parish, to indemnify the said Laudernau for another tract of land for which he had a requête, and which was taken from him by another claim.

JAMES McLAWCHLIN, *formerly Spanish Surveyor, P. O.*

PARISH OF WASHITA, *State of Louisiana, ss:*

Before me, John Hughes, senior justice of the peace, duly commissioned and sworn, in and for the parish of Washita and State aforesaid, personally appeared James McLawchlin, esq., formerly Spanish surveyor for the district of Washita, then colony of Louisiana, who, being duly sworn, deposes and says that the facts set forth in the within certificate are true.

J. McLAWCHLIN.

Sworn and subscribed to before me October 4, 1824.

JOHN HUGHES,
Senior Justice of the Peace in and for the Parish of Washita.

[Plat of survey in the original MS.]

Ie certiffié d'avoir mesure et alligné en faveur du nomme Jean Pierre Laudernau, en presence d'Alexander Breard (syndic,) et deux habitans limitrophes une terre de 10 arpents de face (ou 410 arpents de superficie,) La quelle terre situeé sur la Rive Gauche du Ouachita a environs dix huit lieues de distance au sud du F. Miro (par Eau.) Conformement au present plan ou sont Marques Les Bornes Naturels et artificiels et nous avons. Signé le present 23me, 8bre, 1802.

J. McLAWCHLIN, *Arpantr. Partr.*
A. BREARD, *Syndic.*

STATE OF LOUISIANA, *Parish of Washita, ss:*

Before me, Oliver I. Morgan, parish judge in and for the parish of Ouachita, personally came and appeared Bastian Olivoux, inhabitant of said parish, who, being first duly sworn on the Holy Evangelists of Almighty God, deposes and says that he is fifty-eight years of age; has resided in this parish fifty-five years; that it is within his own personal knowledge that Pierre Olivoux sold his tract of land of four hundred arpents, on the Bayou Leard, in this parish, to the Baron de Bastrop; that John Pierre Laudernau inhabited and cultivated a tract of land on the Ouachita river above Fort Miro, a short distance below the junction of the Bayou Leard with the Ouachita river; that, in consequence of the title of the land sold by Pierre Olivoux to the Baron de Bastrop being of a prior and older date than the title of the land ceded by the Spanish government to John Pierre Laudernau, on making the survey it was found that the claim of Pierre Olivoux embraced the whole, or nearly the whole, of John Pierre Laudernau's land; that the land occupied by John Pierre Laudernau was well improved; that the said John Pierre Laudernau was a cripple, and had a large family, all too young to assist him; that, in consequence of which, the Baron de Bastrop paid the said John Pierre Laudernau about four hundred dollars in merchandise for his improvements; and that the Spanish commandant, Don Vicente Fernandez Teguro y Cota, told him to go to the Prairie de Chicots, about twenty-seven miles below Fort Miro, establish himself, and that he should have four hundred arpents of land there from the Spanish government; that the said Laudernau did go there, inhabited and cultivated the same from the year 1801 until he died; that his heirs and representatives (one of whom is Jean Brest, who intermarried with one of the heirs of the said Laudernau) have inhabited and cultivated the said land up to the present day; that the said John Laudernau removed from the land above Fort Miro against his will and consent; that he was ordered off by the Spanish commandant, and under that government, particularly in the parts under the jurisdiction of a commandant, his will was the only law; that the said John Pierre Laudernau, at the time he was ordered off by the commandant to go to the Prairie de Chicots, cried like a child.

And this deponent, not knowing how to write, hereto makes his ordinary mark, after the same having been fully read and explained to him.

his
BASTIAN ⋈ OLIVOUX.
mark.

Sworn to and subscribed before me February 2, 1827.

OLIVER I. MORGAN, *Parish Judge.*

The within-named Bastian Olivoux has always sustained the character of an honest man and a good citizen, and that his testimony is entitled to credit.

Given under my hand.

OLIVER I. MORGAN, *Parish Judge of the Parish of Ouachita.*

I have known Bastian Olivoux, who has subscribed on the reverse of this paper, for about seven years. During that period he has been an inhabitant of this parish, and has always, as far as comes within my knowledge, borne the character of an honest and correct citizen, and one entitled to credit.

J. H. OVERTON, *Judge of the Seventh District in the State of Louisiana.*

FEBRUARY 4, 1827.

Before me, Oliver I. Morgan, parish judge in and for the parish of Ouachita and State of Louisiana, personally came and appeared General John Hughes, who, being first duly sworn, deposes and says that he has resided in this parish (Ouachita) since June, 1799; that it is within the knowledge of this deponent that the Baron de Bastrop took a tract of land from John Pierre Laudernau (containing about four hundred arpents, lying about two miles above Fort Miro, on the east side of the Ouachita river) by virtue of an older title; that it was ascertained by a survey made by James McLawchlin, then Spanish surveyor for this district, who made the survey, and that the Spanish commandant was present at the survey made by the Baron de Bastrop, which was done in the year 1801; and that the Baron de Bastrop took possession of the same immediately after; and that, to indemnify Laudernau for the loss of his land above Fort Miro, taken by Bastrop, the Spanish commandant gave John Pre. Laudernau a tract of land about fifty-four miles below Fort Miro by water, or twenty-seven miles by land; and that James McLawchlin, Spanish surveyor, made the survey in the year 1802. This deponent further says that the commandant never gave written order to the surveyor to locate or survey lands given by the government, but were *always verbal.* This deponent further says the land given to Laudernau in lieu of the land above Fort Miro was occupied and cultivated by Laudernau in the year 1801; that the said tract of land was entered with the commissioners, occupancy and cultivation proved; that the commissioners would not grant a certificate for the same because a previous one had issued for the land above Fort Miro in Laudernau's name; this circumstance was not mentioned or *explained to the commissioner,* if it had this deponent believes *they would have granted one.* This deponent says he lived with the Spanish commandant at that time, and is well acquainted with the whole circumstance. And further says not.

JOHN HUGHES.

Sworn to and subscribed before me, the said parish judge, this thirteenth day of October, in the year one thousand eight hundred and twenty-four.

In witness whereof, I have hereunto set my name and affixed my seal of office the date above written.

[L. S.] OLIVER I. MORGAN, *Parish Judge.*

STATE OF LOUISIANA, *Parish of Ouachita, sct:*

I, Oliver I. Morgan, parish judge in and for the parish aforesaid, do hereby certify that there is no deed or copy of deed on file or of record in the archives of my office (where all conveyances of real estate ought to be) from John Pierre Laudernau, deceased, to the Baron de Bastrop, to Abraham Morehouse, or to any other person.

In testimony whereof, I have signed the present, and hereto affixed my seal of office, this sixth day of February, in the year 1827.

OLIVER I. MORGAN, *Parish Judge.*

PARISH OF OUACHITA, *State of Louisiana, ss:*

Before me, Mucius S. Spark, senior justice of the peace in and for the parish of Ouachita, State of Louisiana, personally came and appeared John Heberard, who, being first duly sworn on the Holy Evangelist of Almighty God, deposeth and says that he is seventy years of age in January next; that he emigrated to this country, Louisiana, in the year 1783; that it is within his personal knowledge that, in the year 1801, John Pierre Laudernau inhabited and cultivated the land where John Brest now lives; that the then Spanish commandant, Vicente Fernandez Teguro y Cota, gave to John Pierre Laudernau four hundred arpents of land at the Prairie de Chicot, in this parish, on the east bank of the Ouachita river, which the said Laudernau inhabited and cultivated until his death, (in the year 1818;) that, after his decease, John Brest purchased the rights of two of said Laudernau's heirs, Brest's wife inheriting one share; that the said commandant gave the above land to Laudernau as a compensation for the land above Fort Miro. The tract of land at the Prairie de Chicot was to be ten arpents front by forty deep.

This deponent further says that it is within his knowledge that the above land at Prairie de Chicot was inhabited and cultivated every year from 1801 to the present day by John Pierre Laudernau, and after his decease by his representatives; that John Pierre Laudernau was a poor man and a cripple, and was an honest and inoffensive man; that the deponent is convinced that his having been compelled to remove from the land above Fort Miro was of considerable inconvenience and disadvantage to him, inasmuch as he was poor and infirm, and had no other assistance than such as was afforded him by his two sons; and deponent further says that said Laudernau was the first person who ever settled on and improved said land in Prairie de Chicot. This deponent further says that he was alcade under the Spanish government; that under that government, when requêtes or orders of survey were granted, the only condition required was to keep the road open and improve in front of the land granted; to inhabit and cultivate the same for and during the term of three years, after which period the owner was at liberty to sell or dispose of the same; and on application to the commandant, by petition, the person applying could get the same quantity or more. And further this deponent saith not.

JOHN HEBERARD.

Sworn to and subscribed before me, Mucius S. Spark, senior justice of the peace in and for the parish of Ouachita, March 20, 1826.

MUCIUS S. SPARK.

PARISH OF OUACHITA, *State of Louisiana, ss:*

Before me, Mucius S. Spark, senior justice of the peace in and for the parish of Ouachita, also personally came and appeared Charles Betin, who, being first duly sworn, deposes and says that he will be sixty years of age next January; that he emigrated to this country in May, 1795, with the Marquis de Maison Rouge; that it is within his personal knowledge that all the facts stated in the foregoing deposition of John Heberard are substantially true, as relates to the land inhabited by John Pierre Laudernau, and that what relates to requêtes or orders of survey is also true. That this deponent was syndic under the Spanish government for many years; and further he said not.

C. BETIN.

Sworn to and subscribed before me March 20, 1826.

MUCIUS S. SPARK,
Senior Justice in and for the Parish of Ouachita, State of Louisiana.

The undersigned, residing judge of the seventh district of the State of Louisiana, do hereby certify that M. S. Spark, before whom the depositions annexed were taken, is, and was at the time of taking the same, a justice of the peace for the parish of Ouachita.

Given under my hand at Monroe, in the district aforesaid, March 26, 1826.

J. H. OVERTON, *Judge of the Seventh District.*

I certify the above witnesses to be gentlemen of the first and highest respectability, incapable of an incorrect statement upon any consideration, and entitled to full belief in everything they say. General Hughes is the present register of the land office north of the Red river in Louisiana.

WM. BRENT, *of Louisiana.*

PARISH OF OUACHITA, *State of Louisiana, ss:*

Before me, M. S. Spark, senior justice of the peace in and for the parish of Ouachita, in the State of Louisiana, personally came and appeared General John Hughes, who, being first duly sworn on the Holy Evangelists of Almighty God, deposes and says that he is forty-nine years of age; that he has resided permanently in this parish (Ouachita) since May, 1799; that it is within his personal knowledge that John Pierre Laudernau, now deceased, removed to and settled on a tract of land in the aforesaid parish, at a place known and called by the name of the Prairie de Chicot; that in the year 1801 the said John Pierre Laudernau inhabited and cultivated the said land until his death, which was in the year 1818; that since his decease, it has been inhabited and cultivated by the present claimant, John Brest, who married one of the heirs, and was entitled to her proportion of the land, and afterwards purchased the right of two of the other heirs to their share of the land. This deponent further says it is within his own personal knowledge that the said land has been inhabited and cultivated every year, since the first settlement made by John Pierre Laudernau, in the year 1801, to the present date, and now is; that the present claimant, John Brest, has been at much expense in building on and improving said land. This deponent further says he was a member of Vicente Tigiero y Cota's family, the Spanish commandant, in the year 1801; that it is within this deponent's knowledge that the said commandant told John Pierre Laudernau to go and settle at the Prairie de Chicot; that he should have four hundred arpents of land, in lieu of the quantity that was taken from him, where he had resided and cultivated for many years, about one and a half mile above Fort Miro. This deponent says that the land above Fort Miro was taken from the said Laudernau by a person who had, or pretended to have, an older title; that, at that time, it was not worth contending for, as land could be procured anywhere at the expense of surveying it. This deponent further says that he believes that John Pierre Laudernau received no advantage from the exchange of the land above Fort Miro and that on which he settled; but, on the contrary, this deponent believes it was a very great disadvantage to him, inasmuch as the land above Fort Miro was improved, whereas the land at the Prairie de Chicot was not. He was a poor man, without slaves, a cripple, and no person to work but two sons, who soon after got married and left him. This deponent further says it is within his knowledge that the Spanish commandant gave orders to James McLawchlin, then deputy surveyor of this district, under Laveau Trudeau, then surveyor general of the State of Louisiana, to survey the said tract of land (four hundred arpents) for John Pierre Laudernau, which he did, as this deponent believes, in 1802. This deponent further says the heirs or representatives of Abraham Moorhouse entered the land above Fort Miro, in the name of John Pierre Laudernau, and got a certificate for the same from the board of commissioners at Opelousas; that this deponent entered the land at the Prairie de Chicot, inhabited and cultivated by John Pierre Laudernau, with the commissioners at Opelousas, and made the necessary proof; that the commissioners would not grant a certificate for the same, in consequence of their having granted one for the land above Fort Miro. It is within this deponent's knowledge that they were not in the habit of granting more than one certificate in the name of the same person. And this deponent further says that, under the Spanish government, when requêtes or orders of survey were granted, the only condition required was to keep the road open and in repair in front of the land granted, to inhabit and cultivate the same for and during the term of three years; after which period the owner was at liberty to sell or dispose of the same; and, on application to the commandant by petition, the person applying could get the same quantity or more; and further this deponent says not.

JOHN HUGHES.

Subscribed and sworn to before me March 21, 1828.

M. S. SPARK,
Senior Justice of the Peace in and for the Parish of Ouachita, Louisiana.

STATE OF LOUISIANA, *Parish of Ouachita, ss:*

Before me, Oliver S. Morgan, parish judge in and for the parish aforesaid, personally appeared Mr. Alexander Breard, an inhabitant of said parish, who made oath that in the time of the Spanish government he was ordered and required by the commandant of the post of Ouachita to superintend, as syndic of said post, a survey of a tract of land, to be made for John Pierre Laudernau, by James McLawchlin, deputy surveyor under the Spanish government; and that he did assist the said McLawchlin in making a survey of four hundred arpents, in the Prairie Chicot, as ordered by the said commandant. And this declarant further states that the said commandant of the said post agreed that the said Laudernau should have the land in said prairie, provided Mr. Dupare, commandant of Point Coupee, would give up his pretensions to it, which was done; and the said Laudernau was directed by the said Spanish commandant to move on and take possession of the tract of land, which he did in the winter of 1801; and the survey was made in the year 1802 by the said McLawchlin, assisted by this declarant, by order of the commandant aforesaid.

A. BREARD.

Sworn to and subscribed before me, the said parish judge, February 3, 1827.

OLIVER J. MORGAN, *Parish Judge.*

I do hereby certify the above named Alexander Breard is a man of standing and respectability, well known as an honest man, and that his testimony is, and always has been, entitled to full credit.

Given under my hand February 3, 1827.

OLIVER J. MORGAN, *Parish Judge of Ouachita.*

I have known Alexander Breard, who signed the preceding deposition, for upwards of seven years. He is a man of unimpeachable standing, and his testimony entitled to full faith and credit.

J. H. OVERTON, *Judge Seventh District.*

OPELOUSAS, *December* 30, 1815.

The register of the land office and receiver of the public moneys of the western district of the late Territory of Orleans, now State of Louisiana, have the honor to report their decisions and opinions, for the revision of Congress, on the following claims to land within the said district, which were filed with the register pursuant to the acts of Congress entitled "An act giving further time for registering claims to land in the western district of the Territory of Orleans," passed March 10, 1812, and the act entitled "An act giving further time for registering claims to land in the eastern and western districts of the Territory of Orleans, now State of Louisiana," passed February 27, 1813, classing and arranging the same as follows, viz:

Class No. 7 will comprise claims founded on occupancy subsequent to October 1, 1800, and previous to April 12, 1814; and claims founded on occupancy commenced previous to the said first day of October, by persons holding, or having held, other lands in their own names in Louisiana, under French or Spanish grants or concessions, and which claims do not come within the purview of classes Nos. 5 and 6, ought not, in the opinion of the said register and receiver, to be confirmed, the right of pre-emption, to the extent of one hundred and sixty acres, (a quarter of a section,) being secured to the settler by an act of Congress passed April 12, 1814.—(See note G, at the end of the report.)

SEVENTH CLASS.

No. 473.

Register's No. 975. Hypolite Lauderneau claims six hundred and forty superficial acres of land, situated on the west side of Washita river, in the county of Washita, bounded above by land of widow Colandor, and below by land of the heirs of Augustin Ray. The evidence of John Hebert, aged fifty-seven years, taken November 25, 1813, states that the land has been inhabited and cultivated from the year 1799 to the present date, first by Francis Le Bouef, and subsequently by the claimant, a man of about thirty years of age, and head of a family.—(See note M.)

The following are claims which were reported by the late board of commissioners for adjusting claims to land in the western district of the late Territory of Orleans, now State of Louisiana, in which "written evidence or other testimony" has been adduced, in conformity with the second section of an act of Congress passed February 27, 1813, entitled "An act giving further time for registering claims to land in the eastern and western districts of the Territory of Orleans, now Louisiana:"

Claims to land in the county of Washita.

1262.

36. In the claim of John Pierre Lauderneau, jr., reported under the No. 36, John Hughes, esq., being sworn, November 25, 1813, before the register and receiver, deposeth that the claimant, a man more than thirty years of age and the head of a family, took possession of the land claimed in the spring of 1802 or 1803, and has inhabited and cultivated the same from that date to the present time. On reference to the late board of commissioners in this case, it will be seen that a survey was made of the land in question, by a surveyor under the authority of the Spanish government, in 1802, which, with the evidence of occupancy now offered, brings this claim within the fourth class of this report. It ought, therefore, in the opinion of the register and receiver, to be confirmed.

1263.

37. In the claim of John Pierre Lauderneau, sr., reported under the No. 37, John Hughes, esq., being sworn, November 25, 1813, before the register, deposeth that the claimant, a man nearly seventy years of age, and the father and grandfather of a numerous offspring, has inhabited and cultivated the land in question, constantly, from the year 1802 to the present date. In the claim of Abraham Moorhouse, reported by the late board of commissioners, Nos. 42, 43, and 44, of Washita report, it appears that the title to one of the tracts of land is derived from an order of survey conceded to John Pierre Lauderneau, whose claim to a donation from the United States is thereby barred. But, from the above evidence, this claim comes properly within the seventh class of this report, entitling the claimant to the pre-emption right of one quarter section.

Notes before referred to.

G.—The act of Congress granting pre-emption rights, which has been referred to in the seventh class, is silent as to the date at which lands should have been settled. The register and receiver have construed the law as granting the right of pre-emption, as far as one-quarter of a section, to any person who may have inhabited and cultivated the tract claimed at any time previous to April 12, 1814, the day on which the act was passed.

M.—The claimants ought to produce authenticated deeds of sale from the previous occupants. It does not necessarily follow that because A had occupied a tract of land in time to entitle him to a donation from the United States, and abandoned his claim thereto, that B, a subsequent settler on the same land, not within the provisions of the law, and without having obtained a legal transfer of the title of A, should be, in like manner, entitled. The register and receiver have, therefore, reported against such claims—claimants, in all such cases, having the right of pre-emption.

All which is respectfully submitted.

LEVIN WAILES, *Register of the Land Office.*
WM. GERRARD, *Receiver of Public Moneys.*

By order. Attest: GUY H. BELL, *Clerk and Translator.*

Hon. JOSIAH MEIGS, *Commissioner of the General Land Office.*

20TH CONGRESS.] No. 590. [1ST SESSION.

REMISSION OF FORFEITURES OF PARTIAL PAYMENTS FOR PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1827.

Mr. VINTON, from the Committee on Public Lands, to whom was referred so much of the President's message as relates to the public lands, having had under consideration so much of said reference as recommends "the remission of the forfeitures of partial payments on account of purchases of the public lands," reported:

That under the credit system, commonly so called, various acts of Congress were passed modifying the manner of selling the public lands, and altering the periods of credit. To attempt to enumerate those laws and their various provisions would lead into tiresome prolixity of detail.

The committee, therefore, deem it sufficient for the present purpose to remark that in all those laws some leading features are uniformly the same. One of these is that in all cases payment of part of the purchase money was required at the time of entering into the contract. Another, that in case of failure of the purchaser to pay according to the conditions of sale, the land sold and money paid were both forfeited to the government.

It could not but happen in the natural course of things that, among the many thousand of purchasers, great numbers should be unable to fulfil strictly their engagements to the government.

Individual miscalculation, misfortune, and disappointment, in every imaginable shape; the fluctuations of trade and of public affairs; the distressing revulsion in the circulating medium of the western country consequent upon the conclusion of the war; all tended (and especially the latter cause to a great extent) to bring about this result—a result, in all probability, beyond the control, in most instances, of human prudence or human calculation. Accordingly, forfeitures have taken place in the different States and Territories to the amount of $560,000, being near two per cent. upon the whole amount of sales of public lands. It is believed that in a great majority of cases these forfeitures have been incurred by actual settlers upon the land contracted for; and, in all cases, the government have, first, the land, (and indeed, in most instances, have resold it,) next, the purchase money paid, and, lastly, where improvements were made by the purchaser, the benefit of those improvements also.

The committee are aware that, by the terms of the contract, this class of purchasers have no legal claim upon the government for relief; but theirs is a case, in the opinion of the committee, of such palpable equity that an equivalent for the money paid cannot be conscientiously withheld. It is proposed to give them that equivalent by issuing scrip for the money paid, to be receivable as cash in payment for public land.

They therefore report a bill accordingly.

20TH CONGRESS.] No. 591. [1ST SESSION.

CLAIM TO LAND IN EAST FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 20, 1827.

Mr. SHEPPERD, from the Committee on Private Land Claims, to whom was referred the petition of Nicol Turnbull and others, heirs and representatives of Andrew Turnbull, deceased, reported:

That the petitioners seek to be confirmed in their claim to sundry extensive tracts of land situate in the Territory of East Florida. They state that grants for these lands were made by the British government to their ancestor, the said Andrew Turnbull, and several of his children, shortly after the treaty of 1763, ceding the Floridas to the British crown; they further represent that the principal motive for obtaining these extensive tracts of country was for the cultivation of silk, the vine, and the olive; and that with this view they were possessed and, in part, improved by the said Andrew Turnbull, until, by the experience of some years, it was ascertained that the soil and climate were unsuited to such productions, and that from this failure, and the commencement of the war between Spain and Britain, their ancestor, the said Andrew Turnbull, about the year 1779, abandoned his Florida possessions, removed with his family within the United States, and joined them in the war of the revolution; that upon the recession of East Florida to Spain, by the treaty of 1783, a commission was instituted at London in order to inquire into and make compensation to the inhabitants for injuries sustained in consequence of the transfer of the Territory as the price of peace; but that no compensation was made to their ancestor, on account of his having joined the United States in their war with Great Britain.

Upon this representation of facts, the petitioners insist that they have all along continued to possess a right to the lands in question; that Great Britain could not cede, nor Spain acquire, under the treaty of 1783, any power to dispose of or in any way affect individual titles to any portion of the Territory; and that all which, by the law of nations, can be transferred from sovereign to sovereign, in a territorial point of view, is that portion of the soil not previously granted to individuals. They further contend that, as they have continued to be inhabitants or citizens of this government upon our acquisition of East Florida, they are, by the right of postliminium, entitled to claim a repossession of all they or their ancestors held in Florida under grant of the British crown. Your committee cannot perceive the correctness of either of the positions assumed by the petitioners, but think that the converse of both will, upon a moment's consideration, be found to be true. Individual property may, by virtue of the *eminent domain* residing in the sovereign, be disposed of without the consent of the owner, and the citizen or subject affected thereby can only look for compensation to the government granting whilst the thing granted is absolutely disposed of, and no obligation rests upon the government to which it is transferred. Spain, therefore, acquired Florida and all and singular its territory, discharged of all conditions towards its then inhabitants and the owners of its soil, other than those imposed by the terms of the treaty of cession; and by the fifth article of that treaty, liberty is given to British inhabitants, or those who may have been subjects of Great Britain, to remove their persons and effects, and to make sale of their estates within a limited time; but neither the petitioners, nor he under whom they claim, availed themselves of the terms of this contract, and upon a failure to do so there was a forfeiture of the benefits which it proposed, and, consequently, a loss of all right of claim against the Spanish government. And by the subsequent acquisition of this government it has come under no other nor greater obligations than rested on Spain herself. Not only does the principle above adverted to negative the idea of the recognition of such claims on the part of the Spanish government, but, from the report of the commissioners appointed under an act of Congress to examine and report upon East Florida land claims, we are informed that in the cases now under consideration there had been no affirmance of the claim under that government; and the commissioners rely upon that circumstance as affording strong evidence to show that at the time of cession to this government the petitioners had no subsisting claim. Nor can your committee perceive how the right of postliminium can be applied to the case of the petitioners in relation to this government. This is a right alone subsisting between belligerents and their allies; and as to the war between Spain and Great Britain, this government was a mere stranger; nor, indeed, could the right asserted be made good even against the British government, for it only applies to cases of reacquisition of property or territory by the government to which it originally belonged, either by reconquest during the war or by cession by way of treaty. But, in the case we are considering, instead of the restoration of East Florida to Great Britain, it was actually ceded to Spain.

The committee are therefore unable to discover any fixed principle upon which the petitioners, even according to their own showing, are entitled to relief, nor is there anything offered in their case presenting such strong claims to the bounty or munificence of the government as to induce them to recognize their claim even to any extent. It is true they state that their ancestor took part in our revolutionary struggle, and that on this account no indemnity was allowed by the British government; yet by the terms of the treaty with Spain they were, within a limited time, permitted to make sale of the lands in question, which, it seems, they or their ancestor failed and neglected to do; nor does it appear to the committee that a disposition to aid in our revolutionary contest prompted their ancestor to remove from his possession in Florida; but, on the other hand, it is strongly inferable that had the vine and olive flourished under his culture, such removal would not have taken place.

The committee recommend the adoption of the following resolution:

Resolved, That it is inexpedient to grant the prayer of the petitioners.

20TH CONGRESS.] No. 592. [1ST SESSION.

GRANTS MADE TO FRENCH EMIGRANTS TO CULTIVATE THE VINE AND OLIVE.

COMMUNICATED TO THE SENATE DECEMBER 24, 1827.

TREASURY DEPARTMENT, *December* 21, 1827.

SIR: In obedience to a resolution of the Senate of May 20, 1826, I have the honor to transmit a copy of the contract made by the Secretary of the Treasury with the agent of the late emigrants from France, in pursuance of "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive," with a list of the names of the emigrants to whom lands were allotted under that contract, and of the allotments made to them, respectively, together with maps of the lands included in the contract upon which the several allotments are designated; also, a report made to this department by a special agent, showing how far, and by whom, any of the conditions of the contract have been performed, and the manner of such performance; and in cases where others than the original allottees are the occupants, under what tenure or authority; and showing, also, in cases where the conditions have not been complied with, the alleged causes of such non-compliance.

Accompanying the report of the special agent is a letter from the agent of the emigrants, which affords additional explanation of the circumstances which have prevented a more full compliance with the contract.

In regard to any forfeitures that are supposed to have been incurred for non-performance of the conditions of the contract, I have the honor to state that, as there is no provision in that instrument that forfeiture should follow the non-fulfilment of any of its conditions, it is considered most respectful to report the facts that have a bearing on the question.

It is deemed proper to state that, as it appeared that in some instances portions of these lands had been taken possession of by trespassers without any color of right, and in opposition to individuals claiming under the contract, instructions were given, by direction of the President, to the marshal of the district to cause such trespassers to be removed if, after three months' notice, they should refuse to do so. It is believed, however, that it has not been found necessary to carry these instructions into effect.

The delay in making this report has been caused by the illness of the agent who was employed by the department, and who is since dead.

I have the honor to remain, with the highest respect, your obedient servant,

RICHARD RUSH.

Hon. the PRESIDENT *of the Senate*

AIGLEVILLE, *February* 27, 1827.

SIR: I have the honor to acknowledge the receipt of your communication of the 22d of September ultimo, informing me of the appointment of William G. Adams, esq., of Tuscaloosa, as an agent from the Treasury Department to inquire and examine personally what progress had been made by the Tombeckbee Association in the fufilment of the conditions of the contract with the treasury of the United States. The answer thereto has been delayed in order that it might accompany the report of Mr. Adams. In the latter part of November he arrived at Aigleville, and exhibited his instructions from the Treasury Department, of which I am happy to say, from their liberality, we have nothing to fear from misrepresentation, prejudice, or partiality.

Among the instructions, we find that the president of the committee is required to afford every facility to enable the agent to obtain correct information upon the subject of his mission, and also to impart to the department any reason, explanation, or palliation, for the non-performance of any of the conditions of the contract made by the government with our association.

Your excellency will therefore permit me, in obedience to that clause of instruction, briefly to offer you some of the reasons why a failure of performance has, in some instances, occurred.

It will be recollected that the members of our association were chiefly composed of officers and merchants, possessing an extremely limited knowledge of either the science or practice of agriculture; that the region of country to which they were to remove was a perfect wilderness; and, under circumstances like these, it is to be expected that very many unforeseen and unexpected difficulties would present themselves; and as the common necessaries and means of support must be obtained before an entrance could be made upon the principal object of the association, (the cultivation of the vine,) we have, in many instances, been obliged to neglect the performance of our contract, and yield to the more immediate and pressing demands upon our industry for a bare competency and support. Many of the grantees, unfortunately for themselves, came prematurely to their lands; they came to the trackless desert or country, almost impervious to the approach of man, without a road or passway; consequently, the means of transportation to their particular allotments of land was so impracticable and expensive that many persons upon their arrival were compelled to settle, temporarily, on their small lots around the town of Aigleville, where their funds were exhausted, and they became unable to make a second settlement upon their large allotments. The surveyor's report of these lands will exhibit the difficulty of passing through the country, their notes showing that for many days they could not proceed more than two or three miles per day. Many of us were obliged to pay as much as four and five dollars per bushel for corn, and a proportionate price for many other articles of provision, which prices were very frequently doubled by the difficulties of transportation to their residences. Forty or fifty dollars have often been paid for a cow and calf, which can now be purchased for eight or ten dollars. Thus commenced our settlement; and possessing little knowledge of agriculture, strangers to the language, the manners, and habits of the people of this country, we have been greatly retarded from making that rapid progress which, perhaps, the citizens of the United States would have made. In addition to those natural difficulties under which we labored, we had other and more serious ones to encounter; for upon almost all that part of our grant which was

the most easy to settle and cultivate, the squatter, who is the pioneer of all new countries, had fixed himself. He, just having experienced the difficulties of settling a new country, at once became hostile to our claims, and sternly refused possession to the grantees, in some instances denying the right of the emigrant, and in many others threatening the most violent and determined vengeance upon any person who would interfere with their settlement. From these circumstances many were deterred coming to their lands, and in many instances those difficulties exist until this day, there having been as yet but one judicial decision upon this subject, which was in 1825, which adjudged to the grantee the right of possession and entry; but many still continue wrongfully to hold our lands, and refuse possession. Again, many of the allotments, from their natural locality, being within the prairie country, admit of no settlement, on account of the impracticability of procuring water, many having dug to a great depth unsuccessfully; these still remain unsettled and unimproved. I further will remark that for several years the colony was remarkably unhealthy, scarcely a family escaped sickness, and numbers of the grantees died. These, sir, are some of the reasons why failures have occurred in regard to the conditions of settlement, &c.

You will now permit me to mention some of the causes which have produced failures in the condition relative to the cultivation of the vine; and here some of the same reasons present themselves that have been previously stated—the necessity of first acquiring the means of subsistence; the difficulty and length of time required in preparing and cleaning land for that purpose, that the seven years had nearly elapsed before this was accomplished; yet very early importations of the vine were made long before the time necessary for planting them. But a large quantity of those first imported arrived out of season; and when we consider the lateness of the season in Europe when the cutting must be taken, and the early time at which they must be planted here, it will be seen that any delay in the arrival of vessels must prove fatal to the vines, and they will arrive out of due season. Many more vines have been shipped in due time, and had they all safely arrived, those would have been more than requisite to comply with the condition of the contract, upon all the allotments, by the time required. All that have arrived alive have been carefully planted, and none wasted; as evidence of which they sold at first for twenty-five cents a piece, then twelve and a half, and the last year at six and a quarter cents. A great number died after planting, owing, as we believe, to the newness of the soil on which we are obliged to plant. The vine requires old land, which we have not; and at first, not knowing the cause, the result was discouraging. Those planted in older soil grew better, and are not so apt to die. Again, many kinds of the vine have been imported which do not succeed in this country, and it is but very lately that we are enabled, in some degree, to ascertain the quality and kind of vine best adapted to this climate. At this time the great question seems to be the proper mode of cultivation, and, instead of seven, perhaps seventy years may be required correctly to ascertain this fact. This will be readily conceded when it is known that in France, in many places, the mode of cultivation is radically different on opposite sides of the same river or mountain, and on farms differently situated in the same country. Your excellency is well aware how many years, nay centuries, Europe has required to obtain this experience and perfection. We can assert that, from our own experience, seven years are not sufficient to enable us to cultivate the vine successfully in an old country, and much more so in a wilderness. We have, however, introduced vine enough to supply the country in due time; and whatever may be our own fate, (perhaps like that of most others who have engaged in a new branch of industry,) the time will arrive when through our exertion others may be profited. It is not, I presume, vanity in us to say that we have awakened the public mind and drawn it to the subject, which is now fairly before the people of this country, and whose attention thereto is favored by the general state of things, and we trust the object of our exertions will be finally accomplished.

You will permit me further to state that Mr. Adams conceived it to be his duty to report facts as they are; consequently, in many instances, when the allottees had transmitted the vine for the purpose of complying with the contract, and they arrived dead, or did not arrive at all, those persons were reported as not having performed the conditions of the contract.

Your excellency will observe from the report of Mr. Adams that many olive trees have been imported; but we have been peculiarly unsuccessful in their cultivation, and it is very uncertain whether our soil and climate will be congenial to their growth. Since Mr. Adams was with us we have had a larger importation of fine-looking olive trees; they have been carefully planted, but their success is very doubtful.

From the very serious and protracted illness of Mr. Adams, we presume his report will not reach the department in time to be presented to the present Congress. Could it have been transmitted, it was the intention of the association to have accompanied it with a petition to government, respectfully asking the full term of the contract to perform the conditions of settlement, cultivation of the vine, &c. During the next session we beg leave to transmit our petition to the Treasury Department, with a hope that your excellency, indulging us with that great liberality which you have heretofore extended to our association, will present to Congress our petition, together with the report of the agent of the department, who exhibited the same to me, and to which I have no further remarks to make.

I have the honor to remain, very respectfully, your excellency's most obedient and humble servant,

F. RAVESIES, *Agent of Tombeckbee Association.*

His Excellency RICHARD RUSH, *Secretary of the Treasury.*

SPRING GROVE, *Tuscaloosa, February,* 1827.

SIR: Your letter, dated September 22, 1826, of instructions and information apprising me of my appointment by the Treasury Department, and the duties of the appointment, accompanied by a copy of an act of Congress passed March 3, 1817, the contract made by Villar, agent of the French emigrants, and the Treasury Department, a list of the grantees, with the number of their allotment, and a general map, with a particular plat of each township named in the contract relative to four townships of land granted to French emigrants, all reached me safe on the 1st of November last, at a time when my health would not permit me to attend to the duties of the appointment until some days thereafter. In that time, however, I apprised Mr. Ravesies, the agent, of my appointment, and furnished him with the information requested by your instruction. In November I attended at Eagleville, and commenced the duties of my appointment, and proceeded without delay until my report was nearly ready to be transmitted to the Treasury Department, when ill health again threw me on a sick bed for six weeks, which has been the cause of such delay in the work, and I fear may prevent it from being so full to every point as may be wished for. I am, however, persuaded that it contains no errors that will materially injure the rights of

either of the contracting parties. From the most deliberate examination which I have been able to give to the resolution of the Senate, the instructions furnished to me by the Treasury Department, the contract, and the several acts of Congress, I have been fully confirmed in the belief that it has not been made my duty to determine whether any one or more of the grantees, for the non-performance of any one or more of the conditions in the contract, has or has not forfeited their allotment; nor whether any excuse that they, or any of them, may offer for the non-performance of any one or more of the conditions in the contract does or does not furnish sufficient equitable grounds of relief from forfeiture or not; but that I am to examine fully into the matter and things pertaining thereto, and exhibit a statement of such facts touching the same, as will enable the properly constituted authorities to make that determination; and in conformity to this opinion I have been guided in the work. In the plan of the work I have followed the course advised by yourself, and have found it the most convenient and expeditious that perhaps could have been devised. And here I will explain the manner in which the terms and remarks made use of are to be understood, to wit: the first line of figures shows the number of the section; the second the number of the allotment, and the grantee to the right; and opposite these the exhibition of facts relative to the performance or non-performance of any one or more of the conditions in the contract, and the excuse offered for such non-performance. Wherever the term "settlement made" is used, it is to be understood as a settlement made on that allotment, (unless otherwise noted,) before the expiration of three years from January 8, 1819; and the term "vine planted," is to be understood that the vine was planted on that allotment, or some other, or one of the small allotments laid off on some of the four unnumbered sections, before the expiration of seven years from January 8, 1819; it is also exhibited by whom the settlement was made, and by whom the vine was planted; by whom and to whom sales or transfers have been made or descents passed; and who is in possession, and under what title, except in cases where it could not be ascertained whether the grantee, or the heir, or the claimant by purchase or otherwise, was living; in such cases nothing is said about the possession. You will discover that in some cases it is noticed that a settlement has been made on the small allotments in the unnumbered sections in lieu of the large allotment; this I have done at the request of the party interested, in order that their claim to a performance, if such a one amounted to any, might be laid before Congress. I have inquired into, and heard every cause and excuse which the claimant interested wished to offer for the non-performance of all, or any part of the contract, and such as might furnish any equitable ground for relief, and set forth the facts opposite the number of the allotment. Wherever the term "*no performance*" is used, it is to be understood that the grantee, nor no one claiming through him or her by purchase or otherwise, has, at any time from the date of the contract up to the present time, attempted to perform any part of the contract, or offer any excuse for the non-performance of the same. In order to avoid repetition, I have in this part of the work made no showing of the quantity of land cleared and in cultivation in the aggregate; the quantity cultivated in vine in the aggregate; the cultivation of the olive tree, (requisites in the second, third, and fourth conditions of the contract,) nor the manner in which the contract has been performed, which by your instructions I am required to do; and the manner of performance is more particularly required by the resolution of the Senate, with other general information touching the things in question, all of which you will find done by turning to the last sheet of my report.

Report of the special agent appointed by the Secretary of the Treasury respecting the condition of the grants of lands made to French emigrants for the encouragement of the cultivation of the vine and olive.

No. of the section.	No. of the allotment.	State of the grants.	No. of the section.	No. of the allotment.	State of the grants.
1	1	Settlement made by grantee; he then sold to Jas. Childers, who planted the vine, and is now in possession as purchaser.	4	12	Sold by grantee to Louis Binsse, now in possession. Settlement made by Louis Belair on account of purchaser. No vine planted. Binsse hired a person, and furnished him with the means to plant the vine, but he failed to perform his undertaking. A second supply of the vine has been shipped, and perished from their arriving too late to be preserved until planting season.
1	2	Sold by grantee to Mark Antoine Frenaye and Peter F. Fontanges, and by them to Charles D. Conner, now in possession. Settlement was made by Frenaye and Fontanges, and the vine planted by Conner.			
2	3	Sold by grantee to Corneille Roudet; by him to Frederick Ravesies, now in possession. Settlement made by Roudet, and vine planted by F. Ravesies.	4	13	No performance.
			5	14	No performance.
			5	15	No performance.
2	4	Settlement by grantee, who sold to Frederick Ravesies, now in possession, and vine planted by him.	5	16	Settlement by grantee's agent; sold by grantee to Thomas Newman, now in possession, who planted the vine.
2	5	Sold to Melizet François by grantee. Settlement made by purchaser, but no vine planted. Purchaser died in 1823; left infant heirs; not known who is in possession.	5	17	Settlement by grantee, now dead; left a widow in possession; no vine planted.
			6	18	No performance.
2	6	In the same condition and right.	6	19	No performance.
2	7	Settlement by grantee, but no vine planted.	7	20	Settlement by grantee; no vine planted. This allotment is frequently covered many feet deep with water.
3	8	Sold by grantee to Frederick Ravesies, now in possession, who made the settlement and planted the vine.	7	21	No performance.
3	9	Sold by grantee to Marie Louise F. Beylle, now in possession. Settlement was made on purchaser's account by John B. Herpin; vine planted by purchaser.	8	22	Settled by and vine planted by grantee, in possession, who settled and planted vine.
			8	23	Sold by grantee to Edward George, now in possession, who settled and planted vine.
4	10	Settlement by grantee, now dead. Sold by grantee's administrator, by an order of court, to Peter F. Fontanges; by him to F. Ravesies and J. Childers, now in possession, who planted the vine.	9	24	Settled by Charles Villar on account of grantee; vine planted by John Bell on account of grantee, who is now in possession.
4	11	No performance.	9	25	No performance.

Report of the special agent appointed by the Secretary of the Treasury, &c.—Continued.

No. of the section.	No. of the allotment.	State of the grants.
10	26	One quarter section sold by grantee to Charles D. Conner, now in possession; the balance of the allotment in possession of grantee. Settlement was made by grantee's agent in 1825; no vine ever planted. Vines shipped in time to be planted, but found to be dead on their arrival.
10	27	Sold by grantee to Charles Brugiere, now in possession; settled by Mark Antoine Frenaye on account of purchaser; no vine planted, but was shipped, and came to hand dead.
11	28	Sold by grantee to Mark A. Frenaye and Peter Fontanges; by them to Charles D. Conner, now in possession. Settlement was made by Frenaye and Fontanges; the vine planted by C. D. Conner.
11	29	No settlement until February, 1822; vine planted by Charles D. Conner, now in possession, as agent of grantee.
12	30	Settlement by grantee, who then sold to John B. Toulmin; vine planted by C. D. Conner on Toulmin's account; Toulmin in possession.
12	31	No settlement; vine planted by Frederick Ravesies, agent of grantee; grantee gave this allotment to her daughter, who since married George N. Stewart, who is now in possession.
12	32	No performance.
12	33	Settlement by grantee's agent, now in possession; no vine planted.
13	34	No performance.
13	35	No performance.
13	36	Settled by grantee, now in possession; but no further performance.
13	37	No performance.
14	38	Settlement by grantee's agent, on account of grantee, on one quarter section; grantee now in possession of that one. One quarter was sold to Henry Lallemand, since dead, who left infant heirs; one to Yorick Noel, now in possession. No vine planted on any part of the allotment.
14	39	No performance.
15	40	Settlement by grantee; no further performance; grantee died; left wife and infant heirs in possession.
15	41	Sold by grantee to Charles Lefebvre and Nicholas Raoul, who made settlement, planted the vine, and leased out for a term of years, ending on Christmas, 1826.
15	42	Settlement by grantee, who then sold to Lintray, now dead, leaving wife in possession; no vine planted.
16	43	Sold by grantee to Frederick Ravesies, now in possession, and made settlement, but planted no vine.
16	44	Sold by grantee to Lefebvre, who made settlement and planted the vine, and died; in possession of Francis Martin, lessee at will under the heirs.
17	45	Settlement and vine planted by Lefebvre, who claimed and held it in lieu of his own allotment by virtue of a provision in the 7th article of the contract made by government with Charles Villar. It is now in possession of Francis Martin, lessee at will under Lefebvre's heirs.
17	46	In the same condition and right as the above.
17	47	Sold by grantee to Isaac Butuad, who made the settlement and planted the vine, and died; left wife and infant heirs in possession.
18	48	Settlement made by grantee's agent; no vine planted; in possession of grantee.
18	49	Settlement by grantee; no vine planted; grantee died, leaving wife and infant heirs in possession of lessee under them.
18	50	Sold by grantee to Peter Hurtel, who sold to Joseph and Francis Kimber, now in possession, who made settlement, but only twelve vines planted.
19	51	Sold by grantee to Thomas Newman, now in possession. Settlement made by his agent; vine planted by himself.
19	52	Sold by grantee to Francis Teterel, who made settlement and planted the vine; now dead; left heirs in possession.
20	53	No performance.
20	54	No performance.
20	55	No performance.
21	56	Sold by grantee to Francis Teterel, who made settlement, planted the vine, is dead, and left heirs in possession.
21	57	Sold by grantee to Willis, who sold to Thomas Raser, now in possession, by whom settlement was made and the vine planted.
22	58	Sold by grantee to Eli Fourestier and J. B. Metais, now in possession. Settlement by John C. Deboutiere, their agent; no vine planted.
22	59	No performance.
23	60	No performance.
23	61	No performance.
24	63	No performance on the large allotment, but settlement made and vine planted on the small one by grantee, now in possession.
24	64	No performance.
25	67	Settlement by agent for grantee; no vine planted; grantee in possession.
26	68	Sold by grantee to Peter M. Stollenwerck; by him to Julius Chaudron & Co. Settlement was made by Stollenwerck, and vine planted by Chaudron & Co., now in possession.
26	69	Sold by grantee to P. M. Manaurey; by him to Edward Chaudron, now in possession. Settlement was made by Chaudron on account of grantee; vine planted by Chaudron on his own account.
26	70	Sold by grantee to Peter F. Fontanges; by him to Edward Chaudron, now in possession. Settlement was made by Mark Antoine Frenaye on account of Fontanges; vine planted by Chaudron on his own account.
27	71	Settlement by grantee, now in possession; no vine planted.
27	72	Settlement by grantee, now in possession; no vine planted.
28	73	Settlement made and vine planted by grantee's agent; grantee now in possession.
28	74	No performance.
29	75	Settlement by grantee's agent; no vine planted; in possession of grantee.
29	76	Settlement by grantee's agent, and in his possession; no vine planted.
30	78	Sold by grantee to Mark Antoine Frenaye; by him to A. Bird, who is now in possession, and made settlement, and planted the vine.
31	79	Settlement by A. Bird, lessee of granteee, now in possession as lessee; no vine planted; shipped, but arrived dead.
32	82	No performance; grantee dead.
33	83	No performance.
33	85	No performance.
34	86	No performance.
34	87	No settlement; sold by grantee to N. Thauron, now in possession, who planted the vine.
34	88	No performance.
35	89	No performance.
35	90	No settlement; sold by grantee to Francis Teterel, now dead; left wife and infant heirs in possession; vine planted by J. Bell, Teterel's agent.
36	91	Settlement by grantee; no vine planted; grantee dead; left wife and infant heirs in possession.
36	92	Settlement by grantee, and in his possession; no vine planted.
37	93	Sold by grantee to Thomas Newman, now in possession; made the settlement and planted the vine.
37	94	No performance.
38	95	No performance; grantee died on his way to the grant.
38	96	Sold by grantee to Louis Lauret; by him to Louis Malin, now in possession. Settlement was made by Victor Desplan on account of Lauret; no vine planted.
38	97	No performance.
39	98	No performance.
39	99	Sold by grantee to John B. Toulmin, now in possession. Settlement was made by grantee, and the vine planted by Toulmin.
40	100	Sold by grantee to A. Tesseire, now in possession, who made the settlement, but planted no vine; vine shipped, but perished from arriving out of season.
40	101	Sold by grantee to Alexander Terrier and Antoine Tesseire, by whom settlement was made, but no vine planted. Terrier dead; left heirs in possession of his part, and Tesseire in possession of his.
41	102	Sold by grantee to John Larroque; settlement made by Edward Chaudron on account of purchaser; no vine planted; now in possession of trespasser.
41	103	Settlement made and vine planted by grantee; in possession of his lessee.
42	104	No performance.

Report of the special agent appointed by the Secretary of the Treasury, &c.—Continued.

No. of the section.	No. of the allotment.	State of the grants.
42	105	Sold by grantee to Claude Payen, by him to C. and A. Batre, now in possession; settlement made by Payen; no vine planted.
43	106	No performance.
43	107	No performance.
44	108	No performance.
44	109	No performance.
45	110	Sold by grantee to Thomas Newman, now in possession, who made settlement and planted the vine.
45	111	No performance.
46	112	No performance.
46	113	Sold by grantee to J. S. Duval, who made the settlement; is now in possession, but planted no vine.
47	114	Settlement by grantee, in possession; no vine planted.
47	115	No performance.
48	116	Sold by grantee to Charles Brugiere, by him to A. F. Follin, now in possession. Settlement was made by William Stewart on account of Brugiere; vine planted by Follin.
48	117	Same right and same condition as the above.
49	118	Grantee dead, leaving heirs; settlement made and vine planted by J. Greer, in possession, as lessee under the heirs.
49	119	Sold by grantee to C. and A. Batre, by them to A Follin, in possession; settlement by C. and A. Batre; vine planted by Follin.
49	120	Sold by grantee to Bazil Meslier, now in possession, who made the settlement and planted the vine.
50	121	Grantee in possession, who made settlement by his agent, but planted no vine.
50	122	No performance.
51	123	One hundred and twenty acres sold by grantee to Amand Pfister, now in possession, who made settlement on the one hundred and twenty acres, but planted no vine; balance in possession of grantee, but no settlement made nor vine planted. About two thousand vines were planted on a small lot by Pfister, and nearly all perished.
51	124	Sold by grantee to Baum Garthen, now in possession, who made settlement, but planted no vine.
52	125	Sold by grantee to Mark Antoine Frenaye, by him to James Bass, by him to Henry E. Turner, now in possession, who planted the vine. The settlement was made by Frenaye on account of himself.
52	126	Settlement made and vine planted by Emile Chaudron, now in possession, as purchaser of grantee.
53	127	Settlement made by Thomas Newman, now in possession, as purchaser of grantee, and the vine planted by his agent, John Bell.
53	128	No performance.
53	129	No performance.
54	130	Settlement made by grantee's agent; no vine planted.
54	131	Sold by grantee to Frederick Ravesies, now in possession, who made the settlement and planted the vine.
54	132	Sold by grantee to E. Baum Garthen, now in possession, who made the settlement and planted the vine.
55	133	No performance.
56	134	Settlement made by grantee; since dead; no vine planted.
56	135	No performance.
57	136	No performance.
57	137	No performance.
58	138	Sold by grantee to Thomas Newman, now in possession, who made the settlement, and the vine planted by his agent, John Bell.
58	139	No performance.
58	140	Sold by grantee to Edward Chaudron, now in possession, who made the settlement and planted the vine.
59	141	Settlement made and vine planted by John Shultz on account of grantee; grantee now in possession.
59	142	Settlement made and vine planted by John Shultz, on account of J. S. Duval, now in possession as purchaser of grantee.
60	143	No performance.
60	144	Settlement by grantee, and vine planted by same, in possession.
61	145	No performance.
61	148	Settlement by grantee in possession; no vine planted.
62	149	Grantee dead, leaving wife, who married General Rico, who made the settlement, but no vine is planted; three different shipments of sufficient quantity each was made, but perished by arriving out of season.
62	150	No performance.
63	151	Sold by grantee to Julius Martineire, now in possession; no settlement was made; vine planted by Martineire on lot No. 308.
63	153	Sold by grantee to James S. Duval, now in possession; settlement was made by John Shultz, his ag't, but no vine planted.
64	154	No performance. It appears that a tornado has so thrown down the timber on this lot as to make it exceedingly difficult for grantee to perform his contract.
64	155	No performance.
65	156	No performance; grantee died on his way to the grant.
65	157	No performance.
66	159	No performance.
66	160	No performance.
66	161	No performance.
67	162	Settlement by grantee in possession; vine planted by his agent, J. Bell.
67	163	No performance; said to be sold by grantee; purchaser's name unknown.
68	164	Settlement by grantee, who then sold to Louis Binsse; no vine planted. Binsse employed an agent, and furnished the means to plant the vine, but agent misapplied them; has shipped other vines, which arrived dead.
68	165	Sold by grantee to V. George, now in possession; settlement was made by A. George on account of V. George, on small lot in lieu of the large one; no vine planted.
69	166	No performance; grantee in possession. A settlement was made by a trespasser, which grantee claims as his own, but it does not appear that the grantee entered within three years from the making of the contract.
69	167	No performance.
70	168	Sold by grantee to Corneille Roudet and Francis Melizet, now in possession; settlement was made by a trespasser, but the purchasers entered before the expiration of three years and planted the vine.
70	169	No performance.
71	170	No performance.
71	171	Sold by grantee to Nicholas Thouron, now in possession; settlement was made by Thomas Scott, lessee of Thouron, and vine planted by his agent.
71	172	Same condition and same right.
71	173	Sold by grantee to Emile Chaudron, in possession, who made settlement and planted the vine.
72	175	No performance.
73	176	No performance.
73	177	Sold by grantee to Thomas Newman, now in possession, who made settlement; vine planted by his agent, John Bell.
74	178	Sold by grantee to Peter Hertel, who sold to John Hertel, by him to George Goodrum, now in possession, who made the settlement and planted the vine.
74	179	No performance.
75	180	Sold by grantee to Peter Hertel, who made settlement, died, left wife and infant heirs in possession; vine planted by John Hertel, the executor.
75	181	In the same condition and same right.
76	182	Settlement made by François Stollenwerck on account of grantee; no vine planted; the vine is preserved in nursery ready to be planted. Grantee is in possession.
76	183	No performance; grantee in possession; vine has been procured by agent, but came to hand too late.
76	184	Sold by grantees to James S. Duval, given by him to John Shultz, now in possession, who made settlement and planted the vine.
77	185	Settlement made by Edward Chaudron on account of grantee; no vine planted. Grantee died, left wife in possession.
77	186	Settlement made by Edward Chaudron on account of grantee; grantee now in possession; no vine planted.
77	188	No performance.
78	189	Settlement made by Charles Villar, agent for grantee; no vine planted; in possession of grantee's lessee.
78	190	No performance; said to be sold by grantee to a purchaser whose name is not known.

Report of the special agent appointed by the Secretary of the Treasury, &c.—Continued.

No. of the section.	No. of the allotment.	State of the grants.
79	191	Settlement made by grantee, and vine planted; grantee in possession of one half, and J. J. Cluis the other half, by purchase of grantee.
79	192	Sold by grantee to Charles Brugiere, now in possession, who made the settlement, but has not planted the vine.
79	193	No performance.
79	194	No performance.
80	195	This allotment is claimed by George V. Stewart as the original grantee, who is now in possession, and states, as a reason for his taking and holding possession, that his name was wrongfully erased from the original printed list without his knowledge or consent. Settlement was made by his lessee, but no vine planted; the vine was shipped, but lost at sea.
80	196	No performance.
81	197	Sold by grantee to Marie Louise T. Beylle, now in possession, who made the settlement and planted the vine by her agent, J. B. Herlein.
81	198	No performance.
82	199	Sold by grantee to Thomas Newman, now in possession; settlement made and vine planted by his agent, John Bell.
82	200	Same condition and right.
82	201	Same condition and right.
82	202	Same condition and right.
83	203	No performance.
83	204	No performance.
83	205	Sold by grantee to A. George; by him to Francis Stollenwerck, now in possession, who planted the vine; settlement was made by A. George.
83	206	Sold by grantee to V. George, now in possession, who made the settlement and planted the vine.
84	207	Settlement made by Lemuel Sanderson on account of the grantee's heirs; vine planted by Sanderson on account of the same; in possession of the heir's lessee.
84	208	Sold by grantee to a purchaser whose name is unknown; settlement was made by Charles Debos on account of purchaser; no vine planted; unoccupied.
85	209	Settlement made and vine planted by grantee, now in possession.
85	210	No performance.
86	211	Sold by grantee to Wm. Promis, who died, leaving wife and infant heirs in possession, who made a settlement, but planted no vine.
86	212	No performance; sold by grantee to Wm. Promis, who died, leaving wife and infant heirs in possession.
87	214	Settlement made and vine planted by Gusnard and Herpin on account of grantee; grantee then sold to Gusnard, Herpin, and John Chapron, now in possession.
87	215	No performance.
88	216	Settlement made by John Bell on account of grantee, who then died, leaving wife and infant heirs, who caused the vine to be planted by their agent, John Bell, lessee of wife and heirs, now in possession.
88	217	No performance.
89	218	Sold by grantee to a first, and by that first to a second purchaser, whose names I have not been able to ascertain; and by the second to Wm. H. Broadnax, a third purchaser, now in possession, who made the settlement and planted the vine by his agent, Robert W. Withers.
89	219	Settlement made and vine planted by A. George on account of grantee, who is now in possession.
89	220	No performance.
89	221	No performance; sold by grantee to Mark Antoine Frenaye; by him to Robert W. Withers, now in possession.
89	222	No settlement; sold by grantee to a first, and by that first to a second purchaser, whose names I have not been able to ascertain; and by the second to Wm. H. Broadnax, a third purchaser, now in possession, who planted the vine by Robert W. Withers, his agent.
90	223	Settlement made and vine planted by grantee, now in possession
90	224	No settlement; sold by grantee to John Chapron, now in possession; vine planted by his agent, John Bell.
91	225	Settlement made by John Arpin on account of grantee, now in possession; no vine planted; vine arrived too late, and was put in nursery to preserve for planting.
91	226	Sold by grantee to Joseph Mattheiau, now in possession, who made settlement by John B. Arpin, his agent; no vine planted; vine in the same condition as the above, No. 225.
92	227	No performance.
92	228	No performance.
93	230	Sold by grantee to Gaspard Bonnot, who made settlement and sold to Augustine Figurie and John Burgues, who sold to Edward B. Colgin, who planted the vine and sold to James Shaw, now in possession.
93	231	No performance.
93	232	Sold by grantee to Gaspard Bonnot, who made settlement and sold to Augustine Figurie and John Burgues; by them sold to Edward B. Colgin, who planted the vine and sold to James Shaw, now in possession.
94	233	No performance.
94	234	No performance.
95	235	Sold by grantee to Thomas Newman, now in possession, who made the settlement and planted the vine.
95	236	Same as the above allotment.
95	237	No performance.
95	238	Sold by grantee to Thomas Bazel, who made the settlement and planted the vine.
96	239	Settlement made and vine planted by grantee in possession.
96	240	No settlement; sold by grantee to John Chapron, now in possession, who planted the vine by his agent, John Bell.
97	241	Settlement made by grantee's agent; grantee now in possession; no vine planted.
97	242	No settlement; sold by grantee to John Chapron, now in possession, who planted the vine by his agent, John Bell.
98	243	Settlement made by grantee's lessee, now in possession; grantee dead, leaving wife and infant heirs.
98	244	No settlement; sold by grantee to John Chapron, now in possession, who planted the vine by his agent, John Bell.
99	245	Sold by grantee to Thomas Newman, now in possession, who made settlement and planted the vine.
99	246	No performance.
100	247	Settlement made by Jacqueline Brewel, who purchased the half of this allotment of the grantee, and is now in possession; no vine planted; was shipped and perished on the way; the grantee then died, and the balance has been sold by administrator to Jacqueline and A. Pfister, now in possession.
100	248	No performance.
101	249	Settlement made by Edward Chaudron on account of grantee; grantee then died, leaving wife and heir in possession; no vine planted.
101	250	No performance.
102	251	Sold by grantee to F. Teterel and V. George, now in possession, who made settlement by their agent, A. George, and planted the vine by their agent, John Bell.
102	252	Sold by grantee to M. Chapron, now in possession, who made settlement, and planted the vine by his agent.
103	253	Settlement made and vine planted by Charles Villar, on account of grantee; grantee now in possession.
103	254	Sold by grantee to Thomas Badaraque, now in possession, who made the settlement by his agent, Richard Culbertson, and planted the vine by his agent, Charles Villar.
104	255	Sold by grantee to Thomas Newman, now in possession, who planted the vine by his agent, John Bell.
104	256	Same condition and right as the above allotment.
104	257	Same as the above.
104	258	Same as the above.
105	259	Sold by grantee to Teterel, now in possession, who made the settlement, and had the vine planted by his agent.
105	260	Sold by grantee to John M. Chapron, now in possession, who made the settlement and planted the vine.
106	261	Settlement by trespasser, who kept grantee out of possession until obtained by law, sometime in the year 1825; the vine which was shipped arrived too late to be planted; in possession of grantee's lessee.
106	262	Sold by grantee to —— Frenaye, by him to Durrat White, now in possession. Settlement was made by a trespasser, who kept Frenaye out of possession three years; the vine was planted by White.

Report of the special agent appointed by the Secretary of the Treasury, &c.—Continued.

No. of the section.	No. of the allotment.	State of the grants.
107	263	Settlement made by Henry Lenison on account of grantee; grantee then sold to Henry Williman, who planted the vine, and is now in possession.
107	264	Settlement made by J. B. Stickney on account of grantee, who sold to Alexander McAlpin, now in possession, and planted the vine.
107	265	Sold by grantee to Mark Antoine Frenaye, by him to Durrat White, now in possession. Settlement was made by White on account of Frenaye, and the vine planted by White on his own account.
108	266	Settlement made and vine planted by James Lajanie, as purchaser of grantee, who sold to B. W. Bell, now in possession.
108	267	Settlement made by grantee, and vine planted by Stith Evans, purchaser of grantee, now in possession.
108	268	Settlement by trespasser, who kept grantee out of possession until obtained by law in 1826; then sold by grantee to Joseph Sevelinge, by him to William Purnell, now in possession, and planted the vine.
109	269	Settlement by grantee's lessee; grantee then died, leaving wife and infant heirs. Vine planted by wife and heir's agent, and in possession of wife and heir's lessee.
110	271	Settlement by lessee of grantee. Vine planted by grantee, who then sold to Caleb Hubank, now in possession.
110	272	Settlement by grantee's lessee; grantee dead. Vine planted by his administrator; in possession of lessee under administrator.
111	273	Settlement by grantee's lessee, now in possession. Vine planted by his agent.
111	275	Settlement made by trespasser; sold by grantee's attorney to Mark Antoine Frenaye, by him to Robert Withers, by him to William H. Broadnax, now in possession of Broadnax's lessee. Vine was planted by Robert W. Withers.
112	276	Settlement made and vine planted by grantee in possession.
112	277	No settlement; sold by grantee to William Ingram, now in possession, who planted the vine.
113	278	Settlement by Stith Evans as trespasser, who kept Thomas Newman, purchaser of grantee, out of possession until sometime in the year 1826. The vine planted by Newman's agent, and in possession of Newman's lessee.
113	279	No performance; in possession of trespasser.
113	280	Settlement made by grantee's lessee, and vine planted by grantee, who then sold to Abraham McGehee, now in possession.
114	281	Sold by grantee to V. George, by him to B. Brown, who made settlement and died. Vine planted by Stith Evans, his administrator, who sold to A. Alston and Evans, now in possession.
114	282	Settlement made by grantee's lessee; grantee then sold to V. George, who sold to Francis Megee and Abner Evans, now in possession, and planted the vine.
115	283	Sold by grantee to J. B. Stickney, now in possession, who made the settlement and planted the vine.
115	284	Sold by grantee to J. S. Duval, who made the settlement, and planted the vine by his lessee, now in possession.
116	285	Sold by grantee to Mark Antoine Frenaye, by him to Nelson Andrews, now in possession, who made settlement and planted the vine.
116	286	Sold by grantee to Nelson Andrews, now in possession, who made settlement and planted the vine.
116	287	Settlement made by trespasser; sold by grantee to Antoine Dumenille, by him to Edward B. Colgin, now in possession, who planted the vine. Antoine Dumenille was kept out of possession by trespasser until sometime in the year 1826.
117	288	Sold by grantee to Peter Frenaye, by him to John McKinne, by him to William L. Dufphrey, now in possession, who planted the vine. Settlement was made by Frenaye's lessee.
117	289	Sold by grantee to Mark Antoine Frenaye, who made settlement, and sold to John Marrast, who planted the vine, and sold to Wm. D. Lovell, now in possession.
118	290	Grantee made settlement by his lessee, and sold to Edward B. Colgin, now in possession, who planted the vine.
118	291	Grantee made settlement by his lessee, and then sold to Charles Brugeire, by him to Joel Grisel, by him to Edward B. Colgin, now in possession, who planted the vine.
119	292	Sold by grantee to Andrew Curcier, by him to Peter Hurtel, and by him to Abner Evans, now in possession. Settlement made by Curcier's lessee, and the vine planted by A. Evans.
119	293	Sold by grantee to Edward Genin, who made settlement by his lessee, and then sold to Eulalie Promis, in possession of Genin's lessee. No vine planted.
120	294	Settlement made and vine planted by Peter Gallard and Cadet Burgache, now in possession, in lieu of their own, say Nos. 45 and 46, by virtue of the seventh article of the contract made by the Treasury Department with Charles Villar, agent of the French Association.
120	295	Grantee made settlement by his lessee, and sold to C. Villar, who sold to Peter Gallard, who planted the vine, and is now in possession.
121	296	Sold by grantee to V. M. Garesche, by him to A. Frenaye, by him to Robert W. Withers, who planted the vine, and is now in possession. Settlement was made by J. C. Roberts, Frenaye's lessee.
121	297	No settlement; sold by grantee to Mark Antoine Frenaye, by him to Robert W. Withers, who planted the vine, and is now in possession.
122	298	Grantee made settlement by his lessee, and planted the vine; allotment now in lessee's possession.
122	299	Settled by and in possession of a trespasser. It is said that the agent of the grantee has applied to the trespasser for possession, and he refuses.
122	300	No performance.
122	301	Sold by grantee to James Coates, who made settlement and sold to George Goodwin, who sold to William Memillon and Z. Edwards, now in possession, who planted the vine.
123	302	Sold by grantee to Corneille Roudet and Francis Melizet, now in possession, who made settlement on small lot in lieu of large one, and planted the vine on large lot, say 302.
123	303	No performance.
123	304	Sold by grantee to V. M. Garesche, by him to Mark Antoine Frenaye, who made settlement by his lessee, and sold to Robert W. Withers, now in possession, who planted the vine.
124	305	Grantee made settlement by his lessee, and planted the vine by his agent, in possession of grantee's lessee.
124	306	No performance.
125	308	Sold by grantee to Peter Hurtel, by him to Julius Martiniere, now in possession, who made settlement and planted the vine.
126	309	Sold by grantee to V. Boulard, who made settlement by his agent. Trespasser then took possession of the settlement, and still holds it, and will not permit the vine to be planted.
126	310	Sold by grantee to J. Dabelire, now in possession, who made settlement by his agent, and planted the vine himself.
126	311	Sold by grantee to Patrick B. May; settlement was made by a trespasser, who kept May out of possession until the three years after the contract; May then got, and now holds, possession, and planted the vine.
127	312	Grantee made settlement by his lessee, and then sold to Marie Louise T. Beylle, who sold to Alfred Buck, now in possession, and planted the vine.
127	313	Sold by grantee to Alexander Descourt, who made settlement by his lessee, William D. Lovell, and then sold to Joel Grissel, sen., now in possession, and planted the vine.
128	314	Sold by grantee to Marie Louise T. Beylle, who made settlement by her lessee, James Dean, and had the vine planted by her lessee, John B. Herpin, now in possession, as before.
128	315	Sold by grantee to V. George, who sold to François Vialle, who sold to James McDonald; settlement was made by trespasser, who kept the purchaser, McDonald, out of possession for three years; he then entered, planted the vine, and is now in possession.
129	317	Sold by grantee to François Teterel, who had settlement made and vine planted by his lessee, now in possession.
130	318	Sold by grantee to Joel Grissel, sen., now in possession, who made settlement and planted the vine.

Report of the special agent appointed by the Secretary of the Treasury, &c.—Continued.

No. of the section.	No. of the allotment.	State of the grants.
130	319	Sold by grantee to Frederick Ravesies, by him to Joel Grissel, sen., who gave it to Joel Grissel, jr., now in possession, who made settlement and planted the vine.
131	320	No performance. A settlement was made by grantee on small lot in lieu of this, this being settled by a trespasser; but it does not appear that the grantee was hindered from performing any part of the contract.
131	321	Sold by grantee to Thomas Newman, now in possession, who made settlement and planted the vine.
132	323	No performance. Sold by grantee to F. Ravesies, now in possession.
133	324	No performance.
133	325	No performance.
133	326	No performance.
133	327	Sold by grantee to Thomas Newman, now in possession, who made settlement himself, and planted the vine by his agent.
134	328	Grantee in possession; has made settlement on small lot in lieu of large lot, which he claims as settlement on large one; no vine planted.
134	329	No performance. Sold by grantee to St. Quiron, now in possession.
134	330	Same as the above.
134	331	No performance. Grantee in possession.
135	332	No performance. Grantee in possession.
135	333	No performance. Grantee in possession.
135	334	No performance. Grantee in possession.
135	335	No performance. Grantee in possession.
136	336	Settlement made and vine planted by grantee, in possession.
136	337	No performance. Grantee in possession.
137	338	No performance. Grantee in possession.
137	339	Sold by grantee to Antoine Tessiere, now in possession, who made settlement, but planted no vine, it having perished on the way.
137	340	Same as the above lot.
138	341	Sold by grantee to Martin Pecquet, in possession, who made settlement by his lessee, and planted the vine himself.
138	342	No performance. Grantee in possession.
138	343	Sold by grantee to F. Ravesies, by him to Thomas Scott, who made settlement and died; vine planted by his administrator, in possession.
139	344	Sold by grantee to Charles Brugiere, who made settlement; no vine planted; perished on the way; in possession of lessee.
139	345	Sold by grantee to Charles Villar, now in possession, who made settlement, but planted no vine.
140	347	No performance. Grantee in possession.

Here follows a list of the shareholders in the Tombeckbee Association, who have been added in lieu of those who have been erased from the printed list, and also of the names of those to whom the reserves have been allotted.

No. of the section.	No. of the allotment	List of the shareholders.
2	Reserve	Calomel, 40 acres. No performance.
4	.. do...	Latapie, 40 acres. No performance.
5	.. do...	Payere, freres, 40 acres. No performance.
12	.. do...	Barthelemi, 40 acres. Settlement made by grantee, who then sold to James Laganie, now in possession, and planted the vine.
13	.. do...	Bistoo, 40 acres. No performance.
15	.. do...	J. Fouquet and Moulin, 40 acres. No performance.
17	.. do...	Not allotted.
18	.. do...	Glenville, 40 acres. No performance.
21	.. do...	Dupui and Ragon, 40 acres. No performance.
24	62	Pierre Garesche, 240 acres; sold by grantee to V. George, now in possession, who made settlement and planted the vine, in lieu of Laurent Faures.
	Reserve	R. Parat, 40 acres. No performance.
25	65	Pierre Drouet, 240 acres. No settlement by grantee, but by a trespasser. Grantee sold to Francis Teterel, who planted the vine and died. Still in possession of trespasser, in lieu of Samuel Jackson.
25	66	Baizier, 60 acres. No performance. }
25	66	Fagat, 60 acres. No performance. } In lieu of Montelius,
25	66	Delpit, 60 acres. No performance. } for 240 acres.
25	66	Lapeyre, 60 acres. No performance. }
25	Reserve	Miot, 40 acres. No performance. Grantee dead.
30	77	Madame George, 480 acres, in lieu of V. M. Garesche. Settlement made and vine planted by grantee, now in possession.
31	80	Jacques Moncravie, 160 acres, in lieu of Martin Picket Joseph. No performance.
32	81	Emely, 480 acres, in lieu of Joseph Robard. No settlement by grantee, who then sold to John Chapron, now in possession, who planted the vine upon another lot in lieu of this.
33 and 77	84 and 187	Charles Brugiere, 360 acres, in lieu of Jacques Braud and John Roster. Settlement made and vine planted by grantee, now in possession.
38	Reserve	Mignon, 40 acres. No performance.
39	Reserve	Rondet, 40 acres. No performance.
47	.. do...	Dalaunay, 40 acres. No performance.
48	.. do...	Fouquet, aine, 40 acres. No performance. Grantee dead.
53	.. do...	Penard and Amidie, 40 acres. No performance. Penard dead.
60	.. do...	C. Desafre, 40 acres. No performance.
61	146, 147	Antoine, 240 acres, in lieu of Kimbal and Billington. No performance.
	Reserve	Pueck, 40 acres. No performance. Grantee dead.
63	152	Bringier, 240 acres, in lieu of F. S. Brown. No performance.
66	158	R. A. Terrier, 240 acres, in lieu of Wells and Leclerc. No performance. Grantee dead.
	Reserve	St. David, 40 acres. No performance.
67	.. do...	Blancon and Taverly, 40 acres. No performance.
72	174	Joseph Ducommun, 480 acres, in lieu of Jean Thomas Carre. Grantee made settlement by his agent, F. R. Parat, and then sold to Lemuel Sanderson, now in possession, who planted the vine.
77	Reserve	Mahe, 40 acres. No performance.
78	.. do...	Labroussee, 40 acres. No performance.
80	195	Col. Raoul, 320 acres; J. B. Neel, 160 acres; in lieu of George Stewart for 480 acres. No performance. In possession of George Stewart, who claims it as granted by virtue of the original contract.
83	Reserve	Devengen, 40 acres. No performance. Grantee dead.
86	213	Fister, 120 acres, in lieu of J. B. Neel. No performance.
		Soulas, 40 acres. No performance.
91	Reserve	Mayer, 40 acres. No performance. Grantee dead.
92	229	Buttand, 120 acres, in lieu of Nelson. No performance. Grantee dead.
	Reserve	Constantin and Dahoule, 40 acres. No performance. Dahoule dead.
101	.. do...	Morin, 40 acres. Settlement by grantee in possession. No vine planted.
111	274	Coude, 240 acres, in lieu of Pierce, freres. Settlement made by grantee's lessee. Vine planted by H. Bayol, agent of grantee, and in possession of grantee's lessee.

List of the shareholders in the Tombeckbee Association, &c.—Continued.

No. of the section.	No. of the allotment.	List of the shareholders.	No. of the section.	No. of the allotment.	List the shareholders.
112	Reserve	Derembert, 40 acres. No performance; and in possession of trespasser.	129	316	Haez, 120 acres, in lieu of George Gaines. Grantee made settlement by his lessee, and sold to Thomas Noel, now in possession, who planted the vine.
113	.. do...	Lagay, 40 acres. Grantee made settlement by his lessee, and then sold to C. Babit; sold by him to McGehee, who is now in possession and planted the vine.	129	316	Morel, 240 acres, in lieu of George Gaines. Sold by grantee to Michael Mestayer; by him to Joel Grisel and another, now in possession, who made settlement and planted the vine.
116	.. do...	Payen, pere, 40 acres. No settlement; grantee then sold to B. Mesler, who sold to Edward B Colgin, who is in possession and planted the vine.	132	322	Villemont, 240 acres, in lieu of S. Voorhees. Grantee made settlement by his agent on small lot in lieu of large one; no vine planted; grantee is now in possession.
119	.. do...	J. Hurtel, 384 acres. Grantee made settlement by his lessee, and then sold to Edward Chaudron; by him to James Childress; by him to A. M'Gehee, who is in possession and planted the vine.	132	322	Guillianet, 120 acres, in lieu of S. Voorhees. Grantee made settlement on small lot in lieu of large one; planted no vine; is now in possession.
122	.. do...	Couchet, 40 acres. No performance; in possession of trespasser.	132	322	Quessart, 60 acres, in lieu of S. Voorhees. No performance.
124	.. do...	Janen, 40 acres. No performance.	132	322	Verrier, 60 acres, in lieu of S. Voorhees. No performance.
125	307	J. Bonno, 480 acres, in lieu of Englebert. Sold by grantee to John L. Chaleer, now in possession, who made settlement, but planted no vine.	134	Reserve	Rapin, 40 acres. No performance.
	Reserve	Bouncan, 40 acres. Sold by grantee to Thomas Noel; by him to Julius Martiniere, now in possession, who made settlement and planted the vine.	135	..do ...	Allouard and Achard, 40 acres. No performance.
128	.. do...	Capotin, 40 acres. No performance; in possession of trespasser.	140	346	Vangine, 240 acres, in lieu of William Tablee. Sold by grantee to M. Mestayer, who made settlement on small lot in lieu of large one, and then sold to J. M. Quiram, and by him to Mozea Rousseau, now in possession, and planted the vine.
129	316	Prudhomme, 120 acres, in lieu of Geo. Gaines. Grantee made settlement by his lessee, and planted the vine by his agent; now in possession of trespasser.	140	346	Bogy, 240 acres, in lieu of William Tablee. No performance; in possession of trespasser.

REPORT.

First. As to the manner of the settlement to be made.

This was done by the owner, or some one on his or her account, building on the allotment a log cabin, of a common height for such kind of buildings, hewed down inside and out, covered with a good board or shingle roof, laid with a plank or punchin floor, with a log chimney, and made quite comfortable for a building of the cabin kind. The smallest sized cabin which I examined was sixteen by eighteen feet on the inside; and the largest, nineteen by twenty-three feet. Every building had cleared and enclosed about it from one to five acres of land, and cost the owners (from the best information I could collect, and such as I believe is entitled to full faith and credit) from eighty-five to one hundred and fifty dollars, varying in price according to the size of the cabin and the quantity of land cleared and enclosed.

Second. As to the quantity of land cleared and in cultivation within the four townships granted.

From my own examination, and the best information I could obtain, there are seven thousand four hundred and fourteen acres cultivated, in the vine, corn, cotton, small grain, &c. The most extensive and profitable farms are occupied by Americans, who have purchased and settled on the French grant. The twentieth township has on it the most extensive and profitable farms, and much the largest quantity of open land; and although the land on it is not so rich as either of the other three, yet it is highly valuable, and a great proportion of it well watered with good and delightful spring water and stock water.

Third. As to the quantity of vine planted, and the manner of planting and cultivating it.

First, the quantity of land planted and cultivated in vine within the four townships granted is two hundred and seventy-one and one-half acres, and the manner of planting the vine is by putting the vine ten feet apart in one direction and twenty the other, and fastening the vine to a stake put in the ground for that purpose, of a size and height to suit the vine. As to the cultivation, but a very small proportion is cultivated in vineyards; I suppose not more than one-tenth part of the quantity planted. The plantings are in their cotton fields, and are cultivated in the same manner that their cotton is. Finally, as to the number of olive trees planted within the four townships granted, three hundred and eighty-eight trees have been planted, some of them about six years ago, and the latest three years since. Two hundred trees were imported, and perished on their way, and twenty-five thousand seed have been planted. The tree perishes with every winter's frost, but puts up fresh shoots in the spring, which also perish with the succeeding winter's frost; and I feel confident in the belief that the tree will not succeed in this climate. Lastly, concerning the four unnumbered sections: the seventh section is so frequently covered with water as to render it nearly useless. Twenty-four of the lots of these four sections have been improved; the small lots for the town of Eagleville have no improvement at all. I am highly indebted to the agent, Mr. Ravesies, for the constant and friendly aid which he rendered me in this work.

I have now furnished you with all the information which I am able to do on this question.

I think it advisable to inform you that the letter G has been introduced in my name through mistake, (instead of L,) I suppose, by the gentleman to whose good opinion I am indebted for recommending me to the notice of the Treasury Department.

I have heretofore informed you that the most extensive and profitable farms were in possession of the American purchasers. This is not to be understood to the prejudice of the emigrants; for it is true that they have made handsome improvements in proportion to their different means. I also transmit to the Treasury Department the documents forwarded to me, two copies of my report, and the report of Mr. Ravesies, the agent of the French Association, and president of their board.

I have been thirty-two days employed in the duties of my appointment, and travelled one hundred

and thirty miles in going to and returning from Eagleville, equal to six and a half days, making two hundred and thirty-one dollars, which sum you will please direct Mr. William G. Parish (receiver of public moneys at the Tuscaloosa land office) to pay over to me. I am in want of money, and your early attention to this matter will greatly oblige me.

I am, sir, very respectfully, your most obedient, very humble servant,

WILLIAM L. ADAMS.

Whereas, by virtue of the act of Congress entitled "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive," passed March 3, 1817, the Secretary of the Treasury was required, under the direction of the President of the United States, to designate and set apart any four contiguous townships, each six miles square, of vacant public lands, lying in that part of the Mississippi Territory, now the Territory of Alabama, and was authorized to contract for the sale of the said four townships, at the rate of two dollars per acre, to be made payable fourteen years after the contract, which should be concluded with any agent or agents of the late emigrants from France, who have associated together for the purpose of forming a settlement in the United States; provided, that satisfactory evidence was produced that such agent or agents were duly authorized to form such contract, and that the number of such emigrants, being of full age, for which he or they were authorized to act, were equal to, at least, the number of half sections contained in the four townships proposed to be disposed of. And the said Secretary of the Treasury was further authorized to make such allotment of the lands among the individuals aforesaid, to stipulate in the proposed contract for such conditions of settlement, and for the cultivation of the vine and other vegetable productions as might to him appear reasonable: And whereas the Secretary of the Treasury, in pursuance of the authority so vested in him, has, under the direction of the President of the United States, designated and set apart, for the purposes intended by the said act, the four following townships, contiguous to each other, in that portion of the Mississippi Territory, now the Alabama Territory, specified in the said act, to wit: township eighteen, in range three, and townships eighteen, nineteen, and twenty, in range four, and has established and confirmed (with certain exceptions and alterations hereinafter stated) the allotment made by and among the individuals described in the said act, a list of whom was deposited in the office of the Treasury Department on November 10, 1817, a copy whereof, together with maps of the allotment so made, are hereunto annexed: And whereas Charles Villar hath appeared and produced satisfactory evidence that he is duly authorized as agent by the number required of such emigrants to form and to accept, on their behalf the contract authorized for the said four townships:

Now, be it known that I, William H. Crawford, Secretary of the Treasury of the United States, by virtue of the authority aforesaid, and in consideration of the payments to be made, and of the stipulations hereinafter stated to be performed by the said association of individuals, have contracted, and by these presents do contract, with the said Charles Villar, agent, as aforesaid, for and in behalf of the emigrants in the said act described, and whose names are inscribed in the aforesaid list, deposited in the office of the Treasury Department, and whereof a copy is hereunto annexed, to sell to him and them the said four townships of land, lying in that part of the Mississippi Territory, now the Alabama Territory, to wit: township eighteen, in range three, and townships eighteen, nineteen, and twenty, in range four, he or they paying, or causing to be paid therefor, on or before January 8, 1833, the sum of $184,320, and also he and they faithfully complying with the following conditions and stipulations—that is to say:

First. That, before the expiration of three years from the date of this contract, there shall be made upon each tract in the aforesaid four townships allotted to the respective associates a settlement by themselves individually, or by others on their account.

Second. That, before the expiration of fourteen years from the date hereof, there shall be cleared and cultivated within the said four townships at least ten acres of land for each quarter section, taken aggregately.

Third. That, before the expiration of seven years from the date hereof, there shall be cultivated within the said four townships at least one acre to each quarter section, taken aggregately, in vines.

Fourth. That, before the expiration of seven years from the date hereof, there shall be planted within the said four townships not less than five hundred olive trees, unless it shall be previously established to the satisfaction of the President that the olive cannot be successfully cultivated thereon.

Fifth. That a report shall be made annually to the Secretary of the Treasury by the agent of the said association, or his successor, showing the number of settlements made within the said four townships in each year; the progress made in cultivating the vine and olive, and the degree of success with which the same is attended; and describing the number and kinds of such plants which have been cultivated; and also that the said agent, or his successor, shall, from time to time, furnish to the Secretary of the Treasury such other information touching the condition and state of the association as he may require.

Sixth. That the list of the associates deposited in the treasury as aforesaid be recognized, and the persons thereon inscribed confirmed in the allotments of land annexed to their names respectively, with the exceptions following, viz: Martin Piquet Joseph, Wiles and Leclerc, V. M. Garesche, Jaques Braud and John Roster, Jean Thomas Carre, Laurent Faures, Englebert, Samuel Jackson, Joseph Robard, Pierce Freres, Jean Baptiste Neel, William Tablee, Billington, George Gaines, S. Voorhees, Gillaume Montelius, Kimbal, shall be erased therefrom, and Jacques Moncravie, R. A. Terrier, Madame George, Charles Brugiere, Joseph Ducommun, Pierre Garesche, J. Bonno, Pierre Drouet, Emely, and Conde, be inserted thereon, and be entitled, in the order in which they stand herein, to the allotment of the persons thus erased; and the allotments annexed to the names of the others of the persons thus erased shall be assigned to other late emigrants, under such regulations as are hereinafter prescribed.

Seventh. That such emigrants as are inscribed on the said list, who had, previously to knowing of the allotments assigned to them respectively, settled and improved lands within the said four townships, either in those sections set apart for the small allotments, or in others, and before the first day of August last past, shall be entitled to hold the same, to the extent, and in lieu of the quantity allotted to them respectively, in the large or small allotment, as the case may be, unless the party to whom such land was actually allotted shall, within six months from the date hereof, tender to such settler the value of the improvements which he may have made thereon, to be ascertained by two respectable persons under oath; and, on failure to make such tender, the party to whom such land was allotted shall be entitled to the land allotted to such emigrant as aforesaid, to the extent of the allotment so occupied and improved; or, if the

same be insufficient, he shall be further indemnified by the assignment of so much land as will make up the quantity, out of any lands not otherwise appropriated.

Eighth. That the land exempted from appropriation by the foregoing provisions may be appropriated to other emigrants from France not already provided for, and whose names shall be presented to the Secretary of the Treasury for his approbation by the agent of the association, or his successor; but actual settlement shall in all such cases be an indispensable condition.

And I, the said William H. Crawford, do further contract and agree that, upon the payment of the above sum of money, and upon the fulfilment of the conditions aforesaid, patents shall be granted to the said individuals, or their assigns, for the lands to which they may be respectively entitled under the said act of Congress; but no patent shall be granted for a greater quantity of land than six hundred and forty acres for any one person; and no patent shall be granted for any of the land aforesaid, nor shall any title be obtained therefor, either at law or in equity, until full and complete payment shall have been made for the whole of the said four townships, and until the aforesaid conditions and stipulations shall have been faithfully complied with and performed on the part of the aforesaid association.

And the said Charles Villar, agent, as aforesaid, for and in behalf of the individuals associated as aforesaid, covenants and agrees that he and they will pay, or cause to be paid, on or before the aforesaid eighth day of January, one thousand eight hundred and thirty-three, the said sum of one hundred and eighty-four thousand three hundred and twenty dollars, and that he and they will faithfully comply with and perform all the aforesaid conditions and stipulations.

In testimony whereof, I, William H. Crawford, Secretary of the Treasury of the United States, have hereunto set my hand and caused the seal of the Treasury Department to be affixed; and the said Charles Villar hath also set his hand and seal this eighth day of January, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-third year of the independence of the United States of America.

WM. H. CRAWFORD, *Secretary of the Treasury.*
CHARLES VILLAR, *Agent of the French Association.*

Teste: EDWARD JONES.
EDWARD FOX, jr.

Explanation for the general map of the four townships granted to the French emigrants.

The four townships are designated as follows: township 18th, range 3 east; township 18th, range 4 east; township 19th, range 4 east; township 20th, range 4 east.

The ranges east begin from the basis meridian that leaves St. Stephen's to the west and the river Mobile to the east. The townships are numbered from the 31st degree of north latitude, which is the line of separation between the United States and the Floridas. A township is a regular square of six miles on each side; consequently, the township 18th begins at the distance of 102 miles north from the 31st degree of north latitude. A township is divided into thirty-six sections of one mile square, or 640 acres each.

The sections have two numbers, viz: the Roman from I to XXXVI, in each township, which indicate the numbers of the sections as placed by government; and the Arabian from 1 to 140, which indicate the numbers of the sections as adopted by the grantees at the drawing of the lots. They have been placed according to the course pursued by the government, leaving four sections unnumbered, as explained below.

Separate maps.

The large figures, 1, 2, 3, &c., indicate the numbers of sections of the drawing of lots, and correspond with those on the general map.

The smaller figures, 1, 2, 3, 4, 5, &c., indicate the individual allotments according to the draught. This subdivision of each section has been formed by following the same course pursued by government, which divides the sections into quarters. The first is always placed at the northeast angle, the second at the northwest angle, the third at the southwest angle, and the fourth at the southeast angle.

The lots A, B, C, &c., have not been distributed, and remain vacant.

On the first township the four sections not numbered are reserved for the site of the town; and the lots of 12, 6, and 3 acres; which lots are to be distributed among the grantees in the following order:

Each grantee having 480 acres will be entitled to 12 acres, besides a city lot 100 feet front, 200 feet deep.

Each grantee having 320 acres entitled to 6 acres, city lot 100 feet front, 100 deep.

Each grantee having 240 acres entitled to 6 acres, city lot 100 feet front, 100 deep.

Each grantee having 160 acres entitled to 3 acres, city lot 50 feet front, 100 deep.

Each grantee having 120 acres entitled to 3 acres, city lot 50 feet front, 100 deep.

According to the general list, viz:

List of the shares of the Tombeckbee Company.

No. of the sections.	Numerical Nos. of the shareholders.	Names of the shareholders.	No. of acres of each shareholder.
1	1	Meslier, Bazile	480
	2	Lauret, Louis	160
2	3	Conte, Honore	120
	4	Roudet, Cornelle Cadet	120
	5	Vial, Antoine	120
	6	Boujey, Antoine	120
	7	Godemar, Jean Baptiste	120
	A	Reserve	40
3	8	Jeannet, Louis Rene	320
	9	Ve. Julie, Pastol	320
4	10	Allard, Henry	120
	11	Combes, Germain	120
	12	Combes, Vincent	120
	13	Sibenthal, Freres	240
	B	Reserve	40
5	14	Perdrauville, Rene	240
	15	Alma, Anselme	120
	16	Salmon, François	120
	17	Lintroy	120
	C	Reserve	40
6	18	Col. Schultz, Jean	320
	19	Col. Combe, Michel	320
7	20	Martin, Francis	480
	21	Pelagot, Antoine Zacharie	160
8	22	George, Edouard	480
	23	Viole	160
9	24	Lacombe, Pierre	480
	25	Latapie, Antoine	160
10	26	Richard, Etienne	480
	27	Papillot, Etienne	160
11	28	Frenaye, Jeune Pierre	480
	29	Rivet, George	160
12	30	Boutiere, Jn. C. Benoit	240
	31	Ve. Louise, David	120
	32	Delaporte, Louis	120
	33	Meynie, Jean Ulysse	120
	D	Reserve	40
13	34	Metais, Et. J. B.	240
	35	Mansuis, Luillier	120
	36	Jouny, Louis Michel	120
	37	Vernhes, Jean Vincent	120
	E	Reserve	40
14	38	Marchand, Louis Pre. Jh.	480
	39	Martin, Amedee	160
15	40	Butaud, Isaac	240
	41	Keller, Jonas	240
	42	Menou, Dieudonne	120
	F	Reserve	40
16	43	Col. Jordan, Ambroise	320
	44	Col. Vorster, Emile	320
17	45	Cadet Bergache	240
	46	Gallard, Pierre	240
	47	Lefeuvre, Claude Joseph	120
	G	Reserve	40
18	48	Paguenaud, Edouard	240
	49	Transon, Jean	240
	50	Gauny, Nicolas	120
	H	Reserve	40
19	51	Astolphi, Laurent	480
	52	Knappe, Philippe	160
20	53	Col. Grouchy, Alphonse	320
	54	Cap. Grouchy, Victor	160
	55	Pillero	160
21	56	Drouet, Pierre	480
	57	Bailly, Michel	120
	I	Reserve	40
22	58	Lemaignen, Pierre Paul	480
	59	Lerouyer, François	160
23	60	Garesche, Pierre	480
	61	Formento, Felix	160
24	62		240
	63	Burckle, Emanuel	120
	64	Coquillon, Freres	240
	J	Reserve	40
25	65		240
	66		240
	67	Boutiere, François G.	120
	K	Reserve	40
26	68	Robin, Thomas	240
	69	Nartigue, J. Justin	240
	70	Gerard, Hiacinthe	160
27	71	Folin, Auguste Firmin	480
	72	Follin, Freres	160
28	73	Chapron, J. M.	480
	74	Weill, James	160
29	75	Dupouy, Nicolas Alex.	480
	76	Manoury, P. Max.	160
30	77		480
	78	Tournel, Jaques	160
31	79	Martin, Piquet L. J. F.	480
	80		160
32	81		480
	82	Martin, Piquet Pere	120
	L	Reserve	40
33	83	Auze, Freres	240
	84		240
	85	Barrau	160
34	86	Lecampion, François	240
	87	Brechemin, Louis	240
	88	Humbert, Jacques Etienne	160
35	89	Jamet	480
	90	Rigau, Narcisse Pericles	160
36	91	Promis, Guillaume	480
	92	Desmares	160
37	93	Durand, Jean Baptiste	480
	94	Robaglia, Joseph	160
38	95	Garnier, Fils	240
	96	Peniere, Fils, Emile	240
	97	Ve. Audibert	120
	M	Reserve	40
39	98	Nidelet, E. F.	480
	99	Cousin, David	120
	N	Reserve	40
40	100	Col. Galabert, Louis	320
	101	Petitval, J. B.	320
41	102	Anduze, Mathieu Bernard	480
	103	Frederick, Louis Auguste	160
42	104	Gubert, J. H.	480
	105	Moynier, Joseph Ariste Theo.	160
43	106	Col. Douarche	320
	107	Gruchet, Louis	320
44	108	Villar, Charles	480
	109	Pagniere, J. Alexandre	160
45	110	Dirat, Louis M.	480
	111	Mondin	160
46	112	Pagaud, Pierre	480
	113	Fallot, Eugene Hiacinthe	160
47	114	Frenaye, Marc. Antoine	480
	115	Laurent, Clement	120
	O	Reserve	40
48	116	Gl. Vandame	480
	117	Angeli, Hiacinthe	120
	P	Reserve	40
49	118	Poculo, Benoit	320
	119	Baltar	160
	120	Moquart	160
50	121	Besson, Louis An.	480
	122	Lemeunier, J. Joseph	160
51	123	Mesnier	240
		Unappropriated	240
	124	Henry, Germain	160
52	125	Col. Rigau	480
	126	Mariano, Pompee	160
53	127	Texier, Lapomeraye	320
	128	Harrancder, Charles	160
	129	Metaye, Jean Pierre	120
	Q	Reserve	40
54	130	Martin, J. du Colombier	480

List of the shares of the Tombeckbee Company—Continued.

No. of the sections.	Numerical Nos. of the shareholders.	Names of the shareholders.	No. of acres of each shareholder.	No. of the sections.	Numerical Nos. of the shareholders.	Names of the shareholders.	No. of acres of each shareholder.
54	131	Campardon, Bte	160	82	200	Nardel, François	160
55	132	Ravesies, F.	480		201	Chauvot, Charles	160
	133	Bordas, Elie	160		202	Plaidaut, François	160
56	134	Debrosse, Charles	480	83	203	Bono, Charles	240
	135	Merle, Etienne	160		204	Tascha	120
57	136	Ladurelle, M. F. Aug.	480		205	Blandin, Jean	120
	137	Canobio, François	160		206	Azan	120
58	138	Davis, L. A.	240		X	Reserve	40
	139	B. Charlus Firmin	240	84	207	Victoire, Delaunay Josephe	480
	140	Montalegri, Hiacinthe	160		208	Castan, Etienne	160
59	141	Duval, Jacques S.	480	85	209	Lefrancois, Freres	480
	142	Bacle, Alexis, fils, aine	160		210	Groning	160
60	143	Lakanal	480	86	211	Pothier, Simon	240
	144	Desportes, Leonte	120		212	Shubart, Henry	240
	R	Reserve	40		213		160
61	145	Tulane, Freres	240	87	214	Beylle, Joseph	480
	146		120		215	Malczewsky, Const. Paul	160
	147		120	88	216	Teterel, François	480
	148	Boiteau, François	120		217	Pagniere	160
	S	Reserve	40	89	218	Dubosq	120
62	149	Leboutellier, Michel	480		219	George, fils, aine, Edouard	120
	150	Plantevigne	160		220	Lesueur	120
63	151	Moncravie, Jacques	240		221	Dor	120
	152		240		222	Maillet, Henry Pre. Ae. As	160
	153	Monot, Charles	160	90	223	Stollenwerck, Freres	480
64	154	Cluis, J. Jerome	480		224	Vallot, Joseph	160
	155	Ruffier, Ferdinand	160	91	225	Dr. Mathieu, Joseph	480
65	156	Garnier, Pere	480		226	Allain, Joseph	120
	157	Simon	160		Y	Reserve	40
66	158		240	92	227	Jeandrau, Jean	240
	159	Macre, Jean M.	120		228	Caillebaux, Guillaume	240
	160	Dumas, Antoine	120		229		120
	161	Dalmazeau, J	120		Z	Reserve	40
	T	Reserve	40	93	230	Col. Taillade	320
67	162	Fontanges, P. F	480		231	Olivieri, Joseph	160
	163	Godon, Victorine (N)	120		232	Luciani, Pascal	160
	U	Reserve	40	94	233	Mab Grouchy	480
68	164	Belair, Louis	480		234	Deschamps, François Me	160
	165	Sagnier, Henri Antoine	160	95	235	Baumier, Cesar	160
69	166	Gen. Lallemand, Charles	480		236	Barbe, Antoine	160
	167	Valcourt, Aime	160		237	Stribaud, Charles	160
70	168	Gen. Clausel, Bertrand	480		238	Decorme, Charles	160
	169	Blaquerolle	160	96	239	Chaudron, Edouard	480
71	170	Sary, Jean M. Alex	160		240	Gilbal, Antoine	160
	171	Gatty, Antoine	160	97	241	Martin, Prosper	480
	172	Ilari, Benoit	160		242	Desplan, Samuel	160
	173	Millon, Solidor	160	98	243	Melizet, François	480
72	174		480		244	Corso, François	160
	175	Genin, Charles Franc	160	99	245	Hamel, Victor	480
73	176	Col. Charrassin	320		246	Havard	160
	177	Vasquez, Jean	320	100	247	Peniere, J. A.	480
74	178	Roland, Jean François	320		248	Fanchon, Hre	160
	179	Pichon, Claude Charles	320	101	249	Lecoq du Marcelay	480
75	180	Charreton, Joseph Lewis	480		250	Godat	120
	181	Grillet, François	160		AA	Reserve	40
76	182	Texier, Jean	240	102	251	Col. Defourni, Fabius	320
	183	Martinet, Pierre Louis	240		252	Guillot	320
	184	Vitalba, Jean Baptiste	160	103	253	Bardaraque, Thomas	480
77	185	Jogan, Antonin	240		254	Conte, Marius	160
	186	Cavaroc, Charles	120	104	255	Desfouch, Charles	160
	187		120		256	Pascal, Paul	160
	188	Chapon	120		257	Fourasche, Pierre	160
	V	Reserve	40		258	Bernard, Henry	160
78	189	Dubarry, John	480	105	259	Rapin, Joseph	480
	190	Salaignac, Louis	120		260	Contardi, Louis	160
	W	Reserve	40	106	261	St. Guiron, Jeune	480
79	191	Descourt, Leonard Alex	240		262	Demony, Dominique Victor	160
	192	Onfroy, Jean Baptiste	120	107	263	Ravesies, Ee	240
	193	Pochard, Augustin François	120		264	Fournier, Honore	240
	194	Fux, Louis	160		265	Farey	160
80	195		480	108	266	Champenois, P. J.	240
	196	Gilbert	160		267	Savary, Joseph	240
81	197	Sevelinge, Joseph	480		268	Belmere, Pere and Fils	160
	198	Mane	160	109	269	Gal. Lallemand, Hy.	480
82	199	Richard, George	160		270	Prompt	160

List of the shares of the Tombeckbee Company—Continued.

No. of the sections.	Numerical Nos. of the shareholders.	Names of the shareholders.	No. of acres of each shareholder.	No. of the sections.	Numerical Nos. of the shareholders.	Names of the shareholders.	No. of acres of each shareholder.
110	271	Bayol, Honore	480		HH	Reserve	40
	272	Durive, François	160	126	309	Legrix, Belisle	240
111	273	Conde, Charles	240		310	Legras	240
	274		240		311	Bulliard, Etienne	160
	275	Laurent, Maurice	160	127	312	Follin, George	480
112	276	Chaudron, Simon	480		313	Fauquier	160
	277	Boilandry, Eugenie	120	128	314	Emery and Duterte	480
	BB	Reserve	40		315	Vogelsang, Daniel	120
113	278	Arnaud, Camille	240		II	Rsserve	40
	279	Deprest, Rene, freres, and Zach	240	129	316		480
	280	Batre, Charles	120		317	Murrat, Jean Bte	160
	CC	Reserve	40	130	318	Mestayer, Michael	480
114	281	Belange, Mal. Denis	320		319	Rieger, Gabriel V	160
	282	Chasseriau, Benoit	220	131	320	Parmantier, Nicolas Simon	480
115	283	Real, Pierre François	480		321	Bauzan, Pierre	160
	284	Penazi, Louis	160	132	322		480
116	285	Bujac, freres, Mathieu and Alfd	240		323	Fisher	160
	286	Germond and Riviere	240	133	324	Dufourg, Jean Jacques	240
	287	Guibert, Hy	120		325	Dufourg, D. V	120
	DD	Reserve	40		326	Dufourg, F	120
117	288	Ducoing, Pre	480		327	Lacroix, Rene François	160
	289	Stephens, Samuel J	160	134	328	St. Guiron, Aine Pre. Pascal	240
118	290	Fourestier, Elie	480		329	Farrouilh, A	120
	291	Gregoire, Etienne	160		330	St. Felix, Jean R	120
119	292	Manfredi, Math. Ferdinand	160		331	Decave, Marc. Lewis	120
	293	Dupont	96		JJ	Reserve	40
	EE	Reserve	384	135	332	Barbaroux, Joseph	240
120	294	Gal. Lefebre Desnouettes	480		333	Cirode, William	120
	295	Desroures	160		334	Shoeun, Sebastian	120
121	296	Jeannet, George	480		335	Gouiran, Joseph Michel	120
	297	Jeannet, Je	160		KK	Reserve	40
122	298	Dumenil	240	136	336	Lajonie	480
	299	Ducommun, Joseph	120		337	Truck	160
	300	Parat, F. Romain	120	137	338	Colona, Dornano B	320
	301	Burgues, Jn. Bernard	120		339	Peraldi, Toussaint	160
	FF	Reserve	40		340	Scasso, Vincent	160
123	302	Ve. Demerest	240	138	341	Laroderie, Alphonse	240
	303	Bourlon, E	240		342	Savournin, Joseph	240
	304	Lapeyre, Jn. Bte	160		343	Balbuena, Joseph	160
124	305	Thouron, Pere and Fils	480	139	344	Canonge, Pierre Auguste	480
	306	Lavau, Sully	120		345	Lucien	160
	GG	Reserve	40	140	346		480
125	307		480		347	Torta, Jean	160
	308	Landevin, François	120				

List of the names of the shareholders in the Tombeckbee Association, who have been added in lieu of those who have been erased from the printed list, and also of the names of those to whom the reserves have been allotted.

No. of sec.	Reserve or number.	Names.	Quantity of acres.	Remarks.
2	Reserve	Calomel	40	
4	do	Latapie	40	
5	do	Payen, freres	40	
12	do	Barthelemi	40	
13	do	Bistoo	40	
15	do	J. Fouquet and Monlin	40	
17	do			Not allotted.
18	do	Glenville	40	
21	do	Depui and Ragon	40	
24	62	Pierre Garesche	240	In lieu of Laurent Faures.
	Reserve	R. Parat	40	
25	65	Pierri Drouet	240	In lieu of Samuel Jackson.
25	66	Baizean	60	In lieu of Montelius for 240 acres.
		Fagot	60	
		Delpit	60	
		Lapeyre	60	
25	Reserve	Miot	40	
30	77	Madam George	480	In lieu of V. M. Garesche.
31	80	Jacques Moncravie	160	In lieu of Martin Picket Joseph.
32	81	Emely	480	In lieu of Joseph Robard.

List of the names of the shareholders in the Tombeckbee Association, &c.—Continued.

No. of sec.	Reserve or number.	Names.	Quantity of acres.	Remarks.
	Reserve	Mangon and Martial	40	
33, 37	84, 187	Charles Brugiere.....	360	In lieu of Jacques Braud and John Roster.
38	Reserve	Mignon.....	40	
39	.....do.....	Rondel	40	
47	.....do.....	Dalaunay.....	40	
49	.....do.....	Fouquet, aine	40	
53	.....do.....	Penard and Amidie.....	40	
60	.....do.....	C. Desafre.....	40	
61	146, 147	Antoine	240	In lieu of Kimbal and Billington.
	Reserve	Pueek.....	40	
63	152	Bringier	240	In lieu of F. S. Brown.
66	158	R. A. Terrier	240	In lieu of Wells and Leclerc.
	Reserve	St. David.....	40	
67	.....do.....	Blancon and Taverly.....	40	
72	174	Joseph Duncommun	480	In lieu of Jean Thomas Carre.
77	Reserve	Mahe	40	
78	.....do.....	Labroussee	40	
80	195	Colonel Raoul	320	In lieu of George Stewart for 480 acres.
		J. B. Neel	160	
83	Reserve	Devengen.....	40	
86	213	Fister	120	In lieu of J. B. Neel.
		Soulas.....	40	
91	Reserve	Mayer	40	
92	229	Buttand	120	In lieu of Nelson.
	Reserve	Constantin and Dechoule.....	40	
101	.....do.....	Morin	40	
111	274	Coude	240	In lieu of Pierce, freres.
112	Reserve	Darembert.....	40	
112	.....do.....	Lagay	40	
116	.....do.....	Payen, pere.....	40	
119	.....do.....	J. Hurtel.....	384	
122	.....do.....	Couchet.....	10	
124	.....do.....	Janen	40	
125	307	J. Bonno.....	480	In lieu of Englebert.
	Reserve	Bounean.....	40	
128	.....do.....	Chapotin.....	40	
129	316	Prudhomme	120	In lieu of George Gaines.
		Haez	120	
		Morel	240	
132	322	Villemont.....	240	In lieu of S. Voorhees.
		Guilleanet	120	
		Quepart	60	
		Verrier	60	
134	Reserve	Rapin.....	40	
135	.....do.....	Allouard and Achard.....	40	
140	346	Vangine	240	In lieu of Wm. Tablee.
		Bogy	240	

TREASURY DEPARTMENT, *February* 7, 1825.

20TH CONGRESS.] No. 593. [1ST SESSION.

SALE OF LAND RESERVED FOR SALINES IN ILLINOIS.

COMMUNICATED TO THE SENATE, BY THE CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS, DECEMBER 24, 1827.

TREASURY DEPARTMENT, *December* 28, 1827.

SIR: I have had the honor to receive your letter of the 17th instant, enclosing a bill providing for the sale of the lands reserved for the use of the Ohio saline, and, having referred the same to the Commissioner of the General Land Office, I now beg leave to enclose his report giving the information asked for, and presenting his views on the subject generally, in which I concur.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. DAVID BARTON, *Chairman of the Committee on Public Lands.*

TREASURY DEPARTMENT, *General Land Office, December* 24, 1827.

SIR: In reply to the communication from the Hon. David Barton, chairman of the Committee on Public Lands, in the Senate of the United States, dated the 19th instant, and referred by you to this office, I have the honor to inform you that the quantity of land reserved for the use of the Ohio saline in Illinois is nearly ninety-seven thousand (97,000) acres; and there appears to be no objection to the sale of a portion of these lands in conformity to the bill reported.

As a statement of the quantity of land reserved for the use of salines in the State of Illinois, as well as the manner in which the reservations have been made, may possibly render it expedient for the committee to make some additional provision to the bill, it is deemed proper to submit such a statement.

The papers marked A, B, C, D, and E, relate to reservations made for the Ohio saline, from which it appears that on April 22, 1814, Messrs. Hargrove, White, and Trammel, were instructed to select and report to this office such lands as it might be deemed expedient to reserve for the use of the Ohio saline forever. Their report was made July 2, 1814, and was submitted to the Secretary of the Treasury on the 6th of August following. It does not appear from the records of this office that there was an actual approval of these selections under the signature of the President, but instructions were issued from this office August 28, 1814, addressed to the register and receiver of the land office at Shawneetown, directing that those lands be reserved from sale, and they have accordingly been so reserved.

On June 19, 1815, Thomas Sloo, the register of the land office at Shawneetown, was required to explore a portion of the State of Illinois for the purpose of ascertaining and reporting to this office any lands that might bear saline or mineral appearances, and in compliance with which order he made the report dated November 1, 1816. Papers marked F, G, and H, on this subject, are herewith transmitted.

It does not appear from the records of this office that the lands designated in this report, amounting to 84,499.54 acres, were ever reserved from sale by authority of any order issued through this office. The officers in the land district at Shawneetown have therefore proceeded to sell them, and have made sales of the same to about the quantity of 9,000 acres.

The papers marked Nos. 1, 2, 3, 4, 5, 6, 7, and 8, relate to a reservation made on the *Vermilion river*, in the State of Illinois, for the use of salines. From these papers it appears that instructions were issued to the register of the land office at Palestine June 1, 1820, requiring him to select certain lands for the use of salines on the Vermilion river; in consequence of which he made the report dated April 21, 1821, paper marked No. 2; but as the lands were not surveyed at the time of this report, the register made a subsequent report after the lands had been surveyed, designating the tracts reserved by sections, which last designation varied in some manner from the original report, and was approved by the President March 29, 1825, when the certificate marked No. 8 was, by request of the governor of Illinois, issued from this office.

I have the honor to be, with great respect, your obedient servant,

GEORGE GRAHAM.

HON. RICHARD RUSH, *Secretary of the Treasury.*

A.

TREASURY DEPARTMENT, *General Land Office, April* 22, 1814.

GENTLEMEN: I am instructed to request you, or any two of you, to examine the lands on which and about where the United States saline is situated in the Illinois Territory, and make a report to this office, that the President of the United States may be properly informed of the quantity and situation of such lands as may be necessary to reserve from the expected sales, for the purpose of supporting the works forever. In making this examination and report you will be pleased to be very particular; noting the timber on each section; the evenness or otherwise of the ground; the necessity or practicability of conveying the water on the ground in pipes; to coal, and where situated, or wood; relative to the navigation down the Saline creek, if practicable, and the depth of water; and, in short, everything calculated to give a comprehensive and particular view of the whole and every part of the premises.

It is desirable this report should be received as soon as convenient, as the land office is about to be opened there.

With great respect, &c.

LEONARD WHITE, WILLIS HARGROVE, and PHILIP TRAMMEL, Esquires.

B.

UNITED STATES SALINE, *July* 2, 1814.

SIR: In conformity with the instructions contained in your letter bearing date April 22, 1814, we have proceeded to examine particularly the lands on which and about where the United States saline is situated, and beg leave to submit the following report:

We find the country within a short distance of the saline, and on the south side of the works, very broken, and have consequently thought it would be proper to make the greatest part of the reservation on the north side, which is particularly described in the plat herewith.

In recommending any precise quantity of land we feel some reluctance, having no other data than the experience of a few years past, and then the works perhaps only in a state of progression. But in recommending this boundary we have had in view what we conceive to be the probable quantity of water which may be got at the saline annually, and the quantity of fuel necessary to manufacture it into salt, and extending our calculation as to fuel to a term of about forty years, exclusive of the use of stone-coal, which, if it should be found hereafter to answer a valuable purpose, can be applied to the support of the lick in place of wood, and the reservation could then be curtailed.

With this view we report, as our opinion, the exterior bounds of said reservation to run as follows, viz: beginning at the northeast corner of section 19, township 8, in range 9, running west until it strikes the line dividing ranges 6 and 7; thence with said line south to the southwest corner of section 6, township 10, in range 7; thence east to the southeast corner of section 3, in township 10, and range; thence south to the southwest corner of section 14, township 10, in range 8; thence east two and a half miles to the quarter section corner in the north line of section 19, township 10, range 9; thence south to the quarter section corner in the south line of said section; thence east to the quarter section corner on the north line of said section 29, township 10, range 9; thence south to the quarter section corner of said section in the south line; thence east to the southeast corner of section 28; thence south to the southwest corner of section 34; thence east to the southeast corner of said section; thence south to the south corner of section 2, township 11, range 9; thence east to the southeast corner of said section; thence south to the southwest corner of section 12; thence east until it strikes the Ohio river; thence up said river to where the township line strikes it, dividing townships 10 and 11; thence west with that line to the northwest corner of section 6, township 11, range 10; thence north to the northeast corner of section 36, township 10, in range 9; thence west to the northwest corner of said section; thence north to the northeast corner of section 26; thence west to the northwest corner of said section; thence north to the northeast corner of section 22; thence west to the northwest corner of said section; thence north to the northeast corner of section 16; thence west to the northwest corner of said section; thence north to the northeast corner of section 8; thence west to the northwest corner of said section; thence north to the beginning.

In our examinations we have had a particular view to the stonecoal, very great quantities of which are promised by the appearances in many places, particularly in the Saline creek, below the works, which may be transmitted to the works by water, or the water may be conveyed by pipes to the coal banks, but the conveyance of the coal by water to the works must be done in the winter or the spring months; the latter we deem most expedient. We conceive it to be practicable to convey the water through pipes to any point in the boundary before mentioned, lying east, north, or west of the saline, and part of the south side, though the hills are too abrupt and high to convey the water over them. Upon the whole, we are of opinion that the before-mentioned boundary contains a sufficiency of fuel, timber for pipes, troughs, and buildings to last forever.

To the subject of the navigation of the Saline river we have paid particular attention, not only at the present time, but for several years past, and deem it inexpedient, if not impracticable, to make this stream navigable during the summer and fall seasons, owing to the very small quantity of water it affords during the dry season. We have observed that by building a dam three feet six inches high, five miles below the works, (which makes it navigable for small crafts that distance,) which stops the water in the river, and the evaporation consumes it as fast as it comes in, and to render the river navigable it would require a dam of sixteen and a half feet high at the lower ripple to give the same depth of water that the dam above alluded to does above it.

For a minute description of the quality and quantity of the timber upon each section, we refer you to the plat herewith transmitted.

We have the honor to be, sir, your obedient servants,

LEONARD WHITE.
WILLIS HARGROVE.
P. TRAMMEL.

Hon. EDWARD TIFFIN.

[C is a map of the reservation for the Wabash saline, and not published.]

D.

GENERAL LAND OFFICE, *August* 28, 1814.

GENTLEMEN: You will please to reserve from the public sales about to commence at Shawneetown all the lands which Mr. White and the gentlemen associated with him reported to be necessary to support the United States saline on the Wabash with timber, wood, fuel, &c.

I enclose an exhibit of the quantity of acres in each township and range to be reserved, and I presume Mr. White can furnish you with a copy of their report.

I know of no instructions necessary before the sales commence, only that you take great care of your cash which may be received.

I am, &c.,

JOSIAH MEIGS.

THOMAS SLOO, Esq., and JOHN CALDWELL, Esq., *Register and Receiver at Shawneetown, Illinois.*

E.

TREASURY DEPARTMENT, *General Land Office, August* 6, 1814.

SIR: By the last mail I have received a report from Mr. White, United States agent at the Wabash saline, and the persons associated with him, for the purpose of exploring the lands contiguous to the works, and reporting their situation as to timber, coal, evenness of ground, the necessity or practicability of conveying the salt water in pipes to such timber or coal, the practicability or advantage of the navigation of the saline creek down to the Ohio river, &c., &c.

This report, which is full and satisfactory, is now submitted, in the papers marked No. 1 and No. 2, for the consideration of the honorable the Secretary and the President of the United States, that, if approved of, instructions may be forwarded to the register of the land office and receiver of public moneys at Shawneetown, to reserve those lands (from the sales about to commence) for the purpose of supporting the saline. The act of February 21, 1812, provides "that a tract of not less than six miles

square shall be reserved by the President of the United States for the use and support of the public salt-works on Saline creek."

In paper marked No. 3 I have prepared an exhibit of the lands those gentlemen suppose necessary to reserve, showing the quantity of acres of land in each township and range, the whole amount whereof appears to be 96,418.84 acres. The whole number of acres in six miles square is 23,040 acres of land; so that the reservation proposed will embrace more than four times that quantity.

Although this may appear at first view an excessive reservation, yet, with great deference, I cannot but recommend it. The Secretary will recollect it nearly embraces the lands I pointed out to him when I had the honor of a conference with him on the subject, and which resulted in the plan of appointing proper persons to make an actual view and special report.

The value of the saline is great in every point of view, which value will increase; but should timber for necessary uses as well as fuel fail, or coal fail, its value would fail with them; besides, the President of the United States can at any time throw a part of such reservations into market, should time or experience point out its necessity.

EDWARD TIFFIN.

Hon. SECRETARY OF THE TREASURY.

F.

GENERAL LAND OFFICE, *April* 10, 1815.

SIR: On the 27th January last I had the honor to state to you that the register of the land office at Shawneetown represented to this office that appearances of salt had been discovered in certain townships in that district, and suggested the propriety of reserving from sale some lands in the vicinity of those appearances, to preserve a suitable quantity of timber for any salt-works that may be established there.

The register also stated that there were some valuable buildings at Fort Massac, and suggested the propriety of reserving from sale about two sections of land around said fort.

At the same time I observed that, in my opinion, it was desirable that those reservations should be made under the authority of the President of the United States. Having not had any instructions from you or the President on the subject, I presume it may have escaped your attention or that of the President.

I have the honor, &c.,

JOSIAH MEIGS.

A. J. DALLAS, Esq., *Secretary of the Treasury.*

G.

TREASURY DEPARTMENT, *General Land Office, June* 19, 1815.

SIR: I wrote you on the 14th instant, and have now to add that the Secretary of the Treasury approves of the exploring of your district for salt springs and minerals, reporting such tracts as ought to be reserved for the use of any discoveries that may be valuable, provided the expense does not exceed five hundred dollars. The execution of this business is left to your discretion. The offer of your personal services is accepted, under the persuasion that the business will be faithfully performed under your superintendence.

I am, &c., &c.

THOMAS SLOO, Esq., *Register of the Land Office, Shawneetown, Illinois.*

H.

REGISTER'S OFFICE AT SHAWNEETOWN, *November* 1, 1816.

SIR: In pursuance of your instructions, bearing date June 19, 1815, I proceeded, as early as the season would permit, to carry the instructions of the Secretary of the Treasury into effect, and have explored the whole of the Shawnee district.

I proceeded to the meridian line, and commenced on the waters of Cash river. Near the mouth of said river, in township 14 south, range 1 east, section 20, is a flattering appearance of salt. The timber for about one-half mile around this lick is all young growth, and has the appearance of having been cut off nearly at the same time, which, to me, is an evidence of the lick having been worked at an early period. For a considerable distance around this lick is fine farming land of a first and second quality, somewhat rolling, except the Cash river bottoms.

I have reserved for this lick sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, in the above-described township. Should the government deem it advisable to extend the reserve, it ought, in my opinion, to be taken out of the Kaskaskia district.

In township 11 south, range 1 east, sections 35 and 36, is a saline appearance. Some of the oldest hunters of the country informed me that formerly the Indians made salt at this place. I have reserved for this lick sections 22, 23, 24, 25, 26, and 27, in township 11 south, range 1 east, (a part of sections 33 and 34 were purchased by individuals before the reserve was made;) sections 1, 2, 3, 10, 11, 12, 13, 14, 15, in township No. 12 south, of range 1 east; sections 19, 20, 29, 30, 32, in township 11 south, range 2 east, and sections 5, 6, 7, 8, 17, and 18, in township No. 12 south, of range 2 east. The southwest quarter of section 5, in township No. 12 south, of range 2 east, was entered before the reserve was made. The lands for ten miles around this lick are generally of a first and second quality. This lick is situated on the headwaters of Cash, and about four miles from Johnson Court-house. I do not consider this saline

appearance flattering. Should it not prove good on making an experiment, the President, at any time, can take off the reserve, and have the land exposed to sale.

In township No. 13, of range No. 5 east, sections 26 and 27, on the waters of Big Bay creek, there is a large saline appearance, known by the name of Flat and Root licks, the former in section 26, the latter in section 27; a fine tract of land for a considerable distance around these licks. I have reserved sections 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, in township No. 13 south, of range No. 5 east, and sections 1, 2, 3, 4, 9, 10, 11, 12, in township 14 south, of range No, 5 east; sections 17, 18, 19, 20, 29, 30, 31, 32, in township No. 13 south, range No. 6 east, and sections 5, 6, 7, and 8, in township No. 14 south, range No. 6 east.

In township No. 7 south, of range No. 7, section 22 or 23, there is a very considerable saline appearance. The corner trees around this lick were so decayed and defaced that I could not, without a surveyor, designate the precise situation of the lick. I have reserved the south half of section No. 13, (the northwest quarter of that section was entered before I made the reserve,) the whole of sections 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, and 28.

In township No. 8 south, of range No. 8 east, section No. 16, there is a lick immediately on the bank of the north fork of the Saline creek, and adjoining the old saline boundary; also, one in section 3, in the same township, about two and one-half miles northeast of the first-mentioned lick. I have reserved for the two, sections 32, 33, 34, and 35, in township No. 7 south, of range No. 8 east, and sections 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, and 17, in township No. 8 south, of range No. 8 east. The four last-mentioned sections lie immediately adjoining the lines of the old saline reserve; that, should those licks prove good, there is an abundance of timber within the old boundary, and so remote from the old United States saline, that cannot be conveyed thither, and may be made use of at those establishments.

The northwest quarter of section No. 14, in township No. 12 south, of range No. 8 east, contains a saline appearance; it is supposed there can be no salt water procured at this place. I think the case is a doubtful one. The southeast quarter of the same section was sold by government as a pre-emption right in 1814. The lands between the lick and the river, immediately on the margin of the river, were entered shortly after the office was opened, and long before the register knew that there were any saline appearances in that quarter. Under the impression that this saline will not be very valuable, I have reserved only sections 10, 11, 12, and 13, three-quarters in 14, the whole of 22, and the west half of 23. North and east of this lick the lands will not be entered, being rocky and hilly, but covered with good timber.

On the waters of the Little Wabash, in sections Nos. 2 and 3, township No. 4 south, range No. 9 east, are two considerable saline appearances within one-quarter of a mile of each other. The prospect for salt at those places appears good. On the west and south the lands are fine. On the east and northeast they are swampy and wet, but heavily timbered. I have reserved sections 25, 26, 27, 28, 33, 34, 35, and 36, in township No. 3 south, range No. 9 east, and sections Nos. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, in township No. 4 south, range No. 9 east.

There is scarcely a prairie but you find more or less saline appearances, and some of them appears promising. I have not noticed any of them in this report, owing to their being remote from wood. The lands from the third principal meridian line to the Big Wabash are generally of a first and second quality for seven ranges of townships south of the base line. The first four ranges east of meridian are generally good land, from the base line until within a few miles of the Ohio river, where you fall in with a swamp that crosses nearly four townships, from three to six miles from the Ohio, and parallel with it. The lands between these swamps and the river (with the exception of the river and creek bottoms) are generally high and rolling, and a considerable portion of it barrens. Between the fourth and ninth ranges the land from the river is generally hilly, and in many places rocky, the soil thin until you reach the seventh range of townships south of the base line. The ninth, tenth, and eleventh ranges, are generally good lands of a first and second quality, with the exception of a considerable tract of wet lands contained within the old saline boundary; a part of the same swamp embraced in that boundary extends north and east to the Wabash river. About five miles north of Shawneetown you come into the low grounds which are interspersed with a number of fine tracts of good land. At twelve miles from the town the land becomes more rolling and generally of a good quality (a great deal of it first rate) until you reach the base line.

THOS. SLOO.

No. 1.

GENERAL LAND OFFICE, *June* 1, 1820.

SIR: Governor Bond having stated to the Treasury Department that salines have been discovered in sections twenty-two and twenty-three, in township two north, of range seven east of the third meridian line, the Secretary of the Treasury directs that you shall proceed to the land in question and report specially to this office the evidence of salt springs upon them, and to describe the quantity and quality of the water, and the nature of the adjoining sections, especially with regard to timber, so as to enable the President of the United States to make a suitable reservation of land for the use of the saline. It has also been stated that there is a valuable saline upon Vermilion river, where, it seems, the land has not been surveyed. The same examination may take place in relation to it, if it be within your district, or if it be not at too great a distance for you to make the examination conveniently.

JOSIAH MEIGS.

T. Cox, Esq., *Register, Vandalia.*

No. 2.

VANDALIA, *April* 21, 1821.

SIR: In pursuance of instructions from your office, dated the 1st of June last, (1820,) I proceeded to examine the salines pointed out in your instructions, and beg leave to submit the following report:

The land of the first presents some of the appearances usually supposed to indicate salt water; but

as two wells have been sunk by individuals who have sometime since abandoned the object as fruitless, I had an opportunity of examining the water. Its saline qualities are so weak that it is difficult to detect any quality whatever of the kind; therefore I feel no hesitation whatever in expressing the opinion that it is unworthy the notice of government. The timber is of good quality, being chiefly of black oak, post oak, white oak, &c. The saline on the Vermilion river is situated about eighteen miles from the Big Wabash river, fifty miles from Fort Harrison, and about eight miles west of the State line, between Indiana and Illinois. A company are at present engaged in making salt at that on the Vermilion. Their attempts have been attended with very flattering success: the salt made is superior to any manufactured in the western country in strength and beauty of grain. The quantity of water required to make a bushel is one hundred and fifty gallons—less, considerably, than that near Shawneetown. Strong indications of salt are found for four miles above and six below the present wells—along the creek bottom the water exuding from the earth on the margin of the creek in dry weather, when the creek is low, leaving an incrustation of salt on the surface. From appearance there is little reason to doubt its becoming (under proper regulations) a saline of more than ordinary value. Persons are now anxiously waiting for authority to prosecute discoveries and carry on the business extensively. I would suggest that, in consequence of the prairies with which it is encompassed, the reservation, if made, should extend two miles on each side of the creek, and about ten miles in length, extending about six miles below Blackmore's wells. The wells sunk are about twenty-two feet deep, passing first through stratum of clay ten feet deep, below which is a stratum of stonecoal seven feet thick, then through clay and slate stone to the rock, through which they have not penetrated. The creek, a branch of the Vermilion, goes dry in the summer season, but in floods might admit of the descent of boats. The works are, perhaps, eighteen miles from the mouth of the Vermilion river, which is a smart stream in high water; the creek, with a narrow bottom, some part of which occasionally inundates. It is embosomed between two bluffs several hundred feet high. Stonecoal of superior quality is uncommonly abundant. The land is well timbered with white oak, black oak, hickory, walnut, &c. I examined those salines in October last, and, sometime in the last of that month, I forwarded on my report to your office, but I perceived from your letter dated the 20th February that it had not been received.

Respectfully, your obedient servant,

THOMAS COX.

Hon. JOSIAH MEIGS, *Commissioner of the General Land Office.*

No. 3.

GENERAL LAND OFFICE, *August* 8, 1822.

SIR: I have the honor to submit to your consideration the propriety of reserving from sale, for the use of the State of Illinois, certain lands situate in the district of lands offered for sale at Palestine, in that State, which are strongly indicative of saline properties.

At the suggestion of Governor Bond, the Secretary of the Treasury directed an examination to be made of the lands on the Vermilion creek, in the district of Palestine, by Thomas Cox, register of the land office at Vandalia, for the purpose of ascertaining the quality and quantity of the salines stated to exist in that section of country.

A copy of the instructions to Mr. Cox, and of his report, are herewith transmitted, together with a copy of a letter from the register of the land office at Palestine, suggesting the propriety of making the reserves prior to the public sales in that section of the district, which will take place in November next. At the period when Mr. Cox made his report the lands in that part of the district where the salt springs are situate were not surveyed, consequently they could not then be designated sectionally. Should you think proper to authorize a reservation to the extent suggested by Mr. Cox—*i. e.*, for two miles on each side of Vermilion creek, about ten miles in length, and extending six miles below Blackmore's wells—the register will be instructed to designate the reservation by section, township, and range, as the land has since been surveyed.

Accept the assurances of my greatest respect,

JOSIAH MEIGS.

The PRESIDENT *of the United States.*

The reservation proposed is approved.

JAMES MONROE.

No. 4.

GENERAL LAND OFFICE, *August* 12, 1832.

SIR: Your letter of the 12th ultimo has been received. Enclosed you have a copy of a letter dated April 21, 1821, from Thomas Cox, esq., who was authorized to examine the salines on the Vermilion river, and a copy of my letter to the President of the United States, dated the 8th instant. The President having approved of the proposed reservation "of two miles on each side of the creek, and about ten miles in length, extending about six miles below Blackmore's wells," you will please to reserve the same from sale, taking care to make the said reservation by sectional lines, and you will report the numbers of the sections or parts of sections so reserved to this office.

I am, &c.,

JOSIAH MEIGS.

JOSEPH KITCHELL, Esq., *Register, Palestine, Illinois.*

No. 5.

REGISTER'S OFFICE, *Palestine, Illinois, November* 8, 1822.

SIR: Agreeably to instructions from the Commissioner of the General Land Office, bearing date the 12th of August, 1822, by which I was ordered to reserve from sale forty sections of land lying on the Big Vermilion river, including the salines on said river. I was directed to make the reservation four miles in breadth and ten miles in length, making the river as near as possible the centre. I discovered that the saline was within a half a mile of the forks of the river. As my instructions did not direct on which branch of the river to make the reserve, I thought it advisable to go to the salines, and examine both branches of the river, and ascertain on which of the two branches it would be the most advisable to make the reserve. My instructions were to run six miles below and four miles above Blackmore's wells. No doubt that Mr. Cox (when he recommended the reserve to be made in the manner pointed out in his letter) believed, from the best information he could obtain at that time, that to run six miles below and four miles above Blackmore's wells would be most advantageous to the State. Had Mr. Cox have went over the land as I have done, I am confident that he would have recommended the reserve to have been made six miles up the river and four miles below the wells. The land six miles up the river is heavy timbered generally, and the soil not good, which will prevent it from being sold by government for many years; yet it is more valuable for the use of the salines than the land below. The land below is much more prairie and better soil, and will undoubtedly sell as soon as a sale shall be made for that range of township, which is range 11. I conclude, from a full examination of the land ordered to be reserved and the lands two miles above, the limits recommended by Mr. Cox, that it would be much more to the interest of the State to run but four miles down the river below Blackmore's wells, and six miles above. I consider that it would be a considerable advantage, to both the United States and this State, to make the reserve six miles above and four miles below the west side of section sixteen, on which the saline is situated. The land up the river was offered for sale as directed, but did not any of it sell. As I am confident it will be more for the interest of both parties to make the reserve different from that laid down by Mr. Cox, I have taken the liberty to recommend the propriety of making the following reservation: In township No. 19, range 12 west, sections 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 29, 30, and 31. In township 19 north, range 13 west, sections 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, and 36. Section No. 28, township 19 north, range 12 west, I have selected, by the request of Governor Bond, for the use of schools, in lieu of section 16, claimed by the State. The distance of the saline, as the road goes at this time, is upwards of one hundred miles. I was six days going and returning, and eight days employed in examining the lands—in all, fourteen days. Whatever compensation may be allowed me, you will please to inform me through what channel I am to receive it. Should it belong to your department, you will please to take such measures as will procure me an order on the receiver at this place. I am confident that this State will be pleased with the change recommended; but should it be necessary to have the reserve made as laid down by Mr. Cox, you will please to direct accordingly. I have the land selected as I was directed.

I am, &c.,

JOSEPH KITCHELL.

JOSIAH MEIGS, Esq., *Commissioner General Land Office.*

Approved March 29, 1825.

J. Q. ADAMS.

No. 6.

LAND OFFICE AT PALESTINE, *July* 12, 1822.

SIR: Your letter of the 31st of May last, requiring of me a quarterly return of all lands sold at this office from its commencement up to the 31st of March last, has been received. I have made out a statement agreeably to the form prescribed, and send it enclosed herein. I would wish to know from you if any lands will be reserved from sale adjoining the salines on the Vermilion river, in this district, for the use of this State. If a sufficiency of land and timber is not reserved for the purpose of working the salines, the saline water alone can be of no value to this State. It certainly was not the intention of Congress in granting to this State the salines, nor of the convention who accepted of them, that the saline waters alone were reserved; but a fair and equitable inference would be fairly drawn from the premises of the grant that a quantity of land and timber sufficient for working and improving these grants would be given for their use to this State.

I am, &c.,

JOSEPH KITCHELL, *Register.*

JOSIAH MEIGS, Esq., *Commissioner General Land Office.*

No. 7.

Extract of a letter from Governor Coles, dated Vandalia, Illinois, May 16, 1823, *to the Hon. Wm. H. Crawford, Secretary of the Treasury.*

SIR: In reply to a letter addressed to you July 27, 1822, by my predecessor in office, relative to the Vermilion saline, Mr. Meigs (in a letter to Governor Bond dated August 28) stated that "the President of the United States had approved of the reservation suggested by Th. Cox, who was appointed to examine the saline in 1820;" that Mr. Kitchell, the register of the land office at Palestine, had been requested to designate, according to the best of his judgment, the lands alluded to in Mr. Cox's report,

by sections, township, and range, and to exempt them from sale;" to which Mr. Meigs added, "as section number 16, in township 19 north, in range number 12 west of the second principal meridian, is covered by a salt spring, I would suggest, as the Secretary of the Treasury is at present absent from the city, that you (Governor Bond) make a selection of a section in the same township for the purposes of education, and report the same to the register of the land office at Palestine, who will reserve the same from sale until the decision of the Secretary of the Treasury shall have been obtained."

This designation of the reservation and selection of another section in lieu of 16 has been made by Mr. Kitchell, and, I presume, reported to you by him. The object of this letter, therefore, is to obtain from the government the express designation and formal reservation of lands for the Vermilion saline, and its consent to the exchange of the 16th section and to the selection which has been made of section number 28, in the same township, for the purposes of education. Attention to this subject has become the more necessary, as, relying on the government's fulfilling the declarations and suggestions of Mr. Meigs, I was induced, in December last, to yield to the importunities of the persons who claim to have made the discovery of the saline, and who have been for several years waiting impatiently for the lands to be surveyed, (during which time some of them had been making salt in a small way,) to grant them a lease for four years, on condition of their working and improving the saline.

TREASURY DEPARTMENT, *General Land Office, March* 26, 1825.

It is hereby certified that, under the provisions of the second proposition of the 6th section of the act of the Congress of the United States, approved April 18, A. D. 1818, entitled "An act to enable the people of Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," whereby it is provided "that all salt springs within such State, and the lands reserved for the use of the same, shall be granted to the said State, and the same to be used under such terms, conditions, and regulations as the legislature of said State shall direct: provided the legislature shall never sell nor lease the same for a longer period than ten years at any one time," there have been selected the following described sections of land for the use of the saline of the Big Vermilion river, in the district of lands offered for sale at Palestine, viz: in township number 19 north, of range number 12 west, sections numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 29, 30, and 31. In township number 19 north, of range number 13 west, the following sections have been selected, viz: sections numbered 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, and 36; and it is hereby certified that the said sections of land are reserved for the purposes mentioned by the authority of the President of the United States.

It is further certified that, in lieu of section number 16, in township number 19 north, of range number 12 west, there has been selected and substituted section number 28, situate in the same township and range, to be appropriated to the use of schools, agreeably to the direction of the Secretary of the Treasury of the United States.

In witness whereof, I, George Graham, Commissioner of the General Land Office, have hereunto subscribed my name and caused to be affixed the seal of said office, at the city of Washington, the day and year above written.

[L. S.] GEORGE GRAHAM, *Commissioner General Land Office.*

☞ It has so happened that this certificate has date March 26, 1825, whereas the President's approval is dated March 29, 1825. The certificate was not signed until the 30th March, on which day it was sent to the governor.

J. M. MOORE, *Chief Clerk.*

No. 8.

TREASURY DEPARTMENT, *General Land Office, March* 30, 1825.

SIR: Your letter of May 26, 1824, addressed to the Secretary of the Treasury, having been referred to this office, I now, in compliance with the request therein contained, forward you an official statement of the land selected and designated by the President for the use of the saline on the Vermilion river, and of the section substituted by the Secretary of the Treasury in lieu of section No. 28, township 19 north, range 12 west.

With great respect, your obedient servant,

GEORGE GRAHAM.

EDWARD COLES, *Vandalia, Illinois.*

20TH CONGRESS.] No. 594. [1ST SESSION.

LAND CLAIM IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 27, 1827.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of the heirs and representatives of Alexander Chevalier Delahoussaye, deceased, reported:

The petitioners state that their said ancestor, Alexander, about twenty-five or thirty years since, was in possession of a certain tract of land situated in the county of Attakapas, in the State of Louisiana,

containing fourteen arpents in front and forty in depth, on both sides of the Bayou Tigre, and that he held the said tract by virtue of a Spanish concession, which has been lost or mislaid; that he placed on the land an individual named Drake, and had, in the year 1805, a regular survey of the land made by one Ferdinand Victor Potter, who, they state, was then a sworn surveyor of the Territory of Orleans, and who made the survey whilst their said ancestor was in possession of said land. They further state that, being unable to find the original concession, the claim was not presented at the land office for confirmation. Upon this statement they pray that an act may be passed confirming their title to said land. In a supplemental petition they allege that, having been informed that different persons had purchased in good faith of the United States parts of said land, and had settled on and improved the same, they are willing to receive a confirmation of title to that portion of the land only which remains unsold by the general government.

In support of their claim they produce a paper purporting to be a plat and certificate of survey of said land by Ferdinand Victor Potter, dated May, 1805. P. Briant, as justice of the peace for the parish of St. Martin, State of Louisiana, certifies that the honorable Paul ———, judge of the parish of St. Martin, had made oath before him that the signature of Potter to said certificate of survey was, in his opinion, the true signature of said Potter, and that he was known to have been a surveyor of the Territory of Orleans. Two other persons swear that they knew a tract of land situated on the Bayou Tigre, in the parish of Lafayette, county of Attakapas, which was settled and established by the late Alexander Delahoussaye, deceased, on which tract, about twenty-five years ago, he placed one Drake, and that they had seen said land with fences necessary for agriculture.

The committee do not consider the testimony to be of such a character as to justify a favorable report. There is no proof of a concession by the Spanish government, nor of a compliance with any of the conditions upon which such concession may have been made, except that a man by the name of Drake was settled on the land by Delahoussaye. Under what authority Potter made the survey we are left to conjecture. The claimants even did not have such confidence in the validity of their claim as to induce them to lay it before the board of commissioners for the adjustment of land titles in that district. To confirm such a claim would not be in accordance with any precedent, and would, in the opinion of the committee, open a wide door for the practice of frauds on the government. They therefore offer the following resolution:

Resolved, That the claim of the petitioners ought not to be confirmed.

20TH CONGRESS.] No. 595. [1ST SESSION.

APPLICATION OF MISSOURI FOR A REDUCTION IN THE PRICE OF PUBLIC LANDS AND A DONATION TO ACTUAL SETTLERS.

COMMUNICATED TO THE SENATE DECEMBER 27, 1827.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the general assembly of the State of Missouri respectfully represents: That the interest and welfare of this State are intimately connected with the measures which may be pursued by your honorable bodies in relation to the sale and settlement of the public lands of the United States.

This general assembly believe that it is a paramount desire with your honorable bodies to appropriate these vast and fertile regions of the west, the property of the nation, for supplying the wants and promoting the happiness of its citizens. Our country is peculiarly the asylum of the oppressed, and emphatically the poor man's home. Every law, then, which opens before the poor man the way to independence, which lifts him above the grade of a tenant, which gives to him and his children a permanent resting and abiding place on the soil, not only subserves the cause of humanity, but advances and maintains the fundamental principles of our government.

This general assembly also represent that the richest bodies of land lay detached from each other in different parts of the State; and the intermediate lands being of a poorer quality, must long, and perhaps forever, remain unsold at the present price, to the great injury as well of the United States as of this State. This general assembly therefore respectfully request of your honorable bodies that provision may be made by law for the offering to sale of the public lands at a minimum price of fifty cents per acre where they shall have remained unsold at the present price for a certain number of years. That where any of the public lands shall remain unsold at the minimum price of fifty cents per acre, the same may be granted in small fractions of a section to citizens who will actually settle on and cultivate the same for a certain length of time. This general assembly assure your honorable bodies that the passage of such a law would, in their opinion, not only promote the strength and prosperity of this frontier State, but the happiness of thousands who, from the want of pecuniary means, are compelled to remain in an anti-republican state of dependence on rich landlords. And your memorialists, &c.

H. S. GEYER, *Speaker of the House of Representatives.*
B. H. REEVES, *President of the Senate.*

Approved January 4, 1825.

FREDERICK BATES.

20TH CONGRESS.] No. 596. [1ST SESSION.

APPLICATION OF ARKANSAS FOR A GRADUATION OF THE PRICE OF THE PUBLIC LAND AND AN EXCHANGE OF SCHOOL LANDS.

COMMUNICATED TO THE SENATE DECEMBER 31, 1827.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the general assembly of the Territory of Arkansas, respectfully represent: That the interests of said Territory are intimately connected with the measures which Congress may adopt in relation to the sale and settlement of the public lands of the United States. Your memorialists humbly conceive it to be the intention of Congress to appropriate the vast unsettled regions of the west to supply the wants and promote the happiness of the citizens of the United States. The western country is peculiarly the asylum of the oppressed, and may emphatically be called the poor man's home. Your memorialists believe that any law which will open to the indigent a way to independence, and give to them and their children a grade above that of tenants, and a permanent home on their own soil, well subserves the cause of humanity, and is in strict accordance with the principles adopted by our government.

Your memorialists further respectfully represent that the rich lands of our Territory are situated in detached parcels, and generally confined to the water-courses; that the intermediate lands are generally of a quality that cannot for a long time, if ever, be sold, to the manifest injury as well of the general government as of this Territory. To advance, then, the interests of the general government, as well as those of our own Territory, your memorialists would respectfully suggest that the laws of the United States regulating the primary disposal of the public lands should be so altered as to permit the same to be disposed of in the manner proposed in the bill introduced in the Senate of the United States by the Hon. Thomas H. Benton, a senator in Congress from the State of Missouri, "to graduate the price of the public lands," his views on that subject being in perfect accordance with the views of your memorialists. Your memorialists believe that the passage of such a law would greatly increase the strength of our frontier settlements, and in a few years place us in a situation to protect and defend ourselves against the various tribes of faithless Indians that now surround us, and create an annual increase of revenue of many thousands of dollars in favor of the treasury of the United States.

The general assembly of the Territory of Arkansas have presented this important subject to the Congress of the United States with the fullest confidence that its decision thereon will be in perfect accordance with our views and wishes.

A. H. SEVIER, *Speaker of the House of Representatives.*
D. S. WITTER, *President of the Legislative Council.*

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the legislative council and house of representatives of the Territory of Arkansas respectfully represents: That of the lands designated by the laws of the United States for the use of schools in the Territory of Arkansas the following tracts have been confirmed to individuals under grants from the Spanish government, viz: section sixteen, in township eight south, in range three west of the fifth principal meridian, and section sixteen, in township eight south, in range two west of the fifth principal meridian.

Your memorialists would therefore respectfully ask the passage of an act of Congress authorizing the Commissioner of the General Land Office to set apart for the use of schools in said townships two other sections of the public lands in lieu of those appropriated as aforesaid. And your memorialists, as in duty bound, will ever pray.

A. H. SEVIER, *Speaker of the House of Representatives.*
D. S. WITTER, *President of the Legislative Council.*

20TH CONGRESS.] No. 597 [1ST SESSION.

APPLICATION OF THE CORPORATE AUTHORITIES OF NEW ORLEANS TO BE ALLOWED TO SELL THE VACANT LOTS ON THE QUAYS OF THAT CITY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 31, 1827.

To the honorable the members of the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the mayor, aldermen, and inhabitants of the city of New Orleans most respectfully showeth: That your memorialists, relying on the justice of your honorable bodies, come before them and pray that they may be permitted freely to exercise the right which they think they actually possess of alienating, for the use and benefit of the corporation of New Orleans, certain spaces of ground, being a

part of the quays of this city, which may be sold without any inconvenience to the public use which the said quays were originally intended for.

That, your memorialists having caused public notices to be inserted in the newspapers announcing the sale of such of the above alluded to spaces of ground as were susceptible to be turned into town lots, John W. Smith, esq., the district attorney of the United States for the Louisiana district, thought it his duty to solicit and obtain from the district court, before whom he prosecutes, an injunction to inhibit your memorialists from selling the said lots, on the ground that the exercise of their pretended right of selling the same would, in fact, be an encroachment upon the rights of the United States as transmitted to them by the treaty of cession of Louisiana.

That if your honorable bodies will turn to the petition which the district attorney of the United States has filed to obtain the said injunction, a copy of which petition is to be found among the documents which your memorialists think it their duty to produce in support of their claim, they will find that the alleged motives of his opposition to the sale of the said lots are that, "by the treaty of cession of the late province of Louisiana by the then French republic to the United States of America, the United States succeeded to all the antecedent rights of France and Spain, as they then were, in and over the said province, the dominion and possession thereof, including all lands which were not private property; that therefore the dominion and possession of the vacant lands so endeavored to be sold by the city council of New Orleans must inevitably be vested in the United States, inasmuch as they had, ever since the discovery and occupation of the said province by France, remained vested in the sovereign, and had not, any time prior to the date of the said treaty, been granted by the sovereign to the inhabitants of the city of New Orleans."

That were the facts set forth in the petition filed by the district attorney of the United States strictly correct, and were it true that the lots which your memorialists intended to have sold for the use and benefit of the corporation of New Orleans do really constitute a part of the vacant lands which are within the dominion of the United States, and of which they alone have the right to dispose, then, perhaps, might it be said that that officer acted properly in soliciting the injunction which he has obtained, in order to prevent the sale of those lots, and to have the rights of the United States to the ownership of the same recognized and confirmed by a court of justice in opposition to the claim and pretensions of the inhabitants of New Orleans.

But that it may be easily demonstrated to your honorable bodies, as your memorialists expect to do, that there is evidently an error of fact in the allegations upon which the injunction was obtained, inasmuch as the lots in question are no part of the vacant lands, which the United States alone have a right to alienate, but are a portion of the quays of New Orleans—that is to say, of one of those public things which, according to the civil laws which have always governed Louisiana, belong to the inhabitants of cities, boroughs, and other similar places, for whose use they are intended.

Indeed, it is fully established by the most authentic documents that, from the very foundation of the city of New Orleans, there was, between the river Mississippi and the first row of houses fronting the river, a space of a certain breadth, extending on the whole length of this first row of houses, left vacant and designated by the appellation of quays, which space the founders intended should remain open for the use of the public, and was therefore without the dominion of those things which the then government of Louisiana had retained the right of alienating.

That if we recur to the work published at Paris in the year 1744 by the Rev. Father Charlevoix, under the title of "General History and Description of New France," which contains the historical statement, perhaps the most ancient now extant, of what relates to Louisiana, we shall find, page 434, volume the 2d, of the 4to edition of this work, that, though so far back as the year 1717, the French government, the then owners of the soil, had begun to lay the foundation of the metropolis of Louisiana under the name of New Orleans, still this project went no further at that time than the mere construction of some few houses upon the spot whereon the said city now lies.

That it appears, from the oldest plans of New Orleans, filed in the office of the marine charts at Versailles, which have furnished the data for making out the one contained in the above-cited work of Father Charlevoix, volume 2d, page 432, that it was only several years after the foundations of the city had been laid by the French government that they thought proper to cause a regular plan of the same to be made out.

That the city council of New Orleans having, by reference to the work of Father Charlevoix, discovered that there existed in the office of the marine charts, at Versailles, one or more plans of the city which might go to establish the rights of its inhabitants to the lots now under consideration, resolved, towards the close of the year 1717, to apply to the proper authorities in France, in order to obtain authenticated copies of the said plans; that the said copies are now filed in their archives and referred to on the present occasion to prove to your honorable bodies that the claim of your memorialists is well founded.

That the plans of New Orleans of which the city council have procured copies are three in number, and appear to have been made out by order of the French government, an inference easily to be drawn, and evidently resulting from the official capacity of the persons employed in draughting the same, and from the fact of their being filed and recorded in one of the offices of the navy department at Versailles.

That the first and oldest of those plans was only made out in the year 1724, by Mr. De Pauge, one of the King's engineers; that this, which may be looked upon as the original plan of the foundation of the city, is styled "Plan of the city of New Orleans;" that the embankment or levee which defended the city from inundation, and the buildings erected since September 1, 1723, are marked on the said plan, at the foot of which the following words are to be found: "New Orleans, May 29, 1724." Signed De Pauge.

That the second, which is in every respect similar to the first, with the exception of such houses as were built since the year 1724, and are marked thereon, was made out in the year 1728, by Nicholas Broutin, esq., a navy engineer, and is styled: "Plan of New Orleans, such as it was in 1728," and is attested as follows: "I, the undersigned, captain and engineer, do hereby certify the present plan to be correct. May 15, 1728." Signed Broutin.

That the third and last of those plans is styled: "Plan of New Orleans, such as it was in 1732;" and that it is thereon mentioned, a circumstance which it is all-important to advert to, that the levee in front of the city was then only twenty inches high, a difference almost incredible when its present height is taken into consideration.

That it appears that the plan annexed to the above-mentioned work of Father Charlevoix was made out from the three referred to, for it is styled: "Plan of New Orleans, taken from the manuscripts in the recording office of the marine charts, of N. B., engineer of the N., 1744," these being initials most

assuredly used to designate the name, surname, and official capacity of Nicholas Broutin, navy engineer above mentioned. (Nicholas Broutin, ingénieur de la marine.)

That all those several plans prove most conclusively that the French government, at the time of the foundation of New Orleans, had left between the river Mississippi and the first row of houses fronting the same a certain vacant space not divided into town lots, the breadth of which has considerably increased since, in consequence both of the alluvions of the river and the works which the inhabitants have been successively making to the levee which protects the city against the overflowing of the Mississippi.

That this space so left open must of course have been partly occupied by the levee then existing on the banks of the river in front of the city, and by the public road extending along the levee; but that the balance of this space was evidently set apart for the use of the public, in conformity with the intentions of the founders, inasmuch as the said space is expressly designated in all those plans by the appellation of quays, a word which is to be found immediately after the first row of houses of this city, and which is used to mean that portion of land which it is customary, in the cities of France and Spain, to leave unoccupied between the port and the first row of houses, in order to facilitate the landing of vessels or other water craft, and the transportation of goods and merchandise, or to be applied to other similar public wants.

That an additional fact, which goes still more completely to prove that all the space left vacant between the Mississippi and the first row of houses of New Orleans was to remain open for the use of the public, agreeably to the intentions of the founders, is, that the frame buildings which it became indispensable for the French government to have erected, and which were actually erected by them, which buildings are marked on the plan annexed to the work of Father Charlevoix by letters N O P Q, were situated out of the limits of the city and port of New Orleans, as described in the said plan.

That your honorable bodies may easily convince themselves of this fact by the mere inspection of the plan which your memorialists have annexed to the other documents herewith respectfully submitted to them; a plan which they have caused to be made out by Joseph Pilié, esq., an engineer and the city surveyor, from the one contained in Father Charlevoix's work, this last plan being upon a scale much more reduced than the one upon which the plan by Nicholas Broutin has been made, but being in all other respects altogether similar to its original now on file in the archives of the city council of New Orleans.

That from this simple and correct statement of facts your memorialists are induced to conclude that, even supposing that the inhabitants of the city of New Orleans should have no other title to rely upon but the existence of the original plan of the foundation of their city, still your honorable bodies would find therein the most conclusive evidence that, although the United States have succeeded to all the rights which the governments of France and Spain previously had on Louisiana since the discovery of the said country, yet the rights so ceded to them do not include that of alienating, to the damage and prejudice of the inhabitants of this city, any parcel of that space which the French government, as founders of New Orleans, had left vacant, for the use of the public, between the Mississippi and the first row of houses of this city.

That whenever a town is founded by a private individual upon a given plan, and the lots therein are sold by him accordingly, it is a settled principle that the plan must be taken as the criterion by which the respective rights of both the original owner and the purchaser under him are to be tried.

That this position being incontrovertible, it would be subversive of every principle of reason and equity to contend that the same rule ought not to hold good between the sovereign who has founded a city, and has caused a regular plan of the same to be made out, and the individuals who have settled in the said city under the expectation that the plan would be carried into execution in all its contents.

But that the inhabitants of New Orleans, whose interests are represented by your memorialists, while they rely with confidence upon the rights secured to them by the original plan of the foundation of this city, have it in their power, moreover, to rest their claim upon the very letter of the civil laws which have always been in force in Louisiana under its various changes of government.

That it is expressly provided by the Spanish laws, which have ever since the year 1769 been and still are in force in Louisiana, whenever they are not contrary to the Constitution of the United States or have not been repealed or amended by the statutes of the State, that alluvions on the banks of rivers, either navigable or not navigable, shall belong to the riparian proprietors to whose estates they may be added.

That the law 26, title 6, of Partida III, enacts "that rivers sometimes swell to such a height that they carry away a portion of one estate and join it to another situated elsewhere on their banks: wherefore we say that the earth which a river carries away from an estate little by little and imperceptibly, because not all in a body, becomes the property of him to whose estate it is carried, and he who lost it has no claim whatever to it."

That the reason assigned by commentators as the ground of so positive a provision is, that inasmuch as the riparian proprietors are exposed to all the losses which may be occasioned by the overflowing and irruptions of the rivers along which their estates are situated, the legislator has thought proper to give them an adequate indemnification therefor by ordering that they should profit by such accessions of land as the said rivers might add to their property.

That if the above provisions be all equitable everywhere, they are still more so in lower Louisiana, wherein the inhabitants are obliged to keep in repairs, at their own expense, considerable levees, in order to protect themselves and neighbors from the inundations to which they are exposed in consequence of the periodical swellings of the Mississippi.

That this law being couched in general terms, and making no difference between the riparian proprietors either of urban or rural estates, it follows that the inhabitants of the city of New Orleans are equally as well founded to claim the benefit of its provisions as the riparian proprietors of rural estates in lower Louisiana; and it is notorious that the exercise of the right of the latter to the accessions of land made to their property by the Mississippi and other navigable rivers has never been called in question.

That one single reflection will suffice to prove that there can be no difference in this respect between the riparian proprietors of urban and rural estates. It is this: that should a part of the ground upon which the quays of New Orleans are situated be carried away by the irruption of the river, the inhabitants of the city would inevitably be the only sufferers; and they alone would have to furnish and make, at their own expense, another levee and public road in lieu of the ones which might have been either entirely or partly destroyed in consequence of the said irruption.

That the suit which existed between the corporation of New Orleans and Edward Livingston, esq., as to the right to the batture of the suburb St. Mary, and the judgments given therein by the supreme tribunals of Louisiana, sufficiently prove that, although the doctrine as to the right of ownership to alluvions and accessions of land on navigable rivers had been more controverted in France than in Spain, the laws in the former country being less positive on that subject than in the latter, still the latest decisions of the highest courts of justice in France have at last solemnly settled that point in conformity with the above cited law of the Partidas.

That such being the rule by which the right of property to alluvions on navigable rivers is to be tried, it follows that the privilege of disposing, for the use and benefit of the corporation of New Orleans, of the town lots lying between the first row of houses and the public road extending along the levee, claimed by your memorialists, is the more just and lawful as they have it in their power to prove that those lots have been, as it were, created and formed at the expense of the inhabitants of New Orleans by the immense works which they have been incessantly making to the levee under the various changes of governments, and especially since the United States have taken possession of Louisiana.

That among other depositions on oath annexed to this memorial, together with other written documents, your memorialists beg leave to refer your honorable bodies to that of Joseph Pilié, esq., by avocation an engineer and surveyor, who has been residing in New Orleans for upwards of twenty-two years without interruption, who has been the city surveyor since the month of May, 1818, and whose duty as such has been and still is to oversee the public works of the city, and especially those made to the levee.

That the said deposition establishes the fact that the works made to the levee of the square of the city of New Orleans, to the certain personal knowledge of this witness, that is to say, since the close of the year 1804, have been so considerable, and have so much increased the size and strength of the same, that the river having gradually left a part of its former bed uncovered, and that, too, having been filled up, little by little, by deposits of sand made by the river itself, especially in the upper and lower parts of the square of the city, the levee has been successively pushed forward and extended towards the river in all its width, so that the public road now existing along the levee in the lower part of the city, and the levee itself in the upper part, are both situated on what was but of late a part of the bed of the river, as your honorable bodies may see by reference to the figurative plan of those augmentations in front of the city; which plan has been made out by the witness in question with a view to elucidate the facts and explain more fully his deposition.

That this witness has, moreover, declared that, from the observations which he had been enabled to make previously to his being appointed city surveyor, and those made by him since with still more accuracy, he has no hesitation in saying that the expenses which the inhabitants have had to bear since Louisiana has been taken possession of by the United States of America have, upon an average, amounted to at least three thousand dollars per annum, both for the repairs and augmentations made to the levee of the square of the city alone. That your honorable bodies will no longer be surprised at the enormity of the expenses so incurred for that object when they are informed that the average height of the levee in front of the square of the city, which in 1732 was only twenty inches, as before stated, is now from four and a half to five feet by from fifty to one hundred in breadth, as proven by the testimony of Joseph Pilié, esq., which is owing to the progressive increase of the swellings of the river, in consequence of its banks having been gradually cleared and put in a state of cultivation, and new levees established, which have obstructed and actually shut several of the natural old outlets of the Mississippi.

That Joseph Pilié declares, moreover, that he entertains no doubt that the existence of the town lots within the space known by the appellation of quays, situated between the levee and the first row of houses, is owing altogether to its having been widened by the works which the inhabitants of New Orleans are incessantly making to their levee at their own expense; and also to this circumstance, which is common in the port of New Orleans, that the river, by leaving gradually a part of its former bed uncovered and filling up the same, little by little and imperceptibly, with deposits of sand, formed a real alluvion, which has enabled the inhabitants to push forward and extend the levee towards the river.

That if your honorable bodies, after having duly weighed the facts proved by the said deposition, will turn to the evidence of Gallien Preval, esq., the present secretary of the council, stating not only what he knows of his own personal knowledge, but what is the result of a thorough examination made by him of the records of the former *cabildo* of this city, both going to establish the fact that the works to the levee in front of the square of the city were always under the Spanish government, that is, since the year 1769, made by its inhabitants, or the expenses thereof defrayed out of the funds of the city treasury, they will not hesitate to acknowledge the justice of the claim of the inhabitants of New Orleans, and that they will recognize that the city council, in their capacity, do actually possess the right of exercising the privilege herein alluded to, without being reduced to the necessity of entering into a long discussion before the district court, and being exposed, in order to have the injunction set aside, to unnecessary delays and inconveniences, which must be the inevitable result of a judicial investigation.

That a powerful consideration which ought to determine your honorable bodies to grant the prayer of your memorialists and to make use of the authority vested in them, in order to raise the obstacles which are the natural consequence of the injunction obtained by the district attorney of the United States, is, that the statement herein respectfully submitted shows, most conclusively, that the lots which the city council wished to sell are no part of the vacant lands the ownership of which was transmitted to the United States by the treaty of cession of Louisiana, but do actually constitute a portion of the quays of the city—that is to say, of one of those things which the French government, at the time of the foundation of New Orleans, had left free and open for the use and convenience of its inhabitants.

That this being the real state of things, the sale of the town lots lying on the quays of New Orleans cannot, in any manner, interfere with the useful dominion enjoyed by the United States—that is to say, the right of disposing of the vacant lands in Louisiana; and your memorialists therefore hope that your honorable bodies will be of opinion that the question relative to the sale of those lots is not essentially within the province of courts of justice, and that they may take upon themselves to decide the same in favor of the inhabitants of New Orleans without the interference of any tribunal if they be convinced, as they must be, that the rights of the United States cannot be affected thereby.

That one of the reasons which induces your memorialists to cherish the hope that they will obtain what they solicit is, that the general government have already, in some measure, impliedly recognized that they had no right of property to the lots claimed by your memorialists.

That towards the close of the year 1817 the city council of New Orleans, being informed that the United States intended to have the lots in question sold for their own use and benefit, as well as the

public square and city hall of New Orleans, in the same manner that they had concluded to dispose of the ground on which Fort St. Charles formerly stood, of the barracks and navy yard in this city, deemed it advisable to present a memorial to the general government and Congress of the United States, with a view respectfully to lay before them the rights of the inhabitants of New Orleans to the lots in question.

That it appears that that memorial had the desired effect, and that the general government recognized that the United States had no right to dispose, for their own benefit, of either of the lots claimed by your memorialists, or of the public square or city hall of New Orleans; for Congress, by an act bearing date April 20, 1818, merely ordered the sale of the barracks and navy yard in New Orleans, and made a donation, under certain conditions, to the corporation of this city, of the ground of the old Fort St. Charles.

That, therefore, if the United States have no right to dispose, for their own benefit, of the lots claimed by your memorialists, and if it be true that the said lots have always been a part of the quays of New Orleans, the only point which remains to be inquired into by your honorable bodies is with respect to the nature and extent of the rights of the inhabitants of this city to those things which, since the foundation of New Orleans, have been left and appropriated to their common usage, such as the quays of the city, even laying aside for a moment the consideration of the fact of accessions of land having been successively added to those quays in consequence both of the progressive filling up of the port and the works which the inhabitants of the city have been constantly making to the levee.

That on this question it may be contended that there are countries wherein no other privilege is granted to the inhabitants of cities but that of enjoying such public things as are left for their use, the dominion of which, however, is retained by the sovereign. But if such be the law in certain parts of the world, surely the provisions of the civil laws which govern Louisiana are entirely in opposition to that doctrine, for they most emphatically give to the inhabitants of cities and towns a complete right of property to such public things as are appropriated for their use; that in France, with the exception of the ports of Brest, L'Orient, Rochefort, and Toulon, which are royal navy harbors, quays belong either to the people of cities, towns, or other settlements, or even to private individuals.

That the truth of this position is evidenced, first, by provisions contained in the *Ordonnance de la Marine*, and Valin's Commentaries thereon; second, by police regulations made for certain ports.

1st. That by the *Ordonnance de la Marine*, book 4th, title 1st, article 20, it is provided "that the expenses for keeping in good order and repairs the posts, buckles, and rings, put up and appropriated for making fast vessels, as well as the quays intended for the loading and unloading of goods, shall be paid out of the common fund of cities; and the mayors and selectmen thereof shall see that this provision be carried into effect, under penalty of being personally responsible for the non-execution thereof."

On this provision Valin says: "This is applicable to ports wherein there is no wharfage or quay duty imposed for the benefit of private individuals; for, when such a duty does exist, they are to keep in good order and repairs, at their own expense, the said quays and wharves, as it is positively settled by the following article:

"If the expenses for the keeping in good order and repairs be borne by the city, no doubt but that the mayor and selectmen thereof are authorized to levy and receive, for the use and benefit of the said city, the quay and wharfage duty."

The 21st article says: "They shall, nevertheless, be bound to keep quays, buckles, and rings in good order and repairs, who enjoy the privilege of levying and receiving, in ports and harbors, custom or quay duties, under penalty of being deprived of the exercise of the said privilege, and the amount of the said duties being applied to put up anew the objects which have been destroyed by their negligence."

In commenting on this provision Valin observes: "This point had already been so settled by the 27th article of M. D'Herbigny's regulations for the port of La Rochelle, by which it is made the duty of the harbormaster, in case of neglect on the part of the owners to make the necessary repairs to, and to keep in good order, their quays and wharves, to have the same done at their expense by employing hands therefor."

Our article says: "Under penalty of being deprived of the privilege of levying and receiving the duties, and of the amount of the same being applied to the putting up anew of the objects which have been destroyed by their negligence." But the 27th article of D'Herbigny's regulations, while it nearly reaches the same end, is, however, less severe as respects the owners of quays; for it operates no perpetual forfeiture of their privilege, &c.—(See 2d Valin, edition of 1760, page 439.)

2d. By the regulations for the police of the quay of La Rochelle, enacted June 30, 1676, under the authority of the King, and alluded to by Valin, it is expressly provided, article 27, "We order all such persons as receive wharfage duties, individually, to keep in good order and repairs their quays and wharves, to have them furnished with buckles for the making fast of shipping; and we, moreover, command the harbormaster, in case of neglect on the part of said owners, to employ hands therefor at their expense, so that the unlading of goods may easily take place thereon, and the mooring of the shipping be safe."

ART. 28. "Owners of quays and wharves shall furnish the necessary cable and stage timber, and shall be entitled to demand and receive one cent per ton for the unloading of merchandise," &c.—(See 2d Valin, same edition, pages 416 and 417.)

3d. By an ordinance of the admiralty at La Rochelle, bearing date September 7, 1720, in which the above regulations are ordered to be strictly carried into effect, the same words, "proprietors of quays and wharves," are made use of in three instances, and applied to private individuals.

Now, unless it be shown that, as regards the quays in New Orleans, France has deviated from such well established general rules, and declared, during the time that she was in possession of Louisiana, that the said quays should remain the property of the crown, and be kept in repairs at the expense of the royal treasury—unless it be shown, further, that the said quays have ever been kept, maintained, or repaired by the said crown, your memorialists think they are warranted in concluding that the sovereign of France never was the *proprietor* of the said quays, and, consequently, could never transfer either to the King of Spain or, afterwards, to the United States, any right or title *in*, *upon*, or *to* the same.

That, as to the laws of Spain, your memorialists think that they are likewise in favor of their claim. Indeed, the 9th law, title the 28th, of the third Partida, reads thus: "The things which belong exclusively to the commons of cities or towns are the water fountains, the places where fairs and markets are held, or where the city councils meet, the alluvions and sandy places on the banks of rivers, public places, race grounds, the forests and pastures, *and all other such similar places as are appropriated and left for the use of each city, town, or other settlement of the same kind.*"

That it is evident, especially from the concluding part of the said law, that in Spain, whenever the sovereign has founded a city, town, or other similar settlement, it may be said that he has, *ipso facto*, relinquished in favor of the people of the said city, town, or other settlement, his right of dominion over all such public things as he leaves or appropriates to their use; and that, from that moment, the exclusive right of property to those things becomes unqualifiedly vested in them. Let us add here, as a confirmation in favor of the city of New Orleans, of the principles and arguments drawn from the laws of France, 1st. That under the Spanish government, the keeping in repair the *quays* and *levee* was a charge imposed upon the said city, which was, for that reason, authorized to receive a duty of three dollars from each vessel that moored, anchored, or unloaded in its port. 2d. That, by its charter of incorporation, the said city has been, and still is, authorized to receive the said duty. 3d. That it has uninterruptedly kept in repair up to this day not only the said levee but also the said quays.

That, moreover, the said civil laws prove that this right of property is not to be barely construed into a mere usage, although they do not actually allow city corporations to dispose of those things which belong to them in the same manner that private individuals may do with respect to their own property.

That the law 23d, title 32d, of the 3d Partida, enacts, "No one shall erect a house or other building, or works, in the public places, vacant or threshing grounds, or roads which are common to cities, towns, or other settlements; for, as they are left open for the convenience and advantage of all who reside therein, no one shall presume to take possession of them, or labor there, for his own particular benefit. And if any one contravene this law, that which he builds or erects there shall be pulled down and destroyed. *And if the corporation of the place where the works are constructed, or the buildings erected, choose to retain them for their own use, and not to pull them down, they may do so; and they may make use of the revenue they derive therefrom in the same manner as they would of any other revenue they possess.*"

That the last expressions used in the above law clearly prove that the right of cities and towns to those things which are appropriated for the public convenience does not consist merely of the right of using the same, but actually vests in them the power of disposing of them, so as to derive a revenue therefrom, as the said law positively expresses it.

That not only are the inhabitants of cities, towns, or other similar settlements, possessed, in several instances, of the right of deriving a revenue from the public things appropriated for common use, by either renting or leasing them out, but they even may, in accordance with the Spanish laws, grant to private individuals the privilege of enjoying the same whenever some public advantage may result therefrom.

That this is a natural inference flowing from the very words of the law 3d, of the said title 32d, of the 3d Partida, which are as follows: "If any one begin to erect for his own private use a new edifice in a public square, street, or common threshing ground, of any city or town, without leave of the King, or the permission of the city council (cabildo) of the place wherein the building is erected, any of the inhabitants may forbid him to continue the work."

That if it appears from the expressions contained in that law that the cabildo or council of a city, town, or other similar place, may allow an individual to erect a building or other constructions on a public ground, the irresistible conclusion to be drawn from that provision is, that the cabildo or city council can, *a fortiori*, exercise for themselves, and for the benefit of the city or town represented by them, the same privilege which they are empowered to grant to others.

That true it is that the law 15, title 5, of the 5th Partida, provides: "That public places, such as public squares, streets, rivers, and water-courses, belonging to the King, or to the commons of any city, cannot be sold or alienated." But this prohibition as to public things, which actually exists even in countries governed by the civil laws, ought not to be considered as intended to impair the right of property which the inhabitants of cities have over public things left for their use; but merely as a wise provision enacted in order to prevent that those things should be diverted from their original destination without strong reasons for so doing.

That, moreover, this provision restricting the right of alienating public things in the countries governed by the civil laws, is not always carried into execution, so as not to admit of an exception, whenever a material advantage may result in favor of the people of the place concerned, from the alienation of the same, or whenever their original destination may be changed without any prejudice or inconvenience, provided it be with the express authorization of the sovereign—a doctrine which is laid down by several commentators.

That if the rule which prohibits the alienation of such public things as belong to the commons of a city were susceptible of no exception, it is plain that the inhabitants of a city or town would not have it in their power to extend it beyond its original limits, even in case of necessity, and of the measure being called for, in consequence of an increase of population, or of changes made by nature itself in the localities, whenever this extension could only be operated by a change in the original destination of those public things which had been left open for common use.

That if, for example, owing to the deposits of sand left by the Mississippi, the alluvion or batture which is now forming in front of New Orleans should so increase as to remove the port at a distance of several acres from the first row of houses, an event which is not impossible, the river having in several instances withdrawn from and abandoned its former bank; and if it should be held that the vacant space of ground now lying between the river and the first row of houses cannot be alienated, the commerce of this city would be exposed to the most serious inconveniences; for the distance between the shipping and the stores and warehouses prepared for the reception of the goods and produce landed on the levee would be so great, and the costs for transporting the same so heavy, that the inhabitants would perhaps be reduced to the necessity of abandoning the city.

That, at all events, the 1st and 13th sections of the act to incorporate the city of New Orleans, an act bearing date February 17, 1805, have not only modified, but expressly repealed the rule which provides that public things belonging to the commons of cities, towns, and other similar settlements, cannot be alienated or sold. The two sections above alluded to vest in this corporation not only such rights as were exercised by the inhabitants of New Orleans and by its cabildo under the Spanish government, but actually do give them the power of holding, possessing, and selling all the real and personal property which they had a right or title to; which must, necessarily, include the rights and titles to those public things which the Spanish laws secured them the right of property to, and clothe them with the discretionary power of selling, and even giving away, those things, according to the exigencies of public interest.

That your memorialists, however, full of respect for the opinions of your honorable bodies, are willing

to be considered in the light of applicants for leave to sell the lots in question, if such a permission be deemed necessary. That, at all events, your memorialists pray your honorable bodies to use the authority which they possess, in order to rid them from the opposition formed by the district attorney of the United States, by passing an act in favor of the inhabitants of New Orleans, confirming all the legal, and, with due deference, incontrovertible right, which they have to the said lots, or relinquishing to them such rights as the United States may think they have thereto, if your honorable bodies have any the least doubt as to the validity of the titles by virtue of which the inhabitants of New Orleans claim the ownership of the said lots, and the privilege of disposing of the same.

That, should your honorable bodies be of opinion that the inhabitants of New Orleans have no title to the lots in question, still there is a consideration which will, no doubt, determine them to relinquish in their favor all the rights which the United States may think they have thereto; it is this which is respectfully suggested by your memorialists. The proceeds of the sale of those lots will enable them to pay, in part, the enormous expenses which they have now to incur for paving the city, and making other improvements really indispensable for the prosperity of the commerce of New Orleans; improvements which go not only to promote the particular welfare of this city, but also to secure immense advantages to the citizens of the western States of the Union, and to the foreign traders who resort to this market for the sale of their produce and merchandise.

That, in order to be enabled to meet the expenses necessary for making the said improvements, the corporation of New Orleans have been obliged to apply to the legislature of the State that they might be authorized to borrow, on a long credit, the sum of six hundred thousand dollars; and that the two-thirds of the loan, which they have been able to procure only at eight per centum per annum interest, are nearly spent for the paving of the most commercial streets of the city and its incorporated suburbs.

That your honorable bodies must therefore be convinced that the proceeds of the sale of the lots which your memorialists claim the privilege of alienating will be but a small indemnification for the expenses which they are now incurring for paving the city, as well as for the repairs and augmentations made to the levee; since it is hardly to be supposed that the amount of the sale will exceed two hundred thousand dollars.

That your memorialists, before concluding this their memorial, for the length of which they have no better apology to offer than the importance of the question examined therein, think it their duty to assure your honorable bodies that, while they solicit the confirmation of the rights of the inhabitants of New Orleans to the use and property of the quays of this city, and the permission of alienating the vacant town lots on those quays, they lay no claim to the square whereupon the custom-house is built; and that, in case the inhabitants of this city should have any right and title to the same, they are willing and ready to give them up in their name and behalf if your honorable bodies should think it necessary.

Wherefore your memorialists pray that your honorable bodies be pleased either to recognize and confirm the rights of the inhabitants of New Orleans to the use, property, and ownership of the quays of this city, that is to say, of that space of ground left open for public use, and designated by that appellation in the several plans in this memorial alluded to, which were made at the time of the foundation of the city, or to relinquish in favor of the said inhabitants the rights which the United States have to those quays, if any they be supposed to have; and also to grant to your memorialists leave to dispose, for the use and benefit of the corporation, by bargain and sale, or otherwise, of all the vacant town lots lying on those quays, if such a leave be deemed necessary; and your memorialists will ever pray.

D. PRIEUY, *Recorder.*
J. ROFFIGNAC, *Mayor.*

To the Hon. Thomas Bolling Robertson, judge of the district court of the United States within and for the eastern district of Louisiana.

The petition of the attorney of the United States within and for the said district, prosecuting in their name and on their behalf, respectfully states: That the mayor of the city of New Orleans, in pursuance of an ordinance of the city council thereof to that effect, has advertised for sale, for a day now past, and, as your petitioner is informed and believes, is about soon to advertise anew for sale, in lots, the vacant land included between Ursuline, Levee, and Garrison streets, and the public road in the city of New Orleans, and also the vacant land included between the custom-house, Levee and Bienville streets, and the public road in said city.

Your petitioner, in the name and on the behalf aforesaid, further states that, by the treaty of cession of the late province of Louisiana by the then French republic to the United States of America, the United States succeeded to all the antecedent rights of France and Spain, as they then were, in and over the said province, the dominion and possession thereof, including all lands which were not private property; and that the dominion and possession of the said vacant land, so, as aforesaid, endeavored to be sold by the said city council, had, ever since the discovery and occupation of the said province by France, remained vested in the sovereign, and had not, at any time prior to the date of the said treaty, been granted by the sovereign to the said city council.

Wherefore, and inasmuch as the said attempt of the said city council to sell the said land as private property is an invasion of the rightful dominion and possession of the United States in the premises, your petitioner, prosecuting in the name and on the behalf aforesaid, prays that the mayor, aldermen, and inhabitants of the city of New Orleans may be duly summoned to appear and answer this petition; and that, in the meanwhile, they may be inhibited, by injunction, from proceeding further in the said attempt, or from doing any other act whatsoever tending to invade the rightful dominion and possession of the United States in the said land; and that, after due proceeding had, it may be ordered, adjudged, and decreed, that the said injunction be made perpetual.

And your petitioner, prosecuting in the name and on the behalf aforesaid, prays all other suitable and needful relief; and, as in duty bound, will ever pray.

J. W. SMITH,
Attorney of the United States, Eastern District of Louisiana.

J. W. Smith, the said attorney, being duly sworn, doth depose that the foregoing allegations are, as he doth verily believe, true.

J. W. SMITH.

Sworn to before me.

T. B. ROBERTSON, *Judge for East District of Louisiana.*

The President of the United States of America to the mayor, aldermen, and inhabitants of the city of New Orleans, greeting:

Whereas it has been represented to the district court of the United States for the eastern district of Louisiana, by the attorney of the United States prosecuting therein in their name and on their behalf, that the city council of the said city, by an ordinance of the date of the 22d September ultimo, have directed and required the mayor of the said city to advertise for sale, and to sell at public auction, certain vacant ground in the city of New Orleans, which has been advertised by him by the description of three lots situated in Tchapitoulas, Canal, and Common, and New Levee streets, marked Nos. 1, 2, and 3 on the plan made by the city surveyor; also two lots fronting on Tchapitoulas street, between Canal and Common streets, marked Nos. 5 and 6 on the same plan:

Now, therefore, you, and each of you, are hereby strictly enjoined and commanded that you, and each of you, do absolutely desist from all further proceedings touching the sale of the said vacant lands, and from every act whatever tending in any way to invade or interfere with the dominion and possession of the United States in the said land, until the further order of this court.

Witness the Hon. Thomas B. Robertson, judge of the said court, at the city of New Orleans, November 12, A. D. 1827.

F. W. LEA, *Deputy Clerk.*

COURT OF THE UNITED STATES, *Eastern District of Louisiana:*

I, Franklin W. Lea, deputy clerk of said court, do hereby certify the foregoing to be true copies of the original petition and injunction now on file in the clerk's office, in the case of the United States *vs.* The mayor, aldermen, and inhabitants of New Orleans.

Witness my hand and the seal of said court, at the city of New Orleans, this 21st day of November, in the year of our Lord 1827.

F. W. LEA, *Deputy Clerk.*

Evidence in support of the claim of the corporation of the city of New Orleans to the quays of that city.

Personally appeared before me, one of the associate judges of the city court of New Orleans, Joseph Pilié, esq., residing in the city of New Orleans, who, being duly sworn according to law, declares that he is, by avocation, an engineer and surveyor; that he has resided in the city of New Orleans for upwards of twenty-two years without interruption; that he is the city surveyor of New Orleans, in which capacity he was appointed in the month of May, 1818; that one of the duties of his office is to oversee the public works of this city, and especially those made to its levee; that, to his personal knowledge, the works to the levee of the square of the city of New Orleans, since the close of the year 1804, have been so considerable, and have so much increased the size and strength of the same, that the river having gradually left a part of its former bed uncovered, and that, too, having been filled up, little by little, by deposits of sand made by the river itself, especially in the upper and lower parts of the square of this city, the levee has been successively pushed forward and extended towards the river in all its width; so that the public road now existing along the levee in the lower part of this city, and the levee itself in the upper part, are both situated on what was but of late a part of the bed of the river, as may be seen by referring to the figurative plan of those augmentations in front of this city, which plan is annexed to this declaration, and has been made out by him, this appearer, at the request of the city council of New Orleans, with a view to elucidate the facts and explain more fully his deposition; and this appearer further declares that, from the observations which he has been enabled to make previously to his being appointed city surveyor, and those made by him since, with still more accuracy, he has no hesitation in saying that the expenses which the inhabitants of New Orleans have had to bear since Louisiana has been taken possession of by the United States of America, have, upon an average, amounted to at least three thousand dollars per annum, for both the repairs and augmentations made to the levee of the square of the city alone; that those heavy expenses have become necessary, first, because the average height of the levee in front of the square of this city, which, in the year 1732, was only twenty inches, as appears by one of the plans of the city of New Orleans deposited in the archives of the city council, is now from three and a half to five feet, by fifty to one hundred feet in breadth, which is owing to the progressive increase of the swellings of the river, in consequence of its banks having been gradually cleared and put in a state of cultivation, and new levees established, which have obstructed and actually shut several of the natural old outlets of the Mississippi; second, because about the centre of the square of this city, that is, between St. Peter and St. Louis streets, the soil on which the levee stands has fallen and broken in so often that it has become necessary to strengthen that part of it by means of works as considerable as they were expensive; third, because the immense trade of which New Orleans is now the emporium has made it indispensable to give to the levee, in all its extent, a sufficient breadth to facilitate the loading and unloading of such goods and merchandise as are brought into this port; and this appearer further swears that he entertains no doubt that the existence of the town lots within the space known by the appellation of quays, situated between the levee and the first row of houses, is owing altogether to its having been widened by the works which the inhabitants of New Orleans are incessantly making to their levee at their own expense, and also to this circumstance, which is common in the port of New Orleans and other parts of this State, that the river, by leaving gradually a part of its former bed uncovered, and filling up the same, little by little and imperceptibly, with deposits of sand, has formed a real alluvion, which has enabled the inhabitants of this city to push forward and extend its levee towards the river; and this appearer further says that he has

attentively examined the plans of the city of New Orleans, which have been procured from the office of the marine charts at Versailles, which plans are three in number, and that he has found that the plan engraved in Charlevoix's General History of New France, page 434, volume 2 of the 4to edition of this work, published at Paris in the year 1744, was made out from the three referred to, and is altogether similar to that drawn by Nicholas Broutin, engineer of the French navy, though upon a more reduced scale, which is the reason why he, this appearer, has annexed to this his declaration a copy of the plan which is engraved in the work of Father Charlevoix, and which he swears to be a true and faithful copy thereof in all its parts; and this appearer finally swears that he does verily think and believe that the word quays, which is placed on the three plans deposited in the archives of the city council of New Orleans, alluded to as aforesaid, as well as on the plan engraved in Charlevoix's works, immediately after the first row of houses of this city, and not immediately after its levee, is a full evidence that it was the intention of the founders of the city of New Orleans to leave the space appropriated for the said quays vacant and free for the use of the inhabitants of New Orleans, as it is customary in most of the cities in France and Spain.

JOSEPH PILIÉ.

Sworn to and subscribed at the city of New Orleans, this twenty-seventh day of November, one thousand eight hundred and twenty-seven, before—

A. DUBOURG, *Associate Judge of the City Court of New Orleans.*

By Henry Johnson, governor of the State of Louisiana.

UNITED STATES OF AMERICA, *State of Louisiana:*

These are to certify that A. Dubourg, whose name is subscribed to the instrument of writing herein annexed, was, at the time of signing the same, and still is, one of the associate judges of the city court of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this first day of December, one thousand [L. S.] eight hundred and twenty-seven, and of the independence of the United States the fifty-second.

In the absence of the governor.

P. DERBIGNY, *Secretary of State.*

Personally appeared before me, one of the associate judges of the city court of New Orleans, Louis Moreau Lislet, esquire and counsellor at law, residing in the city of New Orleans, who, being duly sworn agreeably to law, doth declare and say that sometime in the year 1817 the city council of New Orleans, being apprehensive that the general government of the United States would sell the public square, the city hall, the public prisons of this city, and certain town lots lying on the quays of New Orleans, that is, on that space which has ever been left free for the public use, under that appellation, between the first rows of houses and the river Mississippi, as being a part of the vacant lands, the property of which was transferred to the United States by the treaty of cession of Louisiana, did, in order to prevent the said sale, which the city council considered as an encroachment upon the rights which the laws and usages of this country warranted to the inhabitants of the city of New Orleans over and to the public things which the founders of this city reserved for their usage, present a memorial to the general government and Congress of the United States, stating the claim which, in their opinion, they have to the same, and the reasons why the said sale ought not to take place; that, in support of the said memorial, they forwarded a copy of a plan of New Orleans, which they found engraved in the General History of *Nouvelle France*, by the Rev. Father Charlevoix, and which was mentioned therein as being a true copy taken from the manuscripts in the recording office of the marine charts by Nicholas Broutin, engineer of the French navy, in the year 1744, from which it appears that a certain space was left vacant and free for the public use, under the name of quays, between the first row of houses of the city of New Orleans and the river Mississippi; that the city council being informed by the title of the said plan that there existed charts and plans of the city of New Orleans, made out sometime after its foundation, in the navy department at Versailles, in France, which might be of great use in support of the claim of the inhabitants of the city of New Orleans to the property of their quays, this appearer advised them, as being then, as he is now, the counsel for the said city, to take the necessary steps to procure authentic copies of the said plans, which they endeavored to obtain through the medium of Joseph M. de la Grange, esquire and counsellor at law, at Paris, and the brother-in-law of him, this appearer, who did forward the said copies to the city council by one Mr. St. Blancard, now deceased, who was the bearer thereof; that he, this appearer, having been called to be present at the opening of the packet containing the said plans, swears that the said plans were three in number, and identically the same which are now deposited in the archives of the city council of New Orleans, and alluded to in the memorial to which this affidavit is annexed; and this appearer further says that, having permanently resided in the city of New Orleans for these twenty-two years past and upwards, it is to his positive knowledge that all the expenses incurred for maintaining and repairing the levee, high road, and quays in front of New Orleans and its incorporated suburbs, to wit: the suburbs St. Mary and Marigny, have always been, during all the said time, paid out of the city funds, and that he has acquired the proof by the examination of the records of the cabildo, under the Spanish government, which are preserved in the archives of the city council; that those expenses were also paid out of the city funds during all the time Louisiana was under the Spanish government, that is, for maintaining and repairing the levee and quays in front of the square of this city.

L. MOREAU LISLET.

Sworn to and subscribed, at the city of New Orleans, November 28, 1827, before—

A. DUBOURG, *Associate Judge of the City Court of New Orleans.*

By Henry Johnson, governor of the State of Louisiana.

UNITED STATES OF AMERICA, *State of Louisiana:*

These are to certify that A. Dubourg, whose name is subscribed to the instrument of writing herein annexed, was, at the time of signing the same, and still is, one of the associate judges of the city court of New Orleans, duly qualified and commissioned

Given at New Orleans, under my hand and seal of the State, this first day of December, one thousand eight hundred and twenty-seven, and of the independence of the United States the fifty-second. [L. S.]

In the absence of the governor.

P. DERBIGNY, *Secretary of State.*

Personally appeared before me, one of the associate judges of the city court of New Orleans, the Hon. Gallien Preval, one of the associate judges of the said court, who, being duly sworn agreeably to law, doth declare and say that ever since the month of March, in the year 1821, he has been, and still is, the secretary of the city council, and, as such, the keeper of their archives, among which are to be found the books containing the proceedings of the cabildo of New Orleans, to whom the city council have succeeded; that the said books are four in number, all kept in due form, well preserved, and containing all the acts and deliberations of the cabildo for the whole time that Louisiana remained in the possession of the Spanish government, that is to say, from December 1, 1769, the day when the said cabildo were first organized, down to the month of January, 180–, the time when the said cabildo ceased their functions and were succeeded by the municipality, who, in their turn, remained in operation only for the short interval France retained the dominion of Louisiana, until the moment the possession thereof was delivered to the United States; that the official signatures which are required by the laws and usages of Spain to make proceedings authentic are regularly affixed to all the said deliberations, that is to say, the signatures of the several Spanish governors, who were, *ex officio*, the presidents of the cabildo, as well as of the *regidores* or members, and of the *escribano* or secretary of the said cabildo; and this appearer doth declare and say that, from a thorough examination by him made of the deliberations contained in the said books, and more especially from the proceedings had in the months of May and August, 1774; March, October, and December, 1775; March, 1776; August, 1792; January, September, and November, 1793; August and December, 1794; February, November, and December, 1795; December, 1797; March, 1798; October and December, 1799; July, 1801; and January, 1802, which are recorded, folios 95, 97, 104, 112, 116, 121, 192, 204, verso, 223, ditto 224, ditto 226, 229, 230, verso, 255, ditto 256, 266, and 273, verso, of the first and second of those books, and folios 22, verso, 23, 95, 102, verso, 103, 155, verso, 159, ditto 224, verso, 225, and 234, verso, of the fourth of the said books, it is proven that all the expenses incurred for the keeping and repairs of both the levee of the city and the public road along the said levee, which expenses often amounted to large sums of money, were always defrayed out of the city funds, and that the Spanish government never paid any, the least, proportion of the same; and this appearer further doth declare and say that it is likewise proven by the said books, and especially by a deliberation had in the month of May, 1798, folio 109 verso, of the fourth of those books, that a tax of three dollars was actually levied upon every vessel arriving at the port of New Orleans, whatever might be her size or tonnage, as a compensation for the right given to the said vessels of landing their goods on the levee, which was kept in repairs exclusively at the expense of the city, which tax was collected by the *mayordomo* or treasurer of the city, for the use and benefit of the same; and this appearer moreover doth declare that there are among the archives of the city council, of which he has the keeping, three plans of the city of New Orleans, which are evidently copies of the manuscript ones filed in the office of the marine charts at Versailles, viz: the oldest, entitled "Plan of the city of New Orleans, whereupon is marked the levee which protects it against inundation, together with such additional buildings as has been erected since September 1, 1823," at the foot of which plan the following words are written: "New Orleans, May 29, 1724. Signed, De Pauge;" the next plan, entitled "Plan of New Orleans, such as it was in 1728;" and at the foot of this, "I, the undersigned, captain and engineer, do certify the present plan to be correct. May 15, 1728. Signed, Broutin." That the copy of this second plan is authenticated by several legalizations, the first of which is in the following words and figures: "A true copy. The vice admiral, director general of the depot of charts and plans of the navy and colonies. Paris, November 22, 1819. Signed, Rosilly." That the second legalization is as follows: "I certify the above to be the true signature of Count de Rosilly, vice admiral, director general of the depot of charts and plans of the navy and colonies. Paris, December 15, 1819. For the minister and secretary of state for the navy and colonies, and by his authorization. The secretary general of the department. Signed, V. Vauvilliers, with the seal of the department." That the third legalization, which is the one by the minister of foreign affairs, is as follows: "The minister of foreign affairs certifies that the signature of Mr. Vauvilliers, the secretary general of the department of the navy, is genuine. Paris, December 16, 1819. By authorization of the minister, the master of requests, and chief of the chancery. Signed, Prevost. By the minister, the chief of the office of passports and legalization. Signed, Bruslé, with the seal of the department of foreign affairs." That the fourth and last of the said legalizations is by Isaac Cox Barnet, esq., the consul general of the United States of America at Paris, to wit: "Consulate of the United States of America, Paris. I, Isaac Cox Barnet, consul of the United States of America for Paris, and agent of claims, do hereby certify that the above signatures are truly those of Messrs. Prevost, master of requests, chief of the chancery of the department of foreign affairs of the kingdom of France, and Bruslé, chief of the passports and legalization office of the same department, and that to all acts by them so signed full faith and credit are due in judicature and thereout. In testimony whereof, I hereunto set my hand and seal of office, at Paris, December 18, 1819, and in the forty-fourth year of the independence of the said United States. Signed, I. Cox Barnet, consul United States," and sealed with the seal of the said consulate. That the third and last of the said plans is entitled: "Plan of the city of New Orleans, such as it was in 1732;" and that at the foot of the said plan, to which no signature is affixed, there is the following note: "That the levee of New Orleans was at that time only twenty inches high." And this appearer does further depose and say that it is to his knowledge that ever since the United States have taken possession of Louisiana, by virtue of the treaty

of cession, the expenses for keeping in repairs the levee of the city of New Orleans and its incorporated suburbs, as well as the public road extending along the levee, have always been defrayed by, and paid out of, the city funds exclusively.

GALLIEN PREVAL.

Sworn to and subscribed before me, at New Orleans, November 29, 1827.

E. D. WHITE, *Presiding Judge of the City Court of New Orleans.*

By Henry Johnson, governor of the State of Louisiana.

UNITED STATES OF AMERICA, *State of Louisiana:*

These are to certify that E. D. White, whose name is subscribed to the instrument of writing herein annexed, was, at the time of signing the same, and still is, presiding judge of the city court of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this first day of December, one thousand eight hundred and twenty-seven, and of the independence of the United States the fifty-second. [L. s.]

In the absence of the governor.

P. DERBIGNY, *Secretary of State.*

20TH CONGRESS.] No 598. [1ST SESSION.

LAND CLAIMS IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 2, 1828.

Mr. WHIPPLE, from the Committee on Public Lands, to whom were referred the reports of the commissioners on land claims in the Territory of Michigan, reported:

That they have had the same under consideration, and that, having had no new facts or evidence presented to them other than what was by the Committee on Public Lands laid before the nineteenth Congress at its first session, your committee beg leave to refer the House to the report made at said session, and to ask that it may be made a part of this report.

The committee deem it proper further to state that, by rejecting from confirmation the seventh volume of the reports of the commissioners appointed for the adjustment of land claims in the Territory of Michigan, the objections which were felt by the committee to the confirmation of said reports are obviated, and the public interest is protected from committal or injury.

FEBRUARY 14, 1826.

The Committee on Public Lands, to whom was referred a report from the Commissioner of the General Land Office in relation to the report of the commissioners appointed to examine titles and claims to lands in the Territory of Michigan, together with the reports of said commissioners, reported:

It appears that by a resolution of the House of Representatives, passed January 27, 1825, the Committee on Public Lands were discharged from the further consideration of the reports of the commissioners appointed to examine titles and claims to lands in the Territory of Michigan, and said reports were referred to the Secretary of the Treasury, who was required to report on the same; which report, together with the reports of the commissioners, was to be transmitted to Congress at their then next session.

The Commissioner of the General Land Office has, in obedience to the order of the Secretary of the Treasury, made the report required, to which the Committee on the Public Lands refer, and ask that it may be adopted as a part of their report:

"GENERAL LAND OFFICE, *November*, 1825.

"The Secretary of the Treasury having lately referred to this office the resolution of the House of Representatives, passed January 27, 1825, in the following words: '*Resolved*, That the Committee on Public Lands be discharged from the further consideration of the reports of the commissioners appointed to examine titles and claims to lands in the Territory of Michigan, and that they be referred to the Secretary of the Treasury for his report on the same, to be made at the next session of Congress, together with the reports of the commissioners referred to in the said resolution, contained in the volumes numbered from 1 to 9,' the Commissioner of the General Land Office has the honor to report that the volumes numbered 2, 4, and 5 contain the reports of Messrs. Woodbridge and Kearsley, the commissioners appointed to carry into effect the act 'to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to lands at Green Bay and Prairie des Chiens, in the Territory of Michigan,' passed May 11, 1820, and they embrace all the reports of the commissioners under that act which have not heretofore been submitted to Congress.

"The volume No. 2 contains the reports and decisions of the commissioners under the powers with which they were invested by the first part of the first section of the act of May 11, 1820, in relation to the donation rights originally granted by the second section of the act passed April 23, 1812. So far as the confirmations contained in this volume conform strictly to the provisions of the act above referred to, it would, it is presumed, be entirely competent for the Secretary of the Treasury to give effect to the decisions by his approval of the register's final certificate; but as the commissioners, for reasons assigned in their report attached to this volume, deviated from the strict letter of the act of April 23, 1812, it becomes

necessary that this report should be approved by Congress to give validity to the claims that are confirmed and recommended for confirmation, in relation to which the commissioners may have deviated from the strict letter of the law. The cases in which such deviation is presumed to have occurred are:

"1st. Confirmations of back concessions on islands in the river Detroit.

"2d. Confirmations of back concessions in divided parcels, whether such division arises from the interposition of previously confirmed claims or navigable water-courses.

"3d. Recommendations to confirm, in lieu of back concessions, lands altogether disconnected with the original concessions.

"The volume marked No. 4 contains the reports of the commissioners in relation to claims 'which had been filed with the commissioners, and not heretofore decided upon;' which claims they were authorized to examine and decide upon by the provisions of the first section of the act of May 11, 1820. It appears from the report that the commissioners have acted upon seventy-eight claims of this description, thirty-five of which they have rejected, and the residue they have confirmed or recommended for confirmation. To give validity to any of the claims contained in this report, it is necessary that Congress should act upon and approve them. The commissioners being vested with equitable as well as legal powers, in relation to these claims, by the several acts of Congress relating to private land claims in Michigan Territory, and as they have exhibited in their report the grounds on which they have confirmed or recommended for confirmation the several claims, it is not deemed necessary, nor has it been usual, in submitting such reports to Congress, to make any comments on the particular claims recommended for confirmation.

"Volume No. 5 is a supplemental report of the commissioners appointed under the act of May 11, 1820. It contains the decisions on twenty-five claims, six of which have been rejected, and the residue recommended for confirmation by the commissioners, principally on considerations of equity, and will require the sanction of Congress.

"The volumes Nos. 1, 3, 6, 7, 8, and 9 contain the reports of Messrs. Woodbury, Kearsley, and Biddle, the commissioners appointed to carry into effect 'An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan,' passed February 21, 1823. Those numbered 1, 6, 7, and 8 embrace the proceedings of the commissioners in relation to claims filed with them under the provisions of the 5th section of the act above referred to. It seems doubtful whether or not it was the intention of Congress that the proceedings of the commissioners, under this particular section of the law, should be submitted for their approbation; but, as the commissioners themselves have assumed the principle that their decisions, under this clause of the law, were subject to a revising power, and as many of the decisions are liable to objections, which make it extremely doubtful whether the executive government ought to carry them into effect, it was therefore deemed advisable to submit the whole subject to Congress, and withhold the issuing of patents until the decision of the commissioners was approved of by that body. The objections to the proceedings of the commissioners above alluded to are:

"1st. The fifth section of the act of February 21, 1823, seems to require the establishment of two facts to entitle the claimant or his representative to a confirmation of his claim: the one, that he should have occupied the land claimed on July 1, 1812; the other, that he should have continued to submit to the authority of the United States; and it is believed that it was as necessary for the claimant to establish the one as the other of these facts by positive evidence to entitle him to a confirmation. It will, however, be seen, from an inspection of the reports and proceedings of the commissioners, that evidence was required by them only as to the fact of occupancy on July 1, 1812, and that the other fact, of continued submission to the authority of the United States was assumed by them, unless there were positive evidence to the contrary adduced by third persons; and it will also appear that claims were confirmed in cases where information was given to the commissioners by the most respectable characters that there was good ground for belief that the parties claiming had borne arms against the United States during the late war. The paper herewith transmitted, marked A, affords positive evidence furnished to this office that claims have been confirmed to persons who took an active part against the United States in the late war.

"2d. The claims confirmed by the commissioners, as reported in volume No. 7, cover the lands reserved for public purposes at the Sault de Ste. Marie. The relinquishment of the Indian title to a small tract of land at this position was obtained, as will appear from the extract of a letter addressed by the Secretary of War to Governor Cass, accompanying this report, and marked B, for military purposes; and as it had been the practice of Congress, in confirming claims to land in the Michigan Territory, to reserve all lands required or occupied for public purposes, it was deemed advisable, as soon as the facts were known to this office, to address a letter to the commissioners, recommending that they should abstain from confirming claims within the tract of land ceded at the Sault de Ste. Marie, and that they should make a special report in relation to the claims lying within the same. The reasons for declining to pursue the course recommended are assigned by the commissioners in their report, and in the letter addressed to the Commissioner of the General Land Office by Mr. Woodbridge, hereunto annexed, and marked C.

"3d. The commissioners have, in some few cases, confirmed to the representatives of claimants more lands than the original claimants would have been entitled to under the proviso of the fifth section of the act of February 21, 1823.

"Volume No. 3 contains the report of the commissioners relative to the claims confirmed and recommended for confirmation as 'second concessions,' under the provisions of the second section of the act of February 21, 1823. The commissioners, as will appear from their report attached to this volume, having assumed and acted upon the same principles which influenced the former board in deciding on similar claims, the remarks made in this report in relation to the decisions reported in volume No. 2 are also applicable to those contained in volume No. 3, and make it necessary to submit them for the approval of Congress.

"Volume No. 9 is a supplemental report of the commissioners, containing decisions in relation, principally, to second concessions, most of which are recommended for confirmation on principles of equity, and therefore require the sanction of Congress.

"It may be proper to state that a grant from the King of France for the lands at the Sault de Ste. Marie was presented to this office with the view to prevent the issuing of patents for those lands; but the reports of the commissioners having been previously transmitted to Congress, and referred to the Committee on Public Lands, the person presenting the grant was recommended to deposit it with the chairman of that committee.

"All which is respectfully submitted.

"GEORGE GRAHAM.

"Hon. RICHARD RUSH, *Secretary of the Treasury.*"

Considering the foregoing facts, the Committee on Public Lands are of opinion that no general law, confirming the reports of the commissioners appointed to examine titles and claims to lands in the Territory of Michigan, ought to be passed. No such law can at present be passed without seriously jeopardizing the interests of the United States.

It is, however, matter of no small interest to the claimants, as well as to the government, that private titles and claims to lands should be definitively settled, that the rights of individuals, as well as those of the United States, may be settled and known.

To effect this desirable object, the committee propose to vest in the Secretary of the Treasury a general discretion, to be guided and controlled by the provisions of the several laws heretofore passed for the appointment of commissioners and the adjustment of titles and claims to lands in the Territory of Michigan, in the exercise of which he shall be empowered by law to confirm such and so many of the claims reported for confirmation by said commissioners as to him shall appear just and proper, having regard to the existing legal provisions on that subject.

The committee, therefore, report a bill in accordance with these views.

TREASURY DEPARTMENT, *January* 11, 1826.

SIR: In obedience to a resolution of the House of Representatives of January 27, 1825, discharging the Committee on Public Lands from the further consideration of the reports of the commissioners appointed to examine titles and claims to lands in the Territory of Michigan, and directing that they be referred to the Secretary of the Treasury for his report on the same, to be made at the present session of Congress, I have now the honor to transmit a report from the Commissioner of the General Land Office in relation to the reports in question, together with the documents marked A, B, and C, to which it refers.

I have the honor to remain, with the highest respect, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *January* 19, 1826.

SIR: I have the honor to transmit herewith copies of some affidavits and certificates in relation to the claims at the Sault de Ste. Marie, which have been received since the reports of the commissioners at Detroit have been submitted to Congress.

With great respect, your obedient servant,

GEORGE GRAHAM.

Hon. JOHN SCOTT, *Committee on Public Lands, House of Representatives.*

A.

DETROIT, *December* 23, 1824.

SIR: The accompanying affidavit was transmitted to me recently from Mackinac. I felt somewhat at a loss to know what disposition to make of it. More than a year has now elapsed since the business of the commissioners of private land claims was closed agreeably to law; and it certainly appears doubtful whether, in justice to claimants, testimony impugning their rights under the law should now be received. The affidavit is obviously made as a retaliation for similar testimony given against the deponent in relation to a claim preferred by him and rejected by the board of commissioners.

I beg you to make such disposition of the papers as may be proper.

Very respectfully, your obedient servant,

JOHN BIDDLE, *Register.*

Hon. GEORGE GRAHAM, *Commissioner General Land Office.*

TERRITORY OF MICHIGAN, *County of Michilimackinac:*

Personally appeared before me, the subscriber, one of the justices of the peace for the county aforesaid, Samuel C. Lasley, who, being duly sworn, deposeth and saith that on the morning previous to the surrender of Fort Mackinac to the British, in the month of July, 1812, Michael Dousman had his canoe put into the waters at Mackinac for the purpose of going to the British fort of St. Joseph's, as this deponent understood; that it remained there until the sun was but two or three hours high in the evening, when the said Michael Dousman embarked on board, and this deponent saw no more of him till the next morning, when he returned into the village of Mackinac, and went round among the inhabitants, and ordering them to go, with their families, to a place called the distillery for protection, as there was a British guard placed there for that purpose.

That this deponent, upon receiving from said Dousman the intelligence that a large force of British and Indians was at hand for the purpose of capturing the fort, proposed to several persons standing by, to wit, Rufus S. Reed, Daniel Dobbins, and Samuel Abbott, with several others not now recollected, to go up to the fort, and to hold it or to die in the attempt; Dousman observed, and said, "by God, you will die then, and cause every man, woman, and child, to be massacred;" and immediately went on his route to the British troops, who were, at that time, coming up in the rear of Fort Mackinac; and that he came in with the flag of truce that demanded the surrender of the fort.

The next day after the surrender, Michael Dousman went, in company with the British commandant,

to the custom-house in Michilimackinac, and demanded and received of Samuel Abbott, esq, collector, a bale of goods as his property, which had been seized and condemned as being smuggled into the United States within the district of Michilimackinac. A very short time after the surrender of Fort Mackinac, this deponent believes within six days, an appointment was made out by the British commanding officer, under the King's great seal, or a large seal used for that purpose, for Michael Dousman, as highroad master, or supervisor of highways; which was put upon the church door, and remained there during the war, and was only taken down the day or day before the American troops arrived at Michilimackinac to receive the fort from the British, in the year 1815; and that the said Dousman did, and continued to do, the duties of that office during that period. This deponent further saith that, at a council held with all the Indians present at Michilimackinac within a short time, and not more than ten days after the surrender of Fort Mackinac to the British in 1812, the British commanding officer took Michael Dousman by the hand and presented him to the Indians, saying, "this is one of our friends—one that is like ourselves." This deponent further saith that Michael Dousman's house was the recruiting rendezvous, and that the British flag was frequently and usually flying there; and that one day, while the said Dousman and this deponent were conversing together in the street, a British corporal came up and told Dousman that he wanted him to go home to his house. Dousman asked him what he wanted of him? The corporal told him he wanted him to pay four recruits their bounty, and that Dousman immediately went away with the corporal. This deponent further saith that Michael Dousman, in another conversation with this deponent, during the time of the late war, and while the British were recruiting at his house as aforesaid, told him that he believed that he could obtain a captain's commission in the British service as a reward for recruiting a certain number of soldiers; and that he had loaned to the British a sum of money for the purpose of enlisting men.

This deponent further deposeth and saith that in 1813 this deponent was a prisoner at Malden, and that news arrived there of the capture of the British fleet on Lake Ontario (Erie) by Commodore Perry; that a general confusion immediately ensued, and most people were endeavoring to escape from them as soon as possible; that this deponent made his escape during the confusion, but was taken and brought before General Proctor, who asked this deponent what he meant by endeavoring to escape, as Colonel Dixon was his security that he should not leave Malden without General Proctor's leave? Deponent told General Proctor that he was afraid of the Indians; deponent was then ordered away, under guard, where he remained for the night; in the morning he was brought before General Proctor again, who asked him where he was going when he attempted to escape? Deponent told him he was going to his family. The General asked him where his family was? Deponent told him at Mackinac. The General then asked this deponent if he permitted him to return to Mackinac, if he would carry a letter for him there? Deponent answered that he would. General Proctor then wrote a short letter, directed to the commanding officer at Mackinac, and observed, holding the letter in his hand, "I will read it to you;" the contents of which were substantially, as follows: "Our fleet on Lake Erie, I believe, is lost. If you have not sufficient force and provisions to maintain your post, you will evacuate it immediately, and proceed to York."

This deponent further saith that he proceeded, with some Indians, immediately to Mackinac, and, upon his arrival, delivered the letter to the commanding officer, who, immediately thereafter, took means to ascertain what quantity of provisions was on hand; and it was found that the amount was very small, and totally inadequate to the purposes of sustaining a siege; that application was made to Mr. Crawford and to Michael Dousman to know what provisions they could furnish, and that it was concluded between the two that they could furnish provisions for sometime; and that Dousman told the commanding officer, in the presence of this deponent and Crawford, that, over and above the provisions he had agreed to furnish to him, he had horses that he would turn in for food for the Indians, should they be wanting, and, by that means, save other provisions; and that he had poultry that he would turn in for the sustenance of the garrison; and further said, "we can keep the garrison yet." And further this deponent saith not.

SAMUEL N. LASLEY.

Sworn and subscribed to, the 15th day of October, 1824, before me.

J. N. BAILEY, *J. P.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:* COUNTY CLERK'S OFFICE.

I, Jonathan B. King, clerk of the county aforesaid, do hereby certify that the foregoing is a true copy of an original affidavit now remaining on file in the said clerk's office.

Given under my hand and the seal of the said county court the 12th day of November, 1824.

J. B. KING.

DETROIT, *December* 23, 1824.

A copy from the original.

JOHN BIDDLE, *Register of the Land Office.*

FORT BRADY, *Sault de Ste. Marie, August* 8, 1825.

SIR: I enclose herewith three affidavits in support of the statement of my predecessor in command here, that Johnston and Drew were engaged in the British service during the late war.

Additional testimony in relation to the same fact and persons can be had, I doubt not, from Doctor Hay, as surgeon, stationed at this time at Sackett's Harbor, who was also in the army, and captured at Fort Mackinac, at the time mentioned in these affidavits.

I have the honor to be, sir, with great respect, your very obedient servant,

N. S. CLARKE, *Major Commanding.*

HON. JAMES BARBOUR, *Secretary of War, Washington City.*

Deposition of Ambrose Davenport.

Question. Were you in this country at the beginning of the last war; that is, the war with the kingdom of Great Britain and its dependencies, begun in June, 1812?

Answer. I was at Mackinac at that time.

Question. Were you present in the custody of his Britannic Majesty's officers at the assault upon the United States garrison at Fort Mackinac, in the summer of 1812?

Answer. I was a prisoner after the attack.

Question. Did Mr. John Johnston, now a resident at Sault de Ste. Marie, in the Territory of Michigan, bear arms against the United States, and in the ranks of the British, and under the command of a British officer, at the assault upon the United States garrison at Fort Mackinac, in the summer of 1812?

Answer. He did, and was an officer in the British service.

Question. Did Mr. John Drew, now a resident at Mackinac, in the Territory of Michigan, bear arms against the United States, and in the ranks of the British, and under a British officer, at the assault upon Fort Mackinac, in the summer of 1812?

Answer. At the time Major Holmes attacked Mackinac he took arms in favor of the British.

Question. Did Mr. John Johnston, resident at this time at Sault de Ste. Marie, Michigan Territory, perform garrison duty as an officer or soldier in the service of the King of Great Britain, during the last war; that is to say, the war actually existing between the United States and Great Britain from and after June, 1812; and at what place?

Answer. He did garrison duty as an officer under the British government at Mackinac in 1812.

Question. Did Mr. John Drew, now a resident of Mackinac, in the Territory of Michigan, perform garrison duty as an officer or soldier in the service of the King of Great Britain during the last war; that is to say, the war actually existing between the United States and Great Britain from and after June, 1812; and at what place?

Answer. I do not know if he did garrison duty, but he was in arms in the British service at the time.

Question. Did Mr. John Johnston, at any time during the war of 1812, inspirit the hostilities of the Chippewas against the United States?

Answer. I do not know.

Question. Did Mr. John Drew, at any time during the war of 1812, inspirit the hostilities of the Chippewas against the United States?

Answer. I do not know.

Question. Did Mr. John Johnston reside at the Sault de Ste. Marie, Territory of Michigan, previous to the war of 1812?

Answer. He did.

Question. Did Mr. John Johnston raise a company of men at the Sault de Ste. Marie, Territory of Michigan, in the summer of 1812, with which he joined the British at the assault on the United States garrison at Fort Mackinac?

Answer. I do not recollect; I do not know that he raised any men.

his
AMBROSE ⋈ DAVENPORT.
mark.

Witness: E. R. BARNUM, *Lieutenant 2d Infantry.*

TERRITORY OF MICHIGAN, *Michilimackinac County:*

Personally appeared the within named Ambrose Davenport, the signer of the within, who states, when under oath, that the answers to the within questions are just and true, according to the best of his recollection.

Sworn and subscribed before me, at the Sault Ste. Marie, this 30th day of July, 1825.

WM. JOHNSON, *J. P.*

Deposition of Mr. William A. Aitken.

Question. Were you in this country at the beginning of the last war; that is, the war with the kingdom of Great Britain and its dependencies, begun in June, 1812?

Answer. Yes.

Question. Were you present, in the custody of his Britannic Majesty's officers, at the assault upon the United States garrison at Fort Mackinac, in the summer of 1812?

Answer. Yes.

Question. Did Mr. John Johnston, now a resident at Sault de Ste. Marie, in the Territory of Michigan, bear arms against the United States, and in the ranks of the British, and under the command of a British officer, at the assault upon the United States garrison at Fort Mackinac, in the summer of 1812?

Answer. Yes.

Question. Did Mr. John Drew, now resident at Mackinac, in the Territory of Michigan, bear arms against the United States, and in the ranks of the British, and under a British officer, at the assault upon the United States garrison at Fort Mackinac, in the summer of 1812?

Answer. Not to my knowledge.

Question. Did Mr. John Johnston, resident at this time at Sault de Ste. Marie, Michigan Territory, perform garrison duty as an officer or soldier in the service of the King of Great Britain during the last war; that is to say, the war actually existing between the United States and Great Britain from and after June, 1812; and at what place?

Answer. He was at Mackinac as an officer in the service of Great Britain.

Question. Did Mr. John Drew, now resident at Mackinac, in the Territory of Michigan, perform garrison duty as an officer or soldier in the service of the King of Great Britain during the last war; that is to say, the war actually existing between the United States and Great Britain from and after June, 1812; and at what place?

Answer. Not to my knowledge.

Question. Did Mr. Johnston, at any time during the war of 1812, inspirit the hostilities of the Chippewas against the United States?

Answer. Not to my knowledge.

Question. Did Mr. John Drew, at any time during the war of 1812, inspirit the hostilities of the Chippewas against the United States?

Answer. Not to my knowledge.

WILLIAM A. AITKEN.

TERRITORY OF MICHIGAN, *Michilimackinac County:*

Personally appeared the above-signed William Aitken, who, after being duly sworn, saith that the questions as above are just and truly answered, according to the best of his recollection.

Sworn and subscribed to before me, at the Sault de Ste. Marie, this 30th day of July, 1825.

WILLIAM JOHNSON,
Justice of the Peace.

Deposition of Francis Xavier Biron.

Question. Were you in this country at the beginning of the last war; that is, the war with the kingdom of Great Britain and its dependencies, begun in June, 1812?

Answer. I was.

Question. Did Mr. John Johnston, now a resident at Sault de Ste. Marie, in the Territory of Michigan, bear arms against the United States, and in the ranks of the British, and under the command of a British officer, at the assault upon the United States garrison at Fort Mackinac, in the summer of 1812?

Answer. He did, and commanded a company under the command of a British officer at the time.

Question. Were you present, in the custody of his Britannic Majesty's officers, at the assault upon the United States garrison at Fort Mackinac, in the summer of 1812?

This question not asked the deponent.

Question. Did Mr. John Drew, now a resident at Mackinac, in the Territory of Michigan, bear arms against the United States, and in the ranks of the British, and under a British officer, at the assault upon the United States garrison at Fort Mackinac, in the summer of 1812?

Answer. He took arms in favor of the British at the time of the taking of Mackinac, and was present at the assault.

Question. Did Mr. John Johnston, resident at this time at Sault de Ste. Marie, Michigan Territory, perform garrison duty as an officer or soldier in the service of the King of Great Britain during the last war; that is to say, the war actually existing between the United States and Great Britain from and after June, 1812; and at what place?

Answer. He did garrison duty as a captain at Mackinac, in the British service, under command of Colonel M'Donall, during the war.

Question. Did Mr. John Drew, now a resident at Mackinac, in the Territory of Michigan, perform garrison duty as an officer or soldier in the service of the King of Great Britain during the last war; that is to say, the war actually existing between the United States and Great Britain from and after June, 1812; and at what place?

Answer. He did do garrison duty as a volunteer under Captain Roberts, but he did not, according to the best of my recollection, under Colonel M'Donall.

Question. Did Mr. John Johnston, at any time during the war of 1812, inspirit the hostilities of the Chippewas against the United States?

Answer. He did, and also half-breeds and Canadians who resided at Sault de Ste. Marie.

Question. Did Mr. John Drew, at any time during the war of 1812, inspirit the hostilities of the Chippewas against the United States?

Answer. He did not to my knowledge.

Question. Did Mr. John Johnston reside at the Sault de Ste. Marie, Territory of Michigan, previous to the war of 1812, and at the time of the declaration of war?

Answer. He did.

Question. Did Mr. John Johnston raise a company of men at the Sault de Ste. Marie, Territory of Michigan, in the summer of 1812, with which he joined the British at the assult on the United States garrison at Fort Mackinac?

Answer. He did not raise his company at the Sault, but he took with him his own laborers or engagees.

Question. Were you an officer in the British service at the taking of Mackinac?

Answer. I was not commissioned, but received the pay of a lieutenant, and was also an officer in Captain Johnston's company at the fall of Major Holmes' United States army before Mackinac.

FRANCIS XAVIER BIRON.

TERRITORY OF MICHIGAN, *Michilimackinac County:*

Personally appeared the above-named Francis Xavier Biron, who states, under oath, that the answers put to the within questions are just and true, according to the best of the deponent's recollection. Sault Ste. Marie, August 2, 1825.

WM. JOHNSON, *J. P.*

FORT BRADY, *Sault de Ste. Marie, October* 15, 1825.

SIR: I enclose herewith an affidavit touching the conduct of all of the original claimants to lands near this post. May I trouble you to inform me whether three affidavits respecting Johnston and Drew,

enclosed by me to the honorable Secretary of War, have been received at your office? My communication covering these affidavits was addressed to the honorable the Secretary on the 8th of August last. Should the communication have failed, through any irregularity of the mail, I can probably obtain other depositions in lieu thereof.

I have the honor to be, very respectfully, sir, your obedient servant,

N. S. CLARKE, *Major United States Army.*

GEO. GRAHAM, Esq., *Commissioner of the General Land Office.*

Personally appeared before me, at the Sault de Ste. Marie, this 15th day of October, 1825, Francis Dufault, and made oath to the following as being correct and true, to the best of his recollection, viz:

I resided at the Sault de Ste. Marie, Michigan Territory, at the commencement of the war between the United States and Great Britain in 1812, and went with Mr. Ermatinger's company to the attack on Mackinac, in the summer of 1812. Mr. John Johnston, now a resident at the Sault de Ste. Marie, went also, in command of a company in the British service, at the taking of Mackinac. One of the Sayres (Edward) belonged to Captain Johnston's company, and was also there. I do not know whether the Cadots were at the taking of Mackinac, but I believe they were. Francis Noland was in Captain Johnston's company, and Augustin Noland was in Mr. Ermatinger's company, at the same time and place. Francis Gurley, his father and brother, also served in the British ranks at the same time and place in Mr. Ermatinger's company. Mr. Lalancette was at Mackinac during the war, and served in the British ranks. Mr. St. Germain also served on British pay at Mackinac during the war.

his.
FRANCIS + DUFAULT.
mark.

Witness: N. S. CLARKE, *Major Brevet United States Army.*

Sworn and subscribed to before me, at the village of Ste. Marie, October 15, 1825.

E. JOHNSTON, *J. P.*

B.

Extract of a letter from the Secretary of War to Governor Cass, dated April 5, 1820.

"In relation to procuring cessions of land from the Indians, the government has decided that it would be inexpedient to obtain any further extinguishment of Indian title, except at the Sault of St. Mary's, where it is the wish of the department that an inconsiderable cession, not exceeding ten miles square, (unless strong reasons for a greater cession should present themselves from an actual inspection of the country,) should be acquired upon the most reasonable terms, so as to comprehend the proposed military position there.

"Herewith you will receive a plat of the country about the Sault of St. Mary's, on which is indicated the military site intended to be occupied for the purposes of defence. You will also procure the cession of the islands containing plaster, provided these islands are clearly within the boundary of the United States, and can be obtained without any considerable expense. A commission authorizing you to hold these treaties will be forwarded in a few days. The reason, in part, for the decision not to procure other cessions is the dissatisfaction manifested in Congress at a too rapid extinguishment of Indian title. By extinguishing at remote points this dissatisfaction will probably be increased, and may tend to prevent our obtaining other cessions at more important points.

"As it is desirable to know by what title the people at Green Bay and Prairie du Chien hold their land, and whether or no the Indian title to those lands was extinguished by the French, or at any period subsequent to their possession of the country, which is the impression of this department, you will communicate such information as you possess, or may obtain during your tour, on this subject."

Copy of a letter from the Secretary of War to Governor Cass, dated April 10, 1820.

SIR: Since writing my letter of the 5th instant, I am informed by Lieutenant Colonel Gratiot that the good lands on the south of Sault St. Mary's do not extend back more than two or three miles from the river. This being the fact, the extinguishment proposed should extend along the strait above and below the falls, and running back only two or three miles, so as to comprise the quantity of land required.

I have the honor, &c., &c.,

J. C. CALHOUN.

C.

PHILADELPHIA, *January* 21, 1823.

SIR: Accompanying this you will receive a communication from Mr. Woodbridge, drawn up for our joint signatures as commissioners on private land claims, under an act of the last session of Congress. As this paper contains some matter which appears to me extraneous to the subject of it, I have preferred to express, generally, my concurrence in the remarks and statements of Mr. W. to adding my name to the paper.

Acting immediately under a law whose provisions we were under oath to carry into effect, it appeared obvious that we could not be governed by any suggestions, from whatever source they might proceed, in the discharge of our duties.

We were invested with no discretionary power by the law in cases where the public interest might be involved. It was therefore presumed that provision could be made for such cases as had been before done when the proceedings of the commissioners were acted upon by Congress.

Very respectfully, you obedient servant, JOHN BIDDLE.

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office.*

DETROIT, *November* 20, 1823.

SIR: We were honored by your favor of the 9th ultimo in due course. The intrinsic importance of the subject-matter of it had arrested our serious notice before we received it and our deliberate decision had been made.

The consideration due to official standing, however, as well as a feeling of great personal respect for yourself, sir, induced us, while it was yet time, to reconsider the grounds of the decisions we had made, but we could not feel satisfied to give a different character to them.

None of us doubted but that it was competent to act upon the claims preferred from the Sault de Ste. Marie. They all related to lands in the county of Michilimackinac, and came, therefore, within the scope of the 5th section of the act of Congress you quote. They relate to lands which were also within the land district of Detroit, and of which the Indian title, we have no doubt, was extinguished more than a century ago by the French; for it is matter of *history* that in the most ancient times that people had missionary, commercial, and military establishments there.

And although it *should* not appear, by the records of the General Land Office, that any of the claimants whose rights are objected against had founded their claims upon ancient French or British grants, yet, to us, who are acquainted with the habitual carelessness of the Canadians in matters of land title, this circumstance induces no feeling of surprise. It is recollected, however, that *some* of them were urged before a former board, in virtue of the provisions of the second section of the act of March 3, 1807; and, with due deference, we think they ought then to have been confirmed.

We have examined with some care the act of the last session, and we cannot perceive any such provision or limitation of our powers as you allude to, concerning reservations of land for military purposes. Our *duties* we consider to be co-extensive with our *powers* in this respect, and, consequently, we could not have felt ourselves *justified* in withholding our decisions of confirmation in those cases in which we have affirmed claims, *even* if *testimony* had been exhibited of any reservation, especially as *none such could* have been shown as would have brought the claimants within the restrictive provisions of the second section of the act of March 3, 1807; the whole of which act, among others, we consider to have been revived, and brought down to the time of our decisions, in full force.

The provisions of the third section of the act of last session we consider to be entirely retroactive in their operation, and refer, geographically, to certain claims heretofore confirmed at Prairie des Chiens and Green Bay.

In regard to the matter contained in the representations of military gentlemen at the Sault de Ste. Marie, we beg leave to observe that we have heard, prior to the receipt of your favor, that between Judge Doty, Mr. Schoolcraft, and the principal part of the inhabitants of the Sault, on the one part, and the military gentlemen located there, on the other, a spirit of contention had infused itself. On both sides we consider those gentlemen to be worthy of respect. Judge Doty has been recently honored by one of the highest marks of confidence which the general government could have exhibited in favor of his integrity. Mr. Schoolcraft possesses a character of extended celebrity; and we do not hesitate to say that it would have required testimony, strong and unequivocal, to have persuaded us that any claim, *prima facie* good, which they might have urged, was either fraudulent or wholly unfounded. We were, however, relieved from the necessity of deciding between these gentlemen, because of the total absence of all testimony in support of the representations of the officers, which you have done us the honor to forward to us; and we could not assume as the basis of any decision the naked representations of gentlemen, *unaccompanied* by oath, however they may have been uninfluenced on either side by feelings of personal disagreement, personal interest, or by that powerful moral engine, the *esprit du corps*. As there existed among the commissioners some difference of opinion touching the Sault of St. Marie claims, on points which we will take the liberty to advert to below, we felt, before the receipt of your communication, the propriety of acting with guarded caution; and, the better to secure ourselves against any misconstruction of the law, we consulted the district attorney in the matter, and had the satisfaction to find that, in all material points, he coincided in opinion with the views a majority of us had taken. He filed, it is true, his caveat in one or two cases against the emanation of patents, but this course was taken by him, not because, in *his* opinion, it should have effect in our decisions, but that the whole matter might be more amply submitted to the revising power, where alone, if anywhere, the power exists, it is believed, to give effect, without purchase, to the wishes of the military.

And now, sir, we proceed, availing ourselves of the occasion, to explain the principles upon which a majority of the commissioners acted, so far as their decisions involved a difference of opinion among the members of the board.

Our much respected associate, Major Hearsley, had spread, in the shape of a protest, his view of the matter upon the records of our proceedings; it will, beyond doubt, arrest the serious attention of the revising power. The *first* reason of exception to our decision is "that no positive testimony has been exhibited showing that the claimants have *submitted to the authority of the United States*, except in the case of Madame Cadotte."

We have at no time lost sight of the provision of the law which is here alluded to; and if, therefore, evidence had been adduced of the conviction of any of the claimants of treason or of a breach of the revenue laws, or of any other law of the United States, we should have rejected his claim; or if any facts had been shown upon which to found a reasonable presumption of guilt, we might, in such case, also have refused the claim. But in the absence of positive evidence of guilt, were we to presume it? Would it have been consistent with the fundamental principles of law that we should have *presumed* every *person* guilty until, by positive testimony, his innocence, not of a particular crime charged, but of all possible charges, is established? Would a principle of that kind have been recognized, especially by an *American* politician? From the very nature of the requisition it *does not seem susceptible* of positive proof, but, in the absence of formal accusation, must be left to that universally admitted and benign presumption of the law itself, that *every man is innocent*.

But it is said to be matter of notoriety "that all or most of the inhabitants, in 1812, 1813, &c., of that district of country were subjects of Great Britain, and most probably did bear arms against the United States." How far it might have been competent to have predicated our decisions on this point of *general refutation*, in the absence of other proof, would have been matter for serious consideration, *if such general refutation* had existed. But we are constrained to say that it is not only true that such general refutation was not shown to us officially, but that we, who have been many years in this country, never, as individuals, have possessed any knowledge of such an allegation; nor, in a matter so interesting to the parties

implicated, can we feel justified, without proof, in assuming it for true. We admit that there is much force in the observations prefixed to the second reason assigned in the protest. Their object is to show the *general* spirit of the several acts of Congress, in virtue of which donations of land or confirmations of title are provided for. But when it is stated that the *original* occupants were *all* British subjects, a proposition is advanced which we do not understand, and of which no proof is adduced. If it be meant that those who were in the occupancy of the lands in question in 1812 were British subjects, then we must unequivocally dissent from the proposition. We cannot but believe, especially, that all who were born within the limits of the United States were, and continue to be, citizens of the United States, unless, indeed, any of them, under color of a provision in Jay's treaty, should have made and duly signified his election to become a British subject, of which, however, not a case is surmised.

Neither has there been adduced any proof that these persons are, or ever were, engaged in the northwest fur trade; or that, in 1802, they removed to the British side of the straits.

In regard to the averments of the third exception taken, we consider them obnoxious to the same general strictures. They are presented to our view not only unsupported by proof, and unsupported by any knowledge of our own, but some of them imply motives on the part of claimants so unaccountable and so base—a degree of depravity so revolting, that it is impossible for us to consider them to be well-founded until their truth shall be shown by clear testimony.

With respect to the matter contained in the fourth exception taken, we beg leave to observe that *those* are most capable of appreciating it *justly* who are *most* conversant with the character of the ancient population of this country. Docile and placid in their tempers, intelligent in all matters with which they are conversant, they are, nevertheless, profoundly ignorant in all subjects which regard political or private right. Their carelessness of their land titles is, and for many years has been, proverbial. If the peculiar characteristic of this people be taken into account, no conclusion adverse to their claims can be fairly deduced from their having hitherto neglected to enforce them.

As to any other material allegations set out in this fourth exception, we aver our total ignorance of them.

But while we withhold our assent from them, we cannot avoid remarking the apparent incongruity of supposing that in 1812 the number of fixed inhabitants at the Sault was sufficient to constitute a company of militia; that now the inhabitants are equally numerous; but that three years ago no more than *one* dwelling or family could be discovered there.

For the rest, we most cordially unite with our much esteemed and highly respected colleague in the expression of our regret that no provision was contained in the last act of Congress authorizing the appointment of an agent with power to investigate the character of these claims on the spot, and to take down testimony concerning all matters connected with them.

We have the honor to remain, sir, your obedient servants,

WILLIAM WOODBRIDGE, *Secretary of Michigan,*
Commissioner of Public Land Titles, Detroit.

GEORGE GRAHAM, Esq, *Commissioner of the General Land Office, Washington.*

TERRITORY OF MICHIGAN, *County of Michilimackinac:*

Personally appeared before me, the subscriber, one of the associate judges for the county of Michilimackinac, Ambrose R. Davenport, who, being duly sworn, deposes and says that, at the surrender of the island of Mackinac to a detachment of the British army during the late war, he was a resident on said island, and taken prisoner by said detachment; that he is personally acquainted with John Johnston, now a resident at the Sault de Ste. Marie, and that during the period of his confinement as a prisoner of war he frequently saw the said John Johnston under arms as a military officer in the service of the British government; and the deponent further saith that he believes the said John Johnston to be the person who has preferred a claim to a piece of land at the Sault de Ste. Marie, on which the said Johnston now resides.

A. R. DAVENPORT.

Sworn to and subscribed before me this 29th day of November, 1825.

MICHAEL DOUSMAN, *Associate Justice C. C. M. C.*

TERRITORY OF MICHIGAN, *County of Michilimackinac:*

Personally appeared before the subscriber, one of the associate judges for the county of Michilimackinac, Ambrose R. Davenport, who, being duly sworn, deposes and says that, at the surrender of the island of Mackinac to a detachment of the British army during the late war, he was a resident on said island, and taken prisoner by said detachment; that he is personally acquainted with John Drew, and that during the period of his confinement as a prisoner of war he frequently saw the said John Drew under arms in the military service of the British government; and, furthermore, that, at one time during his confinement as a prisoner of war, the said John Drew was one of the guard having charge of the deponent. The deponent further says that he believes the said John Drew to be the person who has preferred a claim to a piece of land at the Sault de Ste. Marie, he, the deponent, having heard the said Drew say that he has preferred such a claim.

A. R. DAVENPORT.

Sworn to and subscribed before me this 29th day of November, 1825.

MICHAEL DOUSMAN, *Associate Justice C. C. M. C.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

I, Jonathan P. King, clerk of the county, aforesaid, do hereby certify to whom it may concern, that by papers filed in my office, it appears that John Drew was duly naturalized as an American citizen before the county court of said county on the 27th day of July, in the year of our Lord one thousand eight hundred and twenty.

Given under my hand and seal of said court this 29th day of November, 1825.

[SEAL.] J. P. KING, *Clerk.*

TERRITORY OF MICHIGAN, *County of Michilimackinac:*

These are to certify to all whom it may concern, that Ambrose R. Davenport is a citizen of the United States by birth; that he has resided on the island of Michilimackinac for a great number of years, during which period he has conducted himself as an honest and industrious citizen, and has always borne a character of truth and veracity.

SAMUEL ABBOTT.

MICHILIMACKINAC, *November* 19, 1825.

This is to certify to all whom it may concern, that I have been personally acquainted with Ambrose R. Davenport, a citizen of the United States, since the year 1796; the most of that time he has resided on the island of Mackinac; that during the whole of that period he has conducted himself as an upright and honest man, and has always borne an unquestionable character for truth and veracity.

MICHAEL DOUSMAN.

MACKINAC, *November* 29, 1825.

BOOK No. 1.

GREEN BAY CLAIMS.

Entry of a farm or piece of land.

I, Therese Rankin, do hereby enter my claim to a certain farm or piece of land situated in the township of Green Bay, in the county of Brown and Territory of Michigan, bounded as follows: commencing on the west side of Fox river at low water mark, being forty-seven chains in breadth, more or less, and running west eighty arpents; bounded on the north by lands claimed by John Dousman, and on the south by lands claimed by Therese Larose. As witness my hand, at Green Bay, this 17th day of September, 1823.

THERESE her + mark. RANKIN

In presence of—

J. G. PORLIER.
J. J. PORLIER, Jr.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Pierre Cousy and Joseph Roy, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, depose and say that they are well acquainted with Therese Rankin, of the said township of Green Bay; that she is the granddaughter of the late Augustin Ashawawbemay, deceased; that more than twenty years ago the said Augustin Ashawawbemay occupied and cultivated a farm or piece of land situated in the said township of Green Bay, and bounded as follows, viz: commencing on the west side of Fox river, at low-water mark, being forty-seven chains in breadth, more or less, and running west eighty arpents, bounded on the north by land claimed by Therese Larose; that on the first day of July, in the year eighteen hundred and twelve, he occupied and cultivated the said farm or piece of land, from which time he continued to submit to the authority of the United States until his death, which took place in the year of our Lord eighteen hundred and fifteen; that previous to his death he verbally bequeathed to his said granddaughter, Therese Rankin, the said farm or piece of land, and all his right, title, and interest in the same; that ever since the aforesaid bequest was made to the said Therese Rankin the said farm or piece of land has been in her possession, and under cultivation.

JOSEPH his + mark. ROY.

PIERRE his + mark. COUSY.

The within affidavit subscribed and sworn to before me, at Green Bay aforesaid, this 17th day of September, 1823, and Joseph Roy's name inserted or interlined previous to signing.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *November* 1, 1823.

On examination of the preceding claim of Therese Rankin, the commissioners decide that the same be confirmed, provided that the same shall not embrace more than 640 acres.

Entry of a farm or piece of land.

I, Therese Larose, do hereby enter my claim to a certain farm or piece of land situated in the township of Green Bay, in the county of Brown and Territory of Michigan, bounded as follows, viz: commencing on the west side of Fox river, at low-water mark, being forty-seven chains in breadth, more or less, and running west eighty arpents; bounded on the north by lands claimed by Therese Rankin, and on the south by lands claimed by Susan Larose.

As witness my hand, at Green Bay, this 17th day of September, 1823.

THERESE her + mark. LAROSE.

In presence of—

J. G. PORLIER.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Pierre Cousy and Joseph Roy, of the township of Green Bay, in the county of Brown and Territory aforesaid, being duly sworn, depose and say that they are well acquainted with Therese Larose, of the said township of Green Bay; that she is the granddaughter of the late Augustin Ashawawbemay, deceased; that more than twenty years ago the said Augustin Ashawawbemay occupied and cultivated a farm or piece of land situated in the said township of Green Bay, and bounded as follows, viz: commencing on the west side of Fox river at low-water mark, being forty-seven chains in breadth, more or less, and running west eighty arpents; bounded on the north by land claimed by Therese Rankin, and on the south by land claimed by Susan Larose; that on the first day of July, in the year A. D. 1812, he occupied and cultivated the said farm or piece of land, from which time he continued to submit to the authority of the United States until his death, which took place in the year A. D. 1815; that previous to his death he verbally bequeathed to his said granddaughter, Therese Larose, the said farm or piece of land, and all his right, title, and interest in the same; that ever since the aforesaid bequest was made to the said Therese Larose the said farm or piece of land has been in her possession and under cultivation.

his
JOSEPH + HOWELL.
mark.
his
PIERRE + COUSY.
mark.

The foregoing affidavit subscribed and sworn to before me, at Green Bay aforesaid, the 18th day of September, 1823, and the name of Joseph Roy inserted or interlined previous to signing.

J. G. PORLIER, *J. P.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

John Lawe, of the township of Green Bay, county and Territory aforesaid, being duly sworn, deposeth and saith that he is well acquainted with Therese Larose, of the said township of Green Bay; that she is the granddaughter of the late Augustin Ashawawbemay, deceased; that more than twenty years ago the said Augustin Ashawawbemay occupied and cultivated a farm or piece of land situated in said township of Green Bay, and bounded as follows, viz: commencing on the west side of Fox river at low-water mark, being forty-seven chains in breadth, more or less, and running eighty arpents west; bounded on the north by land claimed by Therese Rankin, and on the south by land claimed by Susan Larose; that on the first day of July, A. D. 1812, he occupied and cultivated the said farm or piece of land, from which time he continued to submit to the authority of the United States until his death, which took place in the year 1815; that previous to his death he verbally bequeathed to his said granddaughter, Therese Larose, the said farm or piece of land, and all his right, title, and interest in the same; that ever since the aforesaid bequest was made to the said Therese Larose the said farm or piece of land has been in her possession and under cultivation.

JOHN LAWE.

The foregoing affidavit subscribed and sworn to before me, at Green Bay aforesaid, the 17th day of September, A. D. 1823.

DETROIT, *November* 1, 1823.

On examination of the preceding claim of Therese Larose, the commissioners decide that the same be confirmed; not to embrace more than 640 acres.

Entry for land.

I, Louis Grignon, of the township of Green Bay, in the county of Brown and Territory of Michigan, do hereby enter my claim to a certain farm or piece of land situated in said township of Green Bay, and bounded as follows: commencing on the west bank of Devil river, at an elm tree, opposite a creek, on the second fork of said river; thence running down said river twenty-six arpents in a northwesterly direction; thence southwest twenty-five arpents; thence southeast twenty-six arpents; thence northeast twenty-five arpents to the place of beginning.

As witness my hand, at Green Bay, this 16th day of September, 1823.

L. GRIGNON.

In presence of—
AMOS HOLTON.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

John Bt. Brunet and Joseph Roy, of the township of Green Bay and Territory aforesaid, being duly sworn, depose and say that they were well acquainted with Amable Roy, of the aforesaid township; that the said Roy occupied and cultivated a certain farm or piece of land situated in the said township, and bounded and described as follows, viz: commencing on the west bank of the Devil river, at an elm tree, opposite a creek, on the second fork of said river; thence running down said river twenty-six arpents in a northwestwardly direction; thence southwest twenty-five arpents; thence southeast twenty-six arpents; thence northeast twenty-five arpents, to the place of beginning, for a number of years; that about seventeen years ago the said Amable Roy died; that previous to his death he verbally bequeathed all this right, title, and interest in and to the said farm or piece of land to Louis Grignon, of the said township of Green Bay; that on the first day of July, in the year of our Lord eighteen hundred and twelve, the said Louis Grignon occupied and cultivated the same; and from that time the said Louis Grignon continued to submit to the authority of the United States until the following autumn, when this district of country was conquered and taken possession of by Great Britain, then at war with our nation, when he, the said Louis Grignon, and its other inhabitants were compelled to yield to the tyranny and caprice of the ruling power

and its savage allies, the protection of our government being entirely withdrawn therefrom; that when that protection was returned to them he, the said Louis Grignon, voluntarily resumed the relation of citizen of the United States, and has continued to submit to its authority ever since.

his
JOHN BT. ⋈ BRUNET.
mark.
his
JOSEPH ⋈ ROY.
mark.

The foregoing affidavit subscribed and sworn to before me, at Green Bay aforesaid, this 16th day of September, 1823; the name of Joseph Roy inserted or interlined before signing.

J. G. PORLIER, *J. P.*

DETROIT, *November* 1, 1823.

On consideration of the preceding claim of Louis Grignon, the commissioners decide that the same be confirmed, provided that the same does not contain more than six hundred and forty acres, and that the lines be so run as not to conflict with any confirmations heretofore made, or by this board made.

Entry of land.

I, Louis Beaupre, do hereby enter my claim to a certain farm or piece of land situated in the township of Green Bay, in the county of Brown and Territory of Michigan, and bounded as follows, viz: commencing on the east side of Fox river, at low-water mark, being nine chains in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed by Michael Dousman, on the south by land claimed by Amable Daroshey, being marked No. 13 in the sketch of private claims for lands, as exhibited to the commissioners at Detroit in 1821.

Witness my hand, at Green Bay, this 17th day of September, 1823.

his
LOUIS ⋈ BEAUPRE.
mark.

In presence of—
AMOS HOLTON.
JOHN LAWE.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

John Bt. Longvin, senior, and Augustin Grignon, of the township of Green Bay, county and Territory aforesaid, being duly sworn, depose and say that they are well acquainted with Louis Beaupre, of the said township of Green bay; that he has occupied and cultivated a farm or piece of land situated in the township of Green Bay, and bounded as follows, viz: commencing on the east bank of Fox river at low-water mark, being nine chains in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed by Michael Dousman, on the south by land claimed by Amable Daroushey; that on the first day of July, in the year of our Lord one thousand eight hundred and twelve, he occupied and cultivated the said farm or piece of land, from which time he continued to submit to the authority of the United States until the said following autumn, when this district of country was conquered and taken possession of by Great Britain, then at war with our nation, when he, the said Louis Beaupre, and its other inhabitants were compelled to yield to the tyranny and caprice of the ruling power and its savage allies, the protection of our government being entirely withdrawn therefrom; that when that protection was returned to them he, the said Louis Beaupre, voluntarily resumed the relation of citizen of the United States, and has continued to submit to its authority ever since.

JOHN BT. LONGVIN, SEN.
AUGUSTIN GRIGNON.

The foregoing affidavit subscribed and sworn to before me, at Green Bay aforesaid, this 17th day of September, 1823.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *November* 1, 1823.

On consideration of the preceding claim of Louis Beaupre, the commissioners decide that the same be confirmed.

Entry of land.

I, Pierre Carboneau, jr., do hereby enter my claim to a certain farm or piece of land situated in the township of Green Bay, in the county of Brown and Territory of Michigan, and bounded as follows, viz: commencing on the east side of Fox river at low-water mark, being sixteen chains and fifty links in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed by Augustin Bonnetierre, and on the south by land claimed by John Lawe, being marked by No. 31 in the sketch of private claims for lands, as exhibited to the commissioners at Detroit in 1821.

Witness my hand, at Green Bay, this 18th day of September, 1823.

his
PIERRE ⋈ CARBONEAU.
mark.

In presence of—
JOHN LAWE.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Joseph Howld and Pierre Cousy, of the township of Green Bay, county and Territory aforesaid, and being duly sworn, depose and say that they are well acquainted with Pierre Carboneau, jr., of the said township of Green Bay; that he has occupied and cultivated a farm or piece of land situated in said township of Green Bay, and bounded as follows, viz: commencing on the east bank of Fox river at low-water mark, being sixteen chains and fifty links in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed by Augustus Bonnetierre, on the south by land claimed by John Lawe; that on the first day of July, in the year of our Lord one thousand eight hundred and twelve, he occupied and cultivated the said farm or piece of land, from which time he continued to submit to the authority of the United States until the following autumn, when this district of country was conquered and taken possession of by Great Britain, then at war with our nation, when he, the said Pierre Carboneau, and its other inhabitants were compelled to yield to the tyranny and caprice of the ruling power and its savage allies—the protection of our government being entirely withdrawn therefrom; that when that protection was returned to them he, the said Pierre Carboneau, jr., voluntarily resumed the relation of citizen of the United States, and has continued to submit to its authority ever since.

JOSEPH his ⋈ mark. HOWLD.

PIERRE his ⋈ mark. COUSY.

The foregoing affidavit subscribed and sworn to before me, at Green Bay aforesaid, this 18th day of September, A. D. 1823.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *November* 1, 1823.

On consideration of the preceding claim of Pierre Carboneau, jr., the commissioners decide that the same be confirmed.

Entry of a farm or piece of land.

I, Susan Larose, do hereby enter my claim to a certain farm or piece of land situated in the township of Green Bay, in the county of Brown and Territory of Michigan, bounded as follows, viz: commencing on the west side of Fox river at low-water mark, being forty-seven chains in breadth, more or less, and running west eighty arpents; bounded on the north by lands claimed by Therese Larose, and on the south by lands claimed by Parish Grignon.

As witness my hand, at Green Bay, this 17th day of September, 1823.

SUSAN her ⋈ mark. LAROSE.

In presence of—
J. G. PORLIER.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Joseph Roy and Pierre Cousy, of the township of Green Bay, county and Territory aforesaid, and being duly sworn, depose and say that they are well acquainted with Susan Larose, of the said township of Green Bay; that she is the granddaughter of the late Augustin Ashawawbemay, deceased; that more than twenty years ago the said Augustin Ashawawbemay occupied and cultivated a farm or piece of land situated in the said township of Green Bay, and bounded as follows, viz: commencing on the west side of Fox river at low-water mark, being forty-seven chains in breadth, more or less, and running west eighty arpents; bounded on the north by land claimed by Therese Larose, and on the south by land claimed by Parish Grignon; that on the 1st day of July, in the year 1812, he occupied and cultivated the said farm or piece of land, from which time he continued to submit to the authority of the United States until his death, which took place in the year of our Lord 1815; that previous to his death he verbally bequeathed to his said granddaughter, Susan Larose, the said farm or piece of land, and all his right, title, and interest in the same; that ever since the aforesaid bequest was made to the said Susan Larose the said farm or piece of land has been in her possession and under cultivation.

JOSEPH his ⋈ mark. ROY.

PIERRE his ⋈ mark. COUSY.

The foregoing affidavit subscribed and sworn to before me, at Green Bay aforesaid, September 17, 1823.

J. G. PORLIER, *Justice of the Peace.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

John Lawe, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, deposeth and saith that he is well acquainted with Susan Larose, of the said township of Green Bay; that she is the granddaughter of the late Augustin Ashawawbemay, deceased; that more than twenty years ago the said Augustin Ashawawbemay, deceased, occupied and cultivated a farm or piece of land situated in the said township of Green Bay, and bounded as follows, viz: commencing on the west side of Fox river at low-water mark, being forty-seven chains in breadth, more or less, and running west eighty arpents; bounded on the north by lands claimed by Therese Larose, and on the south by land claimed by Parish Grignon; that on the first day of July, in the year of our Lord eighteen hundred and twelve, he occupied and cultivated the said farm or piece of land, from which time he continued to submit to the

authority of the United States until his death, which took place in the year of our Lord eighteen hundred and fifteen; that previous to his death he verbally bequeathed to his said granddaughter, Susan Larose, the said farm or piece of land, and all his right, title, and interest in the same; that ever since the aforesaid bequest was made to the said Susan Larose the said farm or piece of land has been in her possession and under cultivation.

JOHN LAWE.

The foregoing affidavit subscribed and sworn to before me, at Green Bay aforesaid, September 17, 1823.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *November* 1, 1823.

On consideration of the preceding claim of Susan Larose, the commissioners decide that the same be confirmed, provided it shall not extend more than 80 arpents in depth, or contain more than 640 acres.

Entry for land.

I, John Lawe, do hereby enter my claim to a certain farm or piece of land situated in the township of Green Bay, in the county of Brown and Territory of Michigan, and bounded as follows, viz: commencing on the east side of Fox river at low-water mark, and running east eighty arpents; bounded on the north by land claimed and occupied by Pierre Carboneau, sen., and on the south by land claimed and occupied by said John Lawe, being marked No. 28 in the sketch of private claims for lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821.

As witness my hand, at Green Bay, September 17, 1823.

JOHN LAWE.

In presence of—
AMOS HOLTON.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Jean Baptiste Brunet, sen., and Pierre Prevonsal, sen., of the township of Green Bay, county and Territory aforesaid, being duly sworn, depose and say that they are well acquainted with John Lawe, of said township of Green Bay; that he has occupied and cultivated a farm or piece of land situated in said township of Green Bay, and bounded as follows, viz: commencing on the east bank of Fox river at low-water mark, being fifteen chains in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed and occupied by Pierre Carboneau, sen., and on the south by land claimed and occupied by the said John Lawe, being marked No. 28 in the sketch of private claims, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821; that on the 1st day of July, in the year 1812, he occupied and cultivated the said farm or piece of land, from which time he continued to submit to the authority of the United States until the following autumn, when the district of country was conquered and taken possession of by Great Britain, then at war with our nation, when the said Lawe, with its other inhabitants, was compelled to yield to the tyranny and caprice of the ruling power and its savage allies—the protection of our government being withdrawn therefrom; that when that protection was returned to them he, the said John Lawe, voluntarily resumed the relation of citizen of the United States, and has continued to submit to its authority ever since.

his
J. B. ⋈ BRUNET, SEN.
mark.
his
PIERRE ⋈ PREVONSAL, SEN.
mark.

The foregoing affidavit subscribed and sworn to before me, at Green Bay aforesaid, September 17, A. D. 1823.

J. G. PORLIER, *Justice of the Peace.*

On consideration of the preceding claim of John Lawe, the commissioners decide that the same be confirmed.

Entry of a tract of land.

I, George Johnston, do hereby enter my claim to a certain tract or lot of land situated at the Little Cockalaw, in the county of Brown and Territory of Michigan, and bounded as follows, to wit: beginning at low-water mark on the west side or bank of Fox river; bounded on the north by uncultivated lands, on the south by a mound or small hill near the banks of said Fox river, on the west by wild lands, and on the east by said Fox river, being eight arpents in width on said river, and extending back, or westwardly, from said river eighty arpents, be the same more or less.

Signed by me, at Green Bay, September 11, A. D. 1823.

GEORGE JOHNSTON.

Witness: DANIEL CURTIS.

DETROIT, *November* 1, 1823.

No testimony being produced in support of this claim, the same is not confirmed. The following affidavit appears to refer to this claim, but contains no proof that the present claimant has acquired the rights of the occupant therein named:

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on this sixth day of October, in the year of our Lord one thousand eight hundred and twenty-three, personally came before me, N. G. Bean, one of the justices of the peace in and for said county and Territory, François St. Rock, and, being duly sworn, deposeth and saith that he has personal knowledge of the occupation and improvement of a certain tract of land situated at Green Bay, in the county and Territory aforesaid, for many years before the late war between the United States of America and Great Britain; and since that period it has been occupied and cultivated by Pierre Carboneau, sen.; said lot or tract of land is bounded as follows, to wit: beginning at low-water mark on the west bank of Fox river, at a place called Little Cockalaw; bounded on the north by uncultivated lands; on the south by uncultivated lands; on the west by wild lands; and on the east by the aforesaid Fox river; being about eight arpents in width on said river, and extending back, or westwardly, from the same eighty French arpents, more or less; and that the said Pierre Carboneau occupied and cultivated said piece or parcel of land July 1, 1812; and that since that time he has continued to submit to the authority of the United States. The words, "at a place called Little Cockalaw," interlined before signing, between the 14th and 15th lines from the top.

his
FRANCIS ⋈ ST. ROCK.
mark.

The above affidavit sworn and subscribed to before me October 6, A. D. 1823.

N. G. BEAN, *Justice of the Peace.*

Entry of a tract of land.

I, George Johnston, do hereby enter my claim to a certain tract or lot of land situated at Green Bay, in the county of Brown and Territory of Michigan, butted and bounded as follows, to wit: beginning at low-water mark on the east bank of Fox river; bounded on the south by a lot claimed by George Johnston, on the north by claims to me unknown, on the east by wild lands, and on the west by said Fox river; being four arpents in width on said river, and extending back from the same eighty acres or arpents, be the same more or less.

Signed at Green Bay, September 11, 1823. GEORGE JOHNSTON.

Witness: DANIEL CURTIS.

DETROIT, *November* 1, 1823.

No proof in support of the preceding claim being advanced, the commissioners decide that the same be not confirmed.

Entry of a tract of land.

I, George Johnston, do hereby enter my claim to a certain tract or parcel of land situated at Green Bay, in the county of Brown, and Territory of Michigan, butted and bounded as follows, to wit: beginning at low-water mark on the east bank of Fox river, running thence along the same two and a half arpents; bounded on the north by a lot claimed by John Lawe, on the south by a claim unknown to me, on the east by wild lands, and on the west by the aforesaid Fox river; and extending from the same eighty arpents, be the same more or less.

Signed September 12, A. D. 1823. GEORGE JOHNSTON.

Witness: D. CURTIS.

DETROIT, *November* 1, 1823.

No testimony being adduced in support of the preceding claim, the commissioners decide that the same be not confirmed.

Entry of a tract of land.

I, George Johnston, do hereby enter my claim to a certain tract of land situated at Green Bay, in the county of Brown and Territory of Michigan, numbered twenty-five, and bounded as follows, to wit: beginning at low-water mark on the east bank of Fox river; bounded on the north by a lot claimed by Jean Bt. Brunette, on the south by a lot claimed by Michael Dousman, on the east by wild lands, and on the west by the aforesaid Fox river; being about four arpents in width on said river, and extending back from the same eighty arpents, be the same more or less.

Signed and delivered, at Green Bay, September 16, 1823. GEORGE JOHNSTON.

Witness: D. CURTIS.

This indenture, made and concluded September 16, 1823, between Bazil Laroch, of the township of Green Bay, in the county of Brown and Territory of Michigan, of the first part, and George Johnston, of the same place, of the second part, witnesseth: that the said party of the first part, for and in consideration of the sum of three hundred dollars to him in hand paid by the party of the second part, the receipt whereof is hereby confessed and acknowledged, hath granted, bargained, sold, aliened, and confirmed, and by these presents doth grant, bargain, sell, alien, and confirm, unto the said party of the second part,

his heirs and assigns forever, all that certain tract or parcel of land situated, lying, and being at Green Bay, in the county and Territory aforesaid, described and bounded as follows, to wit: beginning on the east bank of Fox river, running thence along the shore of the same four and one-half arpents; bounded on the north by a lot claimed by John Baptiste Brunette, on the south by a lot claimed by Michael Dousman, on the east by wild lands, and on the west by the aforesaid Fox river, and extending back from the same eighty arpents, be the same more or less; together with all and singular the improvements and appurtenances whatsoever to the said premises belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, claim, and demand whatsoever of him, the said party of the first part, of, in, and to the same; to have and to hold the lands hereby conveyed, with all and singular the premises, and every part and parcel thereof, with the appurtenances, unto the said party of the second part, his heirs and assigns forever, to the only proper use, benefit, and behoof of him the said party of the second part, his heirs and assigns forever. And the said party of the first part, for himself, his heirs, executors, administrators, and assigns, doth covenant, promise, and agree to and with the said party of the second part, his heirs and assigns, firmly by these presents, that the premises before mentioned now are, and forever hereafter shall remain, free of and from all other gifts, grants, bargains, sales, dower, right, and title of dower, judgments, executions, titles, and encumbrances whatsoever, done, or suffered to be done, by him, the said party of the first part; and the said party of the first part, and his heirs, all and singular the premises hereby bargained and sold, with the appurtenances, unto the said party of the second part, his heirs and assigns, against the said party of the first part, and his heirs, and all and every other person or persons whomsoever, (except the United States,) doth and will warrant and forever defend, by these presents.

In witness whereof, the said party of the first part hath hereunto set his hand and seal, at Green Bay, the day and year first above written.

his
BAZIL × LAROCH.
mark.

Signed, sealed, and delivered in the presence of—
DANIEL CURTIS.
FREDERICK BLUE.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the sixteenth day of September, one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace in the aforesaid county, personally came Bazil Laroch, and acknowledged the above instrument of writing to be his voluntary act and deed for the purposes therein specified, and consented that it might be recorded as such. In testimony whereof, I have hereunto set my hand at the township of Green Bay, the day and year above written.

ROBERT IRWIN, JR., *Justice of the Peace.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Before me, Robert Irwin, jr., one of the justices of the peace in the county aforesaid, personally came and appeared Francis Laventure, who, being sworn in due form, deposeth and saith that he has certain knowledge that Lamoin and Laroch did occupy and cultivate a certain tract of land lying on the east bank of Fox river, and numbered twenty-five; bounded on the north by a tract claimed by John Brunette, and on the south by a tract claimed by John or Michael Dousman fifteen or sixteen years past; and that the following persons have successively owned it, viz: Francis Roi, J. B. Grignon, the latter having exchanged it with Bazil Laroch, who now occupies and cultivates it.

his
FRANCIS × LAVENTURE.
mark.

Sworn and subscribed to before me, at Green Bay, September 18, 1823.

ROBERT IRWIN, JR., *Justice of the Peace.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Before me, Robert Irwin, jr., one of the justices of the peace in the county aforesaid, personally came and appeared Joseph Jourdin, of said county, who, being duly sworn in due form, deposeth and saith that he has certain knowledge of Laroch and Lamoin having occupied and cultivated a certain tract of land lying on the east bank of Fox river, No. 25; and bounded south by a tract claimed by John or Michael Dousman, on the north by a tract claimed by J. B. Brunette in the year 1808; and that they disposed of it to Francis Roi, and by the said Roi to J. B. Grignon, who exchanged with Bazil Laroch in the summer of 1819 or 1820; and that the said Laroch has since that period, and now occupies the said farm.

JOSEPH JOURDIN.

Sworn and subscribed to before me, at Green Bay, September 18, 1823.

ROBERT IRWIN, JR., *Justice of the Peace.*

DETROIT, *November* 1, 1823.

Upon consideration of the preceding claim of George Johnston, the commissioners *confirm* the tract to him (designated lot No. 25, E.) subject to any claims which J. Porlier or others may have to the same.

Entry of a tract of land.

I, George Johnston, do hereby enter my claim to a certain tract of land or lot lying and being situated at Green Bay, in the county of Brown and Territory of Michigan, butted and bounded as follows, to wit: beginning on the east bank of Fox river at low-water mark; bounded on the north by Amable Norman's claim, on the south by a lot claimed by Alexander St. Gardepie, on the east by wild lands, and on the west

by the aforesaid Fox river; being four arpents in width on said river, and extending back from the same eighty arpents, be the same more or less.

Signed and delivered September 17, 1823.

GEORGE JOHNSTON.

Witness: D. CURTIS.

DETROIT, *November* 1, 1823.

In the preceding case, there being no testimony in support of the claim, the same is not confirmed.

NOTICE.

Michael Dousman enters his claim with the register of the land office at Detroit, to a certain tract or lot of land situate at Green Bay, bounded as follows: in front by Fox river, being four acres in front and eighty acres in depth, on the southeasterly side by lands claimed by Francis Laventure, and on the northwesterly side by a lot claimed by Benjamin Smith.

MICHAEL DOUSMAN.

On August 27, 1823, came before me, the undersigned, justice of the peace at Michilimackinac, Francis Laveranau, who, being duly sworn, saith that sometime previous to the year 1812, and also on July 1, 1812, and afterwards, Joseph Boisvar was in possession and cultivated the lot or tract of land mentioned in the annexed notice.

his
FRANCIS + LAVERANAU.
mark.

Sworn to and subscribed before me.

WM. HENRY PUTHUFF.

On the same day of August aforesaid came also before me John Dousman, esq., who, being duly sworn, saith that from the year 1808 until the commencement of the late war between the United States and Great Britain he is well knowing to persons living on and occupying said lot of land described in the annexed notice by leave or permission of the said Michael Dousman; and that the right of possession to said lot was always considered to be in the said Michael, as this deponent always understood and verily believes.

JOHN DOUSMAN.

Sworn and subscribed to before me.

WM. HENRY PUTHUFF, *J. P. C. M.*

In the preceding case, the commissioners decide that the tract claimed be confirmed to M. Dousman, provided that it does not conflict with any confirmation heretofore made or which may be made by this board.

CLAIMS AT GREEN BAY.

Entry of a tract of land.

I, James Veaux, do hereby enter my claim to a certain tract of land situated in the county of Brown and Territory of Michigan, bounded and butted as follows: commencing at low-water mark on Fox river, and running west eighty arpents, and bounded on the north by a certain tract occupied by the United States garrison, west by wild lands, south by a certain tract of land claimed by John Baptiste Longevine, sen., and east by Fox river, being five arpents in breadth.

Witness my hand, at Green Bay, this ninth day of September, A. D. 1823.

his
JAMES + VEAUX.
mark.

Witness: ROBERT IRWIN, Jr.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Before me, Robert Irwin, jr., one of the justices of the peace within and for the county of Brown, personally came and appeared Joseph Roy, of said county, who, being sworn in due form, deposeth and saith that he has knowledge, from personal observation, of James Veaux having cultivated as a meadow a certain tract of land situated in the aforesaid county, and bounded and butted as follows, viz: commencing at low-water mark on Fox river, and running west eighty arpents, and bounded on the north by lands occupied by the United States garrison, on the west by wild lands, south by a certain tract claimed by John Baptiste Longevine, and on the east by Fox river, since 1806, with the exception of five years that he has been prevented by the garrison; and that he knows of Mr. James Veaux having submitted to the authorities of the United States on July 1, 1812, and having since that period continued to submit himself thereto. And further this deponent saith not.

his
JOSEPH + ROY.
mark.

Sworn and subscribed to before me, at Green Bay, this 9th day of September, A. D. 1823.

ROBERT IRWIN, JR., *J. P.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Before me, Robert Irwin, jr., one of the justices of the peace within and for the county of Brown, personally came and appeared John Baptiste Grignon, of said county, who, being duly sworn, deposeth

and saith that he has knowledge, from personal observation, of James Veaux having cultivated as a meadow a certain tract of land situated in the aforesaid county, and bounded and butted as follows, to wit: commencing at low-water mark on Fox river, and running west eighty arpents, and bounded on the south by a certain tract of land claimed by John Baptiste Longevine, sen., on the west by wild lands, and on the north by a certain tract of land occupied by the United States garrison, on the east by Fox river, for the period of thirteen years, that is, from 1806 until 1818, when he was compelled by the United States garrison to relinquish it; and that he knows that the said James did, on the 1st day of July, A. D. 1812, submit himself to the authorities of the United States, and has ever since continued to do so. And further this deponent saith not.

his
JOHN BAPTISTE + GRIGNON.
mark.

Sworn and subscribed before me, at Green Bay, this 9th day of September, A. D. 1823.
ROBERT IRWIN, Jr., *Justice of the Peace.*

Territory of Michigan, *County of Brown, ss:*

Before me, Robert Irwin, jr., one of the justices of the peace within and for the county of Brown, personally came and appeared John Baptiste Lamoin, of said county, who, being duly sworn, deposeth and saith that he has knowledge, from personal observation, of James Veaux having cultivated as a meadow a certain tract of land within the county aforesaid, and bounded and butted as follows: commencing at low-water mark on Fox river, and running west eighty arpents, bounded on the north by a tract of land occupied by the United States garrison, on the west by wild lands, on the south by a certain tract of land claimed by John Bt. Longevine, on the east by Fox river, and being five arpents in breadth on the aforesaid river, since the year 1806, with the exception of five years that he was prevented by the United States garrison; and that he, the deponent, did mow seventeen years since on said tract for James Veaux; and that in the month of July, 1818, while in the employ of the said James Veaux mowing on said tract, he was expelled therefrom by a sergeant of the aforesaid garrison; and that he knows that the said James Veaux did remain neutral during the late war with Great Britain. And further this deponent saith not.

his
JOHN BAPTISTE + LAMOIN.
mark.

Sworn and subscribed to before me, at Green Bay, this 9th day of September, A. D. 1823.
ROBERT IRWIN, Jr., *Justice of the Peace.*

Detroit, *October* 31, 1823.

In the preceding case of James Veaux, the commissioners decide that the claim be *confirmed;* it is not to conflict with any confirmation heretofore made.

Claim of Francis La Vontiere.

I, Francis La Vontiere, of the county of Brown and Territory of Michigan, do hereby enter my claim to a certain tract of land lying and being situated in the county aforesaid, and bounded and butted as follows, to wit: commencing at low-water mark on the east bank of Fox river, and running east eighty arpents, and bounded as follows, to wit: on the south by a tract of land claimed by Joseph Jourdin, on the east by wild lands, on the north by a tract of land claimed by George Firkie, sen., and on the west by Fox river, being eighty arpents in width on the aforesaid river.

his
FRANCIS × LA VONTIERE.
mark.

Witness: Robert Irwin, Jr.

Territory of Michigan, *County of Brown, ss:*

Be it remembered that on the 15th day of September, A. D. 1823, before me, Robert Irwin, jr., one of the justices of the peace within and for the county aforesaid, personally came and appeared Augustus La Bucœff, of said county, who, being duly sworn in due form, deposeth and saith that he has personal knowledge of Francis La Vontiere having cultivated as a meadow a certain tract of land lying and being situated in the county aforesaid, commencing at low-water mark on the east bank of Fox river, and running east indefinitely; bounded on the south by a tract claimed by Joseph Jourdin, on the east by wild lands, on the north by a tract claimed by George Firkie, on the west by Fox river, in the summer of 1808; and that he has knowledge of the said Francis La Vontiere having remained neutral during the late war with Great Britain.

his
AUGUSTUS × LA BUCŒFF.
mark.

Sworn and subscribed to before me, at Green Bay, September 15, 1823.
ROBERT IRWIN, Jr., *Justice of the Peace.*

And further, on the 16th day of September, 1823, came the above deponent, Augustus La Bucœff, and states that La Vontiere was compelled to abandon the cultivation of the above-described meadow by the United States troops.

Sworn to before me, at Green Bay, September 16, 1823.
ROBERT IRWIN, Jr., *Justice of the Peace.*

Territory of Michigan, *County of Brown, ss:*

Be it remembered that on the 15th day of September, A. D. 1823, before me, Robert Irwin, jr., one of the justices of the peace in the aforesaid county, personally came and appeared Joseph Jourdin, of said

county, who, being duly sworn, deposeth and saith that he has personal knowledge of Francis La Vontiere having cultivated as a meadow a certain tract of land lying and being situated at Green Bay, in the county of Brown, commencing at low-water mark on the east bank of Fox river, and running east indefinitely; bounded on the south by a tract claimed by Joseph Jourdin, on the east by wild lands, on the north by a tract claimed by George Firkie, sen., on the west by Fox river, being eight arpents in width, the same more or less, from the year 1806 until 1816; and that he has further knowledge of the said La Vontiere having remained neutral during the late war.

JOSEPH JOURDIN.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, A. D. 1823.

ROBERT IRWIN, JR., *Justice of the Peace.*

DETROIT, *October* 31, 1823.

In the preceding case of Francis La Vontiere, the commissioners decide that the claim be confirmed; it is not to interfere with any confirmations heretofore made.

Claim of Moses Hardwick.

I, Moses Hardwick, of the township of Green Bay, county of Brown and Territory of Michigan, do hereby enter my claim to a certain farm or piece of land situated in said township of Green Bay, and bounded as follows, viz: commencing on the east bank of Fox river at low-water mark, being eight chains and thirty links in breadth, and bounded on the north by lands claimed and occupied by John Lawe, and on the south by land claimed by Pierre Carboneau, jr., and running east from said river eighty arpents, being marked No. 30 in the sketch of private claims to lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821. As witness my hand, at Green Bay, September 18, 1823.

MOSES his ⋈ mark. HARDWICK.

In presence of—

JOHN LAWE.
N. G. BEAN.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

John Baptiste Brunette and Pierre Carboneau, of Green Bay, county and Territory aforesaid, being duly sworn, depose and say that in the year A. D. 1812, on the first day of July of said year, Peter Oldrich, jr., of said township of Green Bay, occupied and cultivated a certain farm or piece of land situated in the said township, and bounded as follows, viz: commencing on the east bank of Fox river at low-water mark, being eight chains and thirty links in breadth, more or less, and running east eighty arpents; bounded on the south by lands occupied and claimed by Pierre Carboneau, jr., on the north by lands claimed and occupied by John Lawe, and marked No. 30 in the sketch of private claims to lands, as exhibited to the commissioner at Detroit, for the inhabitants of Green Bay, in 1821; and the said Oldrich continued to cultivate said land until the year 1816, at which time he disposed of said property to Augustus Bonneterre, who continued in possession until the year 1821, when he exchanged said farm or land with Moses Hardwick, who has continued to occupy and cultivate it until the present date; and that all the persons named, viz: Peter Oldrich, Augustus Bonneterre, and Moses Hardwick, have continued to submit to the authority of the United States ever since July 1, A. D. 1812.

JOHN BAPTISTE his ⋈ mark. BRUNETTE.

PIERRE his ⋈ mark. CARBONEAU.

"At low-water mark, and the 1st day of July, in the," interlined before signing.

The within affidavit subscribed and sworn to before me, at Green Bay, this 18th day of September, A. D. 1823.

WILLIAM J. PORLIER, *Justice of the Peace.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Moses Hardwick and Augustus Bonneterre, of the township of Green Bay, county and Territory aforesaid, being duly sworn, depose and say that on September 15, A. D. 1821, they, the said Moses Hardwick and Augustus Bonneterre, were the claimants and in the possession of the farm or piece of land situated in the said township of Green Bay, and bounded as follows, viz: the said Moses Hardwick's farm or land, commencing at low-water mark on the east side of Fox river, being eight chains and thirty links in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed and occupied by John Lawe, and on the south by land claimed and occupied by Pierre Carboneau, and marked No. 30 in the sketch of private claims to lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821; and the said Augustus Bonneterre's farm or piece of land, commencing at low-water mark on the east side of Fox river, being nine chains in breadth, more or less, and running east eighty arpents; bounded on the south by land claimed and occupied by J. B. Brunette, and on the north by land claimed and occupied by Louis Bourdon, and marked No. 23 in the aforesaid sketch; and that they, the said Moses Hardwick and Augustus Bonneterre, did, at the said township of Green Bay, on the day above mentioned, mutually exchange their above-described farms or pieces of land, and convey to each other all their right, title, and interest to the same, respectively.

MOSES his ⋈ mark. HARDWICK.

AUGUSTUS his ⋈ mark. BONNETERRE.

In presence of—

N. G. BEAN.

The above affidavit subscribed and sworn to before me, at Green Bay aforesaid, this 17th day of September, A. D. 1823.

J. G. PORLIER, *Justice of the Peace.*

In the preceding case of Moses Hardwick, the commissioners decide that the claim be confirmed; the same not to interfere with previous confirmations.

Claim of Nancy Macrey.

I, Nancy Macrey, do hereby enter my claim to a certain tract or parcel of land situated in the township of Green Bay, county of Brown, Territory of Michigan, viz: lying on the west side of Fox river, commencing at the lower end of the portage of the Big Cockalin, eighteen miles above Fort Howard; on the north by vacant lands, and on the south by a tract claimed by Augustin Grignon, containing twenty-five chains in front on said river, more or less, and extending back so as to embrace 640 acres.

As witness my hand, at Green Bay, this 15th day of September, 1823.

her
NANCY ⋈ MACREY.
mark.

In presence of—
J. G. PORLIER.
LAURENT FILLY.
JEANT LANGERM.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Paul Grignon and Laurent Filly, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, depose and say that they are well acquainted with Nancy Macrey, of said township; that she has constantly occupied and cultivated since July 1, 1812, (and since which period she has always submitted to the authority of the United States,) a certain tract or parcel of land in said township, viz: lying on the west side of the Fox river, commencing at the lower end of the portage of the Big Cockalin, eighteen miles above Fort Howard, and bounded on the north by vacant lands, and on the south by a tract claimed by Augustin Grignon, containing twenty-five chains in front on said river, more or less, and extending back so as to embrace 640 acres; that the said Nancy Macrey was an inhabitant of said township on the 1st of July, 1812, and has so continued until the present time.

PAUL GRIGNON.
LAURENT FILLY.

Be it remembered that on the 15th September, A. D. 1823, the above affidavit was sworn to and subscribed before me, one of the justices of the peace in and for the county of Brown.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *October* 31, 1823.

In the preceding case of Nancy Macrey, the commissioners decide that the claim be confirmed; the same not to interfere with confirmations heretofore made.

Claim of John Baptiste Longevine, Sr.

I, John Baptiste Longevine, senior, do hereby enter my claim to a certain tract or parcel of land, situated in the township of Green Bay, in the county of Brown and Territory of Michigan, bounded as follows, to wit: commencing on the east side of Riviere au Diable, at low-water mark, being 12 arpents in breadth on said river, more or less, and running eastwardly so as to embrace 640 acres; bounded north and south by vacant lands, and lying opposite to a tract claimed by Amable Durocher.

As witness my hand, at Green Bay, this 15th day of September, 1823.

his
JOHN BAPTISTE ⋈ LONGEVINE, SR.
mark.

In presence of—
J. G. PORLIER.
ROBERT STEWART.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Bazil Laroque, Amable Normand, and Joseph Boisvard, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, depose and say that they are well acquainted with John Baptiste Longevine, senior, of said township; that he has constantly occupied and cultivated for upwards of twenty years a certain tract or parcel of land situated on the east side of the Rivière au Diable, in said township, bounded north and south by vacant lands, and lying opposite to the claim of Amable Durocher, measuring in front on said river twelve arpents, more or less, and extending back so as to embrace 640 acres; that the said John Baptiste Longevine, senior, was an inhabitant of the said township on the 1st July, 1812, and continued to submit to the authority of the United States until the following autumn, when this district of country was conquered and taken possession of by Great Britain, then at war with our nation; when he, the said John Baptiste Longevine, and its other inhabitants were compelled to yield to the tyranny and caprice of the ruling power, and its savage allies, the protection of our government being entirely withdrawn therefrom; that when that protection was returned to them, the said John

Baptiste Longevine voluntarily resumed the relation of citizen of the United States, and has continued to submit to its authority ever since.

his
BAZIL ⋈ LAROQUE.
mark.
his
AMABLE ⋈ NORMAND.
mark.
his
JOSEPH ⋈ BOISVARD.
mark.

Be it remembered that on the 15th September, 1823, personally came and appeared before me, one of the justices of the peace for and in the county of Brown, the within named Bazil Laroque, Amable Normand, and Joseph Boisvard, who, on their oath, declared the within affidavit to contain the truth, to the best of their knowledge and belief.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *October* 31, 1823.

In the preceding case of John Baptiste Longevine, senior, the commissioners decide that the claim be confirmed; it is not to interfere with confirmations heretofore made.

Claim of Augustine Grignon.

I, Augustin Grignon, do hereby enter my claim to a certain tract or parcel of land in the township of Green Bay, county of Brown and Territory of Michigan, at the west side of the Fox river, at the portage of the Big Cockalin, about eighteen miles above Fort Howard, and bounded on the north by a lot claimed by the said Augustine Grignon, and on the south by a lot claimed by Paul Ducharme, containing in front on said river twenty-seven chains, more or less, and extending back so as to embrace 640 acres.

As witness my hand, at Green Bay, this 15th day of September, 1823.

AUGUSTIN GRIGNON.

In presence of—
J. G. PORLIER.
ROBERT STEWART.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Pierre Chillifoux and Bazil Laroque, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, depose and say that they are well acquainted with Augustin Grignon, of said township; that he has constantly occupied and cultivated, since the 1st of July, 1812, a certain tract or parcel of land in said township, viz: lying on the west side of Fox river, at the portage of the Big Cockalin, about eighteen miles above Fort Howard, and bounded on the north by a lot claimed by the said Augustin Grignon, and on the south by a lot claimed by Paul Ducharme, containing in front on said river twenty-seven chains, more or less, and extending back eighty acres; that the said Augustin Grignon was an inhabitant of said township, and continued to submit to the authority of the United States from 1st of July, 1812, until the following autumn, when this district of country was conquered and taken possession of by Great Britain, then at war with our nation, when he, the said Grignon, and its other inhabitants, were compelled to yield to the tyranny and caprice of the ruling power and its savage allies, the protection of our government being entirely withdrawn therefrom; that when that protection was returned to them, the said Augustin Grignon voluntarily resumed the relation of citizen of the United States, and has continued to submit to its authority ever since.

his
PIERRE ⋈ CHILLIFOUX.
mark.
his
BAZIL ⋈ LAROQUE.
mark.

Be it remembered that on this 15th September, A. D. 1823, the affidavit was sworn to and subscribed before me, one of the justices of the peace in and for the county of Brown, township of Green Bay.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *October* 31, 1823.

In the preceding case of Augustin Grignon, the commissioners decide that the claim be confirmed. The same shall be so run as not to interfere with any confirmation heretofore made, and not to exceed eighty arpents from front to rear.

Claim of Margaret Labord.

I, Margaret Labord, widow of the late John Baptiste Labord, senior, deceased, of Green Bay, in the county of Brown and Territory of Michigan, do hereby enter my claim, for myself and the heirs of the said John Baptiste Labord, senior, to a certain farm or piece of land situated in the township of Green Bay, and bounded as follows, viz: commencing on the east bank of Fox river at low-water mark, being eight chains in breadth; bounded on the south by land claimed and occupied by Joseph Ducharme, and on the north by land claimed and occupied by J. B. Grignon; and running east from said river eighty arpents, and marked No. 16 in the sketch of private claims to land, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay.

As witness my hand, at Green Bay, this 18th day of September, 1823.

her
MARGARET ⋈ LABORD.
mark.
JOSEPH JOURDIN.

In presence of—
LAURENT FILLY.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Joseph Jourdin and Gabriel Rabby, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, depose and say that they were well acquainted with John Baptiste Labord, late of the said township, deceased; that on the 1st day of July, A. D. 1812, and some years previous, he occupied and cultivated a certain farm or lot of land in said township of Green Bay, and bounded as follows, viz: commencing on the east bank of Fox river at low-water mark, being eight chains in breadth, and running east eighty arpents; bounded on the north by land claimed and occupied by J. B. Grignon, and on the south by land claimed and occupied by Joseph Ducharme, being lot No. 16, as marked on the sketch of private claims to lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821; that he, the said Labord, occupied and cultivated said farm or piece of land on the 1st day of July, A. D. 1812, and continued to submit to the authority of the United States until his decease, in the fall of 1821, and that the heirs have continued to occupy said farm until the present date.

JOSEPH JOURDIN.
his
GABRIEL ⋈ RABBY.
mark.

Witness: J. G. PORLIER.

Sworn and subscribed to before me, a justice of the peace, at Green Bay, this 18th day of September, 1823.

J. G. PORLIER, *J. P.*

DETROIT, *October* 31, 1823.

In the preceding case the commissioners decide that the claim be confirmed to the widow and heirs of John Baptiste Labord, senior, deceased; the same not to interfere with any confirmations heretofore made.

Claim of Augustin Grignon.

I, Augustin Grignon, do hereby enter my claim to a certain tract or parcel of land situated in the township of Green Bay, county of Brown and Territory of Michigan, viz: lying on the west side of Fox river, at the portage of the Big Cockalin, eighteen miles above Fort Howard, and bounded on the north by a lot claimed by Nancy Macrey, and on the south by a lot claimed by the said Augustin Grignon; containing eleven chains in front on said river, more or less, and extending back so as to embrace six hundred and forty acres.

As witness my hand, at Green Bay, this 15th day of September, A. D. 1823.

AUGUSTIN GRIGNON.

In presence of—
J. G. PORLIER.
ROBERT STUART.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Joseph Jourdin and Pierre Courcie, of the township of Green Bay, county and Territory aforesaid, being duly sworn, depose and say that the said Joseph Jourdin did, in the autumn of 1811, sell to Augustin Grignon all his right and title to a certain tract or parcel of land situated on the west side of Fox river, at the portage of the Big Cockalin, eighteen miles above Fort Howard, and bounded on the north by a lot claimed by Nancy Macrey, and on the south by a lot claimed by the said Augustin Grignon; containing in front on said river eleven chains, more or less, and extending back so as to embrace six hundred and forty acres; and that the said Augustin Grignon has, ever since that period, continued to cultivate the said tract; that the said Augustin Grignon was an inhabitant of said township, and continued to submit to the authority of the United States until the following autumn, when this district of country was conquered and taken possession of by Great Britain, then at war with our nation, when the said Augustin Grignon, with its other inhabitants, was compelled to yield to the tyranny and caprice of the ruling power and its savage allies, the protection of our government being entirely withdrawn therefrom; that when that protection was returned to them he, the said Augustin Grignon, voluntarily resumed the relation of citizen of the United States, and has continued to submit to its authority ever since.

JOSEPH JOURDIN.
his
PIERRE ⋈ COURCIE.
mark.

Be it remembered that on the 15th day of September, A. D. 1823, the above affidavit was sworn to and subscribed before me, one of the justices of the peace for and in the county of Brown and township of Green Bay.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *October* 31, 1823

In the preceding case the commissioners decide that the tract be confirmed to the claimant, Augustin Grignon, the claim not to interfere with previous confirmations; and in this, as in all other cases, not to extend more than eighty arpents from front to rear, nor more than eleven chains in front or rear.

Claim of Augustin Grignon.

I, Augustin Grignon, do hereby enter my claim to a certain tract or piece of land situated as follows, viz: commencing on Fox river one-fourth of a mile below the present landing place or portage; running

thence to the Wisconsin one-fourth of a mile below the present landing place thereon; thence up the said Wisconsin three-fourths of a mile; thence to the pickets which surround the grave of the late John Ecuyer, deceased; thence to Fox river, one-fourth of a mile below the present landing; and thence to the place of beginning, supposed to contain about one section.

As witness my hand, at Green Bay, this 18th day of September, 1823.

AUGUSTIN GRIGNON.

In presence of—
N. G. BEAN.
J. G. PORLIER.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Laurent Filly and Louis Bossirie, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, depose and say that a certain tract or piece of land, situated as follows, viz: commencing on Fox river one-fourth of a mile below the present landing place or portage; running thence to the Wisconsin one-fourth of a mile below the present landing thereon; thence up the said Wisconsin three-fourths of a mile; thence to the pickets which surround the grave of the late John Ecuyer, deceased; thence to Fox river, one-fourth of a mile below the present landing; and thence to the place of beginning, supposed to contain about one section, was occupied and cultivated by Antoine Barth, in the year A. D. 1803; the said Antoine Barth sold the said piece or tract of land to John Campbell, who shortly after sold and conveyed away the same to John Ecuyer, who died in the year A. D. 1808; that the heirs of the said John Ecuyer occupied and cultivated the said tract or piece of land until and after the 1st of July, A. D. 1812; that they have from that day continued to submit to the authority of the United States; that in the year A. D. 1821 they, the said heirs, sold and conveyed the said tract or piece of land, and all their right, title, and interest in the same, to Augustin Grignon.

LAURENT FILLY.
his
LOUIS ⋈ BOSSIRIE.
mark.

The name of Louis Bossirie interlined before signing.

Sworn and subscribed to before me this 18th day of September, A. D. 1823.

J. G. PORLIER, *J. P.*

DETROIT, *October* 31, 1823.

In the preceding case of Augustin Grignon, at the portage of Wisconsin, the commissioners do not consider the claim as coming within their powers; it is recommended for confirmation, saving the rights of the heirs of John Ecuyer, deceased.

Claim of Pierre Carboneau, senior.

I, Pierre Carboneau, senior, do hereby enter my claim to a certain farm or piece of land situated in the township of Green Bay, in the county of Brown and Territory of Michigan, and bounded as follows, viz: commencing on the east side of Fox river at low-water mark, being nine chains and twenty links in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed by John Dousman, on the south by land claimed by John Lawe, being marked No. 27 in the sketch of private claims for lands, as exhibited to the commissioners at Detroit in 1821.

Witness my hand, at Green Bay, this 16th day of September, 1823.

his
PIERRE + CARBONEAU.
mark.

In presence of—
AMOS HOLTON.
L. GRIGNON.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Louis Grignon and John Baptiste Longevine, of the township of Green Bay and Territory aforesaid, being duly sworn, depose and say that they were well acquainted with Peter Carboneau, of said township of Green Bay; that the said Carboneau occupied and cultivated a certain farm or piece of land situated in said township and described as follows: commencing on the east bank of Fox river at low-water mark, being nine chains and twenty links in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed by John Dousman, on the south by land claimed by John Lawe; that on the first day of July, A D. 1812, he occupied and cultivated the said farm or piece of land, from which time he has continued to submit to the authority of the United States.

JEAN BT. LONGEVINE.
L. GRIGNON.

The foregoing affidavit sworn to and subscribed before me, at Green Bay, this 16th day of September, 1823.

J. G. PORLIER, *Justice of the Peace.*

In the preceding case of Pierre Carboneau, senior, the commissioners decide that the same be confirmed, the claim not to interfere with previous confirmations.

Claim of Benjamin Ecuyer.

Je, Benjamin Ecuyer, entre mon clame d'un lot de terre, situé au portage du Ouisconsin, courant de la rive du fleuve sur la rivière de Renards, un démi mille, plus ou moin, et contenant une section, cultivé et possedé par Jean Ecuyler, un dix-huit cent huit, et par ses héritiers depuis en dix-huit cent douze.

BENJAMIN his + mark. ECUYER.

Temoins: J. G. PORLIER.

Les soussignés, Laurent Filly et Louis Boufre, certifient que le lot reclamé par Benjamin Ecuyer, au portage du Ouisconsin, à été possedé et cultivé par sa famille, en dix-huit cent douze; et que le dit Benjamin Ecuyer n'a jamais porté les armes contre les Etats Unis.

LAURENT FILLY.

LOUIS his + mark. BOUFRE.

BAYE VERTE, *la 18th Septembre*, 1823.

Sworn and subscribed to before me this 18th day of September, 1823.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *October* 31, 1823.

The tract alluded to in the preceding claim has been recommended for confirmation to Augustin Grignon, reserving the rights of the heirs of John Ecuyer, deceased.

Claim of Joseph Hoult.

Je, Joseph Hoult, par le present, entre mon clame d'un lot de terre à la Baye Verte, situé sur la coté entre la rivière au Diable, de douze arpents de front, sur quatre-vingt en profondeur, borné au nord par Barthelemy Chevalier de son vivant, et au sud par Marie Chevalier, et cultivé par le réclamant depuis dix-huit cent onze, jusque la jour 18th de Septembre, comme suscrit.

JOSEPH son + marque. HOULT.

Temoins: J. G. PORLIER.

Je, Pierre Coussy, certifie que le clame par Joseph Hoult, sur la coté œste de la rivière au Diable, de douze arpents de front, sur quatre-vingt au profondeur, borné au nord par Barthelemy Chevalier de son vivant, et au sud par Marie Chevalier, à été possedé et cultivé comme suscrit, depuis dix-huit cent onze, jusqu'a la jour 18me. Septembre, 1823.

PIERRE sa + marque. COUSSY.

Sworn and subscribed to before me, a justice of the peace, at Green Bay, this 18th day of September, 1823.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *October* 31, 1823.

In the preceding case of Joseph Hoult the commissioners decide that the claim be confirmed; the same not to extend more than eighty arpents from front to rear, nor contain more than 640 acres, nor interfere with any claims heretofore confirmed.

Claim of Barthelemy Chevalier.

I, Barthelemy Chevalier, of the township of Green Bay, in the county of Brown and Territory of Michigan, do hereby enter my claim to a certain farm or piece of land situated in the said township, and bounded as follows, viz: commencing on the east side of Fox river at low-water mark, being five chains in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed by John Jacobs, and on the south by land claimed by John Dousman. As witness my hand, at Green Bay aforesaid, this 17th day of September, 1823.

BARTHELEMY his + mark. CHEVALIER.

In presence of—
AMOS HOLTON.
JOHN LAWE.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Pierre Carboneau and Joseph Houble, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, depose and say that they personally know that Barthelemy Chevalier, late of said township, deceased, occupied and cultivated, in the year A. D. 1808, a certain farm or piece of land

situated in said township, and bounded as follows, viz: commencing on the east side of Fox river at low-water mark, being five chains in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed by John Jacobs, and on the south by land claimed by John Dousman; and continued to occupy and cultivate the same until and after July 1, A. D. 1812; and that he, the said Barthelemy Chevalier, from that period during his life continued to submit to the authority of the United States; that he died in the year 1817, and that the present applicant or claimant, Barthelemy Chevalier, is the only son and heir of the deceased.

his
PIERRE + CARBONEAU.
mark.
his
JOSEPH + HOUBLE.
mark.

The within affidavit subscribed and sworn to before me, at Green Bay aforesaid, this 17th day of September, 1823.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *October* 31, 1823.

On consideration of the preceding claim, the commissioners decide that the claim be confirmed; the same to be so run as not to interfere with any confirmations heretofore made to John Lawe or others.

Claim of Paul Grignon.

I, Paul Grignon, administrator on and for the estate of the late Pierre Grignon, of the township of Green Bay, county of Brown, Territory of Michigan, enter the following claim for the benefit and behalf of said estate, viz: a certain lot or parcel of land situated on the west side of Rivière aux Galear, or about twelve acres above its entrance into the Fox river; and upon which lot no person had ever made improvement previously to its occupation by the late Charles Reaume, who bequeathed it to the late Pierre Grignon, viz: bounded on the north by a lot claimed by the heirs of the late John Boyer, and on the south by a lot claimed by Pierre Holdrick, about five acres in front on the river and extending back eighty acres, more or less, as is set forth by the claim entered therefor before the commissioners.

PAUL GRIGNON, *Administrator.*

In presence of—
ROBERT STUART.
JOHN LAWE.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Jacques Porlier, sen., of the township of Green Bay, county and Territory aforesaid, being duly sworn, deposeth and saith that he was well acquainted with the late Pierre Grignon, deceased, of said township; that the late Charles Reaume, deceased, of said township, had permitted, many years since, to the said Pierre Grignon, a lot or parcel of land situated on the west side of the River aux Galais, (about twelve acres from its entrance into the Fox river,) and upon which lot no person had ever made improvements previously to its occupation by said Reaume, who bequeathed it to the said Pierre Grignon, on the condition of his building a mill thereon for the benefit of the place of settlement, which the said Pierre acceded to and has done, bounded as follows, viz: on the north by a lot claimed by the heirs of John Boyer, and on the south by Pierre Holdrick; the extent of the claim this deponent does not recollect, but knows it to have been set forth when the claim was presented to Judge or Commissioner Lee, who, of course, left said testimony in the proper office at Detroit. This deponent saith further that the said Pierre Grignon cultivated said lot in 1812 and previously, and that he has had it in cultivation and possession ever since; and from which period, to wit, July 1, 1812, he, the said Pierre Grignon, submitted to the authority of the United States until the following autumn, when this district of country was conquered and taken possession of by Great Britain, then at war with our nation, when the said Pierre Grignon and its other inhabitants were compelled to submit to the tyranny and caprice of the ruling power and its savage allies, the protection of our government being entirely withdrawn therefrom; that when that protection was returned he, the said Pierre Grignon, resumed the relation of citizen of the United States, and has continued to submit to its authority ever since.

J. G. PORLIER.

The above affidavit sworn and subscribed before me, at Green Bay, September 18, 1823.

JOHN LAWE, *Judge of the County.*

DETROIT, *October* 31, 1823.

On examination of the preceding claim of Paul Grignon, administrator of Pierre Grignon, the commissioners decide that the same be confirmed to the said administrator for the benefit of the heirs or creditors of Pierre Grignon, deceased, not to conflict with any confirmation heretofore made.

Claim of Barthelemy Chevalier.

I, Barthelemy Chevalier, of the township of Green Bay, in the county of Brown and Territory of Michigan, do hereby enter my claim to a certain tract or piece of land situated in the said township, and bounded as follows, viz: commencing on the east side of Devil river, being twelve acres in breadth;

bounded on the north by lands claimed and occupied by Pierre Carboneau, on the south by land claimed and occupied by Joseph Houlle, and running east from the said Devil river so far as to include one section.

As witness my hand, at Green Bay aforesaid, this 17th day of September, 1823.

BARTHELEMY his + mark. CHEVALIER.

In presence of—
AMOS HOLTON.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Pierre Carboneau and Joseph Houlle, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, depose and say that they were acquainted with Barthelemy Chevalier, late of the said township; that on the 1st day of July, A. D. 1812, he occupied and cultivated a certain tract or parcel of land situated in the said township, and bounded as follows, viz: commencing on the east side of Devil river, being twelve acres in breadth, bounded on the north by land claimed and occupied by Pierre Carboneau, on the south by land claimed and occupied by Joseph Houlle, and running east from said Devil river so far as to include one section; that from the said 1st day of July, A. D. 1812, he continued to submit to the authority of the United States during his life; that he, the said Barthelemy Chevalier, died in the year 1817, and the present claimant, Barthelemy Chevalier, is the only son and heir of the said deceased.

PIERRE his + mark. CARBONEAU.

JOSEPH his + mark. HOULLE.

Sworn and subscribed to before me, a justice of the peace, this 17th day of September, 1823.
J. G. PORLIER, *Justice of the Peace.*

DETROIT, *October* 31, 1823.

On examination of the preceding claim the commissioners decide that the same be confirmed, to be so run as not to interfere with any confirmation heretofore made.

Claim of John Lawe.

I, John Lawe, of the township of Green Bay, in the county of Brown and Territory of Michigan, do hereby enter my claim to a certain farm or piece of land situated in the said township of Green Bay, and bounded as follows, viz: commencing on the east side of Fox river at low-water mark, being twelve chains and eighty links in breadth, more or less, and running east eighty arpents; bounded on the north by lands claimed by me, on the south by land claimed by Augustus Bonneterre.

As witness my hand, at Green Bay, this 17th day of September, A. D. 1823.

JOHN LAWE.

In presence of—
AMOS HOLTON.
N. G. BEAN.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Jean Baptiste Brunette, sen., and Pierre Prevonsal, sen., of the township of Green Bay and Territory aforesaid, being duly sworn, depose and say that they are well acquainted with John Lawe, of the said township of Green Bay; that he has occupied and cultivated a farm or piece of land situated in said township of Green Bay, and bounded as follows, viz: commencing at low-water mark on the east bank of Fox river, being twelve chains and eighty links, more or less, in breadth, and running east eighty arpents; bounded north by land claimed by the said John Lawe, south by land claimed by Augustus Bonnetiere; that on the 1st day of July, A. D. 1812, he occupied and cultivated the said farm or piece of land, from which time he continued to submit to the authority of the United States until the following autumn, when this district of country was conquered and taken possession of by the forces of Great Britain, then at war with our nation, when he, the said John Lawe, with its other inhabitants, was compelled to submit to the tyranny and caprice of the ruling power and its savage allies, the protection of our government being entirely withdrawn therefrom; that when that protection was returned to them he, the said John Lawe, voluntarily resumed the relation of citizen of the United States, and has continued to submit to its authority ever since.

JEAN BAPT. his + mark. BRUNETTE, SEN.

PIERRE his + mark. PREVONSAL, SEN.

The foregoing affidavits subscribed and sworn to before me, at Green Bay aforesaid, this 17th day of September, A. D. 1823, and the date interlined previous to signing.
J. G. PORLIER, *Justice of the Peace.*

On examination of the preceding claim of John Lawe, the commissioners decide that the same be confirmed; to be so run as not to interfere with any claim heretofore confirmed, and subject to any claims which Joseph Olls, or Horell, or others, may have to the same.

Claim of John Lawe.

I, John Lawe, do hereby enter my claim to a tract or piece of land situated in the township of Green Bay, in the county of Brown and Territory of Michigan, and bounded and described as follows, viz: situated and being upon River au Diable, or Devil river, whereon a saw and grist mill were building in 1805, about four miles distant from the River la Bay, as it was then called and known, and now the Fox river; supposed to contain four hundred acres, or thereabouts, as by a certain deed executed to me, the said John Lawe, by Jacob Franks, of Michilimackinac, in the then county of Wayne and Territory aforesaid, on the 23d day of July, A. D. 1805, reference being thereto had, will more fully appear, marked No. 38 in the sketch of private claims to lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821, and lying in the rear or covering a part of lots Nos. 28, 29, 30, 31, 33, and 34.

As witness my hand, at Green Bay aforesaid, this 16th day of September, A. D. 1823.

JOHN LAWE.

In presence of—
AMOS HOLTON.
N. G. BEAN.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

John Baptiste Brunette, sr., and Joseph Roy, of the township of Green Bay, in the county of Brown and Territory aforesaid, being duly sworn, depose and say that they personally know that John Lawe, of the said township, has occupied and cultivated a certain tract or piece of land situated in said township, and bounded and described as follows, viz: situated and being upon River au Diable, or Devil river, whereon a saw and grist mill were building in 1805, about four miles distant from the River la Bay, as it was then called and known, and now Fox river; supposed to contain four hundred acres or thereabouts, as by a certain deed executed to me, the said John Lawe, by Jacob Franks, of Michilimackinac, in the then county of Wayne and Territory aforesaid, July 23, A. D. 1805, reference being thereunto had, will more fully appear, marked No. 38 in the sketch of claims, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821; and lying in the rear or covering a part of lots Nos. 28, 29, 30, 31, 33, and 34, for more than eighteen years last past; that, July 1, 1812, he, the said John Lawe, occupied and cultivated the said tract or piece of land, and that the said John Lawe from that time continued to submit to the authority of the United States until the following autumn, when this district of country was conquered and taken possession of by Great Britain, then at war with our nation, when he, the said John Lawe, with its other inhabitants, was compelled to yield to the tyranny and caprice of the ruling power and its savage allies, the protection of our government being entirely withdrawn therefrom; that when that protection was returned to them he, the said John Lawe, voluntarily resumed the relation of citizen of the United States, and has continued to submit to its authority ever since,

BAPTISTE his ⋈ mark. BRUNETTE.

JOSEPH his ⋈ mark. ROY.

The foregoing affidavits subscribed and sworn to before me, at Green Bay aforesaid, September 16, 1823.

J. G. PORLIER, *J. P.*

DETROIT, *October* 31, 1823.

In the preceding case of John Lawe, the commissioners decide that the claim be confirmed, provided the same do not conflict with any claims heretofore confirmed, nor with any confirmation made by this board, except in as far as such confirmation may be curtailed by giving to the tract hereby confirmed an extent of one-half mile from the site of the mill, (or the spot where said mill stood,) in a direct line towards the Fox river.

Claim of John Lawe.

I, John Lawe, do hereby enter my claim to a certain farm or piece of land situated in the township of Green Bay, in the county of Brown and Territory of Michigan, and bounded as follows, viz: commencing on the east side of Fox river at low-water mark, and running east eighty arpents; bounded on the north by land claimed and occupied by Louis Bourdon, and on the south by land claimed and occupied by John Bte. Brunette, marked No. 23 in the sketch of private claims to lands, exhibited to the commissioners at Detroit, for the inhabitants at Green Bay, in 1821. As witness my hand, at Green Bay, September 15, 1823.

JOHN LAWE.

In presence of—
AMOS HOLTON.
N. G. BEAN.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Francis St. Roque, of the township of Green Bay, the county and Territory aforesaid, being duly sworn, deposeth and saith that in the year 1811 he occupied and cultivated a certain farm or piece of land situated in said township, and bounded as follows, viz: commencing at low-water mark on the east side of Fox river, being nine chains in breadth, more or less, and running east eighty arpents; bounded on the south by land claimed and occupied by John Baptiste Brunette, and on the north by land claimed and occupied by Louis Bourdon, and marked No. 23 in the sketch of private claims to lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821; that he sold the same to Louis Munro, who occupied and cultivated it July 1, 1812, from which time he continued to submit to the authority of the United States; that in the year 1813 he, the said Louis Munro, sold the same to Pierre

Hoolrick, who submitted to the authority of the United States from July 1, 1812; that the said Pierre Hoolrick, in 1815, sold the said farm or piece of land to Andrew La Chene, who has continued to submit to the authority of the United States since July 1, 1812; and the said Andrew La Chene, in the year 1819, sold the said farm or piece of land to Moses Hardwick, who has also continued to submit to the authority of the United States since July 1, 1812.

his
FRANCIS ⋈ ST. ROQUE.
mark.

Witness: J. G. PORLIER.
AMOS HOLTON.

The foregoing affidavits subscribed and sworn to before me, at Green Bay aforesaid, September 17, 1823.

J. G. PORLIER, *J. P.*

TERRITORY OF MICHIGAN, *Brown County, ss:*

Messrs. Hardwick and Augustus Bonnetierre, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, depose and say that on September 15, A. D. 1821, the said Moses Hardwick and Augustus Bonnetierre were the claimants to, and in possession of, the farm or piece of land situated in the said township of Green Bay, and bounded as follows, viz: the said Moses Hardwick's farm or piece of land commencing at low-water mark, on the east side of Fox river, being eight chains and thirty links in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed and occupied by John Lawe, and on the south by land claimed and occupied by Pierre Carbonniere, jr., and marked No. 30 in the sketch of private claims to lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821; and the said Augustus Bonnetierre's farm or piece of land, commencing at low-water mark on the east side of Fox river, being nine chains in breadth, more or less, and running east eighty arpents; bounded on the south by land claimed and occupied by John Baptiste Brunette, and on the north by land claimed and occupied by Louis Bourdon, and marked No. 23 in the aforesaid sketch; and that they, the said Moses Hardwick and Augustus Bonnetierre, did, at the said township of Green Bay, on the day above mentioned, mutually exchange their above-described farms or pieces of land, and convey to each other all their right, title, and interest in the same respectively.

his
MOSES ⋈ HARDWICK.
mark.
his
AUGUSTUS ⋈ BONNETIERRE.
mark.

The within affidavit subscribed and sworn to before me September 15, A. D. 1853.

J. G. PORLIER, *J. P.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Augustus Bonnetierre, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, deposeth and saith that he hath sold and conveyed to John Lawe, of the said township, for the consideration of $200 to him paid and satisfied, all his right, title, and interest in and to the farm or piece of land which he had of Moses Hardwick, as described in the foregoing affidavit, and marked No. 23 in the sketch of private claims for lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821.

his
AUGUSTUS ⋈ BONNETIERRE.
mark.

Subscribed and sworn to, at Green Bay aforesaid, this 15th day of September, 1823.

J. G. PORLIER, *J. P.*

DETROIT, *November* 1, 1823.

On consideration of the preceding claim of John Lawe, the commissioners decide that the same be confirmed, provided that it shall not interfere with any confirmation heretofore made.

Claim of John Baptiste Broder.

Je, Jean Baptiste Broder, entre par le present mon clame à un lot de terre sur la cote ouést de la riviére de la Bay Verte, de trois arpents de front, sur quatre vingt en profoundeur, borné de tous cotés par des terres vacantes situé dans la rivière d'un clamé par Therese Rankin.

son
JEAN BAPTISTE + BRODER.
marque.

Temoin: J. G. PORLIER.

Je, Pierre Coussy, certifie que la clame fait par Jean Baptiste Broder d'un lot de terre sur la cote ouést de la rivière de la Bay Verte, dans la rivière de Therese Rankin, de trois arpents de front, á été possedé et cultivé depuis dix-huit cent onze, et transmis, par mutation, au dit claimant.

son
PIERRE + COUSSY.
marque.

Sworn and subscribed to before me, a justice of the peace, at Green Bay, the 18th day of September, 1823.

J. G. PORLIER, *J. P.*

DETROIT, *November* 1, 1823.

In the preceding case of Jean Baptiste Broder, the commissioners decide that the same be confirmed, provided that the claim does not conflict with any confirmations heretofore made.

Claim of Pierre Challefoux.

I, Pierre Challefoux, of Green Bay, county of Brown and Territory of Michigan, do hereby enter my claim to a certain farm or piece of land situated in said township of Green Bay, and bounded as follows, viz: commencing on the west bank of Fox river at low-water mark, being forty-seven chains in breadth, and running west eighty arpents; bounded on the north by lands claimed by Therese la Rose, on the south by land claimed and occupied by Parish Grignon, and numbered 27 on the sketch of private claims to lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821. As witness my hand, at Green Bay aforesaid, this 17th day of September, A. D. 1823.

his
PIERRE + CHALLEFOUX.
mark.

In presence of—
J. G. PORLIER.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Jean Baptiste Brunette and Jean Baptiste Broder, of the township of Green Bay, county and Territory aforesaid, being duly sworn, depose and say that they are well acquainted with Pierre Challefoux, of said township of Green Bay; that he has occupied and cultivated a piece of land situated in said township of Green Bay, and bounded as follows, to wit: commencing on the west bank of Fox river at low-water mark, being forty-seven chains in breadth, and running west eighty arpents; bounded on the north by land claimed by Therese la Rose, on the south by land claimed by Parish Grignon, and numbered 27 on the sketch of private claims to lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, A. D. 1821; that on July 1, A. D. 1812, he occupied and cultivated the said farm or piece of land, from which time he continued to submit to the authority of the United States until the following autumn, when this district of country was conquered by Great Britain, then at war with our nation, when the said Pierre Challefoux and its other inhabitants were compelled to yield to the tyranny and caprice of the ruling power and its savage allies, the protection of our government being entirely withdrawn therefrom; that when that protection was returned to them he, the said Pierre Challefoux, voluntarily resumed the relation of citizen of the United States, and has continued to submit to its authority ever since.

JEAN BAPTISTE BRUNETTE.
JEAN BAPTISTE BRODER.

The foregoing affidavit subscribed and sworn to before me, at Green Bay aforesaid, this 17th day of September, A. D. 1823.

J. G. PORLIER, *J. P.*

DETROIT, *November* 1, 1823.

In the preceding case of Pierre Challefoux, the commissioners decide that the claim be confirmed, provided that the same does not conflict with any confirmations heretofore made, and that in this, as in all other cases, the tract does not contain more than six hundred and forty acres.

Claim of Francis Laventure.

I, Francis Laventure, do hereby enter my claim to a certain tract of land lying and being situated in the county of Brown, bounded and butted as follows, to wit: commencing at low-water mark on the west bank of Fox river, and running west eighty arpents; bounded on the south by lands occupied by the United States garrison, on the west by wild lands, on the north by unoccupied lands, and on the east by Fox river, being in breadth sixteen arpents on the aforesaid river.

Witness my hand, at Green Bay, this 15th day of September, 1823.

his
FRANCIS + LAVENTURE.
mark.

Witness: ROBERT IRWIN, Jr.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the 15th day of September, A. D. 1823, before me, Robert Irwin, jr., one of the justices of the peace within and for the county aforesaid, personally came and appeared Joseph Jourdin, of said county, who, being sworn in due form, deposeth and saith that he has personal knowledge of Francis Laventure having cultivated as a meadow a certain tract of land lying and being situated in the county of Brown, commencing at low-water mark on the east bank of Fox river, and running east indefinitely; bounded on the south by lands occupied by the United States garrison, on the west by wild lands, on the north by unoccupied lands, and on the west by Fox river aforesaid, being sixteen arpents in breadth, more or less, in the year 1808; and has good reason to believe the said Francis Laventure did continue to cultivate the said tract afterwards. And further, that the said Francis Laventure did remain neutral during the late war with Great Britain.

JOSEPH JOURDIN.

Sworn and subscribed to before me this 15th day of September, A. D. 1823.

ROBERT IRWIN, *Justice of the Peace.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the 15th day of September, A. D. 1823, before me, Robert Irwin, jr., one of the justices of the peace in the aforesaid county, personally came and appeared Augustus La Bœuff, of said county, who, being duly sworn, deposeth and saith that he has personal knowledge of Francis

Laventure having cultivated as a meadow a certain tract of land lying and being situated in the county aforesaid, commencing at low-water mark on the west bank of Fox river, and running east indefinitely; bounded south by lands occupied by the United States garrison, west by uncultivated lands, north by unoccupied lands, and east by Fox river, being sixteen arpents in breadth, be the same more or less, from the year 1808 until the year 1816, when he had to relinquish to the United States troops. And further, that the said Francis Laventure did remain neutral during the late war with Great Britain.

his
AUGUSTUS + LA BŒUFF.
mark.

Sworn and subscribed to before me, at Green Bay, this 15th September, 1823.

ROBERT IRWIN, JR., *J. P.*

DETROIT, *November* 1, 1823.

In the preceding case of Francis Laventure, the commissioners decide that the claim be confirmed, provided that in this, as in all other cases, the tract does not contain more than 640 acres, or conflict with any confirmations heretofore made.

Claim of John B. Brunett.

I, John B. Brunett, do hereby enter my claim to a certain farm or piece of land situated in the township of Green Bay, in the county of Brown and Territory of Michigan, and bounded as follows, viz: commencing on the east side of Fox river at low-water mark, being eleven chains in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed by Moses Hardwick, and on the south by land claimed by Bazil La Rock, being marked No. 24 in the sketch of private claims for lands, as exhibited to the commissioners at Detroit, in 1821.

Witness my hand, at Green Bay, this 16th day of September, 1823.

his
JOHN B. ⋈ BRUNETT.
mark.

In presence of—
AMOS HOLTON.
JOHN LAWE.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Pierre Carboneau and John Baptiste Longevin, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, depose and say that they are well acquainted with John Baptiste Brunett; that he has occupied and cultivated a certain farm or piece of land for more than seventeen years, situated in the said township of Green Bay, and bounded as follows, viz: commencing on the east side of Fox river at low-water mark, being eleven chains in breadth, more or less, and running east eighty arpents; bounded on the north by land claimed by Moses Hardwick, and on the south by land claimed by Bazil La Roque; being No. 24 in the sketch of private claims for lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821; that on the 1st day of July, A. D. 1812, he, the said John B. Brunett, occupied and cultivated the said farm or piece of land, and has ever since that time continued to submit to the authority of the United States.

his
PIERRE ⋈ CARBONEAU.
mark.
his
JOHN B. ⋈ LONGEVIN.
mark.

The foregoing affidavit subscribed and sworn to before me, at Green Bay aforesaid, this 16th day of September, A. D. 1823.

J. G. PORLIER, *J. P.*

DETROIT, *November* 1, 1823.

In the preceding case of John B. Brunett, the commissioners decide that the claim be confirmed, provided that the same do not conflict with any confirmations heretofore made.

Claim of Pierre Carboneau.

Je, Pierre Carboneau, entre à present mon clame d'un terre, situé sur la cote est de la rivière au Diable, de neuf arpents de front, sur quatre-vingt en profondeur, borné nord par de terres non appropriés, et au sud par Barthelemy Chevalier de son vivant.

his
PIERRE ⋈ CARBONEAU.
mark.

Temoins: J. G. PORLIER.

Je, Pierre Coussy, de la Bay Verte, certifie que le lot de terre reclamé par Pierre Carboneau sur le nord-este de la Bay Verte, sur la rivière au Diable même, cote est de neuf arpents de front, sur quatre-vingt en profondeur, plus ou moins, borné par terres vacants au nord, et au sud par Barthelemy Chevalier de son vivant, á été occupé cultivé par le dit Pierre Carboneau, comme suscrie, depuis dix-huit cent onze jusq'a ce jour sans interruption.

his
PIERRE ⋈ COUSSY.
mark.

Sworn and subscribed to before me, a justice of the peace, at Green Bay, this 18th day of September, 1823.

J. G. PORLIER, *J. P.*

DETROIT, *November* 1, 1823.

In the preceding case of Pierre Carboneau, the commissioners decide that the claim be confirmed, provided that the lines be so run that they shall not conflict with any confirmations heretofore made, or which may be made by this board, and that the same shall not exceed six hundred and forty acres.

Extract.

This indenture, made the 23d day of July, A. D. 1805, between Jacob Franks, of Michilimackinac, county of Wayne, in Michigan Territory and United States of America, merchant, of the one part, and John Lawe, of Michilimackinac aforesaid, clerk, of the other part: Whereas the said Jacob Franks, for him, his heirs, executors, administrators, and assigns, and in consideration of the sum of £200, Halifax currency, to him in hand paid by the said John Lawe, as also in restitution and payment of divers sums of money due and owing by him to the said John Lawe, the receipt whereof is hereby acknowledged, doth covenant, promise, bargain, sell, assign, transfer, convey, release, confirm, and make over unto the said John Lawe, his heirs, executors, administrators, and assigns, forever, a lot or farm of ground containing, by estimation, 400 acres or thereabouts, whereon a saw and grist mill are now building and erecting; situated on a river called and known by the name of the rivière au Diable, about four miles distant from the River la Bay, in said Territory; the improvements thereon having been made by the said Jacob Franks, from its original state of nature, from and since the year 1792; to have and to hold all his, the said Jacob Franks, right, title, interest, property, claim, and demand whatsoever of, in, or to the same, without any let, hindrance, or trouble of him, the said Jacob Franks, his heirs, executors, administrators, or assigns, person or persons, in his behalf claiming, or to claim, any right, title, or interest in or to the same, ever hereafter.

In witness and execution, the parties aforesaid have hereunto put their hands and affixed their seals, the day and year first above written.

JACOB FRANKS.

Signed, sealed, and executed, in presence of—
ARTHUR WADE.

Signed, sealed, and acknowledged, before me.

DAVID DUNCAN, *Justice of the Peace, W. C.*

Received from the above-named John Lawe the sum of £200, Halifax currency, which, together with the liquidation of the debts and sums of money already before set forth, is in full for the consideration money in the foregoing deed mentioned, the day and year in said deed mentioned.

JACOB FRANKS.

Witnesses present—
ARTHUR WADE.
DAVID DUNCAN.

Lot No. 28, *east.*

GREEN BAY, *September* 1, 1823.

I, Joseph Oll, hereby enter my claim, under the act for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land lying, being, and situated on the east bank of Fox river, within the township of Green Bay, in said Territory, being lot No. 28, and butted and bounded as follows, to wit: north by lands claimed by John Lawe, south by a tract claimed by Moses Hardwick, west by Fox river; in breadth, fifty-nine rods, and extending east eighty acres.

JOSEPH his ⋈ mark. OLL.

Witness: A. J. IRWIN.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the sixth day of October, one thousand eight hundred and twenty-three, personally came and appeared before me, Nicholas G. Bean, one of the justices of the peace in and for said county, Francis St. Rock, who, being duly sworn, deposeth and saith that for several years previous to the late war between the United States and Great Britain, he has personal knowledge of the occupation, cultivation, and improvements, to wit: clearing, fencing, ploughing, planting, and building upon, of a certain piece, tract, or lot of land, situated, lying, and being on the east bank of Fox river, in the township of Green Bay, county and Territory aforesaid, bounded as follows, to wit: on the north by a lot claimed by John Lawe, on the south by claims unknown by this deponent, on the east by wild lands, and on the west by aforesaid Fox river; being two and a half French arpents in width on said river, and extending back or eastwardly from the same eighty French arpents, be the same more or less.

FRANCIS ST. his ⋈ mark. ROCK.

Sworn and subscribed to before me, at Green Bay, this 6th day of October, 1823.

N. G. BEAN, *J. P.*

DETROIT, *November* 1, 1823.

In relation to the tract of land mentioned in the preceding notice and deposition, the commissioners decide that the same be confirmed to John Lawe, subject to any claim which Joseph Oll may have upon it

Lot No. 37.

GREEN BAY, *August* 29, 1823.

I, John B. Laborde, jr., hereby enter my claim, under the act for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land lying and being situated on the south side of Fox river, at Green Bay, in said Territory, being lot No. 37, and butted and bounded as follows, to wit: on the lower side of land claimed by J. B. Laborde, senior, and on the upper side by vacant lands; being fifteen chains in width and eighty arpents in depth, and bordering on the margin of said river.

JOHN BAPT. LABORDE.

Witness: A. J. IRWIN.

Claim of J. B. Laborde, jr.—Deposition of Francis Louisignace.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Mackinac aforesaid, Francis Louisignace, of lawful age, who, having been duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John B. Laborde, jr., was a resident of Green Bay, in said Territory; that on the first day of July, in the year eighteen hundred and twelve aforesaid, he, the said John B. Laborde, jr., was in possession of, and occupied and cultivated, a certain piece or parcel of land, it being known as lot No. 37, and lying and being situated on the south side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by John B. Laborde, senior, and on the upper side by vacant lands, being fifteen chains in width, and bordering on the margin of said river; that the said John B. Laborde, jr., has, since the said year eighteen hundred and twelve, retained the peaceable possession of said land, and has at all times submitted to the authority of the United States. And further this deponent saith not.

FRANCIS LOUISIGNACE.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice as aforesaid, the within-named deponent, and made solemn oath that the facts therein stated are true, according to the best of his knowledge and belief. In witness whereof, I have hereunto set my hand at Michilimackinac, this 5th day of July, 1823.

WILLIAM H. PUTHUFF.

DETROIT, *November* 1, 1823.

On consideration of the preceding claim of J. B. Laborde, jr., the commissioners decide that the same be confirmed to him.

Lot No. 26.

MICHILIMACKINAC, *July* 8, 1823.

I, John Dousman, hereby enter my claim, under the law for ascertaining and deciding upon land claims in the Territory of Michigan, to a tract of land lying and being situated on the south side of Fox river, at Green Bay, in said Territory, known as lot numbered 26, and butted and bounded as follows, to wit: on the lower side by land claimed by Bazille La Roche, and above by a claim of Pierre Carboneau, senior, being eight chains in width and eighty arpents in rear, and bordering on the margin of said river.

JOHN DOUSMAN.

John Dousman's claim.—Lot No. 26.*—Deposition of Francis Louisignace.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for said county of Michilimackinac, Francis Louisignace, of lawful age, who, having been duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John Dousman was a resident of Green Bay, in said Territory; that on the 1st day of July, in said year 1812, he, the said John Dousman, was in the possession of, and occupied and cultivated, a certain piece or tract of land at said Green Bay, lying and being situated on the south side of Fox river, and bounded as follows, to wit: on the lower side by a claim of Bazille La Roche, and on the upper side by a claim of Pierre Carboneau, senior, said piece or lot of land being numbered twenty-six, and being eight chains in width, and bordering on the margin of said river; that he has had possession of said land for upwards of fifteen years, and that the said John Dousman has ever submitted to the authority of the United States. And further this deponent saith not.

his
FRANCIS + LOUISIGNACE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the within-named William H. Puthuff, chief justice as aforesaid, the within-named Francis Louisignace, and made solemn oath that the facts stated in his said deposition are true, according to the best of his knowledge and belief.

In testimony whereof, I have hereunto set my hand, at Mackinac, this 5th day of July, A. D. 1823.

WILLIAM H. PUTHUFF.

John Dousman's claim.—Lot No. 26.—Deposition of Francis Laventure.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the said county of Michilimackinac, Francis Laventure, of lawful age, who, having been duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John Dousman was a resident of Green Bay, in said Territory; that on the first day of July, in the said year eighteen hundred and twelve, he, the said John Dousman, was in the possession of, and occupied and cultivated, a certain piece or tract of land, the same being lot No. 26, and lying and being situated on the south side of Fox river at said Green Bay, and bounded as follows, to wit: on the lower side of a claim of Bazille La Roche, and above by a claim of Pierre Carboneau, senior, being eight chains in width, and bordering on the margin of said river; that for upwards of fifteen years the said John Dousman has had possession of the same, and that he has at all times continued to submit to the authority of the United States. And further this deponent saith not.

his
FRANCIS + LAVENTURE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the within-named William H. Puthuff, chief justice as aforesaid, the said Francis Laventure, and made solemn oath that the facts stated in the within deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at Mackinac, this fifth day of July, A. D. 1823.

WILLIAM HENRY PUTHUFF.

DETROIT, *November* 1, 1823.

On examination of the preceding claim of John Dousman to a tract, called lot No. 26, the commissioners decide that the same be confirmed to him.

Lot No. 20.

MICHILIMACKINAC, *August* 23, 1823.

The heirs of John B. Laborde, senior, hereby enter their claim, under the laws of Congress for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land lying and being situated on the south side of Fox river, at Green Bay, in said Territory, and bounded and butted as follows, to wit: on the lower side by land claimed by John Lawe, and above by land claimed by Jaques Porlier, being nineteen chains and fifty links in width, and bordering on the margin of said river; being known as lot No. 20, and extending back eighty arpents.

ROSALIA DOUSMAN, (late Laborde.)
JOHN B. LABORDE.
ELIZABETH LABORDE.
ALEXANDER LABORDE.
LUC LABORDE.

Claim of the heirs of John B. Laborde, sr.—Lot No. 20.—*Deposition of Francis Louisignace.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court of the county of Michilimackinac aforesaid, Francis Louisignace, of lawful age, who, having been duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John B. Laborde, sr., was a resident of Green Bay, in said Territory; that on the first day of July, in the year of our Lord eighteen hundred and twelve, he, the said John B. Laborde, sr., was in possession of, and occupied and cultivated, a certain piece or parcel of land, it being known as lot No. 20, and lying and being situated on the south side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by John Lawe, and above by land claimed by Jaques Porlier, being nineteen chains and fifty links in width, and bordering on the margin of said river; that the said John B. Laborde, sr., and his legal heirs or representatives, have been in possession of said piece or parcel of land for upwards of fourteen years, and have at all times continued to submit to the authority of the United States. And further this deponent saith not.

his
FRANCIS + LOUISIGNACE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice as aforesaid, the within-named deponent, and made solemn oath that the facts stated in his said deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at Mackinac, this 5th day of July, A. D. 1823.

WILLIAM HENRY PUTHUFF.

Claim of the heirs of John B. Laborde, sr.—Lot No. 20.—*Deposition of Francis Laventure.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the aforesaid county court in and for the county of Michilimackinac, the aforesaid Francis Laventure, of lawful age, who, having been duly

sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John B. Laborde, sr., was a resident of Green Bay, in said Territory; that on the first day of July, in the year of our Lord one thousand eight hundred and twelve aforesaid, he, the said John B. Laborde, sr., was in the possession of, and occupied and cultivated, a certain piece or parcel of land, it being known as lot No. 20, and lying and being situated on the south side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by John Lawe, and above by land claimed by Jaques Porlier, being nineteen chains and fifty links in width, and bordering on the margin of said river; that the said John B. Laborde, sr., and his legal heirs and representatives, have been in the possession of said piece or parcel of land for upwards of fourteen years, and have at all times submitted to the authority of the United States. And further this deponent saith not.

his
FRANCIS + LAVENTURE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice as aforesaid, the within-named deponent, and made solemn oath that the facts therein stated are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at Mackinac, this 5th day of July, A. D. 1823.

WILLIAM H. PUTHUFF.

DETROIT, *November* 1, 1823.

On examination of the claim of the heirs of John B. Laborde, sr., to a tract, called lot No. 20, the commissioners have decided that the same be confirmed to J. B. Laborde, late junior, subject to the legal claims of the widow and heirs of John B. Laborde, sr., deceased.

Lot No. 35.

MACKINAC, *July* 8, 1823.

I, John Dousman, hereby enter my claim, under the law for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land lying and being situated on the south side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by B. Chevalier, and on the upper side by land claimed by John B. Laborde, sr., being known as lot No. 35, twenty chains in width and eighty arpents in depth, and bordering on the margin of said river.

JOHN DOUSMAN.

Claim of John Dousman.—Lot No. 35.—*Deposition of Francis Laventure.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court of the county of Michilimackinac, Francis Laventure, of lawful age, who, having been duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John Dousman was a resident of Green Bay, in said Territory; that on the first day of July, in the said year eighteen hundred and twelve, he, the said John Dousman, was in the possession of, and occupied and cultivated, a certain piece or tract of land, it being known as lot No. 35, and lying and being situated on the south side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by B. Chevalier, and on the upper side by land claimed by John B Laborde, sr., being twenty chains in width, and bordering on the margin of said river; that for upwards of eleven years he, the said John Dousman, has had the possession of the same, and that he has at all times submitted to the authority of the United States. And further this deponent saith not.

his
FRANCIS + LAVENTURE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the within-named William H. Puthuff, chief justice as aforesaid, the said Francis Laventure, and made solemn oath that the facts within stated are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at Mackinac, this 5th day of July, A. D. 1823.

WM. HENRY PUTHUFF.

Claim of John Dousman.—Lot No. 35.—*Deposition of Francis Louisignace.*

TERRITORY of MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court of the county of Michilimackinac, Francis Louisignace, of lawful age, who, being duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John Dousman was a resident of Green Bay, in said Territory; that on the first day of July, in the said year eighteen hundred and twelve, he, the said John Dousman, was in the possession of, and occupied and cultivated, a certain piece or tract of land, it being known as lot No. 35, and lying and being situated on the south side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by B. Chevalier, and on the upper side by land claimed by John B. Laborde, sr., being twenty chains in width, and bordering on the margin of said river; that for upwards of eleven years he, the said John Dousman, had the possession of the same, and that he has at all times submitted to the authority of the United States. And further this deponent saith not.

his
FRANCIS + LOUISIGNACE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said William H. Puthuff, chief justice as aforesaid, the within-named deponent, and made solemn oath that the facts stated in the within deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand this 5th day of July, A. D. 1823.

WM. HENRY PUTHUFF.

DETROIT, *November* 1, 1823.

Upon consideration of the claim of John Dousman to a tract designated lot No. 35, the commissioners decide that the same be confirmed to him.

Lot No. 24.

MACKINAC, *July* 8, 1823.

I, John Dousman, hereby enter my claim, under the act for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land lying and being situated on the north side of Fox river, at Green Bay, in said Territory, being lot No. 24, and butted and bounded as follows, to wit: on the lower side by land claimed by Richard Prickett, and on the upper side by land claimed by Theresa Rankin, being thirteen chains in width, and in depth eighty arpents.

JOHN DOUSMAN.

Claim of John Dousman.—Lot No. 24.—*Deposition of Francis Louisignace.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Pesonally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac aforesaid, Francis Louisignace, of lawful age, who, having been duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John Dousman was a resident of Green Bay, in said Territory; that on the first day of July, in the said year eighteen hundred and twelve, he, the said John Dousman, was in possession of, and occupied and cultivated, a certain piece or parcel of land, it being known as lot No. 24, and lying and being situated on the north side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by Richard Prickett, and on the upper side by land claimed by Theresa Rankin, being eighteen chains in width, and bordering on the margin of said river; and that the said John Dousman has at all times submitted to the authority of the United States. And further this deponent saith not.

FRANCIS his ⋈ mark. LOUISIGNACE.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said William H. Puthuff, chief justice as aforesaid, the within-named deponent, and made solemn oath that the facts stated in his said deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at Mackinac, this 5th day of July, A. D. 1823.

WM. HENRY PUTHUFF.

Claim of John Dousman.—Lot No. 24.—*Deposition of Francis Laventure.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, the aforesaid Francis Laventure, of lawful age, who, having been duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John Dousman was a resident of Green Bay, in said Territory; that on the first day of July, in the said year eighteen hundred and twelve, he, the said John Dousman, was in the possession of, and occupied and cultivated, a certain piece or parcel of land, it being known as lot No. 24, and lying and being situated on the north side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by Richard Prickett, and on the upper side by land claimed by Theresa Rankin, being thirteen chains in width, and bordering on the margin of said river; and that the said John Dousman has at all times submitted to the authority of the United States. And further this deponent saith not.

FRANCIS his ⋈ mark. LAVENTURE.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice as aforesaid, the within-named deponent, who made solemn oath that the facts stated in his said deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at Mackinac, this 5th day of July, A. D. 1823.

WM. HENRY PUTHUFF.

DETROIT, *November* 1, 1823.

Upon consideration of the claim of John Dousman to a tract designated lot No. 24, the commissioners decide that the same be confirmed to him.

Lot No. 36.

MACKINAC, *July* 8, 1823.

The heirs of John B. Laborde, sen., hereby enter their claim, under the laws of Congress for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land lying and being situated on the south side of Fox river, at Green Bay, in said Territory, known as lot No. 36, and butted and bounded as follows, to wit: on the lower side by land claimed by John Dousman, and on the upper side by land claimed by John B. Laborde, jr., being twenty chains in width, and bordering on the margin of said river, and extending back eighty arpents.

ROSALIE DOUSMAN, (late Laborde.)
JOHN B. LABORDE.
ELIZABETH LABORDE.
ALEXANDER LABORDE.
LUC LABORDE.

Claim of the heirs of John B. Laborde, sen.—Lot No. 36.—*Deposition of Francis Laventure.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac aforesaid, Francis Laventure, of lawful age, who, having been duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John B. Laborde, sen., was a resident of Green Bay, in said Territory; that on the first day of July, in the year eighteen hundred and twelve aforesaid, he, the said John B. Laborde, sen., was in possession of, and occupied and cultivated, a certain piece or parcel of land, it being known as lot No. 36, and lying and being situated on the south side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by John Dousman, and on the upper side by land claimed by John B. Laborde, jr., being twenty chains in width, and bordering on the margin of said river; that the said John B. Laborde, sen., has, since said year last mentioned until the time of his death, retained the peaceable possession of said piece of land, and at all times during his lifetime submitted to the authority of the United States. And further this deponent saith not.

his
FRANCIS ⋈ LAVENTURE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the within-named William H. Puthuff, chief justice as aforesaid, the said Francis Laventure, and made solemn oath that the facts stated in the within deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at Mackinac, this 5th day of July, A. D. 1823.

WM. HENRY PUTHUFF.

Claim of John B. Laborde, sen.—Lot No. 36.—*Deposition of Francis Louisignace.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac aforesaid, Francis Louisignace, of lawful age, who, having been duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John B. Laborde, sen., was a resident of Green Bay, in said Territory; that on the first day of July, in the year eighteen hundred and twelve aforesaid, he, the said John B. Laborde, sen., was in possession of, and occupied and cultivated, a certain piece or parcel of land, it being known as lot No. 36, and lying and being situated on the south side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by John Dousman, and on the upper side by land claimed by John B. Laborde, jr., being twenty chains in width, and bordering on the margin of said river; that the said John B. Laborde, sen., has, since said year last mentioned and until the time of his death, retained the possession of said piece of land, and at all times during his lifetime submitted to the authority of the United States. And further this deponent saith not.

his
FRANCIS ⋈ LOUISIGNACE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said William H. Puthuff, chief justice as aforesaid, the said deponent, and made solemn oath that the facts stated in the within deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at Mackinac, this 5th day of July, A. D. 1823.

WM. HENRY PUTHUFF.

DETROIT, *November* 1, 1823.

Upon consideration of the preceding claim of the heirs of John B. Laborde, senior, the commissioners decide that the same (being designated as lot No. 36) be confirmed, subject to the right of dower of the widow.

Lot No. 16.

MACKINAC, *July* 8, 1823.

I, John Dousman, hereby enter my claim, under the law for ascertaining and deciding upon land claims in the Territory of Michigan, to a tract of land lying and being situated on the south side of Fox

river, at Green Bay, in said Territory, being known as lot No. 16, and butted and bounded as follows, to wit: on the lower side by land claimed by John B. Grignon, and on the upper side by land claimed by Joseph Du Charme, being eight chains in width, and bordering on the margin of said river, extending back eighty arpents.

JOHN DOUSMAN.

Claim of John Dousman.—Lot No. 16.—*Deposition of Francis Louisignace.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, Francis Louisignace, of lawful age, who, having been duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John Dousman was a resident of Green Bay, in said Territory; that on the first day of July, in the said year eighteen hundred and twelve, he, the said John Dousman, was in the possession of, and occupied and cultivated, a certain piece or parcel of land, it being known as lot No. 16, and lying and being situated on the south side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by John B. Grignon, and on the upper side by land claimed by Joseph Du Charme, being eight chains in width, and bordering on the margin of said river; that for upwards of eighteen years he, the said John Dousman, has had the possession of the same, and that he has at all times submitted to the authority of the United States; and also that at the time that —— Lee, esq., was sent on by the commissioners to inquire into the merits of said claims, through mistake the tract of land above described was entered in the name of John B. Laborde, jr. And further this deponent saith not.

his
FRANCIS + LOUISIGNACE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said William H. Puthuff, chief justice as aforesaid, the within-named deponent, and made solemn oath that the facts stated in the foregoing deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at Mackinac, this 5th day of July, A. D. 1823.

WM. HENRY PUTHUFF.

Claim of John Dousman.—Lot No. 16.—*Deposition of Francis Laventure.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, Francis Laventure, of lawful age, who, having been duly sworn, doth depose and say that during the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John Dousman was a resident of Green Bay, in said Territory; that on the first day of July, in said year eighteen hundred and twelve, he, the said John, was in the possession of, and occupied and cultivated, a certain piece or parcel of land, it being known as lot No. 16, and lying and being situated on the south side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by John B. Grignon, and on the upper side by land claimed by Joseph Du Charme, being eight chains in width, and bordering on the margin of said river; that for upwards of eighteen years he, the said John Dousman, has had the possession of the same, and that he has at all times submitted to the authority of the United States; and also that at the time that —— Lee, esq., was sent by the commissioners to inquire into the merits of land claims, through mistake the tract of land above described was entered in the name of John B. Laborde, jr. And further this deponent saith not.

his
FRANCIS + LAVENTURE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the aforesaid William H. Puthuff, chief justice as aforesaid, the within-named deponent, and made solemn oath that the facts stated in his said deposition are true according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand this 5th day of July, A. D. 1823.

WM. HENRY PUTHUFF.

DETROIT, *November* 1, 1823.

Upon consideration of the claim of John Dousman, the commissioners decide that the same (being designated as lot No. 16) be confirmed; the rear line not to cross the Devil river.

Entry of a tract of land.

I, Dominick Brunett, do hereby enter my claim to a certain tract of land lying and being situated in the township of Green Bay and Territory of Michigan, butted and bounded as follows, to wit: on the west by Fox river, on the north by wild lands, on the east by wild lands, and on the south by a lot claimed by Eustice La Bœuff, being in breadth, on Fox river, four arpents, and extending back from said river so as to embrace a section, or six hundred and forty acres of land.

Witness my hand, at Green Bay, this 16th day of September, A. D. 1823.

his
DOMINICK + BRUNETT.
mark.

Witness: SAMUEL IRWIN.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the 17th day of September, one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county aforesaid, personally came and appeared Eustice La Bœuff, who, being sworn in due form, deposeth and saith that he has personal knowledge of Dominick Brunett's having cultivated a certain tract of land as a meadow, situated in the township of Green Bay, bounded on the west side by Fox river, on the north side by wild lands, and on the east side by uncultivated lands, and on the south side by a lot claimed by me, being in breadth on said river about two and a half arpents, and extending back about half an arpent—from the year eighteen hundred and ten until eighteen hundred and eleven; and, further, that the said Dominick Brunett has always submitted himself to the authority of the United States.

his
EUSTICE LA + BŒUFF.
mark.

Sworn and subscribed to before me, at Green Bay, September 17, 1823.

ROBERT IRWIN, JR., *Justice of the Peace.*

DETROIT, *November* 1, 1823.

On the preceding claim of Dominick Brunett, the commissioners decide that the same be not confirmed.

Entry for land.

I, Margaret Laborde, widow of the late John B. Laborde, sr., of the township of Green Bay, county of Brown and Territory of Michigan, do hereby, for myself and heirs of the late John B. Laborde, enter my claim to a certain piece of land situated at said Green Bay, and bounded as follows, viz: commencing on the east bank of Fox river at low-water mark, being twenty chains in breadth, and running east eighty arpents, bounded on the north by land claimed by John Dousman, and on the south by land claimed by John B. Laborde, jr., and marked No. 36 on the sketch of private claims, as exhibited at Detroit, for the inhabitants of Green Bay, in 1821.

As witness my hand, at Green Bay aforesaid, this 18th day of September, A. D. 1823.

her
MARGARET + LABORDE.
mark.

Witness: J. G. PORLIER.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Presque Hyott and Gabriel Roby, of the township of Green Bay, county and Territory aforesaid, being duly sworn, depose and say that they were well acquainted with John B Laborde, sr., deceased; that he occupied and cultivated a certain piece of land situated in said township of Green Bay, and bounded as follows, to wit: commencing at the east side of Fox river, at low-water mark, being twenty chains in breadth, bounded on the north by land claimed by John Dousman, on the south by land claimed by John B. Laborde, jr., and running back east from said river eighty arpents; and that the said John B. Laborde, sr., cultivated said land on the first day of July, in the year of our Lord one thousand eight hundred and twelve, and years previous; and that since that time he continued to submit to the authority of the United States until his decease, which occurred in the year of our Lord eighteen hundred and twenty-one; and since that time his heirs have been in possession of the same, and have always submitted to the authority of the United States.

his
PRESQUE + HYOTT.
mark.
his
GABRIEL + ROBY.
mark.

Sworn and subscribed to before me, a justice of the peace, at Green Bay, this 18th day of September, 1823.

J. G. PORLIER, *Justice of the Peace.*

DETROIT, *November* 1, 1823.

In the preceding case, the claim of Margaret Laborde to a tract designated lot No. 36, the commissioners decide that the same be confirmed to the heirs of John B. Laborde, sr., deceased, subject to the widow's right of dower.

MACKINAC, *September* 3, 1823.

I, John Dousman, hereby enter my claim, under the laws for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a certain tract or parcel of land lying and being situated on the west side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side by land claimed by Pierre Grignon, and on the upper side by lands vacant and unsettled, being about seven arpents in width on said river, and extending back from said river eighty arpents.

JOHN DOUSMAN.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William Henry Puthuff, chief justice of the county court in and for said county, Pierre Ogee, of lawful age, who, having been duly sworn, doth depose and say that on the first day of July, in the year of our Lord one thousand eight hundred and twelve, and for sometime previous thereto, John Dousman was a resident of Green Bay, in said Territory, and had the possession of, and occupied, improved, and cultivated, a certain tract or parcel of land, lying and being situated on the west side of Fox river, at said Green Bay, and butted and bounded as follows, to wit: on the lower side

by land claimed by Pierre Grignon, and on the upper side by vacant or uncultivated lands, being in front about seven arpents, and extending back from said river eighty arpents; and that the said John Dousman has at all times submitted to the authority of the United States. And further this deponent saith not.

his
PIERRE + OGEE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimakinac, ss:*

Personally appeared before me, the said William H. Puthuff, chief justice as aforesaid, the said deponent, and made oath that the facts stated in the foregoing deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand this 8th day of September, A. D. 1823.

WM. HENRY PUTHUFF.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William Henry Puthuff, chief justice of the county court in and for said county, Eneas Lafortune, of lawful age, who, having been duly sworn, doth depose and say that on the 1st day of July, A. D. 1812, and for sometime previous thereto, John Dousman was a resident of Green Bay, in said Territory; had the possession of, and occupied, and improved, and cultivated a certain tract or parcel of land lying at said Green Bay, on the west side of Fox river, and butted and bounded as follows, to wit: on the lower side by land claimed by Pierre Grignon, and on the upper side by vacant and uncultivated lands, being in front about seven arpents, and extending back from said river eighty arpents; and that the said John Dousman has at all times submitted to the authority of the United States. And further this deponent saith not.

his
ENEAS + LAFORTUNE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said William Henry Puthuff, chief justice as aforesaid, the said deponent, and made oath that the facts stated in the foregoing deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand this 8th day of September, A. D. 1823.

WM. HENRY PUTHUFF.

DETROIT, *November* 1, 1823.

On examination of the preceding claim of John Dousman, the commissioners decide that the same be confirmed, provided (owing to the extreme vagueness of the description) that the lines be so run as not to interfere with any confirmations heretofore made or which may be made by this board.

Entry of a tract of land.

I, Dominick Brunett, do hereby enter my claim to a certain tract of land lying and being situated in the township of Green Bay, county of Brown and Territory of Michigan, bounded and butted as follows, to wit: on the west side by Fox river, on the north side by a small river, on the east side by wild lands, and on the south side by a lot claimed by Eustice La Bœuff, being in breadth, on Fox river, three arpents, and extending back from said river so as to embrace a section or six hundred and forty acres of land.

In witness whereof, I have hereunto set my hand, at Green Bay, this 16th day of September, A. D. 1823.

his
DOMINICK + BRUNETT.
mark.

Witness: SAMUEL IRWIN.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the 17th day of September, one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county of Brown, personally came and appeared Eustice La Bœuff, who, being duly sworn, deposeth and saith that he has personal knowledge of Dominick Brunett's having cultivated a certain tract of land as a meadow, situated in the county aforesaid, bounded on the west by Fox river, and on the north by a small river, on the east by wild lands, and on the south by a lot claimed by me; being in breadth, on said Fox river, about three arpents, and extending back three arpents—from the year eighteen hundred and nine, or thereabouts, until the year eighteen hundred and sixteen. And further, that the said Dominick Brunett has always submitted himself to the authority of the United States.

his
EUSTICE + LA BŒUFF.
mark.

Sworn and subscribed to before me, at Green Bay, this 17th day of September, 1823.

ROBERT IRWIN, JR., *Justice of the Peace.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on this seventeenth day of September, one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county of Brown, personally came and appeared Francis Laventure, who, being duly sworn, deposeth and saith that he has personal knowledge of Dominick Brunett's having cultivated a certain tract of land as a meadow, situated in the county aforesaid, bounded on the west by Fox river, on the north by a small river, on the east by wild lands, and on the south by a lot claimed by Eustice La Bœuff; being in breadth on said river about

three arpents, and extending back about three arpents—from the year eighteen hundred and nine until the year eighteen hundred and sixteen. And further, that the said Dominick Brunett has always submitted himself to the authority of the United States.

his
FRANCIS + LAVENTURE.
mark.

Sworn and subscribed to before me, at Green Bay, this 17th September, 1823.
ROBERT IRWIN, JR., *Justice of the Peace.*

DETROIT, *November* 1, 1823.

On consideration of the preceding claim of Dominick Brunett, the commissioners decide that the same be confirmed, subject to the same restrictions, and for the same reasons, as in the preceding case of John Dousman.

Entry of a tract of land.

I, Richard Prickett, do hereby enter my claim to a certain tract of land lying and being situated at Green Bay, in the county of Brown and Territory of Michigan, butted and bounded as follows, to wit: commencing at low-water mark on the west side or bank of Fox river; thence running eastwardly along said bank about six French arpents, and bounded on the northeastwardly side by a lot claimed by John Baptiste Venne, and on the southwestwardly side by a lot claimed by John Dousman, said lot being, according to law, eighty arpents in depth.

Witness my hand, at Green Bay, this 15th day of September, A. D. 1823.

his
RICHARD + PRICKETT.
mark.

Witness: D. CURTIS.

Be it remembered that on the fifteenth day of September, one thousand eight hundred and twenty-three, personally came and appeared before me, Robert Irwin, jr., one of the justices of the peace in and for the county of Brown and Territory of Michigan, Augustine Bonnetierre, who, being sworn in due form, according to law, deposeth and saith that a certain lot of land, numbered twenty-three, on the west side of Fox river, in the township of Green Bay, county of Brown and Territory of Michigan, now claimed by Richard Prickett, and bounded on the northeastwardly side by a lot claimed by John Baptiste Venne, and on the southwestwardly side by a lot claimed by John Dousman, being about six arpents in width on the bank of said Fox river, and, according to law, eighty arpents back or in depth, was under cultivation fifteen years ago, when he, the said Augustine Bonnetierre, first came to this country; and that he has personal knowledge that the above-described tract of land has since that time been under constant and yearly cultivation either by Pierre Concit himself or by the present occupant, the said Richard Prickett.

his
AUGUSTINE + BONNETIERRE.
mark.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, A. D. 1823.
ROBERT IRWIN, JR., *Justice of the Peace.*

DETROIT, *November* 1, 1823.

On examination of the preceding claim of Richard Prickett, it appears to have been confirmed by a previous board to the present claimant.

Entry of a tract of land.

I, Joseph Jourdin, do hereby enter my claim to a certain tract of land lying and being in the township of Green Bay, in the county of Brown and Territory of Michigan, bounded and butted as follows, to wit: commencing at low-water mark on the east side of Fox river, and running east eighty arpents, and bounded on the south by a certain tract confirmed to Domittille Longevin, east by wild lands, north by a certain tract claimed by Francis Laventure, west by Fox river, being four arpents in breadth.

Witness my hand, at Green Bay, this 12th day of September, 1823.

JOSEPH JOURDIN.

Witness: ROBERT IRWIN, Jr.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the fifteenth day of September, in the year of our Lord one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county aforesaid, personally came and appeared Francis Laventure of said county, who, being sworn in due form, deposeth and saith that he has personal knowledge of Joseph Jourdin having cultivated as a meadow a certain tract of land lying and being situated in the county aforesaid, commencing at low-water mark on the east bank of Fox river, and running east indefinitely, bounded on the south by a tract claimed by Domittille Longevin, on the east by wild lands, and on the north by a tract claimed by Francis Laventure, and on the west by Fox river, four arpents in breadth on said river, be the same more or less—from the year one thousand eight hundred and eight until the year one thousand eight hundred and sixteen; and that the said Joseph Jourdin remained neutral towards the United States in the late war.

his
FRANCIS + LAVENTURE.
mark.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, A. D. 1823.
ROBERT IRWIN, JR., *Justice of the Peace.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the fifteenth day of September, one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county aforesaid, personally came and appeared Augustus La Bœuff, of said county, who, having been sworn in due form, deposeth and saith that he has personal knowledge of Joseph Jourdin having cultivated as a meadow a certain tract of land, commencing at low-water mark on the east bank of Fox river, and running indefinitely east; bounded on the south by a tract claimed by Domittille Longevin, on the east by wild lands, on the north by a tract claimed by Francis Laventure, and on the west by Fox river—in the year one thousand eight hundred and eight; and that he has no knowledge of the said Joseph Jourdin having taken arms against the United States.

his
AUGUSTUS + LA BŒUFF.
mark.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, A. D. 1823.
ROBERT IRWIN, JR., *Justice of the Peace.*

DETROIT, *November* 1, 1823.

Upon consideration of the preceding claim of Joseph Jourdin, the commissioners decide that the same be confirmed.

Entry of land.

I, John B. Laborde, of the township of Green Bay, in the county of Brown and Territory of Michigan, do hereby enter my claim to a certain farm or piece of land situated in said township of Green Bay, and bounded as follows, to wit: commencing on the east bank of Fox river at low-water mark, being nineteen chains and fifty links, more or less; bounded on the north by lands claimed by Jaques Porlier, on the south by lands claimed and occupied by John Lawe, and extending east eighty arpents, being lot No. 20, and marked on the sketch of private claims to lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay, in 1821.

As witness my hand, at Green Bay aforesaid, this 18th day of September, 1823.

his
JOHN B. + LABORDE.
mark.

In presence of—
JOHN LAWE.
A. G. BEAN.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Presque Hyott and Margaret Laborde, of the township of Green Bay, in the county of Brown and Territory aforesaid, being duly sworn, depose and say that John B. Laborde, sr., late of said township, deceased, on the first day of July, in the year of our Lord one thousand eight hundred and twelve, and sometime previous, occupied and cultivated a certain farm or piece of land situated in said township of Green Bay, and bounded as follows, viz: commencing on the east bank of Fox river at low-water mark, being in width nineteen chains and fifty links, more or less, and bounded north by land claimed by Jaques Porlier, and on the south by lands claimed by John Lawe, and extending east from said river eighty arpents; and that he continued to submit to the authority of the United States until his decease, which was in the autumn of 1821; and that previous to his decease he bequeathed all his right and title to said lot to his son, John B. Laborde, jr., in whose possession it has since remained. The said John B. Laborde was born in said Territory, and has continued to submit to the authority of the United States ever since.

his
PRESQUE + HYOTT.
mark.
her
MARGARET + LABORDE.
mark.

The above affidavit sworn and subscribed to before me, at Green Bay aforesaid, this 18th day of September, A. D. 1823.

J. PORLIER, *J. P.*

DETROIT, *November* 1, 1823.

On consideration of the claim of John B. Laborde to a tract of land designated as lot No. 20, the commissioners decide that the same be confirmed to him, subject to the legal claims of the widow and heirs of John B. Laborde, deceased.

Entry for a certain tract of land.

I, Dominick Brunett, do hereby enter my claim to a certain lot, tract, or parcel of land situated in the county of Brown and Territory of Michigan, known, described, and bounded as follows, to wit: situated about and between three and four miles from the west side or bank of Fox river, on said side, and contiguous to, or immediately on, some of the headwaters or branches of a certain small stream or creek, known and commonly called by the French La Riviére aux Gallia, or otherwise known by being called the Dutchman's creek, which creek empties its waters into the Fox at one corner of a lot claimed by John Hardwick, bounded and butted as follows, to wit: on the north side by a piece of land claimed by Briscott Hyott, on the south side by a piece of land formerly occupied by John Hardwick as a sugar

camp, on the west by wild lands, and on the east by a claim unknown to me, being ten acres in front or on the east end, and forty acres in length, be the same more or less.

Signed at Green Bay this 17th day of September, A. D. 1823.

his
DOMINICK + BRUNETT.
mark.

Witness: DANIEL CURTIS.

Be it remembered that on the seventeenth day of September, one thousand eight hundred and twenty-three, personally came and appeared before me, Robert Irwin, jr., one of the justices of the peace in and for the county of Brown and Territory of Michigan, Pierre Carboneau, who, being duly sworn and qualified according to law, deposeth and saith that for thirteen years past he has personal knowledge of the occupation of a certain tract or lot of land situated between three and four miles from the west bank of Fox river, on the headwaters or branches of a small stream emptying into Fox river, known by being called (in French) La Rivière aux Gallia, bounded as follows, to wit: on the south side by a sugar camp formerly occupied by John Hardwick, on the north, west, and east by wild lands, being ten arpents in width, and forty arpents in length, be the same more or less.

his
PIERRE + CARBONEAU.
mark.

Sworn and subscribed to before me, at Green Bay, September 15, 1823.

ROBERT IRWIN, Jr., *J. P.*

DETROIT, *November* 1, 1823.

In the preceding case of Dominick Brunett, the commissioners decide that the same be confirmed, provided that the lines be so run as not to interfere with any claims heretofore confirmed, or confirmed by this board.

GREEN BAY, *February* 4, 1823.

Pierre Grignon enters his claim to a tract of land near Fort Howard, which tract is described in the following affidavit:

TERRITORY OF MICHIGAN, *County of Brown, ss:*

We, the subscribers, do certify that we have lived at Green Bay, county and Territory aforesaid, for the last forty years, with the exception of occasional short absences, and that we are acquainted with the claims of all the inhabitants at the Bay; that Charles Longlaid occupied a piece of ground lying and being on the west side of Fox river, Green Bay, immediately below the first creek that empties into said river, about fifteen acres in front on the said river, and extending back indefinitely; said lot or parcel of land was reserved as a meadow and for wood by the said Longlaid at least sixty years ago; that they know said land was occupied by the said Charles Longlaid and Charles Longlaid, jr., and Pierre Grignon, for the last forty years, until the American troops took possession of this place.

In testimony whereof, we have hereunto set our hands and seals, at the township of Green Bay, county and Territory aforesaid, August 29, 1822.

his
LOUIS + DELLAIR.
mark.
his
JOSEPH + ROY.
mark.
his
PIERRE + CHARLEFOU.
mark.
his
BAPTISTE + BRUNETT.
mark.

Done at the township of Green Bay, county of Brown and Territory of Michigan, August 29, 1822, before me.

LEWIS MORGAN, *J. P.*

DETROIT, *November* 1, 1823.

On this claim of Pierre Grignon, the commissioners decide that the same be confirmed, provided that it shall not interfere with a confirmation heretofore made to Jaques Porlier, or with a confirmation made by this board to Alexis Gardapier.

Entry of a tract of land.

I, Joseph Jourdin, do hereby enter my claim to a certain tract of land lying and being situated in the county of Brown, Territory of Michigan, bounded and butted as follows, to wit: lying about three miles east of Devil river, in said county, and divided by a small stream, and surrounded by wild lands, containing one section of land, be the same more or less.

Witness my hand, at Green Bay, September 15, 1823.

JOSEPH JOURDIN.

Witness: ROBERT IRWIN, Jr.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the fifteenth day of September, one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace in and for the county aforesaid, per-

sonally came and appeared Augustus La Bœuff, of said county, who, having been sworn in due form, deposeth and saith that he has personal knowledge of Joseph Jourdin, of said county, having occupied a certain tract of land lying about three miles east of Devil river, with a stream running through it, and surrounded by wild lands, as a sugar camp, since the year one thousand eight hundred and ten, until one thousand eight hundred and twenty-two, and has continually had a small house standing thereon.

his
AUGUSTUS + LA BŒUFF.
mark.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, A. D. 1823.
ROBERT IRWIN, *J. P.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the fifteenth of September, one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within the aforesaid county, personally came and appeared Francis Laventure, of said county, who, being sworn in due form, deposeth and saith that he has personal knowledge of Joseph Jourdin having occupied a certain tract of land lying and being situated in the county aforesaid, about three miles east of Devil river, in said county, with a stream running through it, as a sugar camp, since the year one thousand eight hundred and eight, until the present date, and that he has had a house standing continually thereon.

his
FRANCIS + LAVENTURE.
mark.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, 1823.
ROBERT IRWIN, JR., *J. P.*

DETROIT, *November* 1, 1823.

On consideration of the preceding claim of Joseph Jourdin, the commissioners decide that the same be *not confirmed.*

Entry of a tract of land.

I, Daniel Curtis, do hereby enter my claim to a certain tract or lot of land situated at Green Bay, in the county of Brown and Territory of Michigan, described and bounded as follows, to wit: beginning on the left-hand bank of a small stream or creek, commonly called Duck creek, at its entrance into Green bay, on the west side of the same, below the mouth of Fox river; bounded on the south by a lot claimed by Daniel Curtis, (heretofore entered,) on the north by uncultivated lands, on the west by wild lands, and on the east by Green bay, being eight French arpents in width on said bay, below the mouth of said Duck creek, and extending back, or westwardly from the same, eighty French arpents, be the same more or less. The word eight, between the fourteenth and fifteenth lines, interlined before the signing thereof.

Signed and delivered at Green Bay this 17th day of September, A. D. 1823.

DANIEL CURTIS.

Witness: GEO. JOHNSON.

DETROIT, *November* 1, 1823.

No testimony being adduced in support of the preceding claim of Daniel Curtis, the same is not confirmed.

Entry of a tract of land.

I, Daniel Curtis, do hereby enter my claim to a certain tract or lot of land situated at Green Bay, in the county of Brown and Territory of Michigan, known, described, and bounded as follows, to wit: commencing on the west side of Green bay, below the mouth of Fox river, at the entrance of a small creek, commonly called Duck creek, into said Green bay, at a low-water mark, on the south bank of said Duck creek; running thence southwardly along the shore of said Green bay, towards Fort Howard, eight French arpents; thence westwardly eighty arpents; thence northwardly eight arpents; and thence eastwardly eighty arpents, to the place of beginning, on the south bank of said Duck creek, containing six hundred and forty acres, or French arpents, be the same more or less.

Signed at Green Bay the 12th day of September, A. D. 1823.

DANIEL CURTIS.

Witness: GEO JOHNSON.

Be it remembered that on the eighteenth day of September, one thousand eight hundred and twenty-three, personally came and appeared before me, Robert Irwin, jr., one of the justices of the peace in and for the county of Brown and Territory of Michigan, Bazille La Rock, who, being duly sworn and qualified according to law, deposeth and saith that he has personal knowledge of the occupation and improvement of a certain tract or parcel of land for these sixteen years last past, or before and since the late war between the United States and Great Britain, which said tract, lot, or parcel of land is known, described, and bounded as follows, to wit: beginning on the west side of Green bay, below the mouth of Fox river, at the entrance of a small creek, commonly called Duck creek, into said Green bay, at low-water mark, on the south bank of said Duck creek; running thence along the shore of said Green bay, towards Fort Howard,

eight French arpents; thence westwardly eighty arpents; thence northwardly eight arpents; thence eastwardly eighty arpents, to the place of beginning, on the south bank of said Duck creek, containing six hundred and forty acres, or French arpents, be the same more or less.

his
BAZILLE ⋈ LA ROCK.
mark.

Sworn and subscribed to before me, at Green Bay, this 18th September, 1823.

ROBERT IRWIN, JR., *J. P.*

DETROIT, *November* 1, 1823.

No proof appearing that the claimant occupied the tract in question, or has acquired the rights of the occupant, the claim is not confirmed.

Entry of a tract of land.

I, Daniel Curtis, do hereby enter my claim to a certain tract, lot, or parcel of land situated in the county of Brown and Territory of Michigan, at a certain place on the Fox river called the Grand Cockalin, on the left bank of said Fox river, bounded as follows, to wit: eastwardly by a lot claimed by Paul Ducharme, westwardly by wild lands, northwardly by wild lands, and southwardly by the aforesaid Fox river, at low-water mark, being eight arpents in width along the shore of said river, and extending back northwardly from the same eighty French arpents, be the same more or less.

Signed and delivered at Green Bay this 15th day of September, 1823.

DANIEL CURTIS.

Witness: GEO JOHNSON.

Be it remembered that on the eighteenth day of September, one thousand eight hundred and twenty-three, personally came and appeared before me, Robert Irwin, jr., one of the justices of the peace in and for said county of Brown and Territory of Michigan, Amable Normon, who, being duly sworn and qualified according to law, deposeth and saith that for many years before the late war between the United States and Great Britain he has personal knowledge of the cultivation and improvement, to wit: clearing, fencing, and sowing, of a certain tract, lot, or parcel of land, on its front, situated in the county and Territory aforesaid, at a place on the Fox river called the Grand Cockalin, butted and bounded as follows, to wit: eastwardly by a lot claimed by Paul Ducharme, westwardly by wild lands, northwardly by wild lands, and southwardly by the aforesaid Fox river, at low-water mark, being eight arpents in width more or less, along the shore of said river, and extending back or northwardly from the same eighty arpents, be the same more or less.

his
AMABLE ⋈ NORMAN.
mark.

Sworn and subscribed before me, at Green Bay, this 18th day of September, 1823.

ROBERT IRWIN, JR., *Justice of the Peace.*

Be it remembered that on the eighteenth day of September, one thousand eight hundred and twenty-three, personally came and appeared before me, Robert Irwin, jr., one of the justices of the peace in and for the county of Brown and Territory of Michigan, Bazille La Rock, who, being duly sworn and qualified according to law, deposeth and saith that for many years before the late war between the United States and Great Britain he has personal knowledge of the cultivation of a certain tract, lot, or parcel of land, on its front, situated in the county and Territory aforesaid, at a place on Fox river called the Grand Cockalin, butted and bounded as follows, to wit: eastwardly by a lot claimed by Paul Ducharme, westwardly and northwardly by wild lands, and southwardly by the aforesaid Fox river, at low-water mark, being eight arpents in width along the shore of said river, and extending back or northwardly from the same eighty French arpents, be the same more or less.

his
BAZILLE ⋈ LA ROCK.
mark.

Sworn and subscribed to before me, at Green Bay, this 18th September, 1823.

ROBERT IRWIN, JR., *Justice of the Peace.*

DETROIT, *November* 1, 1823.

No proof appearing that the claimant, Daniel Curtis, was the occupant of the tract described in the preceding claim, or has acquired the rights of the occupant, the claim is *not confirmed.*

Entry of a tract of land.

I, Alexis Gardapier, of the county of Brown and Territory of Michigan, do hereby enter my claim to a certain tract of land lying on the west bank of Fox river, and more particularly known as being a vacant strip lying between tract number *one*, confirmed to Jaques Porlier, on the north, and tract number *two*, confirmed to Lewis Grignon, on the south, commencing at low-water mark, and running west eighty arpents, and in width three arpents, on the aforesaid river. Witness my hand, at Green Bay, this 16th day of September, 1823.

his
ALEXIS ⋈ GARDAPIER.
mark.

Witness: ROBERT IRWIN, JR.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the seventeenth day of September, in the year of our Lord one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county aforesaid, personally came and appeared John Baptiste Jourvine, of said county, who, being sworn in due form, deposeth and saith that fourteen or fifteen years since Joseph Roi told him that he had surrendered all his property, real and personal, to Alexis Gardapier, his son-in-law, by the said Gardapier agreeing to support him and his wife during their natural lives; that at that period the said Roi did live with the said Gardapier, and has ever since continued, and does at this time live at the cost of the said Gardapier. Embraced in the above-mentioned assignment was a certain tract of land, about three arpents in width, situated on the west bank of Fox river, and lying between a lot confirmed to Jaques Porlier on the north, number *one,* and on the south by a tract, number *two,* claimed by Louis Grignon; the said parcel of land is more particularly known as being a vacant strip of land on the plat projected by the commissioners on the first examination of the claims at Green Bay. The deponent further states that he has certain knowledge of the said Alexis Gardapier having occupied and cultivated the said tract of land in eighteen hundred and eleven, as a meadow, as he, the deponent, mowed for him on said land; and that it is a fact notorious among the inhabitants of the Bay that the said Gardapier did claim the land, and has never understood any other persons to have made a claim of it since Roi transferred it to him, the said Gardapier; and further, that the said Gardapier did remain neutral during the late war between the United States and Great Britain.

his
JOHN BAPTISTE + JOURVINE.
mark.

Sworn and subscribed to before me, at Green Bay, this 17th day of September, A. D. 1823.
ROBERT IRWIN, JR., *Justice of the Peace.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the seventeenth day of September, in the year of our Lord one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace in the aforesaid county, personally came and appeared Dominick Brunett, of said county, who, being sworn in due form, deposeth and saith that, to the best of his recollection, seventeen years past Alexis Gardapier married the daughter of Joseph Roi. About one year subsequent to said marriage Alexis Gardapier had surrendered to him all the property, real and personal, which the said Joseph Roi was possessed of, in consideration for the said Gardapier having received and agreeing to support the said Joseph Roi and his wife while they lived; and that the said Alexis Gardapier has supported the said Joseph Roi and his wife ever since that period, and does at this time support them; and further, the deponent saith that the said Joseph Roi did say to him, in the year one thousand eight hundred and ten, that he had voluntarily surrendered to his son-in-law, Alexis Gardapier, all his property that he was possessed of, and, in said grant, a certain tract lying on the west bank of Fox river, and more known as a vacant strip of land situated and lying between a tract numbered *one,* on the north, confirmed to Jaques Porlier, and tract number *two,* on the south, confirmed to Louis Grignon; and further, that he has certain and personal knowledge of the said Alexis Gardapier having cultivated the said tract as a meadow from the year one thousand eight hundred and eleven until the year one thousand eight hundred and seventeen, when he was compelled to relinquish it to the United States troops; and further, that in the spring of eighteen hundred and twenty-one, when Judge Lee was collecting testimony relative to the claims at this place, the deponent heard Judge Porlier propose to Joseph Roi to have the before-mentioned tract measured and sell him his right; and that the said Joseph Roi positively refused, and alleged as a reason that he had disposed of it to Alexis Gardapier; and further, that the said Alexis Gardapier did remain neutral during the late war between the United States and Great Britain.

his
DOMINICK + BRUNETT.
mark.

Sworn and subscribed to before me this 17th day of September, 1823.
ROBERT IRWIN, JR., *Justice of the Peace.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the eighteenth day of September, in the year of our Lord one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county aforesaid, personally came and appeared John Baptist Grignon, of the said county, who, having been sworn in due form, deposeth and saith that he has certain and personal knowledge of Joseph Roi having surrendered to Alexis Gardapier, his son-in-law, fourteen years past, all his property, real and personal, that he was possessed of, by the said Gardapier agreeing to support him and his wife during their natural lives; that he knows the said Gardapier has supported the said Joseph Roi ever since that period, together with his wife, and does at this period support them; and that embraced in the above transfer is a certain tract of land lying on the west bank of Fox river, between a tract said to be confirmed to Jaques Porlier, number *one,* on the north, and by a tract confirmed to Louis Grignon, number *two,* on the south; that he knows the said Gardapier did cultivate the said tract as a meadow fourteen years since, and continued to do so until the year one thousand eight hundred and eighteen, when he left in consequence of depredations committed by public cattle; that he never has known any person to make a claim for the said land, since the surrender by Roi, but Gardapier; and, more fully in confirmation of which tract, the deponent heard Mr. Roi, when Mr. Lee was here, say that the land was Gardapier's, when it was proposed to him by some person to enter it in his own name; and further, that the said Alexis Gardapier remained neutral during the late war between the United States and Great Britain.

his
JOHN BAPTIST + GRIGNON.
mark.

Sworn and subscribed to before me, at Green Bay, September 18, A. D. 1823.
ROBERT IRWIN, JR., *Justice of the Peace.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the eighteenth day of September, in the year of our Lord one thousand eight hundred and twenty-three, personally came and appeared before me, Robert Irwin, jr., one of the justices of the peace in the county aforesaid, Amable Normon, of said county, who, being duly sworn, deposeth and saith that he knows that Joseph Roi did, fifteen or sixteen years since, surrender to Alexis Gardapier, his son-in-law, all his property, real and personal, that he was possessed of at that time, the said Alexis Gardapier agreeing to support him and his wife during their natural lives. Embraced in the said transfer was a certain tract of land that the said Roi had used and occupied as a meadow, lying on the west bank of Fox river, between a tract confirmed to Jaques Porlier, number one, on the north, and on the south by a tract confirmed to Louis Grignon, number two. The deponent further states that Joseph Roi did abandon the tract, and told the deponent at the time he had given it to Gardapier; that the said Gardapier did enter upon and cut hay thereon for the period of seven or eight years, between eighteen hundred and nine and eighteen hundred and twenty, when he was compelled to abandon it in consequence of the depredations by public cattle; he knows that Gardapier has, ever since the reception of the property from Mr. Roi, supported him and his wife, and does at this time; and that he has never known any person to make a claim to it since the surrender until last summer, when he understood Judge Porlier had purchased Mr. Roi's right; and further, that he knows that the said Alexis Gardapier did remain neutral during the late war between the United States and Great Britain.

his
AMABLE + NORMON.
mark.

Sworn and subscribed to before me, at Green Bay, this 18th day of September, 1823.

ROBERT IRWIN, JR., *Justice of the Peace.*

DETROIT, *November* 1, 1823.

On consideration of the preceding testimony the commissioners decide that the tract claimed be confirmed to Alexis Gardapier, provided that the same shall not interfere with any confirmation heretofore made.

DETROIT, *September* 23, 1823.

SIR: I hereby enter my claim, agreeably to law, to a tract of land situated at Green Bay, in the county of Brown, containing in front forty arpents, and in depth eighty arpents, more or less, and being between the lands of Amable Derocher and those of Michael Dousman.

MICHAEL DOUSMAN.

JOHN BIDDLE, Esq., *Register of the Land Office at Detroit.*

On the 27th day of August, 1823, came before me, the undersigned justice of the peace at Michilimackinac, Francis Lewsenau, who, being duly sworn, saith that sometime previous to the year 1812 François Laventure was in possession of the lot or tract of land described in the attached or annexed notice; and also was in possession of the same July 1, 1812, and still is in possession of the same; that said François Laventure has a dwelling-house on said lot, and a considerable improvement made thereon

his
FRANCIS + LEWSENAU.
mark.

Sworn and subscribed to before me.

W. HENRY PUTHUFF, *J. P. C. M.*

On the same day of August, in the year aforesaid, came also before me Peter Ozie, who, being duly sworn, saith that for sometime previous to the year 1812 François Laventure was in possession of the lot of land described in the annexed notice; and also was in the possession of the same July 1, 1812, and still is in possession, and has a dwelling-house, and a considerable improvement made thereon.

his
PETER + OZIE.
mark.

Sworn and subscribed to before me.

W. HENRY PUTHUFF, *J. P. C. M.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, John Dousman, a justice of the peace in and for the said county, Michael Dousman, of lawful age, who, being duly sworn, doth depose and say that in the month of September, in the year 1822, he, this deponent, was at Green Bay, in said Territory, at which time he saw in possession of Major Brevoort a plat of survey, made by Mr. Lee, of the land claims at said Green Bay, and on said plat of survey saw that a lot of land which lies at said place last mentioned, which is bounded on the upper side by land claimed by one Derocher, and on the lower side by land claimed by this deponent, (which said lot is claimed by Francis Laventure,) had been entered on said survey in the name of Louis Beaupraix; and further, that afterwards the said Louis Beaupraix, in a conversation which he, this deponent, had with the said Lewis, told this deponent that he, said Louis, had no claim whatever to said lot of land above mentioned; that the same had been sold by him, the said Louis, to the said Laventure for a valuable consideration sometime previous thereto; that he had received of him, the said Laventure, nearly all the purchase money for said land, and that the same ought to have been entered on the said survey in the name of said Francis Laventure. And further this deponent saith not.

MICHAEL DOUSMAN.

This indenture, made and concluded between Francis Laventure, of Green Bay, and Michael Dousman, of Michilimackinac, witnesseth: That the said Francis Laventure, for and in consideration of the sum of six hundred dollars to him in hand well and truly paid, and the receipt whereof is hereby acknowledged,

hath bargained, sold, released, and confirmed, and by these presents doth bargain, sell, release, and confirm, unto the said Michael Dousman, his heirs or assigns, forever, a certain tract of land situated, lying, and being at Green Bay, county of Brown, in the Territory of Michigan, containing about 240 acres, and bounded and known as follows, viz: in front by the main road, on the one side by the land of Amable Derocher, on the other by a tract belonging to said Dousman, it being three acres in front and eighty acres deep; to have and to hold the said tract of land, together with all and singular the appurtenances thereunto belonging or appertaining, unto the said Dousman, his heirs, or assigns, forever. And the said Francis Laventure, for himself, his heirs, or assigns, doth hereby covenant and agree to and with said Dousman that he will defend the said tract of land clear and free, and clear of and from the claim or claims of all and every person claiming by, through, or under him. In testimony whereof, the said Laventure hath hereunto set his hand and seal, at Michilimackinac, this 29th day of June, one thousand eight hundred and twenty-three.

his
FRANCIS + LAVENTURE.
mark.

Signed, sealed, and delivered in the presence of—
W. HENRY PUTHUFF.
W. M'GALPIN.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the subscriber, one of the justices of the peace in and for the county aforesaid, Francis Laventure, who acknowledged the within instrument in writing to be his voluntary act and deed for the purposes therein named.

In witness whereof, I have hereunto set my hand this 1st day of July, 1823.

W. HENRY PUTHUFF, *J. P. C. M.*

DETROIT, *November* 1, 1823.

On the preceding claim of Michael Dousman, the commissioners decide that the same be confirmed.

Entry for land.

I, Pierre Grignon, of the township of Green Bay, in the county of Brown and Territory of Michigan, do hereby enter my claim to a certain farm or piece of land situated in said township of Green Bay, and bounded as follows, viz: commencing on the west bank of Fox river at low-water mark, being eight arpents in width, and running west eighty arpents, and bounded on the north by the land claimed by Susan Larose, and on the south by lands belonging to John Lawe; which tract or piece of land includes lot No. 28, as laid down in the sketch of private claims to lands, exhibited to the commissioners at Detroit, for the inhabitants of Green Bay.

As witness my hand, at Green Bay, this 17th day of September, A. D. 1823.

PIERRE GRIGNON.

In presence of—
J. PORLIER.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

J. Bts. Brodem and Pierre Charlefou, of the township of Green Bay, in the county and Territory aforesaid, being duly sworn, depose and say that they are well acquainted with Pierre Grignon, of the aforesaid township; that he, the said Pierre Grignon, occupied and cultivated a certain farm or piece of land situated in said township, and bounded and described as follows, to wit: commencing on the west bank of Fox river at low-water mark, being eight arpents in breadth, more or less, and running west eighty arpents, bounded north by land claimed by Susan Larose, on the south by lands belonging to John Lawe; which tract includes lot No. 28, as marked on the sketch of private claims to lands, as exhibited to the commissioners at Detroit, for the inhabitants of Green Bay; that previous to and on the first day of July, in the year of our Lord one thousand eight hundred and twelve, he occupied and cultivated the said farm or piece of land, and from that time he continued to submit to the authority of the United States, until the autumn following, when this district of country was conquered and taken possession of by Great Britain, then at war with our nation, when he, the said Pierre Grignon, and its other inhabitants were compelled to yield to the tyranny and caprice of the ruling power and its savage allies, the protection of our government being entirely withdrawn therefrom; that when that protection was returned to them he, the said Pierre Grignon, voluntarily resumed the relation of citizen of the United States, and has continued to submit to its authority ever since.

his
PIERRE + CHARLEFOU.
mark.
his
J. B. + BRODEM.
mark.

The foregoing affidavit subscribed and sworn to before me, at Green Bay aforesaid, the 17th day of September, A. D. 1823.

J. PORLIER, *Justice of the Peace.*

DETROIT, *November* 1, 1823.

On consideration of the preceding claim of Pierre Grignon, jr., the commissioners decide that the same be confirmed.

Lot No. 33, *east.*

GREEN BAY, *September* 2, 1823.

I, John Baptist S. Jacobs, hereby enter my claim, under the act for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land lying, being, and situated on the east bank of Fox river, within the township of Green Bay, in said Territory, being lot No. 33, and butted and bounded as follows, to wit: north by lands claimed by John Lawe, south by a tract of land used and occupied by the widow Chevalier, and running east eighty arpents, and being in breadth three arpents.

J. BT. S. JACOBS.

Witness: ROBERT IRWIN, Jr.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the fifteenth day of September, one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county of Brown, personally came and appeared Joseph Jourdin, of said county, who, being sworn in due form, deposeth and saith that he has certain and personal knowledge of John Baptist S. Jacobs having occupied and cultivated as a farm a certain tract of land lying in the county of Brown, commencing at low-water mark on the Fox river, and running east indefinitely, and bounded as follows, to wit: on the south by a tract of land claimed by Baptist Chevalier, on the east by uncultivated lands, on the south by a tract claimed by John Lawe, on the west by Fox river, being, to the best of his belief, three arpents in width on the river aforesaid, and number thirty-three, since the year eighteen hundred and nine until the present date, without intermission; and further, that the said John B. S. Jacobs did remain neutral during the late war with Great Britain.

JOSEPH JOURDIN.

The within and foregoing instrument of writing sworn and subscribed to before me, at Green Bay, the 15th day of September, A. D. 1823.

ROBERT IRWIN, JR., *J. P.*

DETROIT, *November* 1, 1823.

On the preceding claim of J. B. S. Jacobs, the commissioners decide that the same be confirmed, provided that it shall not interfere with the claim of John Lawe on Devil river.

Entry of a tract of land.

I, Eustis La Bœuff, of Green Bay township, and county of Brown and Territory of Michigan, do hereby enter my claim to a certain lot of land lying and being situated in township and county aforesaid, bounded and butted as follows, to wit: commencing at low-water mark, and running east eighty arpents, bounded on the north by a lot claimed by Dominique Brunett, on the south by a small river, on the west by said Fox river, being in breadth about three and a half arpents.

Witness my hand, at Green Bay, this 17th day of September, A. D. 1823.

EUSTIS ⋈ (his mark) LA BŒUFF.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the eighteenth day of September, one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county of Brown, in the Territory of Michigan, personally came Dominique Brunett, who, being duly sworn, deposes and says that he has personal knowledge of Eustis La Bœuff having cultivated a certain lot or tract of land as a meadow on the east side of Fox river, in the township of Green Bay, commencing at low-water mark, and running east indefinitely; bounded on the north by a lot claimed by him, and on the south by a small river, on the east by wild lands, on the west by Fox river, being in breadth about three and a half arpents, from the year eighteen hundred and nine until eighteen hundred and sixteen.

DOMINIQUE ⋈ (his mark) BRUNETT.

Sworn and subscribed to before me, at Green Bay, this 18th September, 1823.

ROBERT IRWIN, JR., *J. P.*

DETROIT, *November* 1, 1823.

In the preceding claim of Eustis La Bœuff, the commissioners decide that the claim be confirmed, provided it shall not interfere with any confirmations heretofore made, or which have or may be made, by this board, and that it shall not exceed eighty arpents from front to rear.

Entry of a tract of land.

I, Augustus La Bœuff, of the county of Brown and Territory of Michigan, do hereby enter my claim to a certain tract of land lying in the township of Green Bay, commencing at low-water mark on the east bank of Fox river, and running east indefinitely, and bounded on the south by a tract claimed by Amable Normon, on the east by wild lands, and on the north by a tract claimed by Dominique Brunett, on the west by Fox river, and being in breadth four arpents.

Witness my hand, at Green Bay, the 16th day of September, 1823.

AUGUSTUS ⋈ (his mark) LA BŒUFF.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the seventeenth day of September, one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county aforesaid, personally came and appeared Dominique Brunett, who, being duly sworn, deposeth and saith that he has personal knowledge of Eustis La Bœuff having cultivated a parcel of land as a meadow in the township of Green Bay, commencing at low-water mark on the east bank of Fox river, and running east indefinitely, and bounded on the south by a tract claimed by Amable Normon, on the east by wild lands, on the north by a tract claimed by Dominique Brunett, on the west by Fox river, and being in breadth forty yards, from the year eighteen hundred and nine, or thereabout, until eighteen hundred and sixteen.

DOMINIQUE his ⋈ mark. BRUNETT.

Sworn and subscribed to before me, at Green Bay, September 17, 1823.

ROBERT IRWIN, JR., *J. P.*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the eighteenth day of September, in the year of our Lord one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county aforesaid, Francis Laventure, who, being sworn in due form, deposeth and saith that he has personal knowledge of Eustis La Bœuff having cultivated a certain lot or tract of land as a meadow situated in the township of Green Bay, commencing at low-water mark, and running east indefinitely; bounded on the north by a lot claimed by Dominique Brunett, and on the east by wild lands, on the south by a lot claimed by Normon, on the west by Fox river, being in breadth about one and a half arpent, from the year 1809 until the year 1816; the same being on the east side of Fox river.

FRANCIS his ⋈ mark. LAVENTURE.

Sworn and subscribed to before me, at Green Bay, this 18th day of September, 1823.

ROBERT IRWIN, JR., *J. P.*

NOVEMBER 1, 1823.

In the preceding case the commissioners decide that the claim be confirmed, provided it does not interfere with any confirmations heretofore made, or which have or may be made by this board, and that it shall not extend more than eighty arpents from front to rear.

GREEN BAY, *September* 8, 1823.

I, Dominique Brunett, do enter my claim to a certain tract of land lying and being situated in the township of Green Bay, and butted and bounded as follows: on the north by lands on which Fort Howard stands, on the south by a tract of land claimed by James Neau, commencing and running west eighty arpents from Fox river, being two and a half arpents in breadth.

DOMINIQUE his ⋈ mark. BRUNETT.

Witness: ROBERT IRWIN, JR.

DETROIT, *November* 1, 1823.

In the preceding case the commissioners decide that, no testimony being adduced in support of the claim, the same be not confirmed.

Entry of a tract of land.

I, Alexis Gardapier, of Green Bay, county of Brown and Territory of Michigan, do hereby enter my claim to a certain tract of land situated in the county aforesaid, commencing at low-water mark on the east bank of Fox river, and running east eighty arpents; and bounded on the north by Brisk Hyott, east by wild lands, south by a tract claimed by George Ticker, west by Fox river, and more particularly distinguished by a large rock that divides said tract from Brisk Hyott on the north, and being four arpents in breadth.

Witness my hand, at Green Bay, this 16th day of September, 1823.

ALEX. his ⋈ mark. GARDAPIER.

DETROIT, *November* 1, 1823.

In the preceding case, no testimony being adduced in support of the claim, the commissioners decide the same be not confirmed.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the fifteenth day of September, one thousand eight hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county aforesaid,

personally came and appeared John Baptist Jacobs, who, being sworn in due form, deposeth and saith that he has certain and personal knowledge of Joseph Howe having cultivated a certain tract of land as a meadow, lying in the county of Brown; commencing at low-water mark on the east bank of Fox river, and running east indefinitely, and bounded as follows, to wit: on the east by Fox river, on the north by a tract claimed by John Lawe, on the east by wild lands, and on the south by a tract formerly claimed by Augustus Bontin, and now claimed by Moses Hardwick, and numbered 29, since the year one thousand eight hundred and ten until the present date; and that he further knows the said Joseph Howe did remain neutral during the war between Great Britain and the United States.

J. B. S JACOBS.

Sworn and subscribed before me, at Green Bay, this 15th day of December, A. D. 1823.

ROBERT IRWIN, JR., *J. P*

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Be it remembered that on the fifteenth day of September, in the year of our Lord eighteen hundred and twenty-three, before me, Robert Irwin, jr., one of the justices of the peace within and for the county of Brown, personally came and appeared Joseph Jourdin, of said county, who, being duly sworn, deposeth and saith that he has certain and personal knowledge of Joseph Howe having claimed and cultivated, as a meadow, a certain tract of land lying in the county aforesaid, No. 29, commencing at low-water mark on the east bank of Fox river, and running indefinitely; and bounded on the north by a tract claimed by John Lawe, on the west by Fox river, on the south by a tract claimed by Agustin Bontin formerly, and now by Moses Hardwick, and on the east by wild lands, being five arpents in breadth on said river, the same more or less, since the year one thousand eight hundred and ten until the present date.

JOSEPH JOURDIN.

Sworn and subscribed before me, at Green Bay, the 15th day of September, A. D. 1823.

ROBERT IRWIN, JR., *J. P.*

DETROIT, *November* 1, 1823.

In the preceding case of Joseph Howe, the commissioners decide that the tract be confirmed to John Lawe, subject to any claims which the said Howe or others may have to the same.

Claim of Margaret Grise.

I, Margaret Grise, hereby enter my claim to a tract of land, No. 18, on the east side of the river at Green Bay, containing six chains in front, and in depth three hundred and sixty chains; bounded by Robert Irwin, esq., on the north, and by John Lawe, esq., on the south.

MARGARET her ⋈ mark. GRISE.

Je, Jaques Porlier, certifie que le clame de Marguerite Grisé á été possedé avant dix-huit cent douze et cultivé en dix-huit cent troize, sans pouvoir justifier, si elle l'avait au paravant on von.

J. PORLIER.

Sworn to and subscribed before me, at Green Bay, this 15th day of September, 1823.

ROBERT IRWIN, JR., *J. P.*

DETROIT, *November* 1, 1828.

On examination of the preceding claim, the commissioners decide that the testimony is insufficient, and that the claim be *not confirmed.*

Joseph Roy's claim.

I, Joseph Roy, hereby enter my claim to a tract of land on the west of the river at Green Bay, containing three arpents in front, and in depth — hundred and twenty arpents; bounded by Jaques Porlier on the north, and Louis Grignon on the south.

JOSEPH his ⋈ mark. ROY.

Witness: ROBERT IRWIN.

Je, Jaques Porlier, certifie que le clame par Joseph Roy de un terre de trois arpents, plus ou moins, borné au nord par Jaques Porlier, et au sud par Louis Grignon, sur la cote ouest de la rivière de la Baye Verte, etait possedé et cultivé comme prairie par la dit clamant se dix-sept cent quatre vingt huit.

J. PORLIER.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, 1823.

ROBERT IRWIN, *J. P.*

DETROIT, *November* 1, 1823.

On consideration of the preceding claim of Joseph Roy, the commissioners decide that the same be *not confirmed.*

Claim of Jaques Porlier to lot No. 25.

I, Jaques Porlier, hereby enter my claim to a tract of land, No. 25, on the east side of the river at Green Bay, containing twelve chains and fifty links in front, and in depth three hundred and sixty chains, bounded by J. B. Brunett on the north and John Dousman on the south.

J. PORLIER.

Witness: ROBERT IRWIN, JR.

Je, J. B. Broder, certifie que le clame de Jaques Porlier, No. 25, sur cote este de la rivière de la Baye Verte, á été possedé et cultivé successivement par plusieurs, sans interruption, depuis dix-huit cent vingt jusqu'a ce jour.

his
J. B. ⋈ BRODER.
mark.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, 1823.
ROBERT IRWIN, JR., *J. P.*

Je, Alexis Garrehey, certifie que le clame de Jaques Porlier, No. 25, sur la cote este de la rivière de la Baye Verte, á été possedé et cultivé successivement par plusieurs, sans interruption, depuis dix-huit cent six jusqu'a ce jour.

his
ALEXIS ⋈ GARREHEY.
mark.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, 1823.
ROBERT IRWIN, JR., *J. P.*

Je, Alexis Garrehey, certifie que Jaques Porlier, este resté chez lui paisible à la Baye Verte tout le temps de la guerre s'y etant fine à son retour de Mackinac le 9 Sept. dix-huit cent douze.

his
ALEXIS ⋈ GARREHEY.
mark.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, 1823.
ROBERT IRWIN, JR., *J. P.*

DETROIT, *November* 1, 1823.

Upon consideration of the preceding claim of J. Porlier to a tract designated as lot No. 25, the commissioners decide that the same be confirmed, subject to any claims which Bazil La Roche or others may have upon the same, not to exceed eighty arpents in depth.

Claim of the inhabitants of Green Bay to common.

Entrie de terre reclamé des habitantés de la Baye Verte: Les soussignés au vous par representation des habitants de la Baye Verte, entrent le clame des dits habitants d'un lot de terre situé sur la cote este de la rivière en face du Fort Howard, contenent deux mille quarre, plus ou moins, borné au nord par les eaux du lac ou baye, et ou sud par Demitelle Longevin, cultivé comme prairies sans interruption, par les dits habitants de la Baye Verte en communante, depuis dix-sept cent quatre vingt quinze, jusqu'a ce jour un partie des dittes prairies leur ayant été oté par le militaire en dix-huit cent dix-sept.

J. PORLIER.
JOHN LAWE.
C. GRIGNON.
A. GRIGNON.
L. GRIGNON.
P. GRIGNON.
JOHN BAPTIST LONGEVIN.

Les soussignés, Joseph Roy et John B. Brunett, aprés avoir prete serment, certifient que le clame des habitants de la Baye Verte, des prairies en face du Fort Howard sur le côte ouest de la rivière entre les eaux du lac, et le clame de Demitelle Longevin, a été cultivé comme prairie par les dits habitants par lots et part jusqu'a ce jour.

his
JOSEPH + ROY.
mark.
his
J. B. + BRUNETT.
mark.

Sworn and subscribed to before me, a justice of the peace, at Green Bay, this 17th day of September, 1823.

J. PORLIER, *J. P.*

DETROIT, *November* 1, 1823.

Upon consideration of the preceding claim of the inhabitants of Green Bay to a tract of land as meadows in common, the commissioners decide that the same does not come within their powers of decision, but that the claim be recommended to the revising power for confirmation.

Reclame.

I, Jaques Porlier, hereby enter my claim to two tracts of land, Nos. 21 and 22, on the east side of the river at Green Bay, containing each ten chains, fifty links, and eight chains in front, and in depth three hundred and sixty chains, bounded by J. B. Laborde on the north, and ———.

J. PORLIER.

Witness: ROBERT IRWIN, Jr.

Moi, J. B. Lemoine, certifie que le clame de Jaques Porlier, No. 21 et 22, sur le côte este de la rivière de la Baye Verte á été acheté par moi à lui, qui en avait fait l'improvement, et cultivé par moi depuis dix-huit cent cinq jusqu'a ce jour.

his
J. B. + LEMOINE.
mark.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, A. D. 1823.
ROBERT IRWIN, JR., *J. P.*

Je, J. B. Broder, certifie que le clame de Jaques Porlier, No. 21 et 22, sur le côte este de la rivière de la Baye Verte a été acheté par J. B. Lemoine de ce lui qui en avait fait le improvement et cultivé soit par lui que par ses successeurs depuis dix-huit cent cinq jusqu'a ce jour.

his
J. B. + BRODER.
mark.

Sworn and subscribed to before me, at Green Bay, this 15th day of September, 1823.
ROBERT IRWIN, JR., *J. P.*

DETROIT, *November* 1, 1823.

On consideration of the preceding claim, the commissioners decide that the same be confirmed, the lot No. 22, subject to any claim which Louis Bourdon or others may have upon it; and provided that said lots do not extend more than eigthy arpents from front to rear.

The commissioners appointed under the act of Congress approved February 21, 1823, entitled "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," do certify that the foregoing is a true and correct transcript from their original journal of proceedings on claims to lands at Green Bay, within this Territory. In testimony whereof, we have subscribed our signatures.

WILLIAM WOODBRIDGE.
J. KEARSLEY.
JOHN BIDDLE.

BOOK No. 2.

Report concerning the second concessions under the act of May 11, 1820.

The undersigned have the honor to transmit an abstract of their decisions upon claims for back concessions upon the straits of Detroit.

A reference to the map which the board have caused to be made, and upon which the claims for second concessions have been protracted, will exhibit sufficiently, perhaps, the nature, location, and extent of the tracts confirmed. These will appear in many instances to be of very irregular shape, and in some to be even in detached parts. Some explanation of this circumstance may be deemed requisite.

The shore of the river Detroit, like that of most rivers, presents an extremely irregular front—in some places jutting in advancing points, in others marked by varied indents more or less deep. The fronts of the old farms appear to have been immemorially defined with sufficient precision, while the lateral lines have, from times equally ancient perhaps, been occasionally subjects of uncertainty and dispute. The rear lines have seldom been marked by any established boundary.

The decisions of land boards, constituted prior to 1820, confirming these old farms, described them, necessarily, perhaps, as bounding *one* upon the *other*, without prescribing either course or distance; and thus indefinite they were put into the hands of the appointed surveyor.

To have run the lateral lines of these farms at right angles with a line which should have corresponded with the general course of the river would doubtless have rendered more general satisfaction, and more universally have insured justice; yet even upon *such* plan difficulties would have been found, but *no fixed* rule seems to have been pursued. Mr. Greely, the surveyor appointed, was a man of general talents, and of much skill in his profession; but his surveys caused, in many instances, bitter dissatisfaction, and there can be no doubt that frequent injustice was done. It often occurred that without any cause founded in the particular justice of the case, or in the ascertainment of *fixed lateral* boundaries, the oblique lateral lines of one man's farm (giving him the whole quantity in which he may have been confirmed) were *so* run as to diminish perhaps one-half the contents of a half a dozen equally meritorious and confirmed claims in the neighborhood: nevertheless, these surveys, as made by Mr. Greely, were afterwards qualifiedly established by Congress, (see vol. 4, p. 412, U. S. L.) The soundest principles of policy may, perhaps, have required it; and perhaps, too, it might have been because the interests of this Territory were not, in anywise at the time, represented in Congress, and cases of individual hardship, resulting from the manner of the surveys, unknown and unthought of at Washington.

Notwithstanding the establishment of these surveys, it is not denied but that considerations alluded to had weight with the commissioners. *Further* confirmations were made, and second concessions were allowed of larger extent in some cases than if such injustice had not been done. It was next considered

important to combine with the rendition of *private* justice to individuals the *public* object of giving to the rear line of the second concessions a course as uniform and as direct as might be. Had the rear of the second concessions been, in every case, at the precise distance of *eighty arpents* from the front, it would have exhibited a boundary to the public lands far more irregular than a line exactly parallel with the intended shore of the river would have done; because the lateral or long lines run by Greely were not parallel with each other, and often made acute or obtuse angles with the shore. To establish, then, a rear line more corresponding with the general course of the river, more nearly approaching a straight line, would enable the commissioners to render more perfect justice to individuals, while at the same time it made incomparably fewer unsalable fractions of public lands. It rendered the boundaries of private right more certainly ascertainable at any distance of time, and established a more advantageous, seemly, and convenient boundary for the public domain. That course was therefore pursued; and in order to leave less to the hazard of accident, or to the possible caprice of surveyors, the board solicited the surveyor general to depute some suitable person to run the lines, while the commissioners should still retain some control of the subject; and feeling confident that by such means they had better combined the attainment of individual justice with a considerable public benefit, they have not ceased to flatter themselves with the hope that both the motives and the results of their proceedings in this particular will receive the approbation of the government.

A detailed inspection of the commissioners will exhibit some uncertainty in the indemnification of the persons entitled to second concessions. Relatively to that matter, the undersigned beg leave to remark that, in the transfers which have been made of old French farms upon the Detroit since the emanation of patents, it has rarely occurred that any specific provision has been made for the eventual acquisition of the second concessions.

Among a people too much accustomed to consider pedal possession as the *best*, if not the only, evidence of right, it might have been expected that no provision should be made for contingent prolongations of their farms. Few, indeed, were those cases where such transfers have been made, in which a regular claim of title was exhibited for the front. Little difficulty was felt as to the propriety of confirming to the *bona fide* proprietor of the front, where *he could be identified*, the right to the second concession. These concessions were granted by Congress, it is presumed, because an inchoate claim had always before been set up for them by the owners of the front, because they were considered, and justly, to be necessary to the proper enjoyment and cultivation of the fronts, for the fronts of forty arpents had, in general, many years ago, been entirely stripped of wood and timber trees; the right to the rear was therefore considered by the commissioners as *incident* to the property of the front, and it has uniformly been accorded to the owner of the entire front farm, where he could be identified, unless when, in sales of the front, the right to the second concession was expressly retained. But seeing the difficulty of ascertaining the real and *bona fide* ownership of the fronts, it has been resolved to insert in the body of many of the specific decisions a clause purporting that the claimant should hold for the *use* of the *bona fide* owner of the front farm; and, lest injustice should be done by some casual omission of the clause, the undersigned explicitly declare that, throughout all their decisions, it has been uniformly intended that all their grants or confirmations should be understood as containing a reservation of all equitable rights in favor of all persons having any *bona fide* interest in all or any of the subjects of grant or confirmation acted upon by the commissioners.

It may be proper also to submit, that some difficulty was experienced in determining to what geographical point the principle of the second concessions should be extended. There are not wanting strong reasons to conclude that the whole extent of the water-course connecting Lakes Erie and Huron was anciently called by the French the "Detroit." Lake St. Clair, which intervenes, is small and shallow; it is but a circumscribed expansion of the connecting waters. It may be further remarked, that whatever reasons influence the government to grant the right to second concessions to the farms below that lake seem to apply with almost equal force to those on its borders. The commissioners devoted some consideration to this topic, but finally concluded to receive only such applications for the second concessions as were below Wind Mill Point, so called; for, although the "river Detroit" might with equal propriety be considered to extend further up, yet in most modern maps, and especially at the office of the surveyor general, the water-course seems there to lose its name, and to become designated by the name of "Lake St. Clair." Although the conclusion of the commissioners in this respect was rather reluctantly adopted, yet it was attended by the satisfactory reflection that if, in the opinion of the government, expediency and equal justice required it, the principle could, with but little inconvenience, be extended.

Some difference of opinion existed among the commissioners upon the question whether the principle of second concessions should apply to islands. Such claims so circumstanced as were presented the board were enabled, however, to decide upon other grounds, and without *necessarily* involving a decision of that question.

A different question arose, which it became necessary to decide. It was, whether, in order to accord a second concession, it was competent to pass a navigable water. The river Rouge, which empties into the Detroit a short distance below the city, is navigable for sloops and small vessels some miles up from its mouth; it puts into the river Detroit obliquely. A second concession was claimed by the proprietors, of about five hundred acres, upon a peninsula below its junction with the straits, and although serious doubts were entertained on the point, yet a majority of the board were of the opinion that the claim was sustainable, and the concession was granted.

Although, in the prosecution of their labors on this branch of their duties, many difficulties were presented and doubts were entertained, yet it is not recollected that any other than those alluded to occurred of sufficient magnitude to render it indispensable that they should be specifically submitted to the government in this general view which the commissioners have the honor to present.

All which is very respectfully, and with deference, submitted.

WILLIAM WOODBRIDGE,
J. KEARSLEY,
Commissioners.

No. 1.

To the commissioners for ascertaining and deciding upon private claims to lands in the district of Detroit:

As the remote assignee of John, William, and David Macomb, I hereby give notice that I make claim to a donation of land situate within this district, containing one hundred and fifty acres, bounded and described as set forth in the evidence of title herewith submitted.

Respectfully,

JONATHAN KEARSLEY.

DETROIT, *September* 30, 1823.

To William Woodbridge, esq., one of the commissioners for adjusting private land claims in the district of Detroit:

SIR: Placed in a situation of peculiar delicacy, I am obliged to submit for your consideration all the title papers upon which my claim to a certain tract of land on Grosse Isle is predicated, trusting that such course may be taken as will secure to me the lands claimed, viz: 150 acres of land adjacent to that purchased by me.

It will be perceived that in August last I purchased a certain tract of land on the eastern border of Grosse Isle; that I derive title from Mrs. Sarah Macomb, executrix of the estate of William Macomb, deceased; and as all the lands not heretofore confirmed by a former land board have been confirmed by that board of which you and I had the honor to be members to Mrs. Sarah Macomb, as executrix in trust for the use of the children and legal representatives of said William Macomb, deceased; and as those decisions were made at a time prior to my having any interest in said lands, my object now is, sir, to obtain, in my own right, as a *legal representative*, such quantity of said lands as may be thought just and equitable, in virtue of my said purchase, either as a donation and back concession or otherwise. The original claims as filed, it will be seen, were made long prior to the sale of that land now owned by me. I therefore claim that the benefit of the entry of John A. Rucker, or Mrs. Macomb, or others, through whom I claim title, may, to the extent of 150 acres, be taken and held to enure to my benefit, as in other parallel cases it has been adjudged by the unanimous decision of the board. I therefore submit the case, with the documentary testimony now presented.

J. KEARSLEY.

DETROIT, *September* 30, 1823.

The tract claimed by Major Jonathan Kearsley is described as follows, viz:

So much of the tract (reported in the abstract of absolute confirmations transmitted, No. 51) as may satisfy the claim of Major Kearsley, to wit, 150 acres, and is bounded as follows: beginning at the south-east corner of the tract designated by this board by No. 51; thence west, by the line of the tract formerly confirmed to John, William, and David Macomb, and on the map of survey of Aaron Greely, esq., by No. 554, to the river Detroit, upon the western border of Grosse Isle; thence along the margin of said river, up stream, such distance as that a line running east or parallel to the first-mentioned line, and thence south, and upon the western line of the section No. 554, (as numbered upon said map of Aaron Greely,) as confirmed to John, William, and David Macomb, to the place of beginning, shall include one hundred and fifty acres.

The case of Major Kearsley presents a difficulty which can hardly be obviated, except by the direct interposition of the Secretary of the Treasury, or of some competent revising power. As a remote assignee of the original confirmees of the several tracts formerly confirmed upon Grosse Isle, he claims the benefit of the second section of the act of April 23, 1812, authorizing the confirmation of claims for donation lots. He adduces a regular and perfect claim of title from the original patentees to himself for one hundred and fifty acres of land upon Grosse Isle, opposite to "Elba," (so called,) being parts of lots designated on Greely's map of the survey of private lands by Nos. 553 and 554. He shows that entries of claim for donation rights were regularly and in due time filed, and claims that said entries may so far enure to his benefit as that he may obtain, in the rear of his land, a tract which shall be, in quantity, proportionate to the contents of his front, to be assigned to him in that tract designated in the report of absolute confirmations by No. 51.

The principles assumed by the board, after due consideration, would justify the enforcement of his claim, if the right to donation lots or second concessions be applicable to an island in the river Detroit. And it is submitted that a *literal* adherence to the act of April 23, 1812, would, beyond question, comprehend the case of farms upon Grosse Isle; for those farms "border upon and front the Detroit river;" they "do not extend in depth eighty arpents French measure." When this board acted upon the subject, there were vacant lands adjacent to and back of the lands previously confirmed to the original patentees; they were early, and in due time, claimed as second concession and donation lots.

On the general question, it is believed that Commodore Brevoort, while a member of this board, was decidedly of opinion that the provisions of the second section of the act of April 23, 1812, ought to be extended to farms fronting the Detroit river, upon islands in it; but he ceased to be a member of the board, and Major Kearsley had become a proprietor upon Grosse Isle before any decision had been entered *specifically* upon any of the Grosse Isle claims; and feeling an interest in the question, Major Kearsley declined to act *specifically* upon it. All, therefore, which it seemed possible to do was to confirm the claims of claimants there *generally*, without settling, or meaning to settle, specifically the question whether such decisions should be in the *character of donation rights*, or of confirmations of previous claims founded upon occupancy, improvement, &c., in the hope that the principle which, in such circumstances, the board could not definitively settle, might be considered as reserved to be specifically acted upon and settled by the Secretary of the Treasury or other revising authority. As one of the members of the board, the undersigned has been invariably of the opinion that the only principle upon which the confirmation of lot No. 54, rear of 549, formerly confirmed, at the head of the island, (consisting principally of morass,) and adjoining the lot now owned by Simon Perkins, esq., could have been justified, under the law, upon *no other principle* than that of the application to such a case of the provisions of the second section of the act of April 23, 1812. The confirmation of lot No. 51, (rear of 553, formerly confirmed,) and adjoining the lands of Major Kearsley, can hardly be justified, in the opinion of the undersigned, on any *so strong* ground; and the undersigned has felt himself conscientiously justifiable in assuming that as the ground

of *his* individual opinion. Under this combination of circumstances, is it just or wise that Major Kearsley should lose all benefit of the contingent establishment of that principle, *because*, from the relation in which he stands to the subject, he deemed it indelicate or indecorous in him to act upon the question? Yet by *this* board no decision can now be made, specifically, upon that point.

If, then, the revising power should deem it proper to act upon the question, and should be of the opinion that the right to donation lots may, according to the provisions of the law, be enforced upon an island in the Detroit river, it is respectfully submitted that there be inserted in the patents which may issue for lots numbered by this board 54 and 51, upon Grosse Isle, a clause by which the patentees shall be deemed to hold the same to and for the benefit of the present *bona fide* proprietors of the originally confirmed adjoining tracts; to *each in proportion* to the quantity of land he may hold in such originally confirmed tract, and to his respective interests therein.

Or (if such a course be compatible) that there be patented, direct, to Major Kearsley and to Simon Perkins, and to such others as may appear the *bona fide* present owners of the tracts originally confirmed, adjacent to said numbers 51 and 54, (as numbered by the present board,) such proportions and quantities thereof as, upon the principles of the law of April 23, 1812, they may respectively claim therein.

WM. WOODBRIDGE.

Sarah Macomb, as executrix to the estate of William Macomb, deceased, Grosse Isle, claim No. 2, in virtue of original confirmation No. 553.

LAND OFFICE, *November* 28, 1818.

On Wednesday, August 3, 1808, the commissioners of the land office at Detroit confirmed to John, William, and David Macomb, the heirs and legal representatives of William Macomb, deceased, lot No. 553, situate, lying, and being on Grosse Isle, on the border of the river Detroit, containig six hundred and forty acres by the return of the surveyor. In pursuance of the act of Congress passed April 22, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Sarah Macomb, administratrix and executrix of the last will and testament of William Macomb, deceased, do enter the rear of said farm, so as to extend it to eighty arpents in depth, French measure.

SARAH MACOMB.

[For decision on this claim see report upon absolute claims, (transmitted,) No. 51.]

It will, however, be observed that Major Jonathan Kearsley makes claim to a small part of this tract; and it is designed and intended that the above claim, confirmed in the absolute reports, should be considered as limited by the claim of Major Kearsley, should the revising power sanction the principles contained in the observations of one of the members of this board.

The legal heirs of John Macomb, Grosse Isle, No. 2, rear of No. 553.

DETROIT, *November* 30, 1818.

SIR: The legal heirs of John Macomb, otherwise John W. Macomb, deceased, make entry and claim title, under the act of Congress of April 23, 1812, and revived and enforced by the act of March 3, 1817, to the vacant land lying in the rear of a tract of land on the Detroit river, on what is called Grosse Isle, numbered on the map of Aaron Greely 553, and containing six hundred and forty acres, more or less; and which said tract of land was granted to John, William, and David Macomb, by patent, in the lifetime of said John, and after his death, by division of land, assigned to the heirs of John Macomb, to hold in severalty; which said vacant land claimed lies in rear of said land numbered 553, and northerly thereof, and is a part of said Grosse Isle.

SOL. SIBLEY,
Attorney and Agent for the legal heirs of John Macomb.

The REGISTER *of the Land Office in the district of Detroit.*

[For decision on the claim see the next preceding.]

John A. Rucker, assignee of John Macomb, claim No. 2, rear of 553.

DETROIT, *November* 30, 1818.

SIR: John A. Rucker, assignee of John Macomb, otherwise called John W. Macomb, enters and claims title to the land lying in rear of a certain tract of land lying on the Detroit river, on what is called Grosse Isle, numbered 553, according to the map of survey made by Aaron Greely, and contains six hundred and forty acres, more or less; which said tract of land was granted to the said John, William, and David Macomb, in the lifetime of said John and by said John assigned to the said John A. Rucker, and by division of the lands of said John, David, and William Macomb assigned to the said John A. Rucker, to hold in severalty; which said land so claimed to be confirmed in is vacant, and lies in the rear of said tract of land numbered 553; and he claims to be confirmed therein by an act of Congress of April 23, 1812, revived and enforced by the act of March 3, 1817.

SOL. SIBLEY,
Attorney and Agent for John A. Rucker.

The REGISTER *of the Land Office at Detroit.*

[For decision on this claim see the two preceding, and remarks subjoined to the former of them.]

Alexander Macomb, Grosse Isle, claim No. 2, rear of No. 553.

NOVEMBER 28, 1818.

On Wednesday, August 3, 1808, the commissioners of the land office at this place confirmed to John, William, and David Macomb, lot No. 555, situate, lying, and being on Grosse Isle, on the border of the river Detroit, containing, by the return of the surveyor, six hundred and forty acres, and being in depth only fifty-five chains, or eighteen arpents and a half, French measure. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Alexander Macomb, as agent of David B. Macomb, do enter the vacant land adjacent to the tract confirmed as above, so as to obtain the donation offered by the acts of Congress above quoted, and is bounded as follows: beginning at the southwest corner of tract No. 555; thence running east 51 chains, on the southern line of the aforesaid tract No. 555; thence south, on the west border of tracts Nos. 552 and 553; thence west, on the north border of tract No. 554, to the water's edge; thence up stream, on the border of the river Detroit, to the place of beginning; containing five hundred and eighty-three and sixteen-hundredths acres, by the survey in the land office.

ALEXANDER MACOMB.

The REGISTER *of the Land Office at Detroit.*

[For decision on this claim see the preceding claims.]

Sarah Macomb, executrix to the estate of John Macomb, deceased, claim No. 3, rear of No. 554.

LAND OFFICE, *November* 28, 1818.

On Wednesday, August 3, 1808, the commissioners of the land office at Detroit confirmed to John, William, and David Macomb, lot No. 554, situate, lying, and being on Grosse Isle, on the border of the Detroit river, containing, by the return of the surveyor, 639 5-10ths acres.

In pursuance, therefore, of the act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Sarah Macomb, executrix of the last will and testament of William Macomb, deceased, do enter the land which is vacant, and adjacent to the above granted farm, No. 554, which is only forty-nine arpents, French measure, in depth. The following tract, commencing at the east corner of the tract 554; thence, running west, along said tract, 104 chains to the river Detroit; thence, following said river south, southwestwardly to the place of beginning; containing, by the return of the surveyor, three hundred and sixty-two acres.

SARAH MACOMB.

[For decision on this claim see the preceding ones; also report upon absolute claims.]

The heirs of John Macomb, deceased, claim No. 3, rear of No. 554.

DETROIT, *November* 30, 1818.

SIR: The legal heirs and representatives of John Macomb, otherwise John W. Macomb, deceased, make entry of claim and title under the act of Congress of April 23, 1812, revived and continued in force by the act of March 3, 1817, to the vacant lands in rear and adjoining to a certain tract of land situate on the Detroit river, upon what is called Grosse Isle, and granted the said John, William, and David Macomb, in the lifetime of said John, and since the death of said John, by a division of said land, assigned to the heirs of said John, to hold in severalty; which, on the map of survey made by Aaron Greely, is numbered 554, and containing six hundred and forty acres, more or less; which said vacant lands, so claimed by said heirs, lie to the south and west of said lands numbered 554, and embrace a part of Grosse Isle, Isle of Celeron, Hickory island, and Calf island.

SOLOMON SIBLEY,
Agent and Attorney for the heirs of John Macomb, deceased.

The REGISTER *of the Land Office at Detroit.*

[For decision on this claim see the previous references.]

John A. Rucker, assignee of John Macomb, otherwise John W. Macomb, claim No. 3, rear of No. 554.

DETROIT, *November* 30, 1818.

SIR: John A. Rucker, assignee of John Macomb, otherwise called John W. Macomb, makes claim of title and entry of land in the rear of a certain tract of land confirmed and granted to John, William, and David Macomb, situate on the Detroit river, called Grosse Isle, being numbered on the map of survey made by Aaron Greely 554, and containing six hundred and forty acres, more or less; which said tract of land was assigned to the said John A. Rucker by the said John Macomb in his lifetime, to hold in common with William and David Macomb, and which afterwards, on division of certain lands, was assigned to the said John A. Rucker to hold in severalty; which said land he claims is vacant and unconceded, and lies adjoining to said tract numbered 554, in rear thereof, to the westerly; which tract he claims, embracing a part of Grosse Isle, Hickory island, Isle Celeron, and Calf island, to be confirmed in by virtue of the act of Congress of April 23, 1812, revived and continued in force by the act of Congress of March 3, 1817.

SOLOMON SIBLEY, *Agent and Attorney of John A. Rucker.*

The REGISTER *of the Land Office at Detroit.*

[For decision on this claim see the previous references and remarks.]

The legal heirs of John Macomb, Grosse Isle, claim No. 4, rear of No. 552.

DETROIT, *November* 30, 1818.

SIR: The legal heirs of John Macomb, otherwise called John W. Macomb, make claim and title, jointly, of and to the land in rear of a tract of land lying up the Detroit river, situate on Grosse Isle, and on the map of Aaron Greely is numbered 552, and contains six hundred and forty acres, more or less, in pursuance of the provisions of the act of Congress of April 22, 1812, revived and enforced by the act of Congress of March 3, 1817, and which said land thus claimed lies in rear and contiguous to said tract numbered 552, and is commonly known by the name of Stoney island, Sugar island, and Fox island; which said tract of land, numbered 552, was granted, by patent, to John, William, and David Macomb, and after the death of said John assigned, by division, to the heirs of said John Macomb, to hold in severalty.

SOLOMON SIBLEY,
Agent and Attorney for the heirs of John Macomb.

The REGISTER *of the Land Office at Detroit.*

[For decision on this claim see the previous references and remarks.]

Sarah Macomb, executrix to the estate of William Macomb, claim No. 5, rear of No. 549.

On Wednesday, August 3, 1808, the commissioners of the land office at this place confirmed to John, David, and William Macomb, the heirs of William Macomb, deceased, lot No. 549, situate, lying, and being on Grosse Isle, on the border of the river Detroit, containing, by the return of the surveyor, six hundred and forty acres.

In pursuance, therefore, of the act of Congress passed April 23, 1812, and revived by a subsequent act of March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Sarah Macomb, executrix of the last will and testament of William Macomb, deceased, do enter the vacant land lying and being adjacent to the said tract, which vacant land is bounded as follows: beginning at the northeast border of tract No. 549, where it touches the river Detroit; thence, running on the water's edge, one hundred chains; thence, across the marsh, west, twenty-five chains; thence, along the water's edge, south, till it strikes the northwest corner of tract No. 549; thence, following the bounds of said tract, to the place of beginning; containing five hundred acres.

SARAH MACOMB.

DETROIT, *March* 28, 1818.

[For decision on this claim see report upon absolute claims Nos. 54 and 55; also the previous references and remarks. The entire benefit of the above entry is claimed by Simon Perkins as the present *bona fide* proprietor of the adjoining tract No. 549, he having shown, in due form, the evidences of that ownership, and insisted upon his right in the premises in virtue of the principles established by the board, and the provisions of the second section of the act of April 23, 1812. See observations of one of the members of the board.]

Simon Perkins, assignee of Grosse Isle, claim No. 6.

DETROIT, *September* 28, 1821.

The claim of Simon Perkins, of Warren, in the State of Ohio, respectfully showeth: That he, the said Simon Perkins, is the proprietor of two certain tracts and parcels of ground on Grosse Isle, (so called,) in the county of Wayne and Territory of Michigan, to wit: sections number one and number three, recently owned by Gideon Lut.

The said claimant is desirous of obtaining, according to the provisions of the laws of the United States in such case made and provided, a *confirmation* of his title to certain lands lying between the above-mentioned tracts and the river Detroit; which lands, at the time of the original survey, were either covered with water or considered of so little value as that they were omitted in said survey, and, by a recent recession of the waters from said tracts of land, the said land claimed is, in a great measure, cut off from the privilege of said river Detroit, except by crossing said unsurveyed strip of land lying, as aforesaid, between said sections number one and number three. The said claimant, therefore, respectfully submits to the said commissioners his petition in the premises, and prays a confirmation of his title as aforesaid.

SIMON PERKINS,
By his special agent and attorney, J. J. DEMING.

The UNITED STATES LAND COMMISSIONERS *sitting to decide upon claims in the district of Detroit.*

It is satisfactorily shown to this board that the above-named claimant, Simon Perkins, is the assignee of the above-described tract of land, to which he derives title from John, William, and David Macomb.

[For decision on the claim see report upon absolute claims.]

William Walker, claim No. 7, rear of No. 245.

SIR: In conformity with the law, I apply for the donation tract to those to whom tracts have been confirmed, bordering on the river Detroit. I am, sir, possessed of a tract of six hundred acres, which is

on the border of the river Detroit, and runs back only 127 chains 86 links, and beg to be confirmed in a sufficiency to make up 80 arpents, agreeably to law. My tract is numbered 345.

I am, sir, your obedient,

WM. WALKER.

PETER AUDRAIN, *Register of the Land Office at Detroit, in the Territory of Michigan.*

It appearing, upon examination, that there was confirmed to the above-named claimant, by a former board of commissioners, on October 25, 1809, a tract of land fronting upon Detroit river, containing 600 acres of land, that the same was subsequently surveyed by a duly authorized surveyor thereto appointed, and that the same was by said survey described as follows, to wit: commencing at a post standing on the border of Detroit river, between this tract and unconceded land; thence west, 112 chains 66 links, to a post; thence north, 50 chains, to a post; thence east, 127 chains 86 links, to a post standing on the border of Detroit river, between this tract and unconceded land; thence along the border of said river, down stream, south 8 degrees west, 14 chains; thence south 35 degrees west, 16 chains; thence south 10 degrees west, 23 chains 39 links, to the place of beginning, containing 600 acres, and is numbered on the books and plat of said commissioners No. 345; and it appearing further to the commissioners that said William, in due time, made entry of his said claim according to the provisions of the law, it is therefore considered and decided in the premises that said William do receive a second concession or donation in rear of said farm, which second concession shall consist of an extension of the front farm to a point which shall be 80 arpents from the river Detroit, provided that the northerly lateral boundary line be run in the same course of the upper lateral line of said front farm, and be an extension thereof, and the southerly lateral line be run along the northerly lateral line of a tract No. 335, formerly confirmed to Adam Brown, now the property of Lewis Cass, esq.; and provided, also, that the survey of said second concession be otherwise so made as not to interfere with the lines of any tract heretofore confirmed, or by competent authority sold, to any other person. And the surveyor thereto duly appointed is hereby authorized and required to survey the same accordingly, and a due return and plat thereof to make according to law.

J. B. Lavignac dit Livre, assignee of Jean Bte. Le Beau, claim No. 8, rear of No. 112.

DETROIT, *November* 28, 1818.

SIR: Please to take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the following lot, viz: lot No. 112, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; which said lot is on the border of Detroit river.

GEORGE McDOUGALL,
Attorney and Agent for J. B. Lavignac, Assignee of Jean B. Le Beau.

PETER AUDRAIN, Esq.,
Register of the Land Office for the district of Detroit, in the Territory of Michigan.

It is found, on reference to the books of former commissioners in the office, that this front farm, numbered 112, was confirmed to J. B. Le Beau; and it further appears to the commissioners that Jean Baptiste Lavignac dit Livre purports to be the assignee of said Le Beau.

The commissioners, in considering this claim, find that claimant would be entitled to back concession, (fronting, as his farm does, upon the river Detroit,) but it is found that the survey of Aaron Greely does not extend his front farm beyond about twenty arpents; and that, immediately in rear, another confirmed farm intervenes between claimant's farm and the public lands applicable to back concessions.

Under the circumstances of this case, therefore, the board would recommend for confirmation to the said Jean Baptiste Lavignac dit Livre a tract of land of such quantity as to make the said front farm equal in depth to 80 arpents; provided that the same do not exceed one hundred and twenty acres, and that the said claimant be allowed to locate the same upon public lands adjacent to his said front farm not appropriated by any confirmation or recommendation for confirmation by this or any previous board; and saving, moreover, the just and equitable claims of all persons whatsoever in or to the same, by virtue of title or claim in and to the said front farm, and that the rear or second concession may belong to the *bona fide* proprietor of the above-described front farm.

Jonathan Sheffelin, claim No. 9, rear of No. 212.

DETROIT, *November* 28, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the following lot, viz: lot No. 212, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth, which said lot is on the border of the river Detroit.

GEORGE McDOUGALL, *Agent and Attorney for Jonathan Sheffelin.*

The REGISTER *of the Land Office for the district of Detroit, in the Territory of Michigan.*

Upon examination of the records of the former land board, it appears that claimant is the original confirmee of the front farm above mentioned, and that he is entitled to a second concession. But it also appears that, by the survey and return of Aaron Greely, esq., the public lands adjacent and in rear have

been appropriated to other claimants by the said surveyor, and it is known that confirmations, according to said survey, were made by an act of Congress.

The present board can therefore only recommend that such quantity of land be granted to claimant as may make the front farm equal in extent to eighty arpents in depth by its present front, (not exceeding eighty arpents,) to be located upon such of the public lands next adjacent to his front farm as may not be included within the limits of any tract confirmed, or recommended for confirmation, by this or any former board of commissioners.

Pierre Le Blanc, Gabriel Godfroy, and J. B. Bourrassa, claim No. 10, *rear of Nos.* 83, 92, 85.

NOVEMBER 28, 1818.

Claim No. 83. Pierre Le Blanc, as assignee of Louis Bourrassa.
Claim No. 92. Gabriel Godfroy, administrator of Joseph Bondie, deceased.
Claim No. 85. J. B. Bourrassa.

Please take notice that, in pursuance of an act of Congress passed April 25, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to land in the district of Detroit," I now enter the rear of the above-numbered lots or farms, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lots or farms to eighty acres or arpents in depth, which said lots are on the border of Detroit river.

GEORGE McDOUGALL, *Agent and Attorney for said Claimants.*

Caveat against the claim of James May, as assignee of the St. Cosme family, to the second concession of the farms at the river Ecorces, confirmed to J. B. Rousson, heirs of Joseph Bondie and Pierre Le Blanc, filed with the commissioners of the United States land office at Detroit, July 6, 1821.

The undersigned have the honor, at this time, to adduce their proof and vouchers in support of their entry made of the second concession of their farms on the Detroit river, in conformity to their notices filed with the late register of the land office at Detroit, November 30, 1818, to the following lots, to wit:

To lot No. 85, confirmed to J. B. Rousson, 70.68 acres.
To lot No. 92, Gabriel Godfroy, senr., administrator of Joseph Bondie, deceased, 68.33 acres.
To lot No. 83, confirmed to Pierre Le Blanc, assignee of Louis Bourrassa, all on Detroit river.

1st. Reference is hereby made to the respective patents of the President of the United States to the undersigned for the foregoing tracts of land now filed herewith.

2d. To the act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit"

3d That neither James May, nor any of the St. Cosmes, under whom he claims, ever have had (within the memory of the oldest inhabitants of this country) either the possession, occupancy, or improvement of any of the above farms, viz: lots Nos. 85, 92, or 83, or any of the other farms in the settlement on the Detroit river, above or below, or in the vicinity of the river Aux Ecorces, *to the whole of which settlement* the said James hath, since the year 1796, laid claim *under his Indian deed;* and that he and Mr. Thomas Smith, who also claims *under the said Indian deed* within said settlement, failed in attempting by law, under the British Government, as can still be seen and proved by the records now at Sandwich, of a decree of judgment rendered by the Hon. William Dummer Powell, chief judge of said court, in their proceedings against Ignace Tualt dit Duval; also, in another decision of the supreme court of the Northwest Territory, at Marietta, in the case of the farm on the southwest border of the river Aux Ecorces, No. 113, confirmed to Jonathan Scheffelin, which suit was brought and instituted by the said James May as plaintiff, being the only suit which was taken up into the supreme court at Marietta aforesaid, of a dozen instituted by him in 1796 and 1797 against each individual possessor of farms in said settlement, under his said Indian title. All of the settlers, except the owner of No. 113, (if we mistake not,) had to yield to the decisions of the court of common pleas for the county of Wayne, whereof the said James May then was the presiding judge. That an Indian deed, notwithstanding possession, occupancy, and improvement, was more valid than the naked right of the actual settler, his improvements and occupancy; who had, therefore, on being turned out of possession by the acting high sheriff, at the head of a party of men, to agree to purchase and hold under him, the said James May, in 1797, under the operation of fear and terror, of a pretended legal decision of partial and interested judges absolutely, at that time, ignorant of the first principles of law and equity and of the national law, and particularly of the United States government in such case made and provided.

4th. That a purchase thus made by part of the present applicants, under the influence of fear and compulsion, and contrary to the law of the land, cannot give Mr. May the right to the second concession; for, if he has a right thereto, he is equally entitled to the front farms of every settler on river Ecorces, being twelve arpents fronting the Detroit river, on each side of said river Ecorces.

5th. Reference is hereby made to the King of England's proclamation on the subject of purchases by British subjects, and settlements by them on Indian lands, of October, 1763.

6th. That the decision of the former commissioners of the land board against the present claim to the rear of our lots, Nos. 85, 92, and 83, ought to be conclusive against him, for they so decided from their actual personal knowledge of the foregoing facts stated by us. We now file this our caveat against the said James May's pretensions to the rear of our said farms or second concessions, bottomed only on an Indian deed, without any improvement or possession whatsoever.

JEANE BPT. ROUSSON,
GABRIEL GODFROY, SR.,
Administrators of Joseph Bondie, deceased,
PIERRE LE BLANC,
By GEORGE McDOUGALL, *their Attorney.*

JULY 6, 1821.

Testimony to substantiate the above claims for second concession.

Antoine Robert, being duly sworn, deposeth and saith that he was living at the river Aux Ecorces in the year 1784, and continued to cultivate and occupy at the river Aux Ecorces until the year 1794, and that he was one of the first inhabitants of said place; and this deponent further states that there was no appearance of any establishments, excepting Indians that had made cornfields; and further, that he has no knowledge of Mr. May, St. Cosmes, or Smith having any possession of any land at the said river Aux Ecorces at that time, nor since.

Thomas Smith, being duly sworn, deposeth and saith that all military commandants were civil officers, ex officio, whether so commissioned or not, and decided questions of property, and put citizens into the guard-house who disobeyed their decisions; there were civil magistrates under the commandant who, in all matters of importance, consulted the commandant. The commandant was considered as chief magistrate; and if any debtor attempted to remove from the country, and the creditor made complaint thereof to the said commandant, he refused permission to such debtor to depart until such creditor was satisfied. Alexis Maisonville, on the other side of the river, was one instance of the commandant's sending a party of men and removing him, upon complaint made to such commandant by the Indians that said Maisonville had settled upon certain lands by them claimed, without the permission of said Indians.

Philip Henry Frey subdivided the lands in question at the river Aux Ecorces. The settlers and Madam St. Cosme requested that this deponent should again subdivide them, and he got permission from the commandant so to do.

This deponent does not know that Mr St. Cosme or family, or Judge May, or any person in the capacity of servants or hired men, (unless the tenants who went on these lands under the permission of the St. Cosme family, as all the tenants did, be so considered,) lived or actually occupied or built houses or fences upon the lands in question. Witness does not know that these persons residing on the lands in question ever leased those lands from Judge May or the St. Cosme family; but witness understood that they had purchased from the St. Cosme family, and were to pay for the same.

In answer to questions put by the board—

Answer. The intention of the British government, at the time these claims and similar ones were first preferred, was to confirm all such claims; and upon that principle the said government has always acted, on the other side of the river, towards *bona fide* claimants.

Louis Bourrassa, being duly sworn, deposeth and saith that the farm, No. 85, confirmed to Jean Bpt. Rousson; No. 92, confirmed to Gabriel Godfroy, senr., administrator of Joseph Bondie, deceased; and lot No. 83, confirmed to Pierre Le Blanc, assignee of this deponent, were first settled about thirty-six or thirty-seven years ago; that is to say, the said Rousson and Bondie's farms, by Pierre Mitchel Compau, and that part of my farm which I sold to said Pierre Le Blanc, and which I now possess, I was put in possession of under the British government by Jean Bpt. Salliotte, who also settled the same originally about thirty-six or thirty-seven years ago, no one but Indians being possessors of said farms prior to the first settlement thereof by the said Pierre Mitchel Compau and the said Jean Bpt. Salliotte. This deponent agreed with said James Bondie to pay for the improvements, or for the land, to whomsoever it should belong; and shortly after the Americans took possession of this country James May gained these three farms at law, as Det Eberts informed this deponent in the court-house. Deponent immediately afterwards paid for his said farms about one hundred and eight dollars to the said James May. This did not satisfy Antoine Vermel, who was the tutor of Jean Bpt. Salliotte's children, at river Aux Ecorces. Whereupon this deponent immediately afterwards paid the said Antoine Vermel, in his said capacity of tutor, thirty pounds for the improvements and settlement rights so, as aforesaid, made by the said Jean Bpt. Salliotte in his life, and by the said Vermel afterwards. Madam St. Cosme informed this deponent that Mr. Frey had surveyed these lands, and that he had cut the river Aux Ecorces, and that she had got Mr. Smith to survey them, so as that Mr. Smith should have the fronts on the river Aux Ecorces, between the forks. This deponent went for Mr. Smith, who gave us the proces verbal of said farms. This deponent has no knowledge, and has never heard any one say, that the said James May, or any of the St. Cosmes, under whom he claimed, either by themselves or by their servants, ever have had the possession, occupancy, or improvement of any of the above-described farms now possessed by the said Jean Bpt. Rousson, by the heirs of Joseph Bondie, deceased, or of my said farm, whereof I sold the front on the Detroit river to the said Pierre Le Blanc; nor has this deponent any knowledge of the said James May, or any of the said St. Cosmes aforesaid, ever having the possession, occupancy, or improving the said farms. This deponent says that the St. Cosmes obtained the lands on both sides of the river Aux Ecorces by a deed from the Indians.

Ignace Tualt dit Duval, being duly sworn, deposeth and saith that before the year 1796 he was living at the river Aux Ecorces, and that Louis Bourrassa, deceased, John Bpt. Rousson, Pierre Le Blanc, now live on said farms, and that he lived on them before 1796, and have continued the occupation, &c., of said farms to the present time; and this deponent further saith that he has no recollection of Messrs. May, St. Cosmes, and Smith having possession or occupancy of any land on the said river Aux Ecorces before 1796, nor at any other time.

Jean Bpt. Cicot, being duly sworn, deposeth and saith, in answer to Colonel Godfroy's question, that it is more than thirty years since the lands of J. Bpt. Rousson, James Bondie, and James Bourrassa, were first settled. The land of Jean Bpt. Rousson was first settled by Pierre Melchre Compau, who also first settled the Bondie tract; and the land of Bourrassa was first settled by J. Bpt. Salliotte. He has never heard that either Mr. May, or the St. Cosmes, or Thomas Smith, or either of them, or their agents, ever struck a hoe into the ground.

Question by Colonel Larned in behalf of Judge May. Do you know whether the above-named men, or either of them, have ever bought their claims of Judge May?

Answer. I do not know, but have understood that they bought of the St. Cosmes. Witness is very certain that no person had ever actually settled on the lands in question prior to the possession taken by the above-named persons.

Whereupon, at the instance of Colonel McDougall, Dominique Drouillard was then sworn, and, in answer to the question of Colonel McDougall, says that it must be about thirty-seven or thirty-eight years since the lands in question were first taken possession of by white settlers, and none others came on until it was sold out in parts to others; he has no knowledge that Mr. May, the St. Cosmes, or Thomas Smith, or any of them, or any of their agents, did ever, at any time, cultivate or live upon the lands in question

Upon a full view of the matter of these contested claims it appeared to the commissioners, and was by them decided upon the claim of James May, that the claim of said James to the land here specified and claimed as second concession was prior in point of time, and stronger in point of equity, and it was therefore, upon full consideration, confirmed to him. Nevertheless, the commissioners, considering the equity of the pretensions of claimants and general principles of analogy, do respectfully recommend that there be confirmed to said claimants, respectively, tracts of unappropriated lands in the vicinity, equal to the fronts of each respective farm, to be located upon any public lands in the neighborhood heretofore offered for sale and remaining unsold.

Lewis Cass, claim No. 11, *rear of No.* 45.

SIR: Agreeably to the provisions of the two acts of Congress passed April 23, 1812, and March 3, 1817, as assignee of Daniel Southerland, assignee of Jaques Lasselle and François Lasselle, I enter a tract of land in the rear of and adjacent to the tract on the border of the Detroit river, being numbered 45, confirmed to Jaques Lasselle and François Lasselle; which tract, now entered, is bounded on the northwest by a tract numbered 718, confirmed to ———; on the northeast by a tract numbered 718, confirmed to ———; southwest by three pre-emption rights, numbered 560, 588, and 589; and on the other side by the river Rouge, which runs between it and the tract numbered 45.

LEWIS CASS.

The REGISTER *of the United States Land Office of the district of Detroit.*

Filed with the register November 30, 1818.

Lewis Cass, esq., having adduced to the board several deeds of conveyance from the original confirmees, Francis and Jaques Lasselle, to Daniel Southerland, and from said Southerland to the present claimant, the commissioners are therefore convinced that Governor Lewis Cass is the present *bona fide* proprietor of the front farm. The members of the board having, in their general observations prefixed to this report, stated the difficulties which arose in this case from the intervention of a navigable river (the Rouge) between the front farm and the second concession above claimed, deem it unnecessary again to repeat them here. Subject, therefore, to the control of the revising power, the commissioners confirm to Lewis Cass, esq., as a donation or second concession of the tract of land as claimed by him in his above notice, to be bounded above by lands heretofore confirmed to John Askin, (No. 718,) below by Nos. 589, 588, and 569, confirmed to Bpt. Cicot and Jean Bpt. Duval, and in rear by lands confirmed to McTavish, Forbesher & Co., (No. 505,) usually called the northwest farm or tract of land, provided that the lines thereof be so run as not to extend in rear beyond eighty arpents from the extreme boundary of his front farm upon the Detroit river, and that said lines be not so run as to interfere with the lines of any lands confirmed by this or any former boards.

John Harvey, claim No. 12, *rear of No.* 39.

LAND OFFICE, *Detroit, August* 14, 1817.

On Wednesday, the 22d day of July, 1807, the commissioners of the land office at this place confirmed to John Harvey lot No. 39, situate, lying, and being on the border of the Detroit river, containing, by the return of the surveyor, 208.41 acres, bounded in front by said Detroit river, in rear by unconceded lands, commonly called "Spring Wells" farm. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now, as agent to said John Harvey, do enter the rear of said farm so as to extend it to eighty arpents, French measure, in depth.

B. STEAD,
For JOHN HARVEY.

To the register of the land office, Detroit:

Upon examination of the records of the former land boards it appears that claimant is the original confirmee of the front farm above mentioned, and that he is entitled to a second concession; but it also appears that, by the survey and return of Aaron Greely, esq., the public lands adjacent and in rear have been appropriated to other claimants by the said surveyor, and it is known that confirmations, according to said survey, were awarded by an act of Congress. The present board can therefore only recommend that such quantity of land be granted to claimant as may make the front farm equal in extent to eighty arpents in depth by its present front, not exceeding eighty arpents, to be located upon such of the public lands next adjacent to his front farm as may not be included within the lines of any tract confirmed or recommended for confirmation by this or any former board of commissioners.

John R. Williams, claim No. 13, *rear of No.* 30.

DETROIT, *September* 2, 1817.

SIR: On the 25th day of April, 1812, the President of the United States, by letters patent, granted to me a certain tract of land containing 267.23 acres, situate on the borders of the river Detroit, bounded and described as follows, to wit: beginning at a post standing on the border of Detroit river, between this tract and a tract confirmed to John Harvey; thence north thirty-one degrees west, one hundred and

four chains seventy-three links, to a post; thence north fifty-nine degrees east, nine chains forty links, to a white oak tree; thence north thirty-one degrees west, thirty chains fifty links, to a post; thence north fifty-nine degrees east, eleven chains four links, to a post standing on the western line of a tract confirmed to Jacob Visgar; thence south thirty-one degrees east, thirty chains and fifty links, to a post; thence north fifty-nine degrees east, one chain and fourteen links, to a post; thence south thirty-one degrees east, one hundred and one chains seventy-six links, to a post standing on the border of Detroit river; thence, down stream, south twenty-eight degrees west, twenty-five chains eighteen links, to the place of beginning. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter and make claim, as rear or back concessions, to a quantity of land equal with that contained, as per patent, in the front farm, viz: 267.33 acres.

I have the honor to remain, sir, your obedient, humble servant,

JOHN R. WILLIAMS.

PETER AUDRAIN, Esq., *Register of the Land Office at Detroit.*

In support of the above claim John R. Williams produces to the board the patent of the President of the United States, dated April 25, 1812, setting forth that this is the same tract of land granted or intended to be granted to Matthew Ernest, by patent of Thomas Jefferson, President, dated December 22, 1807; which tract was sold at the suit of the United States to satisfy a debt due to them by the said Ernest, and that John R. Williams was the purchaser thereof; and it being found that the original survey and certificate were erroneous, a resurvey of the same has been made to correct the error. The original certificate has been cancelled, and another issued by the register in lieu thereof, and the patent aforesaid surrendered and cancelled. Therefore, the present patent was issued, &c.

It appearing to the commissioners that John R. Williams is the present proprietor of the above-described tract of land, they therefore confirm to said claimant the back concession as claimed, viz: 267.23 acres of land; and that a survey thereof be made by a surveyor duly authorized, to be located upon the vacant and unconceded lands in rear of the lands heretofore confirmed to said claimant, and that a return of said survey be made to the register of the land office at Detroit: provided, however, that the lines thereof be so run as not to interfere with the lines of any tract heretofore, or by this board, confirmed.

Whitamore Knaggs, river Detroit, claim No. 14, rear of No. 77.

AUGUST 19, 1817.

SIR: Please to take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the following lot: No. 77, bounded in front by Detroit river, above by the heirs of Alexis Campau, below by J. Bte. Campau, and in the rear by unlocated lands. I now enter said tract so that it may extend in depth eighty acres.

WHITAMORE KNAGGS.

The REGISTER *of the Land Office.*

Whitamore Knaggs, in support of the above claim, produces the patent of the President of the United States, dated April 20, 1811, granted to him for the front farm. The commissioners do therefore confirm to Whitamore Knagg 70.36 acres of land in rear of said front farm, to be bounded and described as per survey and return thereof made by Joseph Fletcher, thereto appointed.

The heirs of Alexis Campau, on Detroit river, claim No. 15, rear of No. 78.

AUGUST 17, 1817.

SIR: Please to take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," we claim title to the extent of eighty arpents in depth of the tract of land numbered seventy-eight, the first concession of which was confirmed to us by the commissioners of the land office December 28, 1808.

PETER AUDRAIN, *for the heirs of Alexis Campau.*

The REGISTER *of the Land Office at Detroit.*

The heirs of Alexis Campau, in support of their claim, produce a patent of the President of the United States, dated April 20, 1811, for the front farm.

The commissioners confirm to the heirs-at-law of Alexis Campau 135.57 acres of land, as per return of the authorized surveyor, to be bounded and described as per said survey and return.

Pierre Discompte Labadie, No. 21, claim No. 16, rear of No. 21.

On July 15, 1807, the commissioners of the land office at this place confirmed to me lot No. 21, situate, lying, and being on the border of river Detroit, containing, by the return of the surveyor, 103.36 acres. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of said farm so as to extend it to eight arpents in depth.

JAMES MAY,

JULY 7, 1818. For PIERRE LABADIE.

The above claimant produces, in support of his claim for back concession, the patent of the President of the United States for the front. The commissioners do therefore confirm to Pierre Discompte Labadie 91.40 acres of land, as per return of the surveyor duly appointed.

Jeane Marie Navarre, administrator of the estate of Robert Navarre, claim No. 17, rear of No. 20

AUGUST 26, 1818.

SIR: Please to take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of lot No. 20, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lots or farms to eighty arpents in depth; which said lots are on the border of Detroit river.

ROBERT McDOUGALL, *Agent and Attorney,*
For JEANE MARIE NAVARRE,
Administrator of the estate of Robert Navarre, deceased.

The REGISTER *of the Land Office at Detroit.*

Jeane Marie Navarre, in support of the above claim for back concession, produces the patent of the President of the United States granted to Robert Navarre for the front farm. The commissioners do therefore confirm to the heirs and legal representatives of Robert Navarre, deceased, 145.75 acres of land, situated in rear of the above-mentioned front, to be bounded and described as in the survey and return of the surveyor thereto duly appointed; that is, above by the lands patented to Gabriel Godfroy, senior, and which should have been numbered by Mr. Fletcher 727, and not 728.

Gabriel Godfroy, claim No. 18, rear of No. 727.

LAND OFFICE, *July* 18, 1818.

On Monday, December 10, 1810, the commissioners of the land office at this place confirmed to me lot No. 727, situate, lying, and being on the border of river Detroit, containing, by the return of the surveyor, 112.94 acres, bounded in front by river Detroit, in rear by unconceded lands, below by lands of the late Robert Navarre, and above by lands of my own, as heir of Jaques Godfroy, deceased. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to land in the district of Detroit," I now enter the rear of said farm so as to make it extend to eighty arpents, French measure, in depth.

G. GODFROY.

Gabriel Godfroy, sr., (rear of 727, erroneously numbered 728 on the plat of survey by Mr. Fletcher,) in support of the above claim, produces the patent of the President of the United States granted to him for the front farm.

The commissioners confirm to Gabriel Godfroy, sr., 34.38 acres of land, situate in rear of the above-mentioned farm, bounded below by the lands confirmed to the heirs of Navarre, above by those confirmed to the heirs of Jaques Godfroy, deceased, &c., as per survey and return of the surveyor thereto duly appointed.

Heirs of Jaques Godfroy, deceased, claim No. 19, rear of No. 729.

NOVEMBER 30, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now, therefore, as the sole and legal heir of Jaques Godfroy, deceased, to whom and to whose heirs the commissioners of the land office at this place confirmed lot No. 729, situate on the border of Detroit river, containing, by the return of the surveyor of the district, 78.41 acres, so as to extend it to 80 arpents in depth of the said lot or parcel of ground.

GABRIEL GODFROY, *as sole heir of Jaques Godfrey, deceased.*

The REGISTER *of the Land Office.*

Gabriel Godfroy, sr., produces, in support of this claim, the patent of the President of the United States, confirming to the heirs of said Jaques Godfroy the front farm, in virtue of the possession of which a donation in rear is now claimed. Upon examination of the books, plans, and papers of former boards, it appears that the front farm was confirmed, as aforesaid, to the heirs of Jaques Godfroy. Upon examination of the return of Joseph Fletcher, it appears, also, that there is adjacent to and in rear of said tract vacant lands applicable to that object. Therefore, it is considered by the commissioners, and is decided, that the said heirs of Jaques Godfroy are entitled to demand and receive a patent for a donation tract, or second concession, in rear of said front; provided that the lines of said donation lot do not extend more than forty arpents, French measure, from the rear line of said front farm, nor more than eighty arpents from the border of the river Detroit, nor contain more acres of land than are contained in said front farm; and it is further decided by said commissioners that there be granted to said heirs a patent certificate for said donation lot, upon the production to the register, according to law, of a return of survey, &c., of the surveyor thereto duly appointed, descriptive of said donation tract, and that patent certificate and patent do describe said donation lot according to the survey plan and return of said survey.

Robert A. Forsyth, claim No. 20, rear of No. 474.

NOVEMBER 30, 1818.

SIR: Agreeably to the provisions of the two acts of Congress passed April 23, 1812, and March 3, 1817, as assignee of Daniel Southerland, assignee of Jaques Lasselle and François Lasselle, I enter a tract of land in rear of, and adjacent to, a tract confirmed to Jaques Lasselle and François Lasselle, being numbered 474, on the Detroit river; which tract, thus entered, is two arpents, French measure, in width, and 40 arpents, French measure, in length

ROBERT A. FORSYTH.

The REGISTER *of the Land Office.*

In support of the above claim Robert A. Forsyth produces a deed for the front farm from Daniel Southerland to claimant, in which deed it is set forth that said Southerland is the assignee of Jaques and François Lasselle, and other circumstances shown to this board, to them so satisfactory, that the above claimant is at this time the *bona fide* proprietor of the front.

Therefore the commissioners confirm to Robert A. Forsyth a tract of land in rear of the above farm containing 54.34 acres, according to return of the surveyor thereto duly appointed, and to be bounded and described as per the said survey and return.

The widow and heirs of Col. François Chobert, deceased, claim No. 21, rear of No. 338.

MARCH 31, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, allowing further time for entering donation rights to lands in the district of Detroit, I now enter the rear of lot No. 338, or farm, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to 80 arpents in depth; which said lot is on the border of the river Detroit.

GEORGE McDOUGALL, *Attorney and Agent for said widow and heirs.*

The REGISTER *of the Land Office.*

The patent of the President of the United States is produced in support of the above claim for the front farm containing 36.69 acres.

The commissioners therefore confirm to the widow and heirs of Colonel François Chobert, otherwise called François Chober Loncaire, a tract of land in the rear of that heretofore confirmed, containing, according to the return of the surveyor thereto duly appointed, 34.54 acres, to be designated according to the said return and survey.

Henry Staunton, assignee of François Lasselle, assignee of Daniel Southerland, claim No. 22, rear of No. 473.

NOVEMBER 30, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now, as assignee of Louis Devotion, who was the assignee of Daniel Southerland, who was the assignee of Francis Lasselle and the heirs of Jaques Lasselle, to whom the patent for the front was given by the United States, enter said tract, so as to extend the said lot or farm to 80 acres in depth; said lot being No. 473, situate on the Detroit river.

HENRY STAUNTON.

The REGISTER *of the Land Office.*

Major Henry Staunton, in support of the above claim, produces to the board: first, an authenticated copy from the records of Wayne county, Michigan Territory, of a deed of conveyance from François Lasselle and the heirs of Jacques Lasselle, deceased, (who, it appears from the records of the proceedings of former commissioners, were the original confirmees, and to whom a patent accordingly issued,) to Daniel Southerland; second, a like authentic copy of a deed of conveyance from said Southerland to Louis Devotion; also a like authentic copy of deed from said Devotion to the present claimant, Henry Staunton. There also appears on the files of the register's office an entry of claim to this tract, filed in due time, under the act of March 3, 1817.

Therefore the commissioners confirm to Henry Staunton a tract of land in rear of the farm now owned by him, containing 98.26 acres, according to the return of the surveyor duly appointed, and to be bounded and designated as per said return and survey.

Ezra Younglove, administrator of the estate of François Lafontaine, claim No. 23, rear of No. 44.

AUGUST 25, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I do now, as administrator to the estate of François Lafontaine, deceased, enter the rear of a farm situate on the Detroit river, and numbered on the general plat of survey No. 44, confirmed to François Lafontaine, so as to extend the same in depth 80 arpents, French measure.

EZRA YOUNGLOVE, *Adm'r to the estate of François Lafontaine, deceased.*

The REGISTER *of the Land Office.*

A patent from the President of the United is produced in support of the above claim, granted to the said widow and heirs of François Lafontaine.

The commissioners confirm to the widow and heirs of François Lafontaine, deceased, a tract of land situate in rear of the tract heretofore confirmed, containing 102.96 acres, according to the returns of the surveyor duly appointed to make said survey and return, and to be designated and bounded as per the same.

Angelique Cicot and children, claim No. 24, rear of No. 726.

JUNE 17, 1817.

SIR: Please to take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the following lot, viz: lot No. 726, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; which said lot is on Detroit river.

GEORGE McDOUGALL, *Attorney and Agent for Col. Gabriel Godfroy, sr., Executor of Agate Paupard for the children of Angelique Cicot.*

The REGISTER *of the Land Office.*

A patent of the President of the United States is produced, granting to Angelique Cicot and her children the front farm to which claim is above made for second concession.

The commissioners confirm to Angelique Cicot and her children, or if it should appear satisfactory to the register of the land office at Detroit, prior to the issuing of his final certificate, that the said Angelique is deceased, then the confirmation is hereby made to the children alone, of a tract of land containing 103.79 acres, to be bounded and described as per return made by the surveyor duly authorized to survey said tract.

Solomon Sibley, administrator to the estate of James Henry, deceased, claim No. 25, rear of No. 27.

The commissioners appointed to investigate the title to private land claims in the district of Detroit, and Territory of Michigan, are notified that the subscriber, administrator to the estate of James Henry, deceased, for and in behalf of the heirs and legal representatives of said James Henry, did heretofore file, in the office of the United States register of the land office at Detroit, a notice of claim for the back concession in the rear of the farm granted by the United States to James Peltier, and by said James Peltier sold and conveyed to said James Henry, by deed, in his lifetime, situate on the Detroit river. To said back concession said heirs and legal representatives of said James Henry, deceased, claim and request a confirmation thereof to them.

SOL. SIBLEY, *Administrator to James Henry.*

AUGUST 9, 1818.

Solomon Sibley, esq., administrator to the estate of James Henry, deceased, produces, in support of the above claim to back concession, the deed of conveyance from James Peltier to said James Henry, now deceased, dated December 6, 1811. The said Peltier appears, from the records of the proceedings of a former land board, to have been the original confirmee, and the board are satisfied that the patent of the President issued to the said Peltier. The administrator also submits a certificate upon the sale of the front farm given to D. W. Guynne, dated May 16, 1819, in which it is stated that said D. W. Guynne purchased, at auction, the said front farm; and therein the back concession, and all right, interest, or title thereto, is expressly reserved by the administrator to the heirs of said Henry; and the front farm, so sold to said Guynne, is expressly bounded and limited in rear by the said back concession. A certificate of Solomon Sibley, esq., as administrator, as foresaid, is also produced, certifying to the above facts of reservation of the back concession in his deed to the said D. W. Guynne, &c., and also expressly at the time of the public sale of the front.

Therefore the commissioners confirm to Solomon Sibley, esq., administrator to the estate of James Henry, deceased, a tract of land containing 101.58 acres, bounded and described as per the return of the surveyor duly authorized to make survey and return thereof; to be holden in trust for the use of the said heirs, creditors, and legal representatives of the said James Henry, deceased.

William Woodbridge, assignee of James May, claim No. 26, rear of No. 22.

DETROIT, *August* 12, 1817.

On July 17, 1807, the commissioners of the land office at this place confirmed to Joseph Beaubien lot No. 22, situate, lying, and being on the border of river Detroit, containing, by the return of the surveyor, 102.53 acres. In pursuance, therefore, to an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to land in the district of Detroit," I now, as assignee of Joseph Beaubien, enter the rear of said farm, so as to extend it to eighty arpents in depth.

JAMES MAY, *Assignee of Joseph Beaubien.*

To Peter Audrain, register of the land office, Detroit:

William Woodbridge, assignee of James May within named, who was the assignee of Joseph Beaubien, exhibits his claim, as such assignee, for the back concession, in virtue of the entry of Joseph Beaubien, and also of the above-named James May, and exhibits evidence of regular transfers from the said Joseph to the said James, and from the said James to him, in support of his claim in the premises.

The majority of the board (William Woodbridge, esq., one of the members of said board, declining to act upon his own claim) having examined the title papers above alluded to, find that the present claimant did, in the purchase of the said front farm from James May, expressly stipulate and contract for the purchase of all right, interest, or title, to the back concession, and that such right should enure to his benefit, and did accordingly pay for the same. It also appears from said deed that Mrs. Juliana T. Woodbridge is the joint purchaser with her husband, the above claimant. Claimant also adduces the patent of the President of the United States to Joseph Beaubien, and the transfer thereon endorsed from said Beaubien to said James May. All the instruments presented appear to be regularly executed.

Therefore the majority of the board do confirm to William Woodbridge, esq., and to Mrs. Juliana T. Woodbridge, as back concession, in rear of the farm now owned by them, a tract of land containing 103.09 acres, according to the return of the surveyor duly authorized to make the said survey and return to be bounded and described as per said survey and return.

William Woodbridge, claim No. 27, rear of No. 248.

NOVEMBER 30, 1818.

SIR: Please enter my claim to the donation tract which may be in the rear of the tract containing 135.14 acres, by patent dated May 30, 1811, and granted to Jaques and François Lasselle, being No. 248, as assignee of Daniel Southerland, the grantee under Jaques and François Lasselle; also to such donation or second concession as I may be entitled to as assignee of the said Daniel Southerland, the grantee of Jaques and François Lasselle, the grantees of Joseph Beaubien, of fifty-eight feet front, adjoining said tract above described; which fifty-eight feet front is a part of a tract confirmed to said Joseph Beaubien by patent, dated April 20, 1811.

WM. WOODBRIDGE.

The REGISTER *of the Land Office for the district of Detroit.*

William Woodbridge, esq., adduces, in support of the above claim for back concession, the deed of François Lasselle, the survivor of the original patentees, and the heirs of Jaques Lasselle, the other of the original patentees, duly executed under the direction of the probate court of Wayne county, Michigan Territory, conveying the front farm to Daniel Southerland, and also the deed of Daniel Southerland and wife to present claimant, conveying to claimant all the said front farm, and also granting all right and interest in and to the back concession now claimed.

Therefore, the said claimant declining to decide upon this his own claim, the majority of the board do confirm to the said William Woodbridge 3.74 acres of land in rear of the front farm heretofore confirmed, to be bounded and described as per the survey and return of the surveyor thereto duly appointed.

Louis Le Duc, claim No. 28, rear of No. 24.

AUGUST 6, 1818.

SIR: I hereby notify you, in conformity to the second section of an act of Congress approved April 23, 1812, revived by another act of the 3d of March last, that I claim, as grantee of Alexis Labadie, late of Detroit, deceased, as a donation from the United States, the second concession of a tract of land, No. 44, confirmed to him, the said Alexis, his heirs and assigns, by the commissioners of the land office at Detroit, bordering on the river Detroit, not exceeding the depth of eighty arpents, French measure, from said river, adjacent to and back of the said land so confirmed as aforesaid; and for which the President of the United States granted his patent, dated at the city of Washington, April 20, 1811; being 67.37 acres, bounded in the rear of the same, the front being bounded and described as follows, to wit: beginning at a post standing on the border of Detroit river, between this tract and a tract confirmed to Jaques and François Lasselle; thence north twenty-six degrees west, one hundred and fifteen chains two links, to a post; thence north sixty-four degrees east, five chains eighty-five links, to an ash sapling, the southwest corner of a tract confirmed to Dominique Labrasse; thence south twenty-six degrees east, one hundred and fifteen chains thirty-two links, to a post standing on the border of the river Detroit; thence along the border of said river, down stream, south sixty-seven degrees west, five chains eighty-six links.

LOUIS LE DUC.

The REGISTER *of the Land Office at Detroit.*

Louis Le Duc, in support of his claim, shows, from the files of the register's office, the original entry of claim of Alexis Discompte Labadie to the back concession above renewed, dated December 31, 1812. Louis Le Duc also produces the patent of the President of the United States to Alexis Discompte Labadie. Claimant also produces a deed of conveyance from Alexis Discompte Labadie and wife, conveying to said Le Duc all right, interest, and title, whatsoever, of, in, and to the said front farm, subject, however, to the payment of the debts of the said Labadie.

Therefore the board do confirm to the said Le Duc 69.98 acres of land situate in rear of the front farm, patented to Alexis Discompte Labadie, according to the survey of the surveyor duly authorized thereto, and to be bounded and described as per said return; to be holden in trust by the said Louis Le Duc for the use of the *bona fide* proprietor of the front.

Henry Berthelette, in behalf of Josette Berthelette, his wife, as assignee of Dominique Labrasse, claim No. 29, rear of No. 246.

AUGUST 5, 1818.

SIR: On Thursday, July 21, 1808, the commissioners of the land office at this place confirmed to Dominique Labrasse, now deceased, lot No. 246, situate, lying, and being on the border of the river

Detroit, containing, by the return of the surveyor, 97.77 acres; bounded in front by the said river, in rear by unconceded lands, above by lands of François Gamelin, and below by the lands of the late Alexis Discompte Labadie. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Henry Berthelette, in behalf of Josette Berthelette, my wife, as assignee of Dominique Labrasse, do enter the rear of said farm, so as to make it extend to eighty arpents, French measure, in depth.

HENRY BERTHELETTE,
In behalf of Josette Berthelette, his wife, as assignee of Dominique Labrasse.

The REGISTER *of the Land Office, Detroit.*

The original entry of claim to back concession appears on file in the handwriting of the then register of the land office, purporting to be of Dominique Labrasse, dated December 31, 1812; and the renewal thereof, purporting to be of Josette Berthelette, the assignee of said Labrasse, which also appears in the handwriting of the then register, Peter Audrain, esq., under act of March 3, 1817. There also appears upon the files of said register a deed of conveyance from Dominique Labrasse and wife to Josette Berthelette, the present claimant, subject to certain conditions and limitations.

The commissioners do therefore confirm to the claimant, Josette Berthelette, ninety-six acres and forty-six hundredths of an acre of land, in rear of the tract heretofore confirmed to Dominique Labrasse; subject to all the legal or equitable interests of the said Labrasse of, in, or to the said back concession, in virtue of his right to the front; to be bounded and located as per the survey of the surveyor duly authorized to make and return the same.

Philip Lecuyer, assignee of François Gamelin, claim No. 30, *rear of No.* 23.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the following lot or farm, as numbered on the general map or plan exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; which said lot is numbered twenty-three, and is situate on the river Detroit.

GEORGE McDOUGALL, *Agent and Attorney for P. Lecuyer.*

The REGISTER *of the Land Office at Detroit.*

The application of François Gamelin for back concession to the front farm No. 23, situate on the Detroit river as above mentioned, dated August 5, 1817, was filed with the register in due time, and is presented to this board. Philip Lecuyer also produces the patent of the President of the United States to the said Gamelin for the said front farm, and also a deed of conveyance from said François Gamelin, dated May fifteenth, in the year of our Lord one thousand eight hundred and eighteen, duly executed and acknowledged, conveying the same to the present claimant, Philip Lecuyer.

Therefore the commissioners confirm to the said Philip Lecuyer seventy-four acres and ten hundredths of an acre of land, according to the survey and return of the surveyor duly authorized to make the same; to be holden in trust for the use of the *bona fide* proprietor of the front.

Antoine Lasselle, jr., claim No. 31, *rear of No.* 247.

NOVEMBER 28, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights for lands in the district of Detroit," I now enter the rear of lot No. 247, which was granted by patent from the President of the United States to me, so as to extend the said lot or farm to eighty arpents in depth; which said lot is on the border of Detroit river.

GEORGE McDOUGALL, *Attorney and Agent for Antoine Lasselle, Jr.*

The REGISTER *of the Land Office at Detroit.*

DETROIT, *August*, 1817.

On Wednesday, July 20, 1808, the commissioners of the land office at this place confirmed to Antoine Lasselle, jr., lot No. 247, situate, lying, and being on the border of the river Detroit, containing, by the return of the surveyor, sixty-eight acres and fifty-seven hundredths of an acre. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now, as assignee of the said Antoine Lasselle, jr., enter the rear of said farm, so as to extend it to eighty arpents in depth.

LEWIS LOGNON.

PETER AUDRAIN, Esq., *Register of the Land Office at Detroit.*

The commissioners, in examining this case, find upon the records for the county of Wayne, Michigan Territory, a deed of conveyance from Antoine Lasselle, the original confirmee, to James May, dated July 25, 1810, conveying to him the front farm above mentioned, containing eighty arpents of land, being forty arpents in depth, by two arpents in front, upon the Detroit river. Of same date also is an article of agreement between said Lasselle and May. The said deed and agreement describe the tract as follows: containing two arpents in front, by forty arpents in depth, bounded in front by the Detroit river, in rear by the lands of the United States, above by lands owned by the heirs and legal representatives of William

Macomb, deceased, below by lands of François Gamelin, together with all the buildings thereon erected, with all and singular the improvements, of whatever kind the same may be; being all that, in construction of law, now are, or were, on July 10, 1810, on which the terms of this contract were assented to by Jaques Lasselle, authorized by the said Antoine, jr., his brother, attached to the realty, &c. Release of mortgage from Antoine Lasselle to James May, dated June 19, 1814. The deed of conveyance from James May to Lewis Lognon, conveying all the right, interest, and title, received by said May from Antoine Lasselle, jr., dated May 19, 1814. Louis Lognon and De Garmo Jones' covenant of exchange, dated June 12, 1821. Deed of exchange between the same parties, dated June 15, 1821, wherein said Lognon conveys to said Jones all his right and title to the above tract. The board finds also, upon reference to the proceedings of a former land board, that on December 31, 1808, Antoine Lasselle, jr., by a decision of the commissioners, was allowed, under the 2d section of the act of April 25, 1808, to enter this tract by right of pre-emption with the register of the land office; and that he then paid to the receiver of public moneys one-twentieth part of the purchase money; but that he never made further payment, as appears from the books of the receiver, and consequently that the amount paid became forfeited to the United States. The commissioners infer (as the probable reason why payment was not perfected for this rear tract) that Antoine Lasselle, jr., the then owner, anticipated the right to a donation of the same, and therefore alleged that it was not his interest to complete payment. Reference being had to the articles of agreement, and deed from Antoine Lasselle, jr., to James May, an extract of which is given above, it would seem that said Lasselle contemplated a reservation of the second concession when he sold the front to said May, yet there is neither a specific reservation nor sale of said rear expressed in the said deed or article. There can be no doubt that said Jones is now the *bona fide* owner of the front farm, but how far the claim of the said Jones extends to the back concession this board are not informed, as the said Jones has not made any entry of claim, unless as the assignee of Lognon. It is also matter known to this board that the said Lognon is deceased. The board have not the least doubt of the right of second concession in some one of the parties to this farm; but, from the peculiar circumstances arising out of the case, the board do not deem it within their province to determine to whom the back concession may of right and in equity belong. Under all the circumstances, therefore, the board do confirm the tract claimed as back concession by Louis Lognon, to the heirs and legal representatives of said Lognon in trust, and subject to all the claims in law or equity which Antoine Lasselle, jr., or De Garmo Jones, may have in or to the said tract, containing, by estimation, sixty-eight acres, more or less; and a surveyor, duly authorized and deputed thereto, will survey the same, not to extend in depth beyond eighty arpents from the river Detroit, and return the same, together with a plat thereof, to the register of the land office at Detroit.

Lewis Cass, claim No. 32, rear of No. 55.

NOVEMBER 18, 1818.

SIR: On April 20, 1811, there was granted, by patent from the President of the United States, to John Macomb, William Macomb, and David Macomb, the following tract of land, containing three hundred and nine and one-tenth acres, situate on the border of Detroit river, bounded and described as follows: beginning at a post standing on the border of the Detroit river, between this tract and a tract confirmed to Antoine Lasselle, jr.; thence north twenty-six degrees west, one hundred and seventeen chains eighty-one links, to a post; thence north sixty-four degrees east, eight chains eighty links, to a post; thence north twenty-six degrees west, one hundred and sixteen chains fifty links, to a post; thence north sixty-four degrees east, five chains eighty-two links, to a post; thence south twenty-six degrees east, one hundred and sixteen chains fifty links, to a post; thence north sixty-four degrees east, five chains eighty-two links, to a post standing on the western line of the Detroit commons; thence south twenty-six degrees east, one hundred and eighteen chains seventeen links, to the border of the Detroit river; thence along the border of said river, down stream, south sixty-five degrees west, twenty chains forty-five links, to the place of beginning. I now hold the said land, as the assignee of William Macomb, by deed, in fee simple, bearing date September 9, 1816, and, as assignee of John Macomb, by like deed bearing date October 26, 1816; and therefore claim, as their assignee, under the act of Congress, a tract of land in the rear of said farm equal in breadth to the front, and extending eighty arpents, French measure, from the Detroit river; which land is in two tracts, and bounded and described as follows, viz: one tract beginning at a post standing on the western line of the Detroit commons, being on a course north twenty-six degrees west, one hundred and eighteen chains and seventeen links, from the border of the Detroit, where the said farm joins the town of Detroit, and running from the said post north twenty-six degrees west, one hundred and sixteen chains fifty links, to a post; thence south sixty-four degrees west, five chains eighty-two links, to a post; thence south twenty-six degrees ——, one hundred and sixteen chains fifty links, to a post; thence north fifty-four degrees east, five chains eighty-two links, to the place of beginning; and one other tract, beginning at a post, being on the course, north twenty-six degrees west, one hundred and seventeen chains eighty-one links, from the border of Detroit river, at the dividing line between the tract granted to John Macomb, William Macomb, and David Macomb, and that granted to Antoine Lasselle, jr.; and from the said post running north twenty-six degrees west, one hundred and sixteen chains fifty links, to a post; thence north sixty-four degrees east, eighty chains and eighty links, to a post; thence south twenty-six degrees east, one hundred and sixteen chains fifty links, to a post; thence south sixty degrees west, eight chains and eighty links, to the place of beginning.

LEWIS CASS.

The REGISTER *of the Land Office at Detroit.*

The claimant in the above case exhibits to the commissioners the patent of the President of the United States, bearing date on the day in said entry of claim mentioned, describing the land as in said entry is stated, and purporting to convey the same to the said John, William, and David Macomb, as tenants in common.

The claimant also exhibits a deed of conveyance from William Macomb and Janette, his wife, and also a deed of conveyance from David B. Macomb and Mary T., his wife, purporting to convey to claimant two undivided third parts of said front farm, so patented as aforesaid. He also exhibits an exemplification of a record of certain proceedings during the year of our Lord one thousand eight hundred and

sixteen, before George McDougall, esq., then register of the district of Erie, Huron, and Detroit, upon petition of claimant, dated October 8, 1816, whereby it appears that the premises confirmed and granted by said patent to said John, William, and David were not susceptible of partition and division without prejudice; that the undivided interest and estate conveyed by said patent to said John Macomb was of the value of $4,000, and that the said claimant was decreed to pay said sum; further, that, by a certain indenture of mortgage, an interest in the premises was conveyed by said John Macomb, (since deceased,) in his lifetime, to Alexander Macomb, and that the said Alexander had assigned the same interest to John A. Rucker, to whom the said $4,000 were consequently assigned to be paid; that afterwards, as in and by said proceedings it appears, the said $4,000 were paid to said John A. Rucker; wherefore, by reason of all the premises, the entire interest and estate in and to the whole of said tract patented, as aforesaid, to said John, William, and David Macomb, seem to have vested entirely in said claimant. The claimant, therefore, in virtue of his said estate and property in the said farm so, as above mentioned, patented, conveyed, transferred, and described, in due time made entry of claim, and now claims that there be accorded to him second concessions and donation lots in rear of his said front farm, so as to extend the same, and the lines thereof, to the distance of eighty arpents, French measure, from the Detroit river.

Whereupon, examination being made into the books, papers, and records of proceedings of former land boards, it appears that, in pursuance of an act of Congress passed April 25, 1808, regulating the grants of land in the Territory of Michigan, John, William, and David Macomb appeared before the commissioners for adjusting private land claims, &c., in said Territory, and preferred their claim as entitled to a preference in becoming the purchasers of the specific tracts of land now claimed as second concessions; that their claim was affirmed, the same appearing to have been preferred in the time and manner prescribed by said act; that on December 10, 1808, they accordingly obtained a certificate from the register of the land office, purporting that they had purchased said tracts at $2 per acre; that the aggregate sum of purchase money amounted to $340 88, of which $17 22 had been paid. And it is further shown to this board, by the books of the receiver of public moneys at Detroit, (ex-officio a member of this board,) that on February 5, 1811, a further sum of $68, being, with the said $17 22, a quarter part of the said aggregate sum of purchase money, was duly paid according to the provisions of law, for and on account of said tracts, and in part of said purchase money. But it is not shown that any further payments were on that account made, or that the said tracts were ever afterwards fully paid for or patented; and, from all the circumstances which have come to the knowledge of the commissioners, they think it fair to presume that the said John, William, and David afterwards abandoned all intention of making full payment for said land, or of consummating the said purchase.

Upon this view of facts a question forcibly presents itself: Is the land in the rear of claimant's farm, (which had thus been specifically the subject of the claim of pre-emption,) in the sense of the *law, vacant land applicable to the object* of the claim for the second concessions or donations at present urged? and if so, is the right with the claimant as assignee of the original patentees?

If, by the due payment of the one-fourth part of the purchase money for the tracts in question, an individual, specific, and exclusive right had vested in the assignors of the claimant, there certainly was a period during which the land could not be deemed *vacant* and applicable to the object of the present claim. The pre-emptive purchasers having failed to make payment of the residuary three-fourths of the purchase money in the time prescribed by law, their right to demand a patent for the land may, doubtless, be considered as lost forever. But if purchases under claims of preference are to be considered as subject to all the conditions, &c., incident to ordinary purchases of the public lands, it does not seem perfectly clear that the assignors of claimant are divested of all their interest in the specific property. Have they a right in that portion of the purchase money paid, and is it a right chargeable *specifically upon the land?* Have they a right that the land be offered at auction; and if it should be bid off for a greater sum than $2 per acre, have they a right to reclaim that overplus? Is this right in the contingent advance of price upon a public sale susceptible of annihilation, except by the process of a public sale? If it be not, can the land, in the sense of the law, be deemed *vacant land, &c.?* But if sales of lands in his country, *so sold* under claim of preference, were not subject to the same conditions, &c., as ordinary sales of public lands, does the matter become less doubtful? An interest will then have been acquired in the lands, and no summary mode will be found to divest it. Upon mature consideration, this board had, for its own government, settled the principle that in case of the alienation of a front farm subsequent to the emanation of a patent by the patentee, without making a specific reservation of the second concession, and unattended by circumstances leading to the conclusion that such contingent grant of second concession was intended to be reserved, then that the second concession now to be accorded should pass to the *bona fide* proprietor of such front, the contingent right to the second concession being deemed by this board, in such circumstances, as incidental to the right of property in the front.

Although no specific provision has been made in the conveyances shown to this board for the transfer of the right to second concessions to this claimant, (if such right exist,) yet the board, applying the principle above alluded to to the case, have presumed that it was intended that the right, if it exist, should pass to this claimant; and the more so because the assignors of claimant do not appear, for their own use, to have urged any pretension to the lands as donation lands. But little embarrassed by this part of the case, therefore, the question then recurs, is it competent for this board to decide affirmatively upon the claim preferred? Considering that the initiatory measures of the purchase were not followed up after the payment of the one-fourth part of the purchase money; considering that no claim on the part of the patentees has been urged before this board; considering that no measures in the character of a cavcat, or otherwise, have been pursued by them to prevent a confirmation by this board of the claim presented by their assignee, (of the existence of which claim this board cannot presume them ignorant;) considering their conduct relatively to the matter as evidence of a deliberate abandonment of their claim; considering the spirit of the law of 1812, and the beneficent intentions indicated by it; and especially considering that the whole matter, being spread upon this report in such way that the errors of this board in this case may be corrected by a revising power, if such errors exist—

The commissioners have considered, and do so decide, that Lewis Cass, esq., is entitled to demand and have a second concession and donation in two separate tracts in the rear of, and adjacent to, his said front farm: provided that such tracts shall not exceed forty arpents, French measure, in depth, from the rear lines of his said front farm, nor extend in rear to a point further from the Detroit river than eighty arpents, French measure; that the lines of said two tracts be so surveyed and run as that neither of said tracts shall have a greater breadth in any place than they may respectively have at their places of junction with the front farm aforesaid; the long and lateral lines thereof being run, so near as may be, parallel

with each other, and forming extensions of the short lateral lines of the front farm, preserving, as nearly as may be, the course of said lateral lines of said front farm; and provided, also, that the said lateral lines of said donation tract shall not be so run as to interfere with the Detroit commons, nor with the lines of any tract heretofore, by this or any other board, confirmed to any other person; and especially so as not to interfere with the lines of any lot or tract of land heretofore given, granted, sold, caused to be surveyed, or otherwise disposed of by the governor and judges of this Territory, under color of an act of Congress entitled "An act to provide for the adjustment of titles of land in the town of Detroit and Territory of Michigan, and for other purposes," passed April 21, 1806.

And it is further decided that it shall be lawful for said claimant to cause the said two tracts to be surveyed by some surveyor thereto by the surveyor general duly authorized according to the directions, provisions, and limitations above specified; upon the production of whose certificate of survey, plat, and return, duly made to the register of the land office at Detroit, the said claimant shall be entitled to demand and receive a patent certificate or certificates for said tracts.

Antoine Rivard, claim No. 33, rear of No. 181.

NOVEMBER 30, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act allowing further time for entering donation rights to lands in the district of Detroit, I now enter the rear of lot No. 181, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; which said lot or farm is situate on the border of Detroit river.

GEORGE McDOUGALL, *Attorney and Agent for A. Rivard.*

The REGISTER *of the Land Office at Detroit.*

The commissioners, in examining this claim, are of opinion that this tract may have been originally confirmed to the full extent of eighty arpents. Yet, as the said Antoine Rivard makes entry of claim in due time to a second concession, and as it fully appears that the claimant is justly entitled thereto, if the same be not already confirmed to the full extent, therefore the commissioners confirm to the said Antoine Rivard such small tract or piece of land as may be situated between the rear line of the tract now owned by him, and the general rear line of the back concessions as established by the surveyor duly authorized to make survey thereof; and that if, upon examination, there be found vacant land so as above mentioned situated, it is further decided that a surveyor duly authorized do survey the same, and make return and plat thereof to the register, whereupon a final certificate may issue to the said Antoine Rivard.

Charles Gouin, claim No. 34, rear of No. 12.

JUNE 12, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to land in the district of Detroit," I now enter the rear of lot No. 12, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend said lot or farm to eighty arpents in depth; which said lot is on the border of the Detroit river.

GEORGE McDOUGALL, *Agent and Attorney for Charles Gouin.*

The REGISTER *of the Land Office at Detroit.*

Charles Guoin, in support of his claim above mentioned, exhibits to the board the patent of the President, confirming the front farm above described; the same being the farm designated on the books and papers of former boards by the No. 12. And it appearing manifestly that the said claimant is the *bona fide* proprietor of the front farm aforesaid, and that, according to the provisions of the several acts of Congress which have reference to the subject, the said claimant is entitled to the grant of a second concession or donation in rear of his said front farm, it is therefore decided by the said commissioners that the claim of said claimant be confirmed, and that the same be patented and surveyed to him according to the description and survey by the surveyor thereto duly appointed, made and returned; the said second concession consisting of a tract containing, by said plat, survey, and return, 37.56 acres.

Louis Moran, (pere,) claim No. 35, rear of No. 7.

AUGUST 13, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the following lot or farm, viz: lot No. 7, as numbered on the general map or plan exhibiting the private claims, as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth, which said lot is on the border of the river Detroit.

GEORGE McDOUGALL,
Attorney and Agent for Louis Moran, (pere.)

The REGISTER *of the Land Office at Detroit.*

Louis Moran, in support of the above claim, adduces the patent of the President of the United States, granted to him as the assignee of Maurice Moran, dated June 16, 1812. The commissioners having no question but that the claimant is entitled to a back concession to the above-described front farm No. 7, do therefore confirm to Louis Moran (pere) the tract of land situate in the rear of the farm heretofore patented to him, and to be bounded and designated as per the survey and return of the surveyor duly authorized to make the same, containing, according to said survey, 57.59 acres.

Dominique Reopel, assignee of the heirs of Nicholas Guoin, claim No. 36, rear of No. 13.

DETROIT, *December* 30, 1812.

SIR: In pursuance of an act of Congress of the United States in such case made and provided, please take notice that I claim title to the second concession of the tract of land entered with you heretofore, situated on the border of the Detroit river, of one and three-fourths arpent in front by sixty in rear; and which present claim will extend the same to eighty arpents from said Detroit river; which claim was partly confirmed to me by the commissioners aforesaid on July 6, 1807.

NICHOLAS GUOIN,
By GEORGE McDOUGALL, *his Attorney.*

PETER AUDRAIN, Esq.,
Register of the United States Land Office at Detroit.

On July 6, 1807, the commissioners of the land office at this place confirmed to Nicholas Guoin lot No. 13, situate, lying, and being on the border of the river Detroit, containing, by the return of the surveyor, 105.65 acres. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," we now enter the rear of said farm so as to extend it to eighty arpents in depth.

THE LEGAL HEIRS OF NICHOLAS GUOIN.

To Peter Audrain, register of the land office, Detroit:

Dominique Reopel, in support of his right to a confirmation to the above tract, produces a deed of conveyance, dated June 24, 1819, and duly executed by Archange Guoin, widow and relict of Nicholas Guoin, deceased, and also a deed of the same date, duly executed by Claude Guoin, one of the heirs of said Nicholas Guoin, deceased. By the first of said deeds it appears that the widow aforesaid conveys to Dominique Reopel and his wife, Colette, all her right, title, and interest, by dower or otherwise, in and to the farm above mentioned, and also, expressly, all her right as aforesaid to the back concession, &c. By the second deed it appears that Claude Guoin conveys to the said Dominique Reopel and his wife, Colette, all his right, title, and interest of and to one undivided third part of said farm. It further appears that the said Colette Reopel, wife of the said Dominique, is the daughter of the said Nicholas Guoin, deceased, and, as heir to her father, is entitled to the one undivided third part of the aforesaid front farm. From all which it appears that the said Dominique Reopel and Colette, his wife, now are the *bona fide* proprietors of two undivided third parts of the said farm granted by the patent of the President of the United States to the said Nicholas Guoin. It is also manifest, from the survey and return of the authorized surveyor, that the original tract was extended, as to part of its width, to the full extent of the 80 arpents, and that the residue does not so extend. Therefore, the commissioners do confirm to Dominique Reopel and Colette, his wife, as tenants in common, a tract of land containing 12.59 acres of land, situate in rear of the southerly part of the above-described farm heretofore confirmed to Nicholas Guoin, to be bounded and described as per the return of the surveyor, who was duly authorized to survey and return the same, in trust, nevertheless, and subject to all the legal and equitable rights of all others, the heirs or legal representatives of Nicholas Guoin, in and to the same, except the above-named widow and Claude Guoin, the heir of the said Nicholas Guoin, deceased.

Antoine Dequindre, claim No. 37, rear of No. 8.

DETROIT, *August* 19, 1818.

On July 2, 1807, the commissioners of the land office at this place confirmed to Catharine Dequindre lot No. 8, situate, lying, and being on the border of the river Detroit, containing, by the return of the surveyor, 106.15 acres. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to land in the district of Detroit," I, Antoine Dequindre, do enter the rear of the said farm, so as to extend it to 80 arpents in depth.

ANTOINE DEQUINDRE.

It appears satisfactorily to the commissioners that Antoine Dequindre, the above-named claimant, is the assignee of Madame Catharine Dequindre, his mother, per her deed duly executed, dated May 25, 1816, conveying to the above claimant the tract of land above mentioned, and that she was the original confirmee of said front farm; therefore, the board of commissioners do confirm to Antoine Dequindre the back concession of said farm, so as to extend it to the depth of eighty arpents, being 23.86 acres of land, to be bounded and described as per return of the surveyor duly authorized to make the same.

Antoine Dequindre, claim No. 38, rear of No. 17.

NOVEMBER 12, 1818.

On July 8, 1807, the commissioners of the land office at this place confirmed to Francis Guoin No. 17, situate, lying, and being on the border of Detroit river, containing, by the return of the surveyor, 105.07 acres. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Antoine Dequindre, assignee of Joseph Morass, who was assignee of the said Francis Guoin, do enter the rear of said farm, so as to extend it to eighty arpents in depth.

ANTOINE DEQUINDRE.

To Peter Audrain, register of the land office, Detroit:

Antoine Dequindre, in support of the above claim, produces a deed of conveyance of the above tract from Francis Guoin and wife to Joseph Morass and Moneque, his wife, dated April 30, 1808; also a deed from the said Joseph Morass and wife, November 17, 1813, conveying the said land to Antoine Dequindre.

The commissioners, on examining this claim, are of opinion that this tract may have been originally confirmed to the full extent of eighty arpents; yet as the said Antoine Dequindre makes entry of claim, in due time, to a second concession, and as it fully appears that claimant is justly entitled thereto, if the same be not already confirmed to the full extent, therefore the commissioners confirm to the said Antoine Dequindre such small tract or piece of land as may be situated between the rear line of the tract now owned by him and the general rear line of the back concession established by the surveyor duly authorized to make survey thereof; and that if, upon examination, there be found vacant land so as above mentioned situated, a surveyor, duly authorized, do survey the same, and make return and plat thereof to the register, whereupon a final certificate may issue to the said Antoine Dequindre.

James Witherell, claim No. 39, rear of No. 90.

LAND OFFICE, *June* 16, 1818.

On Monday, January 14, 1808, the commissioners of the land office at this place confirmed to Jeane Marie Beaubien lot No. 90, and on July 10, 1811, the President of the United States of America granted a patent for the same to Joseph King, assignee of the said Jean Marie Beaubien. This tract is situate, lying, and being on the border of the river Detroit, containing, by the return of the surveyor, 119.76 acres.

In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of said farm, as assignee of the said Joseph King, who was the assignee of Jean Marie Beaubien as aforesaid, so as to make said farm to extend to eighty arpents, French measure, in depth.

JAMES WITHERELL.

It being made to appear satisfactorily to the board, from sundry title papers, with the patent of the President of the United States, exhibited by the present claimant, that he now is the *bona fide* proprietor of the front farm as the assignee of Joseph King, who is the assignee of the original confirmee—

The commissioners do therefore confirm to James Witherell, esq., a tract of land containing 18.71 acres of land, according to the survey and return of the surveyor duly authorized to make the same, being all the land contained between the rear line of the aforesaid farm, heretofore confirmed, and the rear line of the back concessions, as established by the said surveyor, at the distance of eighty arpents from the Detriot river.

François St. Aubin, claim No. 40, rear of No. 14.

LAND OFFICE, *Detroit, November* 30, 1818.

On Monday, July 6, 1807, the commissioners of the land office at this place confirmed to Charles Peltier lot No. 14, situate, lying, and being on the border of the river Detroit, containing, by the return of the surveyor, two hundred acres, it being five acres in front, by forty in depth; bounded in front by said river, in rear by unconceded lands, above by lands owned by Jaques Campau, and below by lands claimed by James Witherell, esq. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in this district," I, Francis St. Aubin, assignee of Charles Peltier, do enter the rear of said farm, so as to extend it to eighty arpents, French measure, in depth.

FRANÇOIS ST. AUBIN.

The commissioners, in examining this claim, are of opinion that this tract may have been originally confirmed to the full extent of eighty arpents; yet as the said François St. Aubin makes entry of claim, in due time, to a second concession, and as it fully appears that the claimant is justly entitled thereto, if the same be not already confirmed to the full extent—

Therefore the commissioners confirm to the said François St. Aubin such small tract or piece of land as may be situated between the rear line of the tract now owned by him and the general rear line of the back concession established by the surveyor duly authorized to make survey thereof; and that if, upon examination, there be found vacant land as above mentioned situated, a surveyor, duly authorized, do survey the same, and make return and plat thereof to the register, whereupon a final certificate may issue to the said François St. Aubin.

Jaques Campau, claim No. 41, *rear of No.* 91.

LAND OFFICE, *Detroit, November* 30, 1818.

On Wednesday, February 6, 1808, the commissioners of the land office at this place confirmed to me lot No. 91, situate, lying, and being on the border of river Detroit, containing, by estimation, 280 arpents.

In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the said farm, so as to make it extend eighty arpents, French measure, in depth.

JAQUES CAMPAU.

The above-named Jaques Campau having produced his patent from the President of the United States, granting to him the tract numbered upon the books and plans of former boards by No. 91; it appearing, also, by the books and papers of former boards that the same was, in due form, confirmed to him by former boards; it appearing, further, that only a part of said lot No. 91 extends to the depth of eighty arpents, French measure, and that another part of said farm, on the southwesterly side thereof, procured by the said Jaques by purchase from a different proprietor, extends to the depth of forty arpents only; and it appearing to the commissioners, manifestly, that the said Jaques is entitled to claim and have a patent for a second concession, in rear and adjoining that part of No. 91 which extends not to the depth of eighty arpents, so that the same may be extended to that depth—

Therefore it is decided by the said commissioners that the said claim of the said Jaques be confirmed, and that he be entitled to have a patent for so much land as is in rear of said part of his said front farm, and as intervenes between it and the rear or boundary line of the second concession. That the same be described as it is in and by the return of the surveyor thereto lawfully deputed described, and that a patent certificate do issue in conformity to the survey and plat thereof returned as aforesaid, the same containing, according to said return, 34.11 acres.

Maurice Moran, claim No. 42, *rear of No.* 182.

DETROIT, *August* 7, 1817.

SIR: I hereby notify you that I claim a donation from the United States, by virtue of an act of Congress of the 3d of March last, of one hundred and seventy acres of land, adjacent to and back of the following described tract, which was confirmed to me by the commissioners of the land office at Detroit, and for which I hold the President's patent, dated at the city of Washington, June 12, 1812, viz: situate on the border of Detroit river, bounded and described as follows: beginning at a post standing on the border of Detroit river, between this tract and a tract confirmed to Meldrum and Park; thence north twenty-nine degrees west, one hundred and fifteen chains sixty-two links, to a post; thence north sixty-one degrees east, fourteen chains eighty-nine links, to a post, the southwest corner of a tract confirmed to Philis Peltier; thence south twenty-nine degrees east, one hundred and twelve chains and ninety-two links, to a post standing on the border of Detroit river; thence along the border of said river south fifty degrees west, fifteen chains seventeen links, to the place of beginning; the same not to exceed eighty arpents, French measure, in depth, from the Detroit river.

MAURICE MORAN,
By his attorney, GEORGE McDOUGALL.

PETER AUDRAIN, Esq., *Register of the United States Land Office at Detroit.*

The above-named Maurice Moran having produced to this board his patent from the President of the United States for the farm upon the Detroit river, in front of the tract he now claims as second concession; it appearing that by former boards he was duly confirmed in said front, and no evidence being adduced of his alienation thereof; it appearing, further, that the said claimant is authorized to claim and have a patent for the said second concession, it is therefore decided that the said claim of said Maurice be affirmed, and that he is entitled to demand and have a patent for all that quantity of land lying adjacent to and in rear of his said farm, which intervenes between the rear line of his present front farm and a line established by the surveyor thereto authorized, which is eighty French arpents from the border of the river Detroit; and that the same be described according to the lines and description contained in the plat, survey, and return thereof made by said surveyor; the said tract containing, according to said return, 169.4 acres.

John L. Leib, claim No. 43, *rear of No.* 15.

NOVEMBER 30, 1818.

Take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to land in the district of Detroit," I, John L. Leib, as assignee of Shubal Conant, who was assignee of James Connor, who was assignee of Philip Peltier, claim a donation right to the farm on which I now live, No. 15, situate, lying, and being on the border of the Detroit river, and containing, by the return of the surveyor, 146.2 acres; bounded in front by said river, in rear by unconceded lands, above by lands of the late George Meldrum, deceased, and below by lands of Maurice Moran. I do enter the rear of said farm so as to extend it to eighty arpents, French measure, in depth.

JOHN L. LEIB.

The REGISTER *of the Land Office, Detroit.*

The front farm, in virtue of the property and rightful possession of which the present claimant urges his demand for a second concession and donation lot in rear, appears by the exhibits produced, to have been originally confirmed to Philis Peltier, and to have been patented to him, which patent appears to have been assigned by said Philis to James Conner, his heirs and assigns, which said James Conner, by his regular deed of conveyance, purports to have conveyed the same, or original front farm, to Shubal Conant, who, by deed dated January 4, 1817, conveyed the same to claimant, John L. Leib.

Upon a view of the books, records, and plans of former boards, and particularly of the returns of survey of Joseph Fletcher, esq., surveyor thereto lawfully appointed, it manifestly appears that a just claim exists on the part of the *bona fide* owner of the said front farm to demand and have a second concession, extending the lateral lines of said front farm to the distance of eighty French arpents from the river Detroit; and although the above-named Philis Peltier appears to have assigned to said James Conner his right, title, &c., in and to said patent only, yet this board do consider, and do so decide, that, for the purposes of a transfer of his equitable right in and to a second concession, an unyielding adherence to all the forms of conveyancing is not indispensable, and that the said right to demand and have said second concession is virtually and equitably passed to the said claimant.

They do therefore consider and decide that the claim of said claimant be confirmed, and that there be patented to him, the said John L. Leib, all that tract of vacant and unconceded land which intervenes between the rear line of said front farm, and the point and line which, by Joseph Fletcher, esq., surveyor thereto lawfully authorized, was established at the distance of eighty arpents from said river Detroit; and, further, that the same tract, so as aforesaid claimed and accorded, be described in the patent certificate and patent, in conformity with the survey plat, and return thereof made by said Joseph Fletcher, by which plat and survey it appears that the said tract contains 129.68 acres.

The legal heirs of George Meldrum, deceased, claim No. 44, rear of No. 18.

LAND OFFICE, *Detroit, November* 18, 1818.

On Wednesday the 18th day of July, 1807, the commissioners of the land office at this place confirmed to my late father, George Meldrum, deceased, lot No. 18, situate, lying, and being on the border of the river Detroit, containing, by the return of the surveyor, 144.7 acres. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now, as administrator of the estate of George Meldrum, deceased, enter the rear of said farm, so as to extend it to eighty arpents, French measure, in depth.

JOHN MELDRUM, *Administrator.*

No. 18.—Heirs of George Meldrum, viz: Mary Ann Scott, John Meldrum, James Meldrum, William Meldrum, David Meldrum, Jane Wendell, George Meldrum, and Robert Meldrum.

The patent of the President of the United States for the front farm upon the Detroit river, in rear of which a second concession is now claimed for the above-named heirs-at-law, is adduced. It appears, also, that the same was, in the lifetime of said George, duly confirmed by a former board to him; that the said George is since dead, and that the right of property in said front farm has descended to the above-named children of said George. It appears, further, to the commissioners that the above-mentioned claim is a valid and just claim, and that the said heirs-at-law are entitled to have a patent therefor. The commissioners do therefore decide that the said claim be affirmed, and that there be patented to the said children and heirs-at-law above mentioned all that vacant and unconceded land which intervenes between the rear lines of said front farm and the lines established and run by Joseph Fletcher, esq., surveyor thereto authorized, and that the same be described in the patent certificate and patent therefor according to the survey, plan, and return of said Joseph Fletcher, and not otherwise; the said tract containing, according to said survey, 141.13 acres.

Louis Beaufait, claim No. 45, rear of No. 19.

JULY 12, 1818.

On Friday, July 10, 1807, the commissioners of the land office at this place confirmed to me lot No. 19, situate, lying, and being on the border of Detroit river, containing, by the return of the surveyor, 139.67 acres. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of said farm, so as to extend it to eighty arpents, French measure, in depth.

LOUIS BEAUFAIT.

The patent of the President of the United States is produced in support of this claim. It appears, also, that the front farm on the Detroit river was only confirmed to the extent of one hundred and twenty chains and fifty-three links to the father of the present claimant, who, dying before the emanation of the patent, the right thereto passed to the present claimant, to whom the patent issued. It further appears that there is vacant land in the rear of and adjacent to said front farm applicable to the object.

Whereupon it is considered by the commissioners, and so decided, that the above claim for second concession be affirmed, and that the said claimant is entitled to demand and have a patent for said second concession, and that the patent certificate therefor do describe and bound the same according to, and in

the words of, the return of the survey and plat of the same of the surveyor thereto duly appointed; the same containing, according to said surveyor's return, 147.72 acres.

Louis Chapoton, claim No. 46, rear of No. 573.

Louis Chapoton enters his claim, not for back concession, but for an extension, agreeably to his original entry of claim. (See, therefore, the proceedings and decision upon his case under the head of absolute claims.) The board intend that the survey of John Mullet, esq., as returned, shall give extent, boundaries, and description to the said claim of Louis Chapoton.

The legal heirs of Antoine Boyer, claim No. 47, rear of No. 678.

DETROIT, *November* 28, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the southwest half of the rear of the following lot or farm, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; which said lot is on the border of the river Detroit, and is numbered 678.

GEORGE McDOUGALL, *Agent and Attorney for the heirs of Antoine Boyer.*

PETER AUDRAIN, Esq.,
Register of the Land Office for the district of Detroit, in the Territory of Michigan.

[See decision on this claim at the end of the second succeeding claim.]

Gabriel Cheine, claim No. 48, rear of No. 678.

AUGUST 8, 1818.

Take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Gabriel Cheine, as assignee of the widow and heirs of Antoine Boyer, to whom (viz: Cecile Boyer and Antoine Medard Boyer, widow and son of said Antoine, deceased,) said tract, viz: No. 678, was patented by the President of the United States, as assignee, as aforesaid, of said widow and heirs, by deed of conveyance from them, the said widow and heirs, to me, of a tract of land of one arpent in front by forty arpents in depth, holding the breadth of one arpent throughout; bounded in front by the river Detroit, in rear by the second concession, on the northeast by Henry St. Bernard, and on the southwest by the remainder of the vendor's farm, said tract of land being part of lot No. 678, as above mentioned. I do enter the rear of said farm so as to extend the same to eighty arpents in depth, French measure.

GABRIEL CHEINE.

The REGISTER *of the Land Office at Detroit.*

[See decision on this claim at the end of the next succeeding claim.]

Henry St. Bernard, claim No. 49, rear of No. 678.

NOVEMBER 20, 1818.

Take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Henry St. Bernard, an assignee of Baptiste Bazil Campau, the assignee of the widow and heirs of Antoine Boyer, deceased, to whom said tract was patented by the President of the United States as assignee, as aforesaid, of the said Campau, by a deed of conveyance from the said Campau to me of the northeast half of tract or lot No. 678, do enter the rear of said lot or farm, so as to extend the same to eighty arpents, French measure, in depth.

HENRY ST. BERNARD.

The REGISTER *of the Land Office at Detroit.*

Madame Cecile Boyer and Antoine Boyer, Gabriel Cheine, and Henry St. Bernard, rear of No. 678.

In support of the foregoing claim, the patent of the President of the United States is adduced, granted to the widow and heirs of Antoine Boyer, deceased. Henry St. Bernard makes claim to back concession as assignee of the part of the original front, and also produces a deed, duly executed by the said Cecile and Antoine Boyer, conveying to Baptiste Campau the northeast one-half part of the said tract, and also the right to demand and receive a patent for the back concession to the said one-half of the original front farm, dated March 22, 1815; also the record copy of a deed from said Campau to the said Henry St. Bernard, December 24, 1818. Gabriel Cheine likewise claims back concession to one arpent, extending

to the depth of eighty arpents from the river, and, in support of his claim, produces a deed dated August 2, 1819, duly executed by the said Cecile and Antoine Boyer, transferring to said Cheine one arpent in front by forty in depth of the said original farm, with a right to apply for and receive a patent for the back concession, being one arpent by forty in rear of the said front.

The commissioners, in considering this claim, are convinced that the right of back concession clearly belongs to the whole of the original front farm, and that the claimants have right to a patent for the same; but as no subdivision of the rear has been made between the parties by the surveyor duly authorized to survey the said back concessions or donations, the board do therefore confirm to the widow Cecile Boyer and Antoine Boyer, to Gabriel Cheine and Henry St. Bernard, 152.37 acres of land, being the whole quantity contained in the back concession of the front farm above mentioned, according to the return of the surveyor duly appointed to survey the same, to be held as tenants in common by the said claimants above named, according to their respective interests therein, or in the said original front farm.

Henry Campau, claim No. 50, *rear of No.* 10.

NOVEMBER 30, 1818.

On May 3, 1807, the commissioners of the land office at this place confirmed to Louis Moran, as guardian to the children of the late Francis Campau, deceased, lot No. 10, situate, lying, and being on the border of Detroit river, containing, by the return of the surveyor, 100.36 acres. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Henry Campau, one of the heirs of the said Francis Campau, deceased, and grantee of the other heirs, do enter the rear of said farm, so as to extend it to eighty arpents, French measure, in depth.

HENRY CAMPAU.

The front farm upon the Detroit river, in virtue of the property in which a second concession is now claimed, appears to have been confirmed originally to Louis Moran, guardian of the children of François (dit Bazil) Campau, deceased; and in conformity with the form of said confirmation, the same front farm appears to have been patented. It further appears that Henry Campau, now lately deceased, one of the said children and heirs-at-law of said Francis, deceased, prior to his death, had become the *bona fide* assignee of the interest and shares of his co-heirs in and to said front farm, and that he has since died. Whereupon, it appearing to the board that the foregoing claim for a second concession is well founded, and that there is vacant land in the rear of the front farm applicable to the object, it is therefore decided that there be granted to the legal heirs and representatives of said Henry, deceased, as second concession, all the said vacant land which intervenes between the rear line of said front farm and the general rear line of the second concessions, as run and established under the direction of this board by Joseph Fletcher, esq., surveyor thereto legally authorized; and that the same be patented to the said heirs and legal representatives of said Henry, deceased, according to the description and bounds set out in the survey, plan, and return of said surveyor, Joseph Fletcher, esq.; the same containing 95.06 acres, according to said return.

Joseph Campau, of Grand Morais, claim No. 51, *rear of No.* 152.

I hereby notify you that I claim a donation from the United States, by virtue of an act of Congress of the 3d of March last, as assignee of the widow and heirs of Jean Baptiste Campau, of 97.47 acres of land adjacent to and back of the following described tract, which was confirmed by the commissioners of the land office at Detroit to them, their heirs, and assigns, No. 152, and which I acquired of Jean Campau, the heir, by deed, herewith, dated at Detroit, June 4, 1815, viz: beginning at a post standing on the border of Detroit river, between this tract and a tract confirmed to Louis Moran, as guardian of the minor children of Francis Campau dit Bazil, deceased; thence north thirty-one degrees west, one hundred and fourteen chains seventy-two links, to a post; thence north sixty-one degrees east, eight chains and fifty-four links, to a post, the southwest corner of a tract confirmed to Jean Baptiste Chovin; thence south thirty-one degrees east, one hundred and thirteen chains sixty-one links, to a post standing on the border of river Detroit; thence, along the border of said river, south fifty-three degrees thirty minutes west, eighty chains fifty-eight links, to the place of beginning, the same not to exceed eighty arpents in depth from the Detroit river.

JOSEPH CAMPAU, *of Grand Morais.*
By GEORGE McDOUGALL, *his Attorney.*

Joseph Campau, of Grand Morais, appears to have made entry of his claim for second concession in due time, and also exhibits to this board the deeds of transfer to him from the original patentees of the widow and heirs of Jean Baptiste Campau, deceased; from all which it appears that the present claimant is the *bona fide* proprietor of the front farm, and that he is entitled to the back concession as claimed. The commissioners do therefore confirm to Joseph Campau, of Grand Morais, the tract of 104.14 acres of land, to be described in the survey and return of Joseph Fletcher, the surveyor thereto authorized; and that a final certificate and patent, according to the said description, do issue therefor to said Joseph.

Peter Van Avery, claim No. 52, *rear of No.* 337.

NOVEMBER 30, 1818.

Please take notice that I, Peter Van Avery, of the city of Detroit, claim, by virtue of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act

allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of lot No. 337, situate on the border of river Detroit, originally confirmed to Jean Baptiste Chovin, but which, by a regular chain of title, and particularly by a deed from David B. Macomb to me, the said Peter Van Avery, dated September 12, 1818, last past, for the consideration paid by me to him therein mentioned, is now my property, and which said deed is now filed in your office for record, containing sixty-six acres, so as to extend the same to eighty arpents, or French acres, in depth from the Detroit river, on which the original is fronted.

PETER VAN AVERY,
By his agent and attorney, GEORGE McDOUGALL.

The REGISTER *of the Land Office at Detroit.*

The front farm, in rear of which a second concession is here claimed, appears by the records of former boards to have been confirmed to Jean Baptiste Chovin. A deed from Charles Chovin to Mrs. Sarah Macomb, of the date of June 8, 1816, (also exhibited to this board,) contains, among other things, a recital that the said Charles was formerly proprietor of said front farm, and had, before the original claim for said front farm had been confirmed by any board of commissioners whatsoever, transferred his claim thereto to his son, Jean Baptiste Chovin, upon certain conditions; and that, after said transfer upon condition, the said farm was confirmed to Jean Baptiste Chovin; that after said confirmation the said Jean Baptiste Chovin was, and confessed himself to be, unable to fulfil the said conditions alluded to, and released and abandoned his interests therein to the said Charles Chovin, and afterwards died without issue. The said deed of said Charles, after said recital, then purports to convey the whole of the said front farm to the said Sarah Macomb. The subsequent deed of Mrs. Sarah Macomb, of the date of March 4, 1817, is also adduced, by which it appears that the said Sarah conveyed to David B. Macomb the whole of said front farm, and by the deed of said David B. Macomb, of September 12, 1818, the said David B. Macomb appears to have conveyed to said claimant, the said Peter Van Avery, the whole of said original front farm, as well also as all his right to a second concession therein. It further appears to the commissioners by the books, papers, and plats of former land boards in the premises, and especially by the return of Joseph Fletcher, esq., surveyor, thereto appointed and authorized, that there is vacant and unconceded land in the rear of and adjoining said front farm, and applicable to the object.

Wherefore, and upon consideration of all the premises, it is decided by this board that the claim of said claimant be granted, and that he be entitled to demand and have a patent for so much land in rear of said front farm as intervenes between the same and the rear line established by said Joseph Fletcher as the rear line of second concessions, amounting, by the return of said surveyor, to 71.27 acres, to be patented and described in literal conformity with the plat and return of survey of said Joseph Fletcher, but to be holden by him, the said Peter Van Avery, nevertheless, to and for the use and benefit of the actual and *bona fide* present proprietor of said front farm.

Peter Van Avery, claim No. 53, rear of No. 257.

NOVEMBER 30, 1818.

Please take notice that I, Peter Van Avery, of the city of Detroit, claim, by virtue of an act of Congress of April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of lot No. 257, as numbered on the general plan of private claims confirmed by the commissioners of the United States land office at Detroit, to John, William, and David Macomb, situated on the border of the Detroit river, containing 97.22 acres of land, so as to extend the same to eighty arpents, or French acres, in depth from the said Detroit river, as grantee of said David Macomb, now called David B. Macomb, and agreeably to the deed of bargain and sale of the said David B. Macomb to me, the said Peter Van Avery, dated at Detroit, the twelfth day of September, in the year of our Lord one thousand eight hundred and eighteen, last past, as may be more fully seen, reference being had to the deed of the said David B. Macomb now filed in your office for record.

PETER VAN AVERY,
By GEORGE McDOUGALL, *his Agent and Attorney.*

The REGISTER *of the Land Office at Detroit.*

In this case it appears that the front farm, in virtue of property in which application is made for a second concession, was confirmed in 1808, by a former board of commissioners, to John, William, and David Macomb. No exhibits are made to this board by any claimant, except a deed appearing to have been executed regularly by David B. Macomb, one of the above-named confirmees, on the 12th of September, 1818, purporting to be a conveyance of the entire farm aforesaid to Peter Van Avery, together with the right to claim and have a patent for the entire back concession thereto. No deed or other evidence whatsoever is adduced tending to show, in anywise, the acquisition by said deed of the respective interests and estates either in the front or second concession of the other confirmees of the tract. In these circumstances the commissioners would wish to discover more satisfactory ground for presuming that the said David, by partition or otherwise, had acquired the entire interest in question. Nothing conclusive on this head has been shown. It appears, by reference to the files of this board, that Alexander Macomb, as agent for David B. Macomb, made regular entry for a second concession to the entire tract on the 7th of May, 1817, at which time, as well as before and subsequent to it, it is manifest that the other confirmees might, if they had interest in the subject, have made entry of their claims. Such appearing not to have been the fact, and it further appearing that the present claimant is in peaceable possession of the front farm, and that he has made a regular entry of claim for the rear, it is decided by the commissioners that the second concession be accorded to him, (the said Peter;) that the same be bounded and described as the same appears and is described in the survey, plat, and return thereof, duly made by Joseph Fletcher, esq., surveyor thereto legally appointed by which return the said second concession purports to contain 102.91 acres, to be holden by the said Peter Van Avery, his heirs, &c., to the use, nevertheless, of all the *bona fide* proprietors of the said front.

Pierre Cheine, claim No. 54, rear of No. 725.

JULY 6, 1818.

On Wednesday, December 10, 1810, the commissioner of the land office at this place confirmed to Pierre Cheine lot No. 725, situate, lying, and being on the border of the Detroit river, containing, by the return of the surveyor, 165.11 acres.

In pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Touissaint Cheine, for my brother, Pierre Cheine, do enter the rear of the said farm, so as to extend it to eighty arpents, French measure, in depth.

TOUISSAINT CHEINE,
For PIERRE CHEINE.

The REGISTER *of the Land Office at Detroit.*

[The decision on this claim will be found at the end of the next following claim.]

Gabriel Godfroy, sr., claim No. 55, rear of No. 725.

JUNE 9, 1818.

Take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Gabriel Godfroy, sr., as assignee of Pierre Cheine, to whom lot No. 725 was patented by the President of the United States, and by the said Pierre Cheine conveyed to me by deed bearing date August 25, 1818, by which said deed I am entitled to the northeast half of said lot No. 725, do enter the rear of the said northeast half of said lot or farm, No. 725, so as to extend the same to eighty arpents, French measure, in depth.

GABRIEL GODFROY, SR.

The REGISTER *of the Land Office at Detroit.*

It appears from the records of this office that Pierre Cheine was originally confirmed by a former board in the front farm, to which back concession is now claimed, and for which the commissioners have no doubt a patent was granted to him, although the same is not produced.

Gabriel Godfroy, sen., produces a deed duly executed by the said Pierre Cheine, dated August 25, 1818, conveying to the said Godfroy an equal half part of the original front farm, except such part as is situated between the river Detroit and the highway; and also all the right of back concession in rear of the said half part, being the upper or northeast part of the said original farm.

Therefore the commissioners confirm to the aforesaid Pierre Cheine and Gabriel Godfroy, sen., as tenants in common, and not as joint tenants, the tract of land surveyed and returned by Joseph Fletcher, and containing, according to said return, one hundred and sixty-five acres and eighty-two hundredths of an acre, to be held by them according to their respective interests in the aforesaid front farm, lying and being situate in the rear of the said front farm, confirmed as aforesaid to Pierre Cheine, and to be further bounded and described agreeably to the said return of the said Joseph Fletcher, esq., thereto duly appointed and authorized as aforesaid.

Joseph Serre dit St. Jeane, claim No. 56, rear of No. 26.

JULY 12, 1818.

On July 26, 1807, the commissioners of the land office at this place confirmed to me lot No. 26, lying and being on the border of Detroit river, containing, by the return of the surveyor, 119.13 acres. In pursuance, therefore, to an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 2, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of said farm, so as to extend it to eighty arpents in depth.

JOSEPH SERRE DIT ST. JEANE.

The REGISTER *of the Land Office at Detroit.*

Claimant, in support of his entry of claim for back concession, produces the patent of the President of the United States, dated July 3, 1812, for the front farm, extending in depth forty arpents, from which it appears manifest that said claimant is entitled to the second concession. It further appears, from the return of the surveyor duly appointed, that there are vacant lands in the rear of the aforesaid front farm.

The commissioners do therefore confirm to Jeane Baptiste Serre dit St. Jeane one hundred and forty-nine acres and forty-two hundredths of an acre of land, to be bounded and described according to the said survey and return of Joseph Fletcher, esq., duly authorized to make the same.

Widow and heirs of J. B. Chovin, claim No. 57, rear of No. 641.

AUGUST 12, 1818.

On April 19, 1809, the commissioners of the land office at this place confirmed to us, the widow and heirs of Jeane Baptiste Chovin, lot No. 641, situate, lying, and being on the border of the river Detroit,

containing, by the return of the surveyor, 108.88 acres of land. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," we now enter the rear of said farm so as to extend it eighty arpents in depth.

The preceding claim was put in for the widow and heirs of J. B. Chovin.

Claimant, in support of the above entry, produces the patent of the President of the United States, dated July 3, 1812, granted to the heirs of J. B. Chovin, from which it appears that the said farm, so confirmed by patent, does not extend to the full depth of eighty arpents; and as the surveyor's return evidences vacant land for the satisfaction of this claim, therefore the commissioners confirm to the heirs and legal representatives of Jeane Baptiste Chovin, deceased, nineteen acres and eighty-three hundredths of an acre of land, to be bounded and described in the patent certificate and patent (to which said claimants are entitled) according to the plat, survey, and return made by Joseph Fletcher, esq., duly authorized to make the same.

Joseph Campau, assignee of Antoine Billon dit Lesperouse, claim No. 58, rear of No. 638.

JUNE 8, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of lot No. 638, as numbered on the map or plan exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; which said lot is on the border of the river Detroit.

JOSEPH CAMPAU,
Assignee of Antoine Billon dit Lesperouse.

The REGISTER *of the Land Office at Detroit.*

In support of the above claim for second concession, Joseph Campau exhibits to this board the patent of the President of the United States for the front farm; by which patent, and especially by the records and proceedings of former boards, it appears that the said front tract was confirmed to Antoine Billon dit Lesperouse, and conveyed by said patent to said claimant as assignee of said Antoine.

It appearing to this board that there is vacant land applicable to the object; that the said front farm does not contain a depth of eighty French arpents; and that said Joseph Campau is entitled to said second concession—

It is therefore decided by this board that said second concession be patented to said Joseph Campau, and that the tract patented be described according to the plat and survey thereof made by Joseph Fletcher, esq., surveyor thereto lawfully appointed, and according to his return thereof, the same tract containing, as appears by said return, eleven acres and five-hundreths of an acre of land.

Jaques Marsac, claim No. 59, rear of No. 687.

NOVEMBER 30, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the following lot, viz: lot No. 687, as numbered on the plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; which said lot is on the border of the river Detroit.

GEORGE McDOUGALL,
Agent and Attorney for said Jaques Marsac.

The REGISTER *of the Land Office at Detroit.*

The commissioners, upon an examination of the proceedings of the former land boards relative to the above tract or front farm, find that the survey thereof did not extend to the full depth of eighty arpents, and that there remain vacant lands in the rear of said front farm, and that the said claimant is justly entitled to a second concession. The board do therefore confirm to Jaques Marsac (or to his heirs, if his death shall be made to appear, as is suggested) twenty-four acres and ninety-two hundredths of an acre of land, being the quantity returned by Joseph Fletcher, esq., as necessary to extend the said front farm to the depth of eighty arpents, French measure, and that a patent certificate therefor be granted according to the survey and return made by the said Joseph Fletcher, who has been duly authorized and appointed to make the same.

Robert Marsac, claim No. 60, rear of No. 392.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of lot No. 392, (as numbered on the general plan or map exhibiting the private claims,) as confirmed by the commissioners of the land office at Detroit, so

as to extend the said lots or farms to eighty arpents in depth; which said lot is on the border of Detroit river.

GEORGE McDOUGALL,
Attorney and Agent for Robert Marsac.

In support of the above claim for second concession, the patent of the President of the United States, dated July 24, 1811, is adduced, from which it appears that the claimant is not confirmed in the full distance of eighty arpents originally claimed, and therefore that he is entitled to the second concession so as to extend to that distance; and by the survey and return of Joseph Fletcher, esq., duly authorized, it further appears that claimant is entitled to twenty-four acres and twenty-six hundreths of an acre as second concession. Therefore the commissioners confirm to Robert Marsac, the original patentee of the front farm aforesaid, a tract of land to be bounded and described as per the return of said surveyor, and containing twenty-four acres and twenty-six hundredths of an acre.

The REGISTER *of the Land Office at Detroit.*

Henry Connor, claim No. 61, *rear of No.* 386.

DETROIT, *November* 10, 1818.

SIR: Please to take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the following lot or farm, viz: lot No. 386, as numbered on the general plan or map, exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; said lot being on the border of Detroit river.

HENRY CONNOR.

PETER AUDRAIN, Esq.,
Register of the Land Office for the district of Detroit, in the Territory of Michigan.

The claimant produces evidence satisfactory to the commissioners that he is the *bona fide* proprietor of the front farm originally confirmed to Joseph Leonard Tremble, No. 386; and it also appearing to the board that claimant is entitled to a back concession—

Therefore the commissioners confirm to Henry Connor forty-two acres and sixty-hundredths of an acre of land, which, as appears by the survey and return of Joseph Fletcher, esq., surveyor, will make up the deficiency necessary to extend the said original farm to the depth of eighty arpents, French measure, and to be bounded and designated agreeably to the said survey and return; to be holden, nevertheless, to the sole use of the *bona fide* proprietor of the said front farm.

The heirs of Nicholas Campau, claim No. 62, *rear of No.* 322.

JUNE 6, 1817.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of lot No. 322, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; which said lot is on the border of the Detroit river.

GEORGE McDOUGALL,
Agent and Attorney for the heirs of Nicholas Campau.

The REGISTER *of the Land Office at Detroit.*

There was also filed in the register's office, on the 26th day of August, 1817, a notice of claim for the above tract.

JAQUES CAMPAU,
Administrator to the estate of Nicholas Campau, deceased.

And also another notice, dated November 30, 1818, by the same person, for the same tract.

The commissioners, upon examination of the records of a former land board, find that a tract of land was confirmed to Nicholas Campau, now deceased, extending in depth forty arpents. They are also convinced, from the evidence exhibited, that the heirs of said Campau are justly entitled, under the existing acts of Congress, to a donation of land as second concession; and it appears by the survey and return of Joseph Fletcher, esq., the surveyor thereto duly appointed, that there are vacant lands in rear of the above-mentioned front farm applicable to this object.

Therefore the commissioners confirm to the heirs of Nicholas Campau, deceased, one hundred and sixty-six acres and forty-two hundredths of an acre of land, that being the quantity surveyed and returned by the said surveyor under the instructions of this board, to be bounded and described agreeably to the survey and return of the aforesaid surveyor.

Joseph Campau, assignee of the heirs of Joseph Pomerville, deceased, claim No. 63, *rear of No.* 315.

AUGUST 6, 1817.

On the 7th day of September, 1808, the commissioners of the land office at this place confirmed to the widow and heirs of Joseph Pomerville, deceased, lot No. 315, situate, lying, and being on the border

of the Detroit river, containing, by the return of the surveyor, one hundred and six acres and fifty-four, hundredths of an acre, and bounded in front by the Detroit river, in rear by unconceded lands, above by lands claimed by Louis Moran, below by lands of the late Nicholas Campau, deceased.

In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Joseph Campau, as assignee of the heirs of Joseph Pomerville, deceased, do enter the rear of lot No. 315, so as to extend it to eighty arpents in depth.

JOSEPH CAMPAU,
Assignee of the heirs of J. Pomerville.

The REGISTER *of the Land Office at Detroit.*

In the examination of this claim, the commissioners find that an entry was in due time made in behalf of the heirs of Joseph Pomerville, deceased; that afterwards this said tract was sold to William Woodbridge; and that he also made entry of claim for second concession, in due time, as assignee of the widow and heirs of Joseph Pomerville, deceased; and that the said claim was duly filed by the register of the land office at Detroit. Claimant also adduces the patent of the President of the United States, granted to the said widow and heirs of Joseph Pomerville, deceased, dated May 30, 1811, for the said front farm; and further shows to the board, by satisfactory evidence, that said front farm was conveyed as aforesaid to the said William, and by him to the said Joseph, and that the said William had transferred to him, said Joseph, all his claim and right to a second concession to the said front farm, without recourse; and that said William had desired that his said entry for said second concession might enure to the sole use of him, the said Joseph, his heirs and assigns; and it appearing further to this board that there is vacant land in rear of said farm applicable to the object, and that said claimant is manifestly entitled to it, and to the benefit of said entry of said William—

Therefore it is considered, and so decided, that the second concession aforesaid be accorded to said Joseph, and that the same be patented to him, his heirs and assigns, according to the survey, plan, and return of Joseph Fletcher, esq., surveyor thereto legally appointed, by which said return it appears that said second concession contains one hundred and twelve acres and forty-seven hundredths of an acre.

Joseph Campau, assignee of Pierre Loderonte, claim No. 64, *rear of No.* 689.

NOVEMBER 28, 1818.

SIR: Please to take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the following lot or farm, viz: No. 689, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; which said lot is on the border of the river Detroit.

JOSEPH CAMPAU,
As Assignee of Pierre Lequire dit Loderonte.

PETER AUDRAIN, Esq.,
Register of the Land Office for the district of Detroit, in the Territory of Michigan.

In this case, the files of the register's office exhibit an entry of claim made in due time. Claimant produces the patent of the President of the United States, granted to Pierre Loderonte, assignee of Louis Moran, for the said front farm, dated July 10, 1811; upon which patent a conveyance is duly executed by the said Pierre Lequire dit Loderonte and wife, conveying to Joseph Campau all their right, title, and interest in and to said tract, dated February 22, 1814.

And it appearing to the commissioners that Joseph Campau, the aforesaid assignee, is justly entitled to a second concession as claimed, and also that, by the return of Joseph Fletcher, esq., there are vacant lands in rear of this farm applicable to the object, the commissioners do therefore confirm to the said Joseph Campau one hundred and nine acres and three hundredths of an acre of land, to be bounded and described according to the survey, plat, and return of the said Joseph Fletcher, esq., surveyor duly appointed and authorized to make the said survey, plat, and return.

Joseph Campau, claim No. 65, *rear of No.* 131.

NOVEMBER 28, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to land in the district of Detroit," I now enter the rear of the following lot or farm, viz: lot No. 131, as numbered on the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; which said lot is on the border of the river Detroit.

JOSEPH CAMPAU.

PETER AUDRAIN, Esq.,
Register of the Land Office for the district of Detroit, in the Territory of Michigan.

Joseph Campau, in support of the above claim, produces the patent of the President of the United States, granted to him for the front farm, dated June 13, 1812, from which it appears that the front farm thereby confirmed extends to the depth of forty arpents only; and it further appears to the commissioners, by the return of the surveyor duly authorized, that there are vacant lands in rear of this tract applicable to the object.

Therefore the commissioners confirm to the said Joseph Campau, as second concession, one hundred and seven acres and sixty-two hundredths of an acre, to be bounded and described according to the survey,

plat, and return of Joseph Fletcher, esq., the surveyor duly authorized to survey and return the same, and containing, agreeably to said survey and return, one hundred and seven acres and sixty-two hundredths of an acre; and that said Campau be entitled to receive a patent for said tract.

Pierre Grifford, claim No. 66, rear of No. 219.

NOVEMBER 20, 1818.

Take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Pierre Grifford, enter the rear of the northeast half of lot No. 219, the whole of said lot being patented to me by the President of the United States. I enter the same as aforesaid, so that the said lot or farm may extend in depth eighty acres; said tract or lot is situated on the border of Detroit river.

PIERRE GRIFFORD.

The REGISTER *of the Land Office at Detroit.*

Pierre Grifford and Isidore Moran appear to be the *bona fide* proprietors of the front farm to which second concession is claimed. In support of this claim they produce the patent of the President of the United States, dated June 17, 1812, granted to the said Pierre Grifford, upon which patent is endorsed a deed duly executed by the said Grifford, dated December 4, 1819, thereby conveying to Isidore Moran the moiety or equal half part of the tract confirmed to the said Grifford by the said patent, being the southwest part or half thereof. It therefore appears that the said Pierre Grifford and Isidore Moran are entitled to receive a patent for a second concession; and there appearing to the commissioners, from the survey, plat, and return of the duly authorized surveyor, to be vacant lands in the rear applicable to the object—

The commissioners do confirm to the said Pierre Grifford and Isidore Moran one hundred and six acres and twenty-six hundredths of land, to be bounded and described according to the said survey and plat of Joseph Fletcher, esq., duly appointed and authorized to make the same under the directions and instructions of this board.

Louis Grifford, claim No. 67, rear of No. 321, southwest half of No. 351.

NOVEMBER 10, 1818.

On December 21, 1808, the commissioners of the land office at this place confirmed to me lot No. 321, situate, lying, and being on the border of the river Detroit, containing, by the return of the surveyor, two hundred and seventeen acres and five hundredths of an acre. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the southwest half of said lot No. 321, so as to make it extend to eighty arpents, French measure, in depth.

LOUIS GRIFFORD, JR.

The REGISTER *of the Land Office at Detroit.*

James W. Little, claim No. 68, rear of No. 321, northeast half of No. 321.

NOVEMBER 10, 1818.

SIR: Please take notice that I, James W. Little, assignee of Louis Grifford, and Janette, his wife, by deed of bargain and sale, (for the consideration therein mentioned,) dated the tenth day of October, one thousand eight hundred and eighteen, claim, by virtue of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," and I now enter the northeast or upper half of the farm No. 321, confirmed to the said Louis Grifford; the one-half of which contains one hundred and eight acres and seventy-nine and a half hundredths acres of land, numbered on the general plan of private claims confirmed by the commissioners of the United States land office at Detroit, situated on the border of the river Detroit, so as to extend the same to eighty arpents, or French acres, in depth from said Detroit river, as may be more fully seen, reference being had to the deed of said Louis Grifford and Janette Grifford now filed in your office for record.

GEORGE McDOUGALL,
Agent and Attorney for said James W. Little.

The REGISTER *of the United States Land Office at Detroit.*

From the records of the former commissioners, it fully appears that the front farm above mentioned was confirmed to Louis Grifford, one of the above claimants. A deed duly executed is exhibited to this board, signed by Louis Grifford and wife, conveying to the said John W. Little (the other of the above claimants) the upper moiety or northeast half part of the said front farm, containing one hundred and eight acres and seventy-nine and a half hundredths. From all which the board are satisfied that the said claimants are justly entitled under existing laws to a second concession; and it appearing further, by the survey, plat, and return by the duly authorized surveyor thereto appointed, that there are vacant lands applicable to the object in rear of said front farm—

Therefore the commissioners do confirm to Louis Grifford and James W. Little a tract of land, as second concession, containing one hundred and ninety-six acres and fourteen hundredths of an acre, to be bounded and described according to the survey, plat, and return of Joseph Fletcher, esq., duly appointed and authorized to make the same under the instructions of this board; to be holden by said claimants, nevertheless, as tenants in common, according to their respective interests in said front farm, or according to their agreements relative to the said tract now confirmed.

George McDougall, claim No. 69, rear of No. 120.

NOVEMBER 30, 1818.

SIR: Please take notice that I claim, as grantee of Charles Paupard and of Hyacynth Dejerdin, administrator of the estate of Jeane Bpt. Allaire dit Lapierre, late of the city of Detroit, shoemaker, deceased, and by virtue of a decree of the honorable the judges of the supreme court of the said Territory of Michigan, entered up at the term of September, in the year of our Lord one thousand eight hundred and eighteen, a donation from the United States, by virtue of an act of Congress passed April 23, 1812, and renewed by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit;" and I now enter with you the rear of continuation of two arpents in front and width, being the southwest half of a tract of land confirmed to the said Jeane Bpt. Allaire dit Lapierre, situate on the border of the river Detroit, at the Grand Morais, so as to extend the same to eighty arpents in depth from the said Detroit river, numbered 120 on the general plan or map of private claims in Michigan, containing ninety-three acres and eighty-one and one-half hundredths of an acre of land; being the one-half of one hundred and eighty-seven and sixty hundredths, the whole quantity in said tract, and is particularized in the proceedings before Charles Larned, register of the territorial districts of Erie, Huron, and Detroit, and of the supreme court of the Territory of Michigan, of the term of September, 1818; a copy of the record of which is now filed for the information of the commissioners of the United States General Land Office, and for your own government.

GEORGE McDOUGALL.

The REGISTER *of the United States Land Office at Detroit.*

[See the decision on this claim at the end of the next succeeding claim.]

Jeane Bpt. Allaire dit Lapierre, claim No. 70, rear of No. 120.

NOVEMBER 28, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed the 23d day of April, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of the northeast half of lot or farm No. 120, on the general plan of survey; the whole of said tract having been originally confirmed to me by patent of the President of the United States, but the southwest half of which has been deeded to George McDougall, esquire, by me, so as to extend it to eighty arpents in depth; said tract is situated on the border of Detroit river.

GEORGE McDOUGALL,
Attorney and Agent of Jeane Bpt. Allaire dit Lapierre.

PETER AUDRAIN, Esq.,
Register of the Land Office for the district of Detroit, in the Territory of Michigan.

From the records of former commissioners it appears to this board that Jeane Bpt. Allaire dit Lapierre was the original confirmee of the front farm above described. It further appears, in virtue of certain agreements entered into prior to the said confirmation, that the said Lapierre was bound to convey a certain portion of the said tract, upon his receiving the patent for the said front farm, to Charles Paupard dit La Fleur, and that George McDougall now claims, as assignee of the said Paupard dit La Fleur. It further appears that, by a decree of the supreme court of the Territory of Michigan, the title and interest of the said George McDougall in said front farm, as assignee of Paupard dit Fleur aforesaid, has been fully recognized. From which premises it appears that the present claimants have an equal interest in the front of said farm; and it appearing also to this board that the claimants are manifestly entitled to a second concession, and that there are vacant lands in rear of said farm applicable to the object—

Therefore, it being suggested that J. B. Allaire is dead, the commissioners do confirm to the heirs of Jeane Bpt. Allaire dit Lapierre and to George McDougall, as tenants in common, and not as joint tenants, a tract of land as second concession or donation, according to their respective notices of claim, viz: to the said heirs the northeast or upper part or half, to hold the same according to their respective interests therein, and according to the decree of the court aforesaid, containing in the whole one hundred and thirty-eight acres and forty-three hundredths of an acre of land; and to be further bounded and described as per the survey and return of Joseph Fletcher, esquire, duly appointed, and by this board instructed, to make the same, and containing, agreeably to this return, one hundred and thirty-eight acres and forty-three hundredths of an acre as aforesaid.

Catharine Thibault, claim No. 71, rear of No. 570.

NOVEMBER 28, 1818.

SIR: Please take notice that, in pursuance of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I now enter the rear of lot or farm No. 570, as numbered in the general plan or map exhibiting the private claims as confirmed by the commissioners of the land office at Detroit, so as to extend the said lot or farm to eighty arpents in depth; which said lot is on the border of the river Detroit.

CATHARINE THIBAULT.

PETER AUDRAIN, Esq.,
Register of the Land Office for the district of Detroit, in the Territory of Michigan.

Upon reference to the proceedings of former commissioners, it appears that claimant was the original confirmee and patentee of the front farm claimed, and therefore that she is entitled to the second concession. It also appears by the survey, plat, and return of Joseph Fletcher, esquire, surveyor duly authorized to make the same, that there are vacant lands applicable to the object; therefore the commissioners do confirm to the said Catharine Thibault two hundred and twenty-five acres and sixteen hundredths of an acre of land, as back concession or donation, so as to extend the same to the depth of eighty arpents; to be bounded and described agreeably to the return of Joseph Fletcher, esquire, aforesaid, thereto duly appointed.

John Little, claim No. 72, rear of Nos. 126 and 127.

NOVEMEER 8, 1818.

Please take notice that, pursuant to an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, William Little, as assignee of John Little, enter the rear of lots Nos. 126 and 127, containing, by the return of the surveyor, 266.63 acres, situate, lying, and being on the border of Detroit river, so as to extend the same to eighty arpents in depth.

WILLIAM LITTLE.

The REGISTER *of the Land Office at Detroit.*

Claimant, in support of the above entry of claim for back concession, produces the patent of the President of the United States, dated May 12, 1812, conveying to John Little the front farm, numbered as above. It therefore appears that he is entitled to a donation and second concession, so as to extend the said front farm to the depth of eighty arpents, but to be holden to, and for the use of, said claimant, if he be the present *bona fide* assignee of the front, as stated.

Wherefore the commissioners do confirm to the said John Little three hundred and forty acres and eleven hundredths of an acre of land, (340.11,) to be bounded and described according to the survey, plat, and return of Joseph Fletcher, esquire, duly appointed to make the same, and so made under special instructions from this board, containing, according thereto, as aforesaid, three hundred and forty acres and eleven hundredths of an acre of land; the same to be holden to the use of the present *bona fide* owner of said front farm.

Louis Beaufait and Loson, claim No. 73, rear of No. 696.

JULY 12, 1818.

On Wednesday, the 20th day of July, 1810, the commissioners of the land office at this place confirmed to Beaufait & Loson lot No. 696, situate, lying, and being on the border of Detroit river, containing, by the return of the surveyor, 150.48 acres. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," we now enter the rear of said farm, so as to extend it to eighty arpents in depth.

BEAUFAIT & LOSON.

The REGISTER *of the Land Office at Detroit.*

Louis Beaufait produces the patent of the President of the United States conveying to said Louis Beaufait and Antoine Loson the front farm bordering on the Detroit river, numbered, as above, 696.

The board are therefore of opinion that said claimants are entitled to a second concession and donation, and have accordingly instructed the surveyor, thereto duly authorized and appointed, to survey, plat, and return said back concession accordingly. The commissioners do confirm to the said Louis Beaufait and Antoine Loson 165.68 acres of land, to be bounded, described, and located according to the said return, plat, and survey; upon the production of whose plat and return to the register of the land office at Detroit, the said claimants, their assigns, &c., are, and shall be, entitled to ask for and receive a patent certificate therefor.

BOOK No. 3.

REPORT.

The undersigned commissioners, authorized by the act of Congress of February 21, 1823, to decide upon claims to donations or second concessions of lands situated between Grosse and Milk River Points, where the front farms, as aforesaid, have been heretofore confirmed, but which do not by such former confirmations extend to the depth of eighty arpents, French measure, beg leave to report:

That, in the examination of these claims, they have adopted the general principles which guided a former board in their decisions upon similar claims.

The present board found the same difficulties experienced by the former commissioners, appointed under the act of May 11, 1820, arising from the surveys and boundaries, established by law, of the front farms. It has therefore, in some instances, been found necessary, in according to claimants a donation or second concession of land, to transcend that power which, by a strict construction, the act first above named may seem to have intended. The peculiar hardship, however, of the operation of the first section

of the act of Congress of April 23, 1812, it was considered the duty of the present board to consider, and to give to claimants such equitable remuneration as the justice of their former and present claims appeared to merit. By reason of bends in the margin of the adjacent waters, it happened not unfrequently that the original owners of lands bordering thereon were limited, by the lines of adjacent surveys, to a depth very far short of the extent by them claimed, and to a quantity of land much less. In cases of this kind, the board were of the unanimous opinion that where the front farms were thus shut out from a continuity to the public lands in rear, it was within their powers to assign to the *bona fide* proprietor of a front farm a second concession, to be located upon the public lands immediately adjoining upon the general rear line of the second concession, and as near to the front farm as other intervening confirmed claims would admit.

That the second concession was deemed by Congress a necessary appendage to the advantageous enjoyment of the front farm, for purposes of fuel, fencing, and other timber, appeared evident to this board. The commissioners, therefore, uniformly adopted that principle, unless, in conveyances of the front farm, some special reservation appeared; and it is not recollected that such limitation occurred in any instrument of conveyance exhibited to this board. Lest conflicting confirmations might be made, or the same lands adjudged upon different claims to different claimants, the commissioners deemed it most expedient to submit to the surveyor appointed by the surveyor general to execute the surveys of the private claims general views and instructions as to their confirmations, with the request that the surveys might be made in accordance with them, and a plat and return thereof made to the board. To effect this object has occasioned some delay in the transmission of this report; but the advantages of this course, it is believed, will more than counterbalance any inconvenience which the detention may occasion.

The commissioners, satisfied with the return of the surveyor, have, in most cases, been enabled to report the specific number of acres confirmed to each claimant, and avoided all variance which would otherwise have occurred between the quantity confirmed and the quantity ascertained upon actual admeasurement.

The commissioners would again respectfully repeat the expression of their intention and opinion, that nothing contained in the following, or any former report by them submitted, be construed to confirm to any one person, by any particular decision, any specific tract, in such manner as to affect the right of any individual claiming the same land; but such conflicting claims are intended to remain subject to be decided, according to law, by the proper tribunal.

WM. WOODBRIDGE.
J. KEARSLEY.
JNO. BIDDLE.

DETROIT, *February* 29, 1824

NOTICE.

Claim No. 1.—*J. Kearsley.*

DETROIT, *September* 20, 1823.

SIR: Please to take notice that, as the remote assignee of Mrs. Sarah Macomb, executrix and administratrix of the late William Macomb, deceased, I now enter and make claim to a certain tract of land situated upon Grosse Isle, containing one hundred and fifty acres, in rear of a tract purchased and now owned by me; all which will more fully appear from the documentary evidence of title which will, in due time, be submitted.

J. KEARSLEY.

JOHN. BIDDLE, Esq., *Register.*

Major Kearsley, in support of the above claim, submits to the majority of the land board appointed under the act of Congress of February 21, 1823, the following remarks and evidence in behalf of his claim:

To the majority of the land board appointed under the act of Congress of February 21, 1823, *to adjust the title of lands in the district of Detroit, &c.:*

"GENTLEMEN: Being myself interested in a claim filed with the register of the land office for the consideration of this land board, of which I am a member, I beg leave, with the title papers upon which my claim is founded, to submit the following remarks: It will be observed that it was not until the 4th of August last that I became the proprietor of the front farm. The board of commissioners appointed under the act of May 11, 1820, confirmed, in virtue of the various claims filed in due time by the respective heirs and claimants to the several front farms upon Grosse Isle, this tract, of which I now claim a part, to Mrs. Sarah Macomb, as executrix and administratrix of William Macomb, deceased. At the time those claims were considered by the board, in 1821, no claim to land upon Grosse Isle was preferred, unless by the said heirs, &c., except one case, viz: that of Simon Perkins, who claimed, in virtue of an assignment to him, indirectly, as their remote assignee; at that time the then board did unanimously affirm the claim of Mr. Perkins. This case, it will be found, was, in every respect, parallel to that now made by me. This claim is now submitted to the present board, because the purchase was made by me posterior to the removal of Major Brevoort from the board of 1820, by his appointment as Indian agent; but as the report of the commissioners of 1820 was not made up or transmitted prior to the purchase of the front farm by me, I submitted the matter to my colleague, Mr. Woodbridge, the only member then, with myself, remaining of that board, with the request that, although he was aware no decision could by him alone be made, his opinion might be expressed upon this claim. Mr. Woodbridge has expressed his opinion, after having reviewed my chain of title to the front farm, and, I believe, it will be found clearly in favor of my claim, founded upon the general principle unanimously adopted by both the former and present board, viz: that the rear be holden by the present proprietor of the front, where such proprietor makes claim; and, where the present proprietor does not appear, then that the rear be holden by the claimant, who does appear, in trust and for the use of such as may now be the *bona fide* proprietor of the front. I beg leave

respectfully to refer the present board to the opinion of Mr. Woodridge, contained in the report of the board of 1820, upon back concessions.

"I beg, also, to refer to the same report for the evidence of title from the original patentees to myself, which is also now submitted.

"I am, most respectfully, your obedient servant,

"J. KEARSLEY."

In relation to the preceding claim of Major J. Kearsley, it appears to a majority of the commissioners that the tract of land upon the possession of which his claim to back concession was founded, was transferred to the individual under whom he immediately claims subsequent to the entry of claim on the part of the original confirmees, (or their assignees,) but prior to the confirmation made by the commissioners under the law of 1820, agreeably to said entry. He would therefore appear to be entitled to the benefits of the laws of 1812 and 1820 in relation to back concessions. In the report of the proceedings of the commissioners of 1820, a back concession is granted to the tract in question to the person or persons from whom the immediate grantor to the applicant, Major Kearsley, derives his title. In justice, therefore, to the present claimant, it is respectfully recommended by a majority of the commissioners that his rights be guarded by a direct grant to him, or by conditional title to the claimant or claimants to whom confirmation was made under the law of 1820.

Claim No. 2, rear of No. 391.—John Biddle.

DETROIT, *September* 27, 1823.

NOTICE.—I, John Biddle, hereby enter my claim, agreeably to law, to a donation of land in rear of a farm owned by me at Grosse Point, containing three arpents in front by forty in depth, more or less, and bounded on one side by Joseph Lewis Tremble, and on the other side by lands now or heretofore claimed by Rene Marsac.

JOHN BIDDLE.

John Biddle, in support of his claim to a donation of land in the rear of a farm owned by him at Grosse Point, produces the following papers: a deed from Charles Gouin, sr., to Henry Hudson, dated February 22, 1815, conveying to said Hudson a tract of land containing one hundred and twenty acres and ninety-four hundredths of an acre, situated on the border of Lake St. Clair, bounded and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Joseph Louis Tremble; thence north twenty-nine degrees west, one hundred and thirty-five chains seventy-eight links, to a post; thence north sixty-one degrees east, nine chains nine links, to a post, the southwest corner of a tract confirmed to Rene Marsac; thence south twenty-nine degrees east, one hundred and thirty chains thirty-two links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south thirty degrees west, ten chains sixty-one links, to the place of beginning. Also a deed dated August 23, 1818, from O. W. Miller, Coonrad Ten Eyck, and Robert Smart; and another from Henry Hudson, of September 22, 1823, conveying the above-described premises to Edward Brooks; also a deed from said Edward Brooks, dated October 31, 1818, conveying the same to David Gwynne and John Biddle; a deed from John Biddle aforesaid to the said David Gwynne, conveying an undivided moiety of the aforesaid premises to him, dated November 6, 1820; and a deed from David Gwynne, conveying to said Biddle the tract of land above described, dated July 21, 1823.

John Biddle, the above claimant, being one of the members of the land board, declines deciding upon his own claim; and thereupon the other members of this board do, upon consideration, confirm to the said John Biddle, as back concession to the farm above described, ninety acres and forty-seven hundredths of an acre, according to the survey thereof made and returned by the surveyor duly authorized. It further appears to the aforesaid members of this board that the front farm was originally confirmed to Charles Gouin November 23, 1808, the assignor above mentioned, to whom they have no doubt a patent issued, but that said patent is lost or mislaid; and therefore that the said John Biddle is justly entitled to a confirmation of the rear or back concession as above described, in virtue of his assignments from said Gouin.

Claim No. 3, rear of 502.—Rene Marsac.

DETROIT, *September* 30. 1823.

NOTICE.—I, Rene Marsac, hereby enter my claim to a continuation or donation, in rear of my farm situated at Grosse Point, containing two acres in front by forty in depth.

his
RENE ⋈ MARSAC.
mark.

Rene Marsac, in support of his claim to a donation of land in rear of his farm at Grosse Point, produces a patent from the President of the United States conveying to him a tract of land described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Charles Gouin, sen.; thence north twenty-nine degrees west, one hundred and twenty chains thirty-two links, to a post; thence north sixty-one degrees east, five chains ninety-one links, to a post, the southwest corner of a tract confirmed to Abraham Fournier; thence south twenty-nine degrees east, one hundred and eighteen chains sixty-three links, to a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Abraham Fournier; thence, along the border of said lake, south forty-five degrees west, six chains fifteen links, to the place of beginning, containing seventy acres and sixty hundredths of an acre.

The commissioners confirm to Rene Marsac, as back concession to the above-described farm, fifty-nine

acres and seventy-eight hundredths of an acre of land, according to the returns of the duly authorized surveyor, to be bounded and designated according to said return of survey.

Claim No. 4, rear of No. 692.—Joseph Campau.

NOTICE.—I hereby enter my claim to a donation of land in rear of my farm situated at Grosse Point, on Lake St. Clair, below Milk River Point. The documents on which my claim is founded will be laid before the commissioners.

JOSEPH CAMPAU.

The claimant, Joseph Campau, produces a patent from the President of the United States, dated June 1, 1811, granted to the said Campau, as assignee of Abraham Fournier, for the front farm bordering upon the Detroit river, a second concession to which is above claimed.

The commissioners do therefore confirm to Joseph Campau a tract of land in rear of the above-described tract of land, containing fifty-nine acres and thirty-three hundredths of an acre, as per return of the surveyor duly authorized to make the same.

Original tract.—No. 595.

NOTICE.—We hereby enter our claim, under the law of February 21, 1823, to a donation of land in rear of a farm held by us, jointly, on Lake St. Clair, below Milk River Point. The documents on which the claim is founded will be laid before the commissioners.

JOSEPH ALLAIRE.
his
AMBROSE ⋈ TREMBLE.
mark.

Second concession, No. 5.—Joseph Allaire and Joseph Tremble.

TUESDAY, *August* 26.

The commissioners met agreeably to adjournment. Joseph Allaire appeared before the commissioners and produced a patent from the United States to the widow and heirs of Ambrose Tremble for a tract of land described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Abraham Fournier; thence north twenty-nine degrees west, one hundred and twenty-six chains sixty-seven links, to an elm tree; thence north sixty-one degrees east, five chains eighty-two links, to a post, the southwest corner of a tract confirmed to John Little; thence south twenty-nine degrees east, one hundred and twenty-three chains sixty-one links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south thirty-four degrees west, six chains fifty-three links, to the place of beginning, containing seventy-two acres and eighty-three hundredths of an acre. He also produces a deed from Rose Tremble, described as one of the heirs of Ambrose Tremble, conveying her right and interest in the before-described tract to the said Joseph Allaire; also a deed from Cecile Tremble, described as the widow of Ambrose Tremble, conveying to said Joseph Allaire an undivided fifth part of the tract described in the patent above referred to.

He also produces a deed from Nicholas Maison, his wife Cecile, daughter of the late Ambrose Tremble, and Louis Goulaite and his wife, Archange, also daughter of the said Ambrose Tremble, conveying to the said Joseph Allaire all their title to the tract described in the patent of the United States. These deeds are stated to convey to Allaire three-fourths of the tract described in the patent; the remaining fourth belongs to Ambrose Tremble.

The claimant Allaire wishes a division of the donation in rear of the farm between him and the other claimant.

The commissioners confirm the foregoing claim of Joseph Allaire and Ambrose Tremble to a back concession, to be located as follows, to wit: the northeast or upper part, or one-fifth thereof, containing twelve acres and sixty-eight hundredths of an acre, to the said Ambrose Tremble, and the residue, or southwest four-fifths, containing fifty acres and thirty-two hundredths of an acre, to the said Joseph Allaire. The said confirmation being in conformity to the survey of John Mullet, made under the direction of this board, with the consent and at the request of the said claimants, as is represented by the said surveyor.

Claim No. 6, rear of No. 111.—Louis Grifford.

DETROIT, *September* 27, 1823.

NOTICE.—I, Louis Grifford, hereby enter my application for a donation of land in rear of my farm on Lake St. Clair, below Milk River Point, containing three arpents in front by forty in depth, more or less, and bounded on one side by the lands of Louis Beaufait and Antoine Loson, and on the other side by lands of Joseph Socier.

his
LOUIS ⋈ GRIFFORD.
mark.

Louis Grifford, in support of his application for a donation of land in rear of his farm on Lake St. Clair, below Milk River Point, produces a deed duly executed from James W. Little, conveying to claimant

a tract of land containing one hundred and ten acres and seventy-three hundredths of an acre, situate on the border of Lake St. Clair, bounded as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Louis Beaufait and Antoine Loson; thence north twenty-nine degrees west, one hundred and twenty-three chains sixty-one links, to a post; thence north sixty-one degrees east, nine chains eleven links, to a post, the southwest corner of a tract confirmed to Joseph Socier; thence south twenty-nine degrees east, one hundred and twenty chains twenty links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south forty degrees thirty minutes west, nine chains seventy links, to the place of beginning. Deed dated October 10, 1818.

The commissioners confirm to Louis Grifford, as back concession to the above-described farm, a tract of land containing one hundred acres and seventy-two hundredths of an acre, to be bounded and described according to the survey and return made thereof by the surveyor duly authorized.

Claim No. 7, rear of No. 585.—Joseph Socier.

DETROIT, *September* 23, 1823.

NOTICE.—I, Joseph Socier, hereby enter my claim to a donation of land in rear of my farm, situated on Lake St. Clair, below Milk River Point, containing three arpents in front by forty in depth.

his
JOSEPH ⋈ SOCIER, (FILS.)
mark.

Joseph Socier, in support of his claim to a donation of land in rear of his farm on Lake St. Clair, below Milk River Point, produces a patent from the President of the United States, dated June 1, 1811, granting to the said Joseph Socier a tract of land situate on the border of Lake St. Clair, containing 99.82 acres, bounded and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to John Little; thence north twenty-nine degrees west, one hundred and twenty chains twenty links, to a post; thence north sixty-one degrees east, eight chains thirty-nine links, to a post standing on the west line of a tract confirmed to Jeane Bt. Rivard; thence south twenty-nine degrees east, one hundred and seventeen chains seventy-two links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south forty-four degrees thirty minutes west, nine chains seventy-five links, to the place of beginning.

The commissioners confirm to Joseph Socier, as back concession to the farm above described, a tract of land containing 89.91 acres, according to the returns of the surveyor duly appointed, and to be bounded and described according to said return.

Claim No. 8, rear of No. 506.—Charles N. Gouin.

AUGUST 26, 1823.

NOTICE.—I hereby enter my claim to a donation of land in rear of my farm at Grosse Point, on the border of Lake St. Clair, containing some two acres in front by forty arpents in depth, and bounded by lands on the upper side owned by Pierre Gouin, and on the lower side by lands owned or claimed by the heirs of Baptiste Rivard.

CHARLES N. GOUIN.

Charles N. Gouin, in support of his claim to back concession heretofore filed, produces a patent from the President of the United States, dated May 30, 1811, conveying to said Gouin a tract of land situate on the border of Lake St. Clair, containing 73.68 acres, bounded and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Jeane Baptiste Rivard; thence north twenty-nine degrees west, one hundred and twenty-four chains fifty-two links, to a post; thence north sixty-one degrees east, five chains ninety-one links, to a post, the southwest corner of a tract confirmed to Jeane Baptiste Marsac; thence south twenty-nine degrees east, one hundred and twenty-four chains eighty-two links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south sixty-four degrees west, five chains ninety-two links, to the plaec of beginning.

The commissioners confirm to Charles N. Gouin a tract of land containing 57.98 acres of land in rear of that heretofore confirmed to him, according to the boundaries and descriptions given by the return of the surveyor authorized to make the same.

Claim No. 9, rear of No. 239.—Pierre Gouin.

AUGUST 26, 1823.

NOTICE.—I hereby enter my claim to a donation of land in rear of my farm at Grosse Point, on the border of Lake St. Clair, containing some three acres in front by forty arpents in depth, bounded on the upper side by land claimed by Pierre Yax, and on the lower side by land claimed by Charles N. Gouin.

PIERRE GOUIN.

Pierre Gouin, in support of his claim to a donation of lands in rear of his farm, produces the following papers: a deed from Jean Baptiste Marsac, dated March 15, 1813, conveying to said Gouin a tract of land described as follows: situated at Grosse Point, bounded in front by Lake St. Clair; on the northeast by lands of Pierre Michel Yax; on the southwest by lands belonging to the claimant; in rear by unconceded lands; containing two acres in front by forty in depth.

The commissioners confirm to Pierre Gouin 100.08 acres of land in rear of his farm heretofore confirmed, according to boundaries and lines expressed in the return of survey made by the surveyor authorized to make the same.

Claim No. 10, *rear of No.* 344.—*Pierre Yax, jr.*

DETROIT, *August* 26, 1823.

NOTICE.—I hereby make entry of a donation of land in rear of my farm at Grosse Point, on the border of Lake St. Clair, containing some two arpents in front by forty in depth; bounded on the upper side by land claimed by Pierre Rivard, (originally entered in the name of John Yax,) and on the lower side by lands claimed by Pierre Gouin.

his
PIERRE ⋈ YAX, JR.
mark.

In presence of—
JAMES MCCLOSKEY.

Pierre Yax, jr., in support of his claim to a donation of land in rear of his farm on Lake St. Clair, below Milk River Point, produces a deed from Pierre Yax, sen., conveying to him a tract of land bounded and described as follows: bounded in front by Lake St. Clair; in rear by lands of the United States; on the southwest by lands occupied and claimed by Pierre Gouin, and on the northeast by lands occupied and claimed by Pierre Rivard, being two arpents in front by forty in depth, more or less. The land is stated to have been patented to Pierre Yax, sen., and the patent to have been placed in the office of Mr. Audrain, sen.

The commissioners confirm to Pierre Yax, jr., as back concession to the above-described tract, 68.12 acres of land, according to the return of the authorized surveyor, to be bounded and described as per the said survey and return.

Claim No. 11, *rear of No.* 299.—*Charles Rivard.*

NOTICE.—You will please to take notice that I claim, as a donation right and second concession, (so called,) so much land in the rear of and adjoining to the tract heretofore conveyed to me by the President of the United States by patent dated May 30, 1821, which fronts upon the water below Milk River Point, bounded on one side by land heretofore conveyed to Simon Yax, and on the other side by lands confirmed to Michael Rivard, as that my said tract of land so confirmed to me may be extended in depth so that the whole length thereof may be eighty arpents.

CHARLES RIVARD,
By WM. WOODBRIDGE.

The COMMISSIONERS *for investigating and deciding upon claims for lands within the district of Detroit.*

Charles Rivard, in support of his claim to a donation of land in rear of his farm on Lake St. Clair, below Milk River Point, produces the following document: a patent from the President of the United States conveying to him a tract of land containing 167.62 acres, situated on the border of Lake St. Clair, bounded and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Simon Yax; thence north twenty-nine degrees west, one hundred and twenty-one chains eighty links, to a post; thence north sixty-one degrees east, thirteen chains ninety-two links, to a post, the southwest corner of a tract confirmed to Michael Rivard; thence south twenty-nine degrees east, one hundred and nineteen chains ten links, to a post standing on the border of Lake St. Clair; thence along the border of said lake south fifty degrees west, fourteen chains eighteen links, to the place of beginning. Patent dated May 30, 1811.

The commissioners confirm to Charles Rivard 146.85 acres of land, (as back concession to the farm above mentioned,) bounded and described as per survey and return thereof made by the surveyor duly authorized.

Claim No. 12, *rear of No.* 300.—*Michael Rivard.*

NOTICE.—You will please to take notice that I claim, as a donation right and second concession, (so called,) so much land in the rear of and adjoining to the tract heretofore conveyed to me by the President of the United States by patent dated May 30, 1811, which fronts upon the water below Milk River Point, bounded on one side by land heretofore confirmed to Charles Rivard, and on the other side by land confirmed to William Robinson and Hugh R. Martin, as that my said tract of land so conveyed to me may extend in the whole to the depth of eighty arpents.

MICHAEL RIVARD,
By WM. WOODBRIDGE.

The COMMISSIONERS *for investigating and deciding upon claims to land within the district of Detroit.*

Michael Rivard, in support of his claim to a donation of land in rear of his farm on Lake St. Clair, below Milk River Point, produces a patent from the President of the United States, dated May 13, 1811, conveying to him a tract of land situate on the border of Lake St. Clair, containing 105.05 acres, bounded and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Charles Rivard; thence north 29° west, 119 chains 10 links, to a post; thence north 61° east, 8 chains 93 links, to a post; the southwest corner of a tract confirmed to William Robinson and Hugh R. Martin; thence south 29° east, 117 chains 20 links, to a post standing on a border of Lake St. Clair; thence, along the border of said lake, south 49° west, 9 chains 13 links, to the place of beginning.

The commissioners confirm to Michael Rivard 98.52 acres of land in rear of the farm above mentioned, and as back concession thereto, bounded and described as per the survey and return of the surveyor duly authorized to make the same.

Claim No. 13, *rear of No.* 241.—*Henry Hudson.*

DETROIT, *May* 3, 1823.

NOTICE.—I hereby enter my claim to a donation of land in rear of a farm owned by me, and purchased from Solomon Sibley, as agent for Robinson, and containing six acres in front, and extending back in depth (in part) forty acres; bounded by a farm owned by Rivard, and a tract of land owned by the claimant, and by Lake St. Clair.

his
HENRY + HUDSON.
mark.

Henry Hudson produces, in support of the above claim, a deed from John Robinson to said Hudson, conveying to him a tract of land described as follows: situated on the border of Lake St. Clair, at Grosse Point, containing one hundred and ten and a half acres, bounded as follows: beginning at a post standing on the border of Lake St. Clair, between said tract and a tract confirmed to Michael Rivard; thence N. 29° W., 117 chains 20 links, to a post; thence N. 61° E., 8 chains 93 links, to a post; thence S. 29° E., 96 chains 53 links, to a post; thence S. 64° E., 17 chains 4 links, to a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Nicholas Patenode; thence S. 35° 40′ W., 10 chains 81 links; thence S. 29° W., 4 chains; thence S. 54° 30′ W., 5 chains and 5 links, to the place of beginning; it being the same tract of land entered by and confirmed to Hugh R. Martin and Wm. Robinson, and by them assigned to said John Robinson: deed dated July 8, 1816.

The commissioners confirm to Henry Hudson 83.20 acres of land as back concession to the above-described tract, to be bounded and designated as per survey and return of the surveyor who was thereto duly appointed and authorized.

Claim No. 14, *rear of Nos.* 273 *and* 262.

DETROIT, *May* 3, 1823.

NOTICE.—Henry Hudson enters his claim to donations of land in rear of his farms situated on the border of Lake St. Clair, and below Milk River Point, Nos. 262 and 273, by the board of commissioners who originally confirmed the same.

Henry Hudson, in support of his claims to donations of lands in the rear of his farms at Grosse Point, produces the following papers: a patent from the President of the United States to Nicholas Patenode, granting to him a tract of land containing 19.85 acres, situated on the border of Lake St. Clair, bounded and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to William Robinson and Hugh R. Martin; thence north 64° west, 17 chains 4 links, to a post standing on the east line of a tract confirmed to William Robinson and Hugh R. Martin; thence, on said line, north 29° west, 14 chains 65 links, to a post; thence south 64° east, 30 chains 22 links, to a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to George Meldrum; thence, along the border of said lake, south 34° west, 8 chains 48 links, to the place of beginning; also a transfer duly executed from said Nicholas Patenode to Jean Baptiste Petit, dated June 30, 1814, and a conveyance from said Jean Baptiste Petit to Henry Hudson, dated July 1, 1814. In support of claim to rear of 262, said Hudson also produces the deed of George Meldrum duly executed, to whom, it is believed, the original claim was confirmed to William Robinson; and also evidence satisfactory to the commissioners, deducing the equitable title to this tract from said Robinson to the present claimant, Henry Hudson. Said tract is described as follows: bounded in front by Lake St. Clair, above by lands of Joseph Ellair, or widow Crique, and below by lands of Nicholas Patenode.

The commissioners confirm to Henry Hudson, as back concessions to the two farms above mentioned, the tract of land containing 300.65 acres, according to the returns of the surveyor authorized to make the same, and to be bounded and described agreeably to said return and survey; saving, however, all the legal or equitable rights and interests of Jean Baptiste Petit, or other heirs or legal representatives of Nicholas Patenode, deceased, in and to so much of the above land hereby confirmed as may be granted as donation or second concession in rear of or appurtenant to the lower or southwest of the above-described farms, and numbered by the former commissioners, who confirmed the same, No. 273.

Claim No. 15, *rear of No.* 273.—*Jean Baptiste Petit.*

NOTICE.—Jean Baptiste Petit also files his claim for a donation or second concession in rear of the tract of land originally patented to his father-in-law, Nicholas Patenode, deceased, originally numbered 273 by the commissioners who confirmed the same, being the first of the above-mentioned tracts, a back or second concession to which is claimed by Henry Hudson.

The claimant, Jean Bpt. Petit, states that it was not his intention, at any time, to convey the right of second concession to his farm. And it appears, upon reference to the deed of said Patenode, duly executed to this claimant, by him adduced to this board, that said Patenode does therein expressly advert to the fact of his farm being limited in rear by the survey of Aaron Greely, esq., to a depth very far short of that originally claimed and occupied by him, the said Patenode. Said Patenode does also expressly, in said deed, convey to said Petit all the equitable right to a donation of land to which he considered himself

entitled by the reason of the injustice done to him by the surveyor. Under all the circumstances of this case, the commissioners are fully of opinion that great injustice was done to the said Patenode; and that the survey, upon which a patent was granted to him, was not made in conformity to the original entry of said Patenode, as appears by that entry and proceedings of former commissioners now before this board. The commissioners do therefore respectfully recommend to the reviewing power that there be confirmed to Jean Baptiste Petit a tract of land, not exceeding two hundred arpents, to be located on such of the adjacent public lands as may remain unappropriated and unsold; and that said Jean Baptiste Petit be allowed to cause the same to be surveyed, or otherwise located, so that, upon return thereof to the register of the land office, a patent certificate and patent may be obtained for the same; to be holden, nevertheless, by the said Petit, in trust for his own use, and the use of the other heirs of the said Nicholas Patenode, now deceased, and in full satisfaction of their claim to said donation or second concession.

Claim No. 16, *rear of No.* 261.—*Joseph Allaire.*

DETROIT, *September* 23, 1823.

NOTICE.—I, Joseph Allaire, hereby enter my claim to a donation in rear of a tract of land situated at Grosse Point, containing one arpent in front; being the same granted, by patent of the President of the United States, to the widow and heirs of Jean Baptiste Crique.

JOSEPH ALLAIRE.

DETROIT, *September* 23, 1823.

Joseph Allaire, in support of his claim to a donation of land in rear of his farm on Lake St. Clair, below Milk River Point, produces the following papers: a patent from the President of the United States to the widow and heirs of Jean Baptiste Crique, dated October 7, 1811, conveying to them a tract of land containing 12.5 acres, situated on the border of Lake St. Clair, and bounded and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to George Meldrum; thence north 64° west, 39 chains 31 links, to a post standing on the east line of a tract confirmed to William Robinson and Hugh R. Martin; thence, on said line, north 29° west, 5 chains 7 links, to a post; thence south 64° east, 43 chains 47 links, to a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to the widow Allaire; thence, along the border of said lake, south 51° west, 2 chains 92 links, to the place of beginning; also a deed, duly executed, from Madelaine Crique, widow of Jean Baptiste Crique, conveying to said Allaire all her right and title to the above-described tract, deed dated June 15, 1819; also a deed from Mary King, described as one of the heirs of J. B. Crique, conveying to Joseph Allaire her interest in the above-described tract, and dated June 15, 1819; also a deed from Jean Baptiste Crique, conveying to Joseph Allaire all his right and interest in a piece of land situated at Grosse Point, containing an acre in front, belonging to the estate of his father, J. B. Crique, sen., presumed to be the same tract described in the above-recited patent, deed dated January 24, 1816; also a deed from Bazil Crique and Jean Baptiste Comparet, jr., represented as two of the heirs of Jean Baptiste Crique, sen., conveying to Jean Baptiste Comparet, sen., two-elevenths, being their shares of a tract of land at Grosse Point, confirmed by the commissioners to the widow and heirs of Jean Baptiste Crique, sen., deed dated June 11, 1810; also a deed from Jean Baptiste Comparet, sen., Jean Baptiste Comparet, jr., and George Cottrell, conveying to Anselm Petit a piece of land of fifty feet in front by forty arpents in depth, more or less, being three-elevenths of a tract of one acre in front by the depth before-mentioned, inherited by Bazil Crique and Jean Baptiste Comparet, jr., as having married Anniesse Crique, which they conveyed to Jean Baptiste Comparet, sen., and by George Cottrell, as having married Cicele Crique; said fifty feet bounded in front by Lake St. Clair, in rear by unconceded land, on the northeast by Joseph Allaire, and on the southwest by that part of the said arpent which belongs to the other heirs of the said Jean Baptiste Crique, sen., deceased, deed dated July 16, 1810; also a deed from said Anselm Petit, conveying to Joseph Allaire all the rights acquired by the conveyance above recited, from Jean Baptiste Comparet, sen. and jr., and George Cottrell, to said tract, deed acknowledged April 24, 1815.

Joseph Allaire also produces a paper, dated Grosse Point, February 23, 1819, signed by Pat. McGalpin and Madelaine McGalpin, and witnessed by Timothy Young, by which said Pat. McGalpin and Madelaine, his wife, relinquish to Madelaine Crique, mother of said Madelaine McGalpin, all their claim to a tract of land at Grosse Point, containing one acre in front, formerly belonging to Jean B. Crique, deceased. Confirmed.

[See the decision upon the claim of Joseph Allaire, next following, rear of Nos. 584 and 261.]

Claim No. 17, *rear of Nos.* 261 *and* 584.—*Joseph Allaire.*

APRIL 6, 1823.

NOTICE.—I hereby enter my claim, under the law of February 21, 1823, to a donation of land in the rear of my farm on Lake St. Clair, below Milk River Point. The documents on which my claim is founded will be laid before the commissioners.

JOSEPH ALLAIRE.

Joseph Allaire also produces a patent from the United States, granting to him, as assignee of the widow of Alexis Allaire, a tract of land described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to the widow and heirs of Jean B. Crique; thence north 64° west, 43 chains 47 links, to a post standing on the east line of a tract confirmed to William Robinson and Hugh R. Martin; thence, on said line, north 29° west, 16 chains 32 links, to a post; thence south 64° east, 55 chains 94 links, to a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Gregor McGregor; thence, along the border of said lake, south 20° 30′ west, 9 chains 40 links, to the place of beginning, containing 45.58 acres.

The commissioners confirm the claim of Joseph Allaire to the rear or back concession claimed, containing 238.71 acres, according to the location and boundaries described in the certificate of survey made by John Mullet, surveyor duly appointed by the surveyor general, and under the instructions and directions of this board.

Claim No. 18, *rear of No.* 258.—*Henry Hudson.*

DETROIT, *May* 3, 1823.

NOTICE.—I hereby enter my claim to a donation of land in rear of a farm owned by me, and purchased from Baptiste Nicholai, and containing three acres in front, and extending in depth fifteen acres, more or less, bounded by lands owned by the claimant, and by Lake St. Clair.

his
HENRY + HUDSON.
mark.

In support of a third claim to a donation of land, Henry Hudson produces a patent from the President of the United States, bearing date July 24, 1811, granting to Gregor McGregor a tract of land situated on the border of Lake St. Clair, containing 122.27 acres, bounded and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to the widow Allaire; thence north 64° west, 55 chains 94 links, to a post standing on the east line of a tract confirmed to William Robinson and H. R. Martin; thence, on said line, north 29° west, 31 chains 5 links, to a post; thence south 64° east, 81 chains 37 links, to a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Alexander Grant; thence, along the border of said lake, south 26° west, 17 chains 81 links, to the place of beginning. This tract is stated in the patent to be subject to mortgage for a sum due to the heirs of William Macomb, deceased. Henry Hudson also produces a deed from Sarah Macomb and Angus McIntosh, styled executor and executrix of the late William Macomb, deceased, conveying the above-described premises to Henry Hudson, in virtue of a deed from the aforesaid Gregor McGregor to the said A. McIntosh, as executor, &c. The commissioners confirm to Henry Hudson, as back concession to the above-mentioned farm, a certain tract of land containing 306.04 acres, according to the return of the surveyor authorized to make the same, and to be bounded and described as per said survey and return.

Claim No. 19, *rear of No.* 231.—*Alexander Grant, heirs of.*

NOTICE.

SEPTEMBER 20, 1823.

SIR: The heirs of Alexander Grant, esq., deceased, give notice, and request the same may be entered, that they claim the back concession to lands in the rear, or contiguous thereto, of the farm or tract of land lying upon and at the foot of Lake St. Clair, which was confirmed and granted by patent to said Alexander, to wit: 255.85 acres; said tract confirmed and granted, not exceeding forty arpents from front to rear. They found their claim on the 2d section of the act of Congress of February 21, 1823.

SOLOMON SIBLEY, *Attorney and Agent for the heirs of A. Grant, deceased.*

JOHN BIDDLE, Esq., *Register of the Land Office at Detroit.*

Solomon Sibley, esq., as attorney and agent for the heirs of Alexander Grant, deceased, produces to the commissioners the following documents in support of their claim to a donation of land in rear of a farm situated at Grosse Point:

A patent from the President of the United States, dated June 17, 1812, conveying to Alexander Grant, esq., a tract of land situated on the border of Lake St. Clair, containing 255.85 acres, bounded and described as follows, viz: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Gregor McGregor; thence north 64° west, 81 chains 37 links, to a post standing on the east line of a tract confirmed to William Robinson and Hugh R. Martin; thence, on said line, north 29° west, 38 chains 50 links, to a post; thence north 26° east, 4 chains 7 links, to a post, the southwest corner of a tract confirmed to William Forsyth; thence south 64° east, 108 chains 18 links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south 12° 40′ west, 17 chains 50 links; thence south 21° west, 9 chains 22 links, to the place of beginning.

The commissioners confirm to the heirs of Alexander Grant, deceased, as back concession to the tract above described, the two several tracts or parcels of land described in the survey and return thereof, made by the surveyor duly authorized, and containing in the whole 287.93 acres, to be located, bounded, and described according to said survey.

Claim No. 20, *rear of No.* 122.—*William Forsyth.*

JUNE 16, 1823.

NOTICE.—I hereby enter my claim to a donation of land in rear of a farm owned by me at Grosse Point, containing seven acres in front on Lake St. Clair by forty arpents in depth, and bounded by the lands of the late Alexander Grant on the south and by John Kirby on the north.

WM. FORSYTH.

William Forsyth, in support of his claim, produces a patent from the President of the United States, dated April 20, 1811, granting to him a tract of land containing 211.79 acres, described as follows: situate on the border of Lake St. Clair, beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Alexander Grant, esq.; thence north 64° west, 108 chains 18 links, to a post; thence north 26° east, 20 chains 14 links, to a post, the northwest corner of a tract confirmed to Alice Kirby; thence south 64° east, 102 chains 14 links, to a post standing on the border of Lake St. Clair; thence along the border of said lake; thence south 9° 20′ west, 21 chains 3 links, to the place of beginning.

The commissioners confirm to William Forsyth, as back concession, 250.61 acres of land, situate, bounded, and described according to the returns of the authorized surveyor.

Claim No. 21, rear of No. 404.—John Kirby, Jr.

AUGUST 29, 1823.

NOTICE.—I, John Kirby, jr., hereby enter my claim to a tract of land, agreeably to the law of February 21, 1823, in rear of my farm on Lake St. Clair, below Milk River Point, bounded by land now or late of William Forsyth, containing three arpents in front by forty in depth.

JOHN KIRBY, JR.

FRIDAY, *August* 29, 1823.

John Kirby, jr., in support of his claim to a back concession, filed with the register of the land office, produces the following documents: a patent from the President of the United States to Alice Kirby for a tract of land containing 162.88 acres, and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to William Forsyth; thence north 64° west, 102 chains 14 links, to a post; thence north 26° east, 16 chains 41 links, to a post standing on the north line of a tract confirmed to William Forsyth; thence south 64° east, 96 chains 34 links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south 6° 30′ west, 17 chains 40 links, to the place of beginning. Patent dated October 7, 1811.

Also a deed from John Kirby and Alice Kirby, his wife, dated May 19, 1820, conveying to John Kirby, jr., the equal and undivided south half of the tract of land described in the patent, containing 81.44 acres, which deed is duly executed and recorded.

Claim No. 22, rear of No. 404.—Alice Kirby.

NOTICE.—John Kirby, jr., also gives notice of the claim of John Kirby, sr., and Alice Kirby, his father and mother, to a tract of land situate in rear of the farm still owned and occupied by them, and, in support of their claim, refer to the patent of the President, forasmuch as it will appear from the above that the moiety or northern half part of the farm granted by the President as aforesaid is still owned by the said Alice Kirby.

The commissioners confirm to John Kirby, jr., the tract of land claimed, bounded and described according to the two separate returns of survey made by John Mullett, surveyor thereto duly appointed, containing in the whole 98.17 acres.

The commissioners confirm to Alice Kirby the land applied for, containing 95.93 acres, situate, bounded, and described, as by the two distinct surveys and returns of the surveyor thereto duly authorized appears.

Claim No. 23, rear of François Furton.

NOTICE.

DETROIT, *September* 30, 1823.

SIR: Please take notice that the land board acting under the law of Congress of May 11, 1820, confirmed to me a certain tract of land bordering upon Lake St. Clair, below Milk River Point, which tract of land, although originally about three arpents in front by forty in depth, yet was so cut off by the lines of the adjacent tracts, as surveyed by Aaron Greely, esq., the surveyor of private claims, that it did not extend more than about six or seven arpents in depth, and then to an entire point, making my tract a small triangle of about twenty-three acres I therefore now make claim, as back concession and to make up the deficiency in front of which the established lines of former surveys have deprived me, to such quantity of land as the board of commissioners appointed under the act of February, 1823, may think me in justice and equity entitled to.

FRANÇOIS his + mark. FURTON.

The REGISTER *of the Land Office at Detroit.*

Witness: JOHN BIDDLE.

The commissioners do therefore, upon examination of the proceedings of the board appointed under the act of May 11, 1820, find that the matters set forth in the above notice of François Furton are strictly true, and do confirm to the said François Furton, to whom the front was confirmed by the board as above stated, 169.67 acres of land in rear of the land heretofore confirmed to him, to be bounded and described as per the survey and return of the surveyor thereto duly appointed.

Claim No. 24, rear of No. 631.—Louis A. Tremble.

NOTICE.—Louis A. Tremble makes entry of claim to a second concession or tract of donation land in rear of that now occupied by him, situate upon Lake St. Clair, bounded above by a tract of land owned by Jean Baptiste Tremble, below by a tract claimed by François Furton.

The claimant, in support of his claim, produces a deed duly executed by François Ambrose Tremble, the original patentee, his father, dated August 23, 1815, from which it appears that the upper moiety or undivided half part was conveyed to the present claimant and the lower half part was conveyed to his mother, Madam Madalaine Minie Tremble, the wife of the grantor.

It fully appears to the commissioners that claimant is entitled to a back concession to that part of the tract above described which was duly conveyed to him by his father, and that the mother of the claimant is equally entitled to a back concession to that part assigned to her by her deceased husband. The commissioners do therefore confirm to Madam Madalaine Minie Tremble, and to her son, Louis Ambrose Tremble, a tract of land (as a donation or second concession) containing 129.48 acres, agreeably to the survey and return of the surveyor thereto duly appointed, to be bounded and described as per said survey, plat, and return; to be holden by them as tenants in common, and not as joint tenants, to each an equal undivided half part.

No. 25, rear of No. 240.—J. B. Tremble.

NOTICE.—Jean Baptiste Tremble makes entry of claim to a second concession or tract of donation land in rear of that now occupied by him, situate upon Lake St. Clair, and below Milk River Point, bounded above by a tract of land owned by Leon Vernier dit Ladoucer, below by a tract claimed by Louis Tremble.

John Baptiste Tremble, in support of the above claim, produces a deed from Nicholas Rivard, being for the same tract which Nicholas Rivard bought from Jean Baptiste Doumay.

Nicholas Rivard appeared also before the board and states that he sold the front farm to which back concession is now claimed, and that the claimant, Jean Baptiste Tremble, is the just owner thereof, it being the same tract that was patented to Jean Baptiste Doumay and sold by exchange to this witness.

The commissioners confirm to Jean Baptiste Tremble 91.30 acres, as per two distinct returns and surveys thereof by the surveyor duly authorized to make the same.

Claim No. 26, rear of No. 611.—Leon Vernier dit Ladoucer.

DETROIT, *April* 4, 1823.

NOTICE.—I hereby enter my claim, under the law of February 21, 1823, to a donation of land in rear of my farm on Lake St. Clair, below Milk River Point. The documents on which my claim is founded will be laid before the commissioners.

LEON VERNIER DIT his ⋈ mark. LADOUCER.

Leon Vernier dit Ladoucer, in support of his claim to a back concession filed with the register, produces the following title papers: patent of the President of the United States, dated July 3, 1812, granted to Julien Campau for 108.88 acres, described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Jean Baptiste Marsac; thence north 75° west, 103 chains 66 links, to a post; thence north 15° east, 10 chains 43 links, to a post, the southwest corner of a tract confirmed to Henry St. Bernard; thence south 75° east, 105 chains 12 links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south 23° west, 10 chains 54 links, to the place of beginning.

The present claimant also produces a deed of conveyance from Pierre Robidoux, administrator upon the estate of said Julien Campau, deceased, to Jean Baptiste Vernier dit Ladoucer, duly executed and recorded; and also a deed of conveyance from Jean Baptiste Vernier dit Ladoucer and Catharine, his wife, duly executed and recorded, to the said claimant.

The commissioners confirm to Leon Vernier dit Ladoucer his claim of back concession, containing 136.08 acres, according to two distinct surveys and returns of John Mullet, esq., duly appointed by the surveyor general, and the lines of which were run under the instruction of this board.

Claim No. 27, rear of No. 577.—Levi Willets.

DETROIT, *September* 2, 1823.

NOTICE.—I, Levi Willets, hereby enter my claim to a donation of land in rear of my farm on Lake St. Clair, below Milk River Point, containing three arpents in front by forty in depth.

THOMAS WILLETS, *for Levi Willets.*

Thomas Willets, in behalf of Levi Willets, produces the following title papers in support of the claim of the latter to a donation of land in rear of his farm on Lake St. Clair, below Milk River Point, viz: a patent from the President of the United States to Henry St. Bernard for 104.74 acres, bounded and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Julien Campau; thence north 75° west, 120 chains 12 links, to a post; thence north 15° east, 8 chains 73 links, to a post, the southwest corner of a tract confirmed to Laurent Grifford·

thence south 75° east, 122 chains 13 links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south 28° west, 8 chains 96 links, to the place of beginning. Patent dated June 1, 1811.

Also a deed duly executed and recorded from Henry St. Bernard to Thomas Willets, dated March 29, 1814, conveying to the latter the tract granted by the patent. Also a deed from Thomas Willets to Levi Willets, dated January 25, 1816, conveying to the latter the above-described tract, which deed appears to be duly executed and recorded.

The commissioners confirm to Levi Willets a tract of land in rear of the above-described front, containing 83.21 acres, located, bounded, and described as per the return of the authorized surveyor.

Claim No. 28, *rear of No.* 183.—*François Thibault.*

DETROIT, *August* 26, 1823.

NOTICE.—I hereby make entry of a donation of land in rear of my farm at Grosse Point, on the border of Lake St. Clair, containing some three arpents in front by forty in depth, bounded on the upper side by Jean Baptiste Ladoucer dit Vernier, and on the lower side by land claimed by Willets.

FRANÇOIS his ⋈ mark. THIBAULT.

François Thibault, in support of his claim to a donation of land in rear of his farm on Lake St. Clair, below Milk River Point, produces the following papers: a patent from the President of the United States, dated June 15, 1812, granting to Laurent Grifford a tract of land situate on Lake St. Clair, containing one hundred and three and eighty-four hundredths acres, and bounded and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Henry St. Bernard; thence north 75° west, 110 chains 13 links, to a black-ash tree; thence north 15° east, 9 chains 53 links, to a post, the southwest corner of a tract confirmed to Jean Baptiste Vernier dit Ladoucer; thence south 75° east, 109 chains 96 links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south 14° west, 9 chains 53 links, to the place of beginning.

Also a deed duly executed from Laurent Grifford and Marianne, his wife, dated August 29, 1818, conveying the above-described tract of land to François Thibault.

The commissioners confirm to François Thibault a tract of land as back concession, containing one hundred and six and four hundredths acres, situate, bounded, and described as per return of the surveyor authorized to make the same.

Claim No. 29, *rear of No.* 156.—*J. B. Ladoucer dit Vernier.*

DETROIT, *March* 31, 1823.

NOTICE.—I hereby enter my claim, under the law of February 21, 1823, to a donation of land in rear of my farms on Lake St. Clair, below Milk River Point. The documents on which my claims are founded will be laid before the commissioners.

J. B. LADOUCER DIT his ⋈ mark. VERNIER.

John Baptiste Ladoucer dit Vernier produced to the commissioners the following documents in support of his claims to donations under the second section of the act of February 21, 1823:

1st. A patent granted by the President of the United States, dated April 20, 1811, for 220.5 acres, described as follows: situate on the border of Lake St. Clair, and beginning at a post on the border of said lake between this tract and a tract confirmed to Laurent Grifford; thence north 75° west, 121 chains 96 links, to a post; thence north 15° east, 18 chains 26 links, to a post, the southwest corner of a tract confirmed to François Bonhomme; thence south 75° east, 119 chains 6 links, to a post standing on the border of said Lake St. Clair, between this tract and a tract confirmed to François Bonhomme; thence, along the border of said lake, south 6° west, 18 chains 49 links, to the place of beginning.

The commissioners confirm this claim of Jean Baptiste Vernier dit Ladoucer, containing 199.47 acres, bounded and described as by the returns of John Mullet, surveyor, &c.

Claim No. 30, *rear of No.* 249.—*J. B. Ladoucer dit Vernier.*

Said Ladoucer also produces a patent from the President of the United States, granting to Francis Bonhomme a tract of land containing 147.72 acres, situate on the border of Lake St. Clair, beginning at a post on the border of said lake, between this tract and a tract confirmed to Jean Baptiste Ladoucer; thence north 75° west, 119 chains 6 links, to a post; thence north 15° east, 12 chains 50 links, to a post, the south corner of a tract confirmed to Louis Reneau; thence south 75° east, 117 chains 30 links, to a post on the border of said Lake St. Clair; thence, along the border of said lake, south 7° west, 12 chains 62 links, to the place of beginning. Said Ladoucer, in addition to this patent, also produces a deed of conveyance, which appears regularly executed and recorded, from François Lasselle, administrator of said François Bonhomme, deceased, granted to Jean Baptiste Durette; also a deed from Jean Baptiste Durette and Marianne, his wife, to said Jean Baptiste Ladoucer, also regularly executed and recorded. The deed from Lasselle dated February 8, 1817; the deed from Durette and wife dated July 24, 1819.

The commissioners confirm this claim to Jean Baptiste Vernier dit Ladoucer, according to the extent and boundaries described by the survey of John Mullet, executed by direction of this board, containing 138.84 acres.

Claim No. 31, *rear of No.* 223.—*Joseph Reneau.*

DETROIT, *September* 19, 1823.

NOTICE.—I, Joseph Reneau, hereby enter my claim to a continuation of my farm at Lake St. Clair, below Milk River Point, containing three arpents in front by forty in depth, more or less.

his
JOSEPH ⋈ RENEAU.
mark.

SEPTEMBER 19, 1823.

Joseph Renau, in support of his claim to a donation of land in rear of his farm, on Lake St. Clair, below Milk River Point, produces the following documents, viz: a joint deed from Antoine Reneau and Archange Reneau, his wife; Jaques Reneau, Laurent Reneau, Francis Reneau and Mary, his wife; Jean Baptiste Durette and Marianne, his wife; Catharine Reneau, Louis Peltier and Harriet, his wife; Jean Baptiste Tremble and Rennette, his wife; François Grifford and Cecile, his wife; Julien Forton and Angelique Forton, his wife; and Archange Reneau and Louis Reneau, the legal heirs of Louis Reneau, conveying to Joseph Reneau a tract of land described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to François Bonhomme; thence north seventy-five degrees west, one hundred and seventeen chains thirty links, to a post; thence north fifteen degrees east, eight chains ninety-one links, to a post standing on the south line of a tract confirmed to Jean Baptiste Sené; thence south seventy-five degrees east, one hundred and fifteen chains ninety-seven links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south seven degrees thirty minutes west, nine chains one link, to the place of beginning, containing 103.92 acres.

The commissioners confirm to Joseph Reneau 95.14 acres of land, according to the boundaries and lines given in the return of the surveyor authorized to make the survey thereof.

Claim No. 32, *rear of No.* 576.—*Heirs of J. B. Sené.*

NOTICE.—The heirs and legal representatives of Jean B. Sené enter their claim to a donation of land in rear of the farm confirmed to their father, situate upon Lake St. Clair, bounded above by lands claimed by Thomas Noxon, below by lands claimed by Joseph Reneau, so as to extend the said farm to the depth of eighty arpents.

There being no evidence adduced in support of this claim by the claimants, the commissioners have had recourse to the original proceedings of former commissioners upon the claim for the front farm. The following appears: on December 26, 1808, the board considered the claim of J. B. Sené. The notice of claim is as follows:

"*To Peter Audrain, esq., register of the United States land office at Detroit:*

"SIR: Please take notice that I now enter with the commissioners of the land office at Detroit my claim to a certain tract of land situate and being at La Pointe aux Ginnolet, within the Territory of Michigan, and bounded in front by Lake St. Clair, in rear by unlocated lands, on the northeast side by Jaques Allard, pere, and on the southwest by lands of L. Reneau, being in breadth three arpents and two perches, and in length eighty arpents. I claim and set up title to this tract of land by virtue of occupancy and improvements previous to July 1, 1796.

his
"JEAN B. + SENÉ.
mark.

"Witness: JOSEPH WATSON."

Testimony in support of the claim is next adduced, and therefore the board did confirm the said claimant in this tract to the full extent of his claim. The present board also find upon the files of the former register the original survey and return of Aaron Greely, esq., the surveyor thereto duly appointed, by which it appears that the said farm was surveyed according to the extent confirmed, as respects the depth thereof, viz: eighty arpents. The copy of the original final certificate of the register is also found upon file, from which it would appear that the patent or final certificate was granted by the register for the same extent (eighty arpents) as stated in the survey and return. From all these evidences, therefore, it does appear to the present board that Jean B. Sené has heretofore been confirmed in the full quantity allowed by law, and that his heirs are not entitled to a further confirmation. Yet, as this board have not seen the patent, and lest there should exist a difference between the patent and the above evidences; and as the claimants are unquestionably entitled to a patent for the full extent of eighty arpents, if they have not heretofore been confirmed therein, therefore the present board do confirm to the said heirs of Jean Bt. Sené, deceased, as donation or back concession, all that tract of land which may be situated between the border of Lake St. Clair and the rear line of the back concessions, (so called,) as established by John Mullet, esq., the surveyor duly authorized to fix and establish the same, at a distance not exceeding eighty arpents from said lake, if, upon proper examination, it shall be found that there is any of the land so situated, and between the boundary lines of lands formerly claimed by Jaques Allard, sen., on the northeast, and by lands formerly claimed by Louis Reneau on the southwest, not heretofore confirmed by patent to the said Jean Bt. Sené, deceased; and that the same be surveyed and returned to the register of the land office at Detroit by a surveyor duly authorized to make the same.

Claim No. 33, *rear of No.* 184.—*Thomas Noxon.*

DETROIT, *April* 11, 1823.

NOTICE.—Agreeably to an act of February 21, 1823, I hereby enter my claim to a donation of eighty arpents in rear of my farm, situated on Lake St. Clair, below Milk River Point, between the farms of Jean Baptiste Sené and lands claimed by Joseph Campau.

THOMAS NOXON.

Thomas Noxon produces a quit-claim deed from Louis Laferté and Catharine, his wife, for a farm described as follows: bounded in front by Lake St. Clair, on the south by Jean Baptiste Sené, on the north side by land claimed by Joseph Campau, and in rear by unconceded lands, being two arpents in front by forty in depth, be the same more or less, being part of the same tract of land confirmed to Jaques Allard, sen., by a patent from the President of the United States, dated June 1, 1811, and being the same tract on which the said Louis Laferté now resides. Also a deed from Antoine Neveux and Genevieve, his wife, to Louis Laferté, dated December 18, 1812, and a deed from Jaques Allard and Genevieve, his wife, to Antoine Neveux, both for the same tract, dated February 19, 1820.

The commissioners confirm the claim of Thomas Noxon, containing 64.98 acres by the boundaries and description returned by the surveyor before named.

Claim No. 34, *rear of No.* 184.—*Joseph Campau.*

NOTICE.—Joseph Campau enters his claim to a donation of land in rear of his farm, situate on the border of Lake St. Clair, below Milk River Point, being part of No. 184, heretofore confirmed by the board of commissioners.

The claimant, Joseph Campau, produces a deed of conveyance to him executed by Pierre Allard, son of Jaques Allard, sen., the original patentee, transferring to said Campau all his right, title, and interest to the said farm.

The commissioners do therefore confirm to Joseph Campau a tract of land, in rear of the above-described farm, containing 32.44 acres, as per the return of the surveyor duly authorized to make the same.

Claim No. 35, *rear of No.* 224.—*Jaques Allard, jr.*

DETROIT, *April* 14, 1823.

NOTICE.—I hereby enter my claim to a donation of a tract of land of one hundred and fifteen chains and twenty links in depth by nine chains in breadth, being in rear of a farm confirmed to me by patent from the United States, and bounded by a tract belonging to me, purchased from Nicolas Rivard, and by another tract belonging to Joseph Campau, situated on Lake St. Clair, below Milk River Point.

his
JAQUES + ALLARD, JR.
mark.

Witness: FRANCIS AUDRAIN.

Jaques Allard, jr., in support of his claim heretofore presented for a donation in rear of his farm, on Lake St. Clair, produces a patent from the President of the United States, dated June 18, 1811, granting to said Allard a tract of land situate on Lake St. Clair, containing 103.86 acres, bounded and described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Jaques Allard, sen.; thence north seventy-five degrees west, one hundred and fifteen chains twenty links, to a post; thence north fifteen degrees east, nine chains, to a post, the southwest corner of a tract confirmed to Nicholas Rivard; thence south seventy-five degrees east, one hundred and fifteen chains twelve links, to a post standing on the border of Lake St. Clair; thence, along the border of said lake, south forty degrees thirty minutes west, nine chains, to the place of beginning.

The commissioners confirm to Jaques Allard, jr., 120.38 acres of land in rear of and as back concession to the farm above mentioned, to be bounded and described as per survey and return of the surveyor duly authorized to make the same.

Claim No. 36, *rear of No.* 656.—*Jaques Allard, jr.*

DETROIT, *April* 14, 1823.

NOTICE.—I hereby enter my claim to a donation of land of forty arpents, of French measure, in depth by one hundred and thirty-four and a half feet, English measure, in breadth, being in rear of a farm conveyed to me by Nicholas Rivard, being part of a tract heretofore confirmed to him, and situated on Lake St. Clair, below Milk River Point, and situated between a tract confirmed to the applicant and a farm held by Jaques Allard, sr.

his
JAQUES ⋈ ALLARD, JR.
mark.

Witness: FRANCIS AUDRAIN.

Jaques Allard, jr., in support of a second claim to a donation of land in rear of a farm owned by him on Lake St. Clair, below Milk River Point, produces a deed from Nicholas Rivard, dated June 19, 1810, conveying to claimant a tract of land described as follows: a tract of land of seven perches, (seven,) French measure, in front, equal to one hundred and thirty-four and a half feet, English measure, (100 : 1068 : : 126 : 134½,) by forty arpents in depth, situated near Milk River Point, being part of the farm occupied by the grantor. Claimant also refers to the patent adduced in the claim of Jaques Allard, sr., granted to Nicholas Rivard, the above-named assignor, dated July 3, 1812.

The commissioners do thereupon confirm to the above-named claimant, Jaques Allard, jr., such quantity of land as may be contained between the rear line of the tract claimed and owned by him in virtue of the above-described title, the rear line of the back concessions as established by John Mullett, esq., the surveyor duly appointed to survey the same, and an extension of the lateral lines of the said front farm, containing, by computation, from sixteen to twenty-five acres, more or less; and that the same be partitioned to him by a surveyor thereto duly authorized; to be deducted, in proper proportion, from the back concessions next above this claim, and confirmed to Jaques Allard, sr., and Joseph Robertjean.

Claim No. 37, *rear of No.* 656.—*Jaques Allard, sr.*

DETROIT, *August* 29, 1823.

NOTICE.—I, Jaques Allard, sr., hereby enter my claim to a donation of land in rear of my farm on Lake St. Clair, below Milk River Point, containing two arpents in front and forty in depth, bounded by the lands of Joseph Robertjean and Jaques Allard, jr.

LOUIS ALLARD,
For JAQUES ALLARD, SR.

Jaques Allard, sr., in support of a claim to a back concession to a tract of land on Lake St. Clair, below Milk River Point, produces a deed from Jean Baptiste Daunay and Seraphine Daunay, his wife, conveying to said Allard a piece of land described as follows: containing two arpents in front by forty in depth, situate at Milk River Point, bounded on one side by the lands of Joseph Robertjean, and on the other side by those of Jaques Allard, jr., the same being part of a tract of land granted by a patent of the President of the United States, dated July 3, 1812, to Nicholas Rivard. Claimant also produces as a witness Nicholas Rivard, the original patentee, who states that he, Rivard, sold a tract of land, (by exchange,) of which that above claimed by Jaques Allard, sr., is a part, to Jean Baptiste Daunay, and therefore that Daunay had good right to sell the same.

The commissioners being of opinion that the claimant, Jaques Allard, sr., is the *bona fide* proprietor of the front, do therefore confirm to him a tract of land containing, according to the return of the surveyor, 76.68 acres; but, as this return manifestly includes the small tract of land containing, by computation, twenty acres, more or less, confirmed to Jaques Allard, jr., and who is most manifestly entitled to the same, the commissioners therefore explicitly reserve from the confirmation to Jaques Allard, sr., so much of the said back concession, included within the survey above alluded to, as shall be found, upon accurate survey thereof by a duly authorized surveyor, to be included between a prolongation (to the extent of the rear line of the back concession) of the eastern or upper line of the tract of one hundred and thirty-four and a half feet, claimed and owned by Jaques Allard, jr., and the lower line of the said small tract, be the quantity more or less, and in accordance with the confirmation of the claim of said Jaques Allard, jr., next preceding.

Claim No. 38, *rear of No.* 656.—*Joseph Robertjean.*

DETROIT, *July* 23, 1823.

NOTICE.—I, Joseph Robertjean, enter my claim to a donation of land in rear of my farm, situate upon the border of Lake St. Clair, below Milk River Point, containing two acres in front by forty in depth, bounded on the north by lands belonging to Joseph Dubay, and on the south by lands of Jaques Allard, sr.

JOSEPH JEANNE,
For JOSEPH ROBERTJEAN.

Joseph Robertjean, in support of the above claim, adduces Nicholas Rivard, the original patentee, as a witness, who states that he exchanged the tract above mentioned, together with the two arpents next below this, to Jean Baptiste Daunay. Claimant also adduces Jaques Allard, sr., and Louis Allard, who state their knowledge of the fact that the said Jean B. Daunay sold the upper two arpents in front by forty arpents in depth, of the farm which he got by exchange from Nicholas Rivard, to the present claimant, Joseph Robertjean. The claimant also refers to the patent adduced in the claim of Jaques Allard, sr.

The commissioners, believing that the above-named claimant is the *bona fide* proprietor of the front farm above noticed, do therefore confirm to the said Joseph Robertjean 60.51 acres of land, to be bounded and designated according to the return of the surveyor duly authorized to make survey and return thereof; subject, nevertheless, to all the legal or equitable interests therein of all persons whatsoever; and provided, also, that it shall appear that an equitable division of this tract was made by the said surveyor between the respective proprietors of the front farm originally confirmed to Nicholas Rivard.

Claim No. 39, *rear of No.* 657.—*Joseph Dubay.*

NOTICE.—Joseph Dubay enters his claim to a donation of land in rear of his farm, situate on the border of Lake St. Clair, below Milk River Point, bounded on the north by lands belonging to Joseph Robertjean, and on the south also by lands of said Joseph Robertjean.

Joseph Dubay, in support of his claim, states that, owing to melancholy circumstances, his original title papers were all destroyed; but, in lieu thereof, submits certain papers recently obtained in proof of his being the *bona fide* proprietor of the front farm, to which back concession is now claimed.

The papers adduced are, first, the deposition of Gabriel Reneau, who appears to have been the original confirmee, stating that he, deponent, sold this tract to Louis Morin, bounded in front by Lake St. Clair, above and below by lands claimed by Joseph Robertjean, being one arpent in front, the same in rear, and forty arpents in depth; second, a deed duly executed by said Morin and wife, purporting to be in confirmation of a deed formerly given by the parties to said Joseph Dubay.

It therefore appearing to this board that the present claimant is the *bona fide* proprietor of the front farm, the commissioners confirmed to said Joseph Dubay 32.22 acres of land, to be bounded and described as per the survey and return of the surveyor duly authorized to make the same.

Claim No. 40, *rear of No.* 276.—*Joseph Robertjean.*

DETROIT, *July* 23, 1823.

NOTICE.—I, Joseph Robertjean, hereby enter my application, agreeably to law, for a donation in rear of my farm situate on Lake St. Clair, below Milk River Point, containing four acres in front by forty in depth; bounded on the south by lands of Joseph Dubay, and on the north by lands belonging to the heirs of Jean Baptiste Celeron.

JOSEPH JEANNE, JR.,
For JOSEPH ROBERTJEAN.

In the above case it appears, from the testimony of Francis Thibault, that his brother-in-law, Julien Furton, the original confirmee and patentee of the above-mentioned tract, sold (according to the best of the knowledge and belief of witness) to Joseph Robertjean, a tract of land containing two arpents in front by forty arpents in depth.

The commissioners do therefore decide, inasmuch as the above claimant, Joseph Robertjean, has not exhibited to them any proof of the extent of his purchase, whether the same be the whole or a part only of the above-described farm, that the donation or back concession of the farm above mentioned be confirmed to the said Joseph Robertjean in trust for the use of and subject to all the claims in law or equity of Julien Furton, or those claiming the front farm, or any part thereof, under or by virtue of title derived from said Furton, containing 124.80 acres, according to the survey and return of the surveyor duly authorized to make the said survey and return.

Claim No. 41, *rear of No.* 650.—*J. B. Celeron, heirs of.*

NOTICE.—The heirs of John Baptiste Celeron, deceased, enter their claim to a donation of land in rear of the farm confirmed to their father, situate upon Lake St. Clair, below Milk River Point; bounded above by lands claimed by Antoine Reneau, below by lands claimed by Joseph Robertjean, so as to extend the said farm to the depth of eighty arpents.

In the above case it is made to appear to the commissioners that Jean Baptiste Celeron is deceased; and Louis Tremble is produced as a witness, who states that Pierre Tremble, his brother, who was the original patentee, did exchange tracts of land with Jean Baptiste Celeron, deceased, and that said Celeron was, at the time of his decease, the *bona fide* proprietor of the above-described tract of land, to which back concession is now claimed. The deposition of François Thibault is also produced to the board, from which it appears that Jean Baptiste Celeron did, upon his death-bed, bequeath to his son, Louis Celeron, all his real estate, of whatever kind, and especially the tract of land above mentioned, subject, nevertheless, to certain conditions, by the tenor of which conditions the board are satisfied that the said Louis is now the only just claimant to this second concession. The evidence of other persons also corroborates the above statement.

The commissioners being of opinion, from the foregoing testimony adduced in this case, that Louis Celeron, the acknowledged son of Jean Baptiste Celeron, is, in justice and equity, entitled to all the real estate of his father, do therefore confirm to said Louis Celeron the back concession of the said farm, originally confirmed to Pierre Tremble, containing 62.70 acres, as per return of the surveyor, to be bounded and described as per said survey and return; to be holden, nevertheless, subject to all equitable claims of the heirs-general of said Jean Baptiste Celeron, deceased.

NOTE.—Jean Baptiste Celeron, son to the above-named deceased, also filed a claim for this tract, which the commissioners did not deem it necessary formally to act upon, as the above-named confirmee, Louis Celeron, his brother, in the opinion of the board, was equitably entitled to the confirmation.

Claim No. 42, *rear of No.* 22.—*Antoine Reneau.*

DETROIT, *August* 26, 1823.

NOTICE.—I, Antoine Reneau, hereby enter my claim to a donation of land in rear of my farm, situated on Lake St. Clair, below Milk River Point, being three arpents in front by forty in depth.

his
ANTOINE + RENEAU.
mark.

Antoine Reneau produces to the commissioners a patent from the United States, granting him a tract of land described as follows: beginning at a post standing on the border of Lake St. Clair, between this tract and a tract confirmed to Pierre Tremble; thence north 75° west, 116 chains 50 links, to a black-ash tree; thence north 15° east, 8 chains 52 links, to a post, the southwest corner of a tract confirmed to Joseph Campau; thence south 75° east, 117 chains 54 links, to a post standing on the border of Lake St. Clair; thence, down the border of said lake, south 22° west, 8 chains 58 links, to the place of beginning.

The commissioners confirm the claim of Antoine Reneau, containing 95.14 acres, as per return of the surveyor before named.

Claim No. 43, *rear of No.* 544.—*Gaget Tremble.*

NOTICE.—Gaget Tremble makes entry of claim to a second concession, as donation to a certain tract of land, bounded in front by Lake St. Clair, above by a tract of land heretofore confirmed to claimant below by a tract of land originally granted to Antoine Reneau. Said tract is below Milk River Point.

The claimant, in support of this claim, produces a deed from Gabriel St. Obin, conveying to him all his right, title, and interest in and to a certain tract of land two arpents in front by forty arpents in depth. Gabriel St. Obin gives notice to the board that he sold only the front to the above claimant, as is stated in his said deed to Gaget Tremble, the claimant; and that he, the said St. Obin, makes claim to the rear or second concession, as will appear by his entry filed with the register. The said claim of Gabriel St. Obin is as follows:

Claim No. 43, rear of No. 544.—Gabriel St. Obin.

NOTICE.

SIR: Please take notice that I enter and make claim to a second concession in rear of a tract of land, No. 544, by me bought from Joseph Campau, to whom it was originally confirmed. Said tract is situated below Milk River Point, and bounded above by land of Gaget Tremble, and in front by Lake St. Clair, being two arpents in front by forty arpents in depth.

GABRIEL his + mark ST. OBIN.

The REGISTER *of the Land Office at Detroit*

Witness: WILLIAM WOODBRIDGE.

Joseph Campau appears before the board and admits that he sold the above-described tract of land to Gabriel St. Obin, with all the rights and appurtenances of back concession or otherwise.

The commissioners do therefore confirm to Gabriel St. Obin 65.21 acres of land, situate in the rear of the above-mentioned tract, to be bounded and described as per the return of the surveyor duly authorized to make survey and return thereof; to be holden by the said Gabriel St. Obin in trust, and subject to all the legal or equitable interests which the said Gaget Tremble, or others, may have in and to the same.

Claim No. 44, rear of No. 624.—Gaget Tremble.

NOTICE.—Gaget Tremble hereby makes his entry of claim for a second concession to a tract of land situate below Milk River Point, bounded above by lands owned by the heirs of James Abbot, deceased, and below by a farm confirmed to Joseph Campau.

Claimant, in support of his claim, produces the patent from the President of the United States to the present claimant, dated June 1, 1811, viz: bounded above by lands of the heirs of James Abbott, deceased, and below by a tract of land originally confirmed to Joseph Campau. Said tract contains 538.27 acres.

The commissioners confirm to Gaget Tremble a tract of land containing 179.84 acres, situate in rear of the said front farm, patented as before mentioned, and to be bounded and described as per the return of the surveyor duly authorized to make the same, yet so that the lines thereof shall not interfere with the lines of the tract last above confirmed to Gabriel St. Obin.

BOOK No. 4.

REPORT.

The commissioners directed by the act of Congress of May 11, 1820, to investigate and definitively to decide the unsettled private land claims within the Territory of Michigan, have the honor herewith to transmit an abstract of their decisions.

The very great delay which has been suffered to intervene before its transmission may probably form the first and prominent subject of remark; it is a delay as painful and as little anticipated by the undersigned as it could have been unexpected to the government. Various causes combined to produce this result and to render it unavoidable. And, first, they ask leave to remark that the act of May 11, 1820, purported, among other things, to revive and reinstate in full force all the acts of Congress which had ever been passed relatively to the private land claims of this country, thus opening a course of investigation which seemed almost illimitable, especially when viewed with reference to the short period of time within which it seemed to have been expected the commissioners would have finished their work. Secondly, the claims upon which it was intended by the law the commissioners should decide, (with the exception of those at Prairie des Chiens and Green Bay, which were reported during the winter of 1821 and 1822,) consisted of such as had been preferred under the laws of 1804, 1805, 1807, 1812, and 1817, which had for the most part been reviewed by consecutive boards of commissioners, and which, from the conflicting interests and adverse rights of opposing claimants, and the serious difficulties they otherwise presented in the way of *any* definitive decision, had in general been postponed, forming an aggregate mass of refuse matter—the examination, classification, and final disposition of which required the most laborious industry, the most scrupulous attention, and certainly as much mental energy and soundness of judgment as the undersigned could command and apply to the object. Other supervening difficulties existed, necessarily retarding the proceedings of the board. In respect to every old claim renewedly presented for confirmation, prudence, and a conscientious regard to their duty, indicated to the undersigned the necessity of reviewing all former proceedings which had been had by all former boards relative to the same claim; and here the most serious and vexatious perplexities impeded their progress at every step. The records of the proceedings of all former commissioners here, as well also as the original papers and documentary evidence of former boards, passed into the hands of the enemy during the late war. They were reclaimed by fragments; they did not escape, unmutilated, the desolations of that period. The manuscript contents of numerous folios were to be consulted, but without the aid of a single index, and of which the numbers

designating the volumes had been altered, and pages apparently lost, and the descriptions of tracts defaced.

In the meantime the board had convened at the earliest practicable day in 1820; it duly organized itself, and, in pursuance of directions received from the Secretary of the Treasury, despatched the agent appointed to Green Bay and Prairie des Chiens. His detention in the upper country during the whole of the succeeding winter and early spring, by circumstances beyond his control, has been already made known; and in the *interim* the commissioners could do no more than receive the renewed applications of claimants here, and take down such further testimony as was adduced, and endeavor, upon discussion, to settle such general principles, applicable to their duties, as were likely to be involved. In the summer of 1821 decisions were made on all the claims preferred from Prairie des Chiens and Green Bay, and considerable progress was made in regard to the claims now reported. Books of former boards and original papers had been examined, principles settled, and decisions summarily made on claims preferred. But a temporary interruption of proceedings now took place. A law for the relief of purchasers of public lands had been passed, by which most important duties, and such as were deemed of paramount obligation, devolved upon the register and receiver.

It had been considered by the board, and there was no dissent from that opinion, that it was emphatically the province of the register to keep a journal, and duly to record all the proceedings of the board. When, in the spring of 1822, the attention of the undersigned was renewedly directed to the object of closing their duties in this matter, by making out and transmitting their reports, the register of the land office had unexpectedly vacated his office, and been appointed Indian agent for Green Bay; and, to the very great disappointment and mortification of the undersigned, it was discovered that a very unsatisfactory, brief, and imperfect list of decisions was all the memorial that could be found of all the proceedings of the board, except the scattered original entries of renewed claims, and the original documentary evidence adduced, and the loose sheets of new testimony taken. Such materials alone could not form the entire subject either of the record or of the reports required.

The old books and papers of former boards were again to be examined, and, without the aid which former examinations *ought* to have furnished, references were to be made to them and extracts taken; all renewed and original entries of claims, and all newly adduced testimony, to be collated, carefully examined, and, with the decisions made, systematically arranged, and thrown into the shape of a record, before a report could be transmitted. Such were not the only causes of delay. The protracted absence of the governor of this Territory had superadded to the other official functions of one of the members of the board the duties of administering the civil government of the Territory, and those of superintendent of Indian affairs, while sales of public lands often occurred to render unavoidable the absence of the other. The law of February 21, 1823, was next promulgated, by which a new land board, with new duties and new powers, was constituted, and of which the undersigned were, *ex officio*, made members. Such and so various causes of interruption and delay could neither be avoided nor controlled. Availing themselves of the provisions of the act of March 26, 1804, which they believed might be considered as giving to them the right, and, withal, feeling the indispensable necessity of the measure, the undersigned had, soon after the translation of the late register to another office, appointed a clerk to the board, who, under the superintending direction and assistance of the undersigned, proceeded with much diligence to collate the claims, original documents, and testimony, to examine the old books of former boards, and, properly classifying them, to record the whole; and from the time when the land board constituted by the act of February 21, 1823, had prepared a report of its proceedings, which was about the 1st of November last, the undersigned have not ceased to devote their undivided time and attention to this subject. They have met daily, and, for the most part, have occupied the forenoon, the afternoon, and until a very late hour in the evening, exclusively for the purpose of completing and expediting this onerous business.

In this detail of their transactions the undersigned do not suffer themselves to doubt but that a sufficient explanation and an ample justification will be found for a delay which was so little anticipated.

With respect to the grounds upon which the several decisions were made, it is hoped they will satisfactorily appear by a reference to the abstract and list of them herewith forwarded. The map which the undersigned have caused to be made, and which accompanies likewise this report, was esteemed indispensable. It serves as an index to their decisions; it is explanatory of them; it shows, in general, with sufficient certainty, the relative and geographical situation of the tracts confirmed. It exhibits to the eye how small they are, and how very inconsiderable a contribution from the ample wealth of the nation is called for to satisfy the claims of individual justice, and, by satisfying those claims, at the same time to secure to the nation the zealous, the deeply-rooted, the grateful attachment of a people so faithful, so meritorious, and who have suffered so much, as those who inhabit this remote, isolated, and exposed frontier of the nation.

The undersigned will only further express their hope that in the course of one or two weeks they may be enabled to transmit their report upon the claims for second concessions, the numbers and locations of which claims are indicated also upon the map transmitted.

Hoping that, in all things, their proceedings will receive the sanction of the government, (but it is a hope not unmingled with solicitude,) they will expedite, by every possible means, the transmission of that report, which, they trust, will close their duties under the act of May 11, 1820.

J. KEARSLEY, *Recorder.*
WM. WOODBRIDGE, *Secretary of Michigan Commissioners.*

TERRITORY OF MICHIGAN, *ss:*

I do hereby certify that the preceding five pages contain a true copy of the original documents of the land board at Detroit, and that the following pages, numbered from eleven to one hundred and forty-five, inclusive, contain true abstracts from the records, proceedings, and decisions of the said land board, made and had under the provision of the act of Congress of May 11, 1820, the same having been by me carefully collated, copied, and compared.

In witness whereof, I have hereunto set my hand this 11th day of February, 1824.

WARNER WING, *Clerk of said Board.*

No. 1.—*Pierre Bonhomme.*

AUGUST 1, 1821.

Pierre Bonhomme renews his entry and claim for all such tracts of land as are intended and embraced by his three several entries now on file, dated Detroit, December 31, 1808. He founds all his respective claims on possession, occupancy, and improvement, by himself and those from whom he purchased, anterior to July 1, 1796.

PIERRE BONHOMME,
By his attorneys, HUNT & LARNED.

Original entry.

DETROIT, *December* 31, 1808.

SIR: Take notice that I claim title to a tract of land situate on the border of river St. Clair, containing six arpents in front by forty in depth; bounded in front by river St. Clair, in rear by my own lands, and on both sides by unlocated lands. I claim by virtue of possession, occupancy, and improvement made by me.

PIERRE BONHOMME.

The REGISTER *of the Land Office at Detroit.*

Testimony filed with the commissioners in eighteen hundred and twenty-one.

Fort Gratiot is said to be situate about the centre of this tract.

Pierre Brondimone, being duly sworn, deposeth and saith that he distinctly recollects that Pierre Lovielle was in possession of the tract of land near where Fort Gratiot now stands, about two years before the arrival of General Wayne; said Lovielle had a house on it, and occupied it until he sold it to Pierre Bonhomme, who took immediate possession of said tract of land; said Bonhomme built a house on it, and fenced in a number of acres, and occupied it until the late war in 1812 without interruption.

Pierre Lovielle, being duly sworn, deposeth and saith that in the fall of the year 1792 he took actual possession of a tract of land situate on the river St. Clair, bounded as follows, to wit: in front by the river St. Clair, and on every other side by lands of the United States. Deponent made an improvement, built a house, and raised crops on said lands; that said deponent continued in the uninterrupted possession until 1799, when he sold to Bonhomme; and that he and said Bonhomme have continually occupied the same since 1794.

Jeane Bpt. Courtous, being duly sworn, deposeth and saith that eighteen years since he made a deed from Pierre Lovielle to said Bonhomme for a tract of land where Fort Gratiot now stands, being, to the best of his knowledge and belief, six arpents in front by forty in depth; said Lovielle signed, sealed, and delivered said deed to said Bonhomme; that there was a house, stable, and blacksmith's shop on said land, and that said Bonhomme occupied said land until the late war.

And thereupon, after due deliberation, the commissioners do confirm this tract as claimed, containing two hundred and forty arpents, French measure, to the said Pierre Bonhomme. The commissioners would, however, observe that the lands herein confirmed appear to be the same upon which Fort Gratiot now stands, and which have therefore been reserved from the sale of public lands for military purposes. The commissioners, however, have deemed it their incumbent duty to confirm the tract as claimed, inasmuch as this claim was first preferred in 1808, being prior to the location of the present military site, and consequently prior to any reservation by the government. The commissioners, therefore, suggest to the revising powers the expediency of changing the location of the tract should they think it expedient.

No. 2.—*Pierre Bonhomme.—Original entry.*

DETROIT, *December* 31, 1808.

SIR: Take notice that I claim title to a tract of land situate on the north border of the river Au Delude, containing eight arpents in front by forty in depth; bounded in front by river Au Delude, in rear by unconceded lands, on one side by lands claimed by my brother François Bonhomme, on the other side by unlocated lands. I claim by virtue of possession, occupancy, and improvements made by me.

PIERRE BONHOMME.

The REGISTER *of the Land Office at Detroit.*

Testimony adduced before the former commissioners, and recorded in volume seven of the minutes of their proceedings, page 106.

Joseph Morass, being duly sworn, deposeth and saith that previous to and on the first day of July, in the year of our Lord one thousand seven hundred and ninety-six, the late Antoine Morass, father to deponent, was in possession and occupancy of the above-described premises; he also, afterwards, sold to claimant; deponent cannot say that claimant has cultivated the same, but has heard that he has. Testimony dated August 15, 1810.

Alexander Beauvin, being duly sworn, deposeth and saith that Pierre Bonhomme has been in the possession of a tract of land adjoining to lands belonging to François Bonhomme, lying on the lower side thereof, on the north side of river Au Delude, for twenty years past, and has occupied the same till now.

The commissioners confirm this claim to the extent and by the boundaries expressed in the foregoing entry, provided, however, that the rear line thereof shall not extend nearer the Lake Huron or river St Clair than within ten arpents thereof at the nearest point of said rear line; and should the foregoing limitation in depth so curtail this tract that it will not otherwise contain the quantity claimed, the deficiency shall be made up by an extension of the front upon river Au Delude.

No. 3.—*Pierre Bonhomme.—Original entry*

Take notice that I claim title to a tract of land situate on the south side of the river Au Delude, containing sixteen arpents in front by forty in depth; bounded in front by the said river, in rear and on both sides by unconceded lands. I claim by virtue of occupancy and possession, and improvements made by me. Detroit, December 31, 1808. Testimony dated August 15, 1810.

PIERRE BONHOMME.

The REGISTER *of the Land Office at Detroit.*

Alexander Beauvin, being duly sworn, deposeth and saith that Pierre Bonhomme has been in the possession of a tract of land on the south side of river Au Delude for sixteen years last past, and that he is knowing to his having worked thereon every year for these thirty-eight years last past.

AUGUST 1, 1821.—Pierre Brondimone, being duly sworn, deposeth and saith that about thirty years since he took possession of a tract of land on the south side of river Au Delude, containing ten arpents in front by forty in depth; that he fenced in and cleared about two or three acres; that about twenty-eight years since he sold said tract of land and the improvements to Pierre Bonhomme; that said Bonhomme mowed the same from that time till about one year prior to the late war; and that the deponent continued to occupy and improve the same for said Bonhomme till a year previous to the late war in 1812.

The commissioners decide that this tract be confirmed to the extent claimed, viz: sixteen arpents by forty, French measure, commencing at a point on the south border of the river Au Delude, about two miles from its confluence with the river St. Clair; and thence up stream, upon said river Au Delude, sixteen arpents; thence at right angles with said river Au Delude to the distance of forty arpents; thence in rear sixteen arpents; thence to the place of beginning by a line forty arpents in length. The commissioners would here advert to the fact that this tract appears to be covered by a reservation made to the Chippewa nation of Indians. It is therefore submitted to the revising powers if a change of the location of this tract be not necessary or advisable.

No. 4.—*The legal heirs and representatives of the late John Askin, esq., deceased.*

To the register of the land office at Detroit:

Take notice that the legal heirs and representatives of the late John Askin, deceased, renew the entry made by the said John Askin, esq., with the former commissioners, on the twenty-eighth day of October, eighteen hundred and five, recorded in volume 3, page 139, of the records of the former commissioners, in the words following, to wit:

Take notice that I claim title to a tract of land of five acres in front and rear by one hundred and fifty deep, situate on the border of river St. Clair, at a place called the Bell River, by purchase from John and Elizabeth Elsworth.

Said deed from John Elsworth and Elizabeth Elsworth is recorded in volume 2 of the records of the said former commissioners, and said deed does, as above stated, convey from the said John and Elizabeth Elsworth to John Askin a tract of land of five acres front and rear by one hundred and fifty in depth.

A deed is also recorded in volume 3, page 157, of said records, &c., from Richard Cornwall to the said Askin, of the above-described tract of land.

Testimony recorded with the original claim in volume 3, page 212, of said records, in the words following, to wit:

NOVEMBER 25, 1805.—William Thorn, being duly sworn, deposeth and saith that at least eight or ten weeks ago, previous to the sale and division of this tract, John Askin had laborers on the premises, who built a large house thereon, and were employed for sometime in cutting firewood—1805.

This claim appears to have been fully examined by the then land board, in 1805, and rejected by them. The present board (no additional testimony being adduced) do also reject the said claim.

Francis, Jacob, and William Harsen, and Harvey Stewart.—Claims on Harsen's island, river St. Clair.

The different claimants, Francis, Jacob, and William Harsen, and Harvey Stewart, file a deed from the Chippewa nation of Indians to Bernardus, William, and James Harsen, of the island called Harsen's island. They also produce, in support of their several claims, an agreement or indenture made by and between William Harsen, Jacob Harsen, and Francis Harsen, and Harvey and Mary Stewart, George and Catharine Jacobs, dated the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-one; from which it appears that Jacob Harsen, the father of Francis, William, and Jacob Harsen, and grandfather of Mary Stewart, died without a *will*, except granting by deed to the now Mary Stewart six hundred and forty acres of land on said island; and that the above-mentioned heirs, after the decease of the said Jacob, the father, entered into an agreement that the island should be divided among them as follows, to wit:

To Francis Harsen, a tract numbered on the map of the said island No. 2, and the tract next adjoining the above, and to the west thereof, called the home farm, where Jacob, the father, lived, and which, after his death, was taken possession of by James Harsen; to which said tract said Francis is entitled by virtue of a purchase from said James, numbered on the map of said island No. 1.

To William Harsen, a tract numbered on said map of said island No. 3, containing six hundred and forty acres.

To Harvey Stewart and Mary, his wife, the tract next westward and adjoining the tract last described, and numbered on the map of said island No. 4, and containing six hundred and forty acres.

To Jacob Harsen, the tract next adjoining and to the westward of said last-mentioned tract, and numbered on said map No. 5, containing six hundred and forty acres.

No. 5.—*Francis Harsen.*

Francis Harsen appeared and produced his papers in support of his claim to part of an island in river St. Clair, in right of the possession, &c., of his father, and subsequently by his brother, and now by himself, being number one on the plat of survey of said island.

The tract of land now claimed is described on the map of said island as follows, to wit: to the westward of tract number two, and is bounded on the north by the north ship channel of the river St. Clair, east by the road to the north ship channel, south by lands not surveyed, west by William Harsen's home farm; containing in all six hundred and forty acres.

Testimony.—James May, being duly sworn, deposeth and saith that in the year 1805 he came before the commissioners to enter the claims of the heirs of said Jacob Harsen, deceased, but was told by the commissioners that they could not act upon or receive any claims for the islands in the great waters dividing the American and British governments; and that, for this reason, and this alone, the claims of the family were never entered. He further deposeth and saith that said Jacob Harsen occupied said island in the year seventeen hundred and eighty-five, and built a house, out-houses, &c., on the tract now occupied by said Francis.

Louis Beaufait, being duly sworn, deposeth and saith that he perfectly recollects that Jacob Harsen, deceased, was in possession of Harsen's island long prior to the year seventeen hundred and ninety-six; and that he lived on the place now claimed by Francis Harsen till his decease, and that the family continued in the possession thereof until the late war.

William Thorn, being duly sworn, deposeth and saith that in the year seventeen hundred and eighty-five or six Jacob Harsen was in possession of Harsen's island, and built a large house, a blacksmith's shop, a barn, &c., on this tract; that Jacob Harsen first occupied this tract. After his decease it was occupied by James Harsen, and after him, said Francis; and that the said Jacob, James, and Francis have continued in the occupation to the present time.

The commissioners, in virtue of the preceding testimony, and other concurrent facts, which it is not deemed necessary here to detail, do confirm the claimant, Francis Harsen, in the said tract, not to exceed six hundred and forty acres, as bounded and described by the actual survey and plat now submitted to them.

No. 6.—*Francis Harsen.*

Francis Harsen makes claim to a tract of land, numbered on the map of Harsen's island No. 2, situate on the upper end of said Harsen's island, containing six hundred and forty acres, it being the tract which was given him in the apportionment of said island, and which he claims in his own right; bounded as follows, to wit: on the north by the north ship channel of the river St. Clair, west by the road to the north ship channel, south by lands not surveyed and the south ship channel, east by the south ship channel and the east point of the island, containing 640 acres.

Testimony.—William Thorn, being duly sworn, deposeth and saith that this tract was occupied by Jacob Harsen long prior to seventeen hundred and ninety-six; there was a house built on said tract long before the year ninety-six, and that it was improved before said time.

The commissioners, being satisfied that this tract was a separate and distinct improvement upon the said Harsen's island, do confirm the same to the extent claimed, viz: six hundred and forty acres, to be bounded and described agreeably to the survey and plat thereof submitted to them.

No. 7.—*William Harsen.*

In virtue of the above-recited agreement I now enter in my own right the tract allotted me in said agreement and apportionment, described as follows: bounded on the north by the north ship channel of river St. Clair, west by the road to lands not surveyed, south by lands not surveyed, east by Francis Harsen's home farm; containing six hundred and forty acres.

WILLIAM HARSEN.

Testimony.—William Thorn, being duly sworn, deposeth and saith that the farm on which William Harsen now lives has been occupied since the year seventeen hundred and eighty-eight or nine; that Captain Nelson built a house on said farm; and that a number of persons have occupied said farm as tenants under said William; and that said William Harsen now occupies the same

Confirmed by the commissioners for reasons similar to the preceding; to be bounded and designated agreeably to the survey and plat thereof now exhibited; not to exceed six hundred and forty acres.

No. 8.—*Jacob Harsen.*

In virtue of the above-recited agreement of the several claimants of the lands on Harsen's island I now enter the tract of land allotted to me in said agreement and apportionment, described as follows, viz: bounded on the north by the north ship channel of the river St. Clair, west by the western point of the island and Eagle's channel, south by lands not surveyed, east by Harvey Stewart's home farm.

Testimony.—William Thorn, being duly sworn, deposeth and saith that Akoin Tremble lived on the farm now claimed by Jacob Harsen, as tenant to said Jacob, deceased, in the year one thousand seven hundred and eighty-six or seven; said Akoin improved said farm; said Jacob has improved said farm, or caused it to be improved, ever since.

The commissioners confirm this tract to the claimant, Jacob Harsen, to be bounded and designated by the survey and plat thereof now exhibited; not to exceed, in content, six hundred and forty acres.

No. 9.—*Harvey Stewart.*

Harvey Stewart renews his claim for a tract of land situate on Harsen's island, in river St. Clair, a plat and survey of which accompanies this entry. He claims in right of his wife, Mary Stewart, late Mary Graverest, by possession and improvement a long time anterior to the first day of July, seventeen hundred and ninety-six.

HUNT & LARNED,
Attorneys for H. STEWART.

AUGUST 1, 1821.

Claimant files a deed from Jacob Harsen, the elder, deceased, to Mary Graverest, now Mary Stewart, wife of said Harvey, for a tract of land on Harsen's island, containing six hundred and forty acres of land; said farm is bounded as follows, viz: west by Jacob Harsen's home farm, south by lands not surveyed, east by the road to these lands, or William Harsen's home farm, north by the north ship channel of river St. Clair. Claimant also files a certificate of his marriage with said Mary Graverest.

Testimony.—Ignace Morass, being duly sworn, deposeth and saith that he has a perfect recollection that about thirty years ago said Harsen's island was occupied by Jacob Harsen; that the tract of land now occupied and claimed by Harvey Stewart and Mary Stewart was occupied, previous to the arrival of General Wayne, by the tenants of said Jacob Harsen, and has been occupied from that time to the present; and that there are large and valuable improvements on said farm.

William Thorn, being duly sworn, deposeth and saith that he has been acquainted with the farm which Mr. Harvey Stewart now lives on since the year seventeen hundred and eighty-six; that said farm has been continually occupied since that time till the late war, and that the said Harvey and Mary are now in possession of the same.

Francis Harsen, being duly sworn, deposeth and saith that he distinctly recollects that before the year seventeen hundred and ninety-six this tract of land was occupied by a tenant who went there by permission of Jacob Harsen, senior, deceased, and that it has been occupied from that time to the present by tenants and said Harvey and Mary Stewart, except during the late war.

James May, being duly sworn, deposeth and saith that he recollects witnessing a deed from Jacob Harsen, the elder, deceased, to Mary Graverest, for a tract of land on Harsen's island; that said tract was improved prior to seventeen hundred and ninety-six by a Mr. Graverest, and that he continued the occupation until his death; then deponent occupied it for a short time; and that it was abandoned during the late war, but was again taken possession of after the war.

Francis Harsen, being duly sworn, deposeth and saith that he understood that this tract was given to Mary Graverest, now Mary Stewart, by his father, Jacob Harsen, deceased; and that it was occupied long before the Americans took possession of this place.

The commissioners confirm this tract according to the plat of survey exhibited, not to exceed six hundred and forty acres, to Mary Stewart, late Mary Graverest, her heirs and assigns.

Having more carefully examined the plats of the survey of claims on Harsen's island, the commissioners find them manifestly incorrect, and therefore confirm the claims, so that each may include its respective improvements and not interfere with the lines or improvements of the adjacent claims; and that the fronts upon the river St. Clair, or north channel, be limited accordingly.

No. 10.—*Joseph Campau.*

Joseph Campau renews his entry made before the former commissioners in eighteen hundred and five, recorded in volume 4, page 46, of the records of the former commissioners, in the words and figures following, to wit:

Take notice that I claim title to a tract of land situate on the southwest border of the river Huron of Lake St. Clair, containing three acres in front and extending in depth to the lake; bounded in front by said river Huron, on the lower side by Louis Campau, and on the other side by Louis More. This tract was sold and conveyed to me by Jacob Thomas.

A deed is recorded in volume 2, page —, from the said Thomas to said Campau for a tract of land on said river Huron of three acres in front, the depth indefinite.

By the above entry claimant received a patent from the United States for 441.85 acres of land. This renewal of his entry is made with the view to get the deficiency of 198.15 acres to which he claims to be entitled in virtue of the above original entry with the former commissioners.

The commissioners, in considering this claim, are of opinion that the claimant had confirmed to him by the board of commissioners before whom this claim was originally preferred the full quantity then claimed. The commissioners do therefore reject the present claim.

No. 11.—*Joseph Campau.*

Joseph Campau renews his entry made before the former commissioners in eighteen hundred and five, in the words and figures following, to wit:

Volume 4, page 44.—Take notice that I claim title to a tract of land situate on the south side of river Huron of Lake St. Clair; bounded on one side by lands that I claim, on the other side by a tract of

land of which the late Hyacinth Dehatre, deceased, was possessed, and in front by said river, containing two and a half arpents in front, more or less, and the depth expressed in the deed of Isaac Williams to Louis More, of March twenty-seven, seventeen hundred and ninety-two, being the same which said More conveyed to me by deed dated September three, seventeen hundred and ninety-six.

JOSEPH CAMPAU.

Said original entry is recorded in volume 4, page 44, of the records of the former commissioners, and the deed referred to in said entry is recorded in volume 2 of said records.

This claim was taken up in 1808 by the commissioners, as appears by their notice of it in volume 4, page 135, where it is stated this tract contains six arpents in front, extending in depth to the lake.

By the above entry claimant received a patent from the President of the United States for 205.90 acres. He now claims a deficiency of 434.10 acres completing the section.

The commissioners, in considering this claim and upon examination thereof, find that all the adjacent or adjoining lands have been confirmed to other claimants, except that already patented to said Campau. The commissioners, therefore, not deeming it within their powers to alter or interfere with the surveys heretofore made and confirmations had thereon, and regretting, too, if injustice may have been done to the present claimant, find it, however, beyond their powers to do otherwise than reject this claim.

No. 12.—*Joseph Campau.*

Joseph Campau renews his entry made with the former commissioners on the 31st day of December, 1805, recorded in volume 4, page 44, of the records of the said former commissioners, in the words following, to wit:

Take notice that I claim title to a tract of land situate on the south border of river Huron of Lake St. Clair, containing six arpents in front, extending in depth to said Lake St. Clair; bounded in front by the said river, in rear by said lake, on the one side by Laurent More, and on the other by another tract that I claim. This is the same tract which I purchased from Jean Baptiste Comparet, pere, as per deed executed to me by said Comparet, on the 23d day of November, 1798.

Claimant renews his entry with a view to obtain 161.87 acres of land, in addition to 96.13 acres for which he received a patent from the President of the United States in virtue of his above entry. To which deficiency of 161.87 acres of land he claims to be entitled in virtue of his said original entry.

No. 13.—*Joseph Campau.*

Joseph Campau renews his entry made with the former commissioners in eighteen hundred and five, recorded in volume 4, page 45, of the records of said former commissioners, in the words following, to wit:

Take notice that I claim title to a tract of land situated on the south side of river Huron, containing eleven arpents, more or less, in front, and extending back in depth to Lake St. Clair; bounded in front by said river, in rear by said lake, on the west-northwest by Louis Peltier, and on the east by lands I also claim.

In virtue of said original entry claimant obtained a patent from the President of the United States for 121.94 acres of land; he now renews his said entry with a view to obtain, in addition to the above-mentioned quantity of land, 461.6 acres of land, to which he claims to be entitled in virtue of his said entry.

The commissioners decide on this as in claim No. 11, and do therefore reject the same.

No. 14.—*Joseph Campau.*

Joseph Campau renews his entry made with the former commissioners in eighteen hundred and five, recorded in volume 4, page 45, of the records of said former commissioners, in the words following, to wit:

Take notice that I claim title to a tract of land situate on the south border of the river Huron of Lake St. Clair, containing 3½ arpents in front and extending in depth to the said lake; bounded in front by the said river, in rear by unlocated lands, on the east by Jaques Lazon, and on the west by Louis More.

By the above entry claimant received a patent from the President of the United States for 176.72 acres of land; whereas he claims to be entitled, by his above original entry, to 257 acres. He now claims the deficiency of 81.28 acres of land.

The commissioners, having examined the patent for this tract, No. 319, find that there are 205.09 acres contained therein, and comparing the boundaries and extent in front with the foregoing original entry, are of opinion that the full quantity then claimed was granted by the patent, and do therefore not confirm this renewed claim.

No. 15.—*Joseph Campau.*

Joseph Campau renews his entry made with the former commissioners in eighteen hundred and five, recorded in volume 4, page 45, of the records of said former commissioners, in the words following, to wit:

Take notice that I claim title to a tract of land situate on the south side of the river Huron of Lake St. Clair, containing three acres in front and running back to said Lake St. Clair; bounded in front by said river, on the upper side by unconceded lands, and on the lower side by Antoine Petit, being the same which was sold and conveyed to me by Antoine Dehatre.

In virtue of said claim, claimant received a patent from the President of the United States for 74.06 acres of land; whereas he claims to be entitled, in virtue of his said entry, to 180 acres in addition to the 74.06 patented to him. He now claims the deficiency of 105.94 acres.

The commissioners are of the same opinion as in the preceding claim, and do therefore reject this claim.

No. 16.—*Joseph Campau.*

Joseph Campau renews his entry made before the former commissioners in 1805, recorded in volume 7, page 9, of the records of said former commissioners, in the words following, to wit:

To the register of the land office at Detroit:

Take notice that I claim title to a tract of land situate on the south side of river Huron of Lake St. Clair, containing twelve arpents in front by —— in depth; bounded in front by said river Huron, above by my own lands, and below by Francis St. Obin.

In virtue of said entry, claimant received a patent from the President for 372.91 acres of land; whereas he claims to be entitled, in virtue of the above entry, to 516 acres of land. He now claims the deficiency of 160 acres.

The commissioners are of the same opinion as in the preceding claim, and do therefore reject this claim.

No. 17.—*Joseph Campau, administrator to the estate of Touissant Campau, deceased.*

Joseph Campau, administrator of the estate of the late Touissant Campau, deceased, assignee of Louis Campau, makes entry of a tract of land, in the words following, to wit:

The commissioners appointed to investigate the title to private land claims in the district of Detroit and Territory of Michigan will please take notice that I claim title to the following tract of land, as administrator to the estate of the late Touissant Campau, deceased, who was the assignee of Louis Campau, to wit:

A tract of land situate on the southerly side of the river Huron of Lake St. Clair, being lot numbered 168, containing 310.31 acres.

NOTE.—The commissioners will please to observe that the patent for the above tract was lost or mislaid during the late war.

JOSEPH CAMPAU, *Administrator.*

DETROIT, *September* 3, 1821.

The commissioners will, moreover, please take notice that I claim the deficiency in the above tract, being 329.69 acres, in order to complete the original contents of said lot.

JOSEPH CAMPAU, *Administrator.*

It appears, by reference to the records of the former commissioners, that said Louis Campau originally claimed but 280 arpents.

On investigation of this claim it appears that the original claimant was confirmed in the full quantity claimed, and that a patent for the same issued to Louis Campau, the original claimant. The commissioners do therefore reject this renewed claim.

No. 18.—*Joseph Campau.*

Joseph Campau, as assignee of Alexis Dube, renews the entry made by said Dube September 6, 1808, recorded in volume 7, page 5, of the records of the former commissioners, in the words following, viz:

To the register of the land office at Detroit:

SIR: Take notice that I now enter with the commissioners of the land office at Detroit my claim to a tract of land at Lonce Creuse, of four arpents by forty in depth; bounded in front by Lake St. Clair, in rear by unconceded lands, above by Lemo Loudrie, and below by Michel Comparet. I claim and set up title by virtue of possession, occupancy, and improvements made by me, or those from whom I derive title.

ALEXIS DUBE.

In virtue of the above claim, claimant received a patent from the President of the United States for 88.72 acres of land. He now claims a deficiency of 151.28 acres of land, making in all 240 acres.

Upon examination of this claim, the commissioners are of opinion that the survey, upon which a patent issued for 88.72 acres, falls short of the quantity originally claimed about 39 acres; and it further appears that there may possibly now be unconceded lands on each side of this tract, as surveyed and patented. Therefore the commissioners do confirm to the present claimant, Joseph Campau, a quantity equal to the said deficiency, that is, 39 acres, to be laid off adjoining upon the upper side of said tract heretofore confirmed, provided that the lines thereof be so run as not to interfere with the lines of any lands heretofore confirmed, or which may be confirmed, by the present board.

No. 19.—*Joseph Campau.*

Joseph Campau, as assignee of J. Dube, renews the entry made by Joseph Dube with the former commissioners in 1808, recorded in volume 4, page 166, of the records of the former commissioners, in the words and figures following, to wit:

To the register of the land office at Detroit:

Take notice that I now enter with the commissioners of the land office at Detroit my claim to the following tract of land situate, lying, and being on Lonce Creuse, in the district of Detroit, containing, by estimation, one hundred and twenty arpents of land, being three arpents in front by forty arpents in depth; bounded in front by Lake St. Clair, in the rear by unlocated lands, on one side by Baptiste Pore, on the other by Pierre Lenau. I make claim and set up title by virtue of possession, occupancy, and improvement made by me, and those from whom I derive title.

JOSEPH DUBE.

In virtue of this claim, said Dube received a patent from the President of the United States for 52.33 acres of land. Claimant now, in virtue of said original entry, claims a deficiency so as to complete the quantity originally claimed.

The commissioners decide upon this claim as in the case of the preceding, No. 11, and do therefore reject the same.

No. 20.—*Joseph Campau.*

Joseph Campau, as assignee of Jean Bpt. Perot, renews the entry made by said Perot with the former commissioners in 1808, recorded in volume 4, page 152, of the records of the former commissioners, in the words and figures following, to wit:

To the register of the land office at Detroit:

SIR: Take notice that I now enter with the commissioners of the land office at Detroit my claim to a tract of land situate on Lake St. Clair, containing about six arpents in front by forty in depth; bounded in front by Lake St. Clair, in rear by unlocated lands, above by lands claimed by Joseph Dube, and below by lands claimed by Louis Laforge. I claim and set up title by virtue of fifteen years' possession, occupancy, and improvement by me, and those from whom I derive title.

In virtue of the above claim, said original claimant received a patent from the President of the United States for 85.60 acres of land; he now claims the deficiency, it being 155.21 acres.

The commissioners decide this claim upon the same principles as the last, and set forth in the preceding, No. 11, and do therefore reject the same.

No. 21.—*Joseph Campau.*

Joseph Campau renews his entry made with the former commissioners in 1805, recorded in volume 4, pages 45 and 46, of the records of the land commissioners, in the words following, to wit:

Take notice that I claim title to a tract of land now united into one farm, on the south border of the river Huron of Lake St. Clair, containing nine arpents in front, extending in depth to Lake St. Clair; bounded in front by the said river, on one side by lands claimed by Nicholas Petit, deceased, and on the other by lands that I claim.

By which entry he received a patent from the United States for 314.02 acres of land; whereas, by said entry, he claims to be entitled to 477 acres. He now claims the deficiency of 142.96 acres of land.

The commissioners decide on this upon the same principles as No. 11, and do therefore not confirm this renewed claim.

In deciding upon the foregoing claims of Joseph Campau, the commissioners are convinced that great injustice was done to this claimant, and that by the surveys of Aaron Greely, esq., the tracts confirmed by the commissioners under the act of 1807 were in many instances limited in their contents to a quantity very far short of that confirmed by the board. To remunerate himself for these privations, the claimant has renewed his former entries. The present board, in deciding individually upon these claims, have, for the reasons stated in their respective decisions thereon, found various obstacles to an absolute confirmation; inasmuch as the specific lands claimed have been allotted to other claimants by the said surveys of Aaron Greely. Under these considerations, the present board, taking the strong equity of the claims into view, do respectfully recommend for confirmation the two small tracts of lands adjoining on either side to No. 607, heretofore confirmed, or so much thereof as may remain unsold, and also that tract of low or marshy land bordering upon Lake St. Clair, and between the lake and Nos. 545 and 168, heretofore confirmed, except so much of said neck of land as is heretofore recommended for confirmation to the said Joseph Campau, as administrator of Touissant Campau, deceased, provided the whole quantity thus recommended for confirmation to Joseph shall not exceed six hundred and forty acres.

And the board do also recommend for confirmation to Joseph Campau, administrator of Touissant Campau, deceased, assignee of Louis Campau, such residue of the said tract, bounded as aforesaid by Lake St. Clair, in front and in rear by Nos. 545 and 168, and on the north by river Huron, and containing, by estimation, two hundred acres, more or less; and it is further expressly provided that the tracts recommended for confirmation to said Campau, as administrator, shall be so divided as to give to each respective claim in that proportion above mentioned, if it should be found that the lands described do not contain a quantity sufficient to allow to each the full number of acres mentioned.

No. 22.—*The legal heirs and representatives of John Askin, deceased.*

The legal heirs and representatives of the late John Askin, deceased, renew the entry made by the said John Askin with the former commissioners, recorded in volume 4, page 118, of the records of the former commissioners, in the following words, to wit:

John Askin claims his half of an undivided tract of land granted by the Chippewa nation to the late Thomas Williams, situated partly on the southwest side of the river Aux Huron, which empties itself into Lake St. Clair, and along the border of that lake towards a tract granted by said Indians to the late James Abbott. The quantity of this tract is not ascertained. I claim by purchase from Peter Williams.

JOHN ASKIN.

The said deed from the said Peter Williams to the said John Askin, for the above-described tract of land, is recorded in liber E, folios 19 and 21. Also a certificate of Isaac Williams of the fact of the sale of said tract by said Peter to said John; said deed is recorded in volume 2 of the records of said former commissioners.

This claim having been presented to a former board of commissioners, and no evidence of occupancy or possession being shown to said commissioners, so far as appears from their records, and no further testimony being now adduced before the present board, this claim is therefore rejected.

No. 23.—*John R. Williams and James May.*

John R. Williams and James May, on this twenty-first of June, in the year of our Lord one thousand eight hundred and twenty-one, file their petition or claim for a tract of land on the river Huron and Lake St. Clair, bounded as follows, to wit: in front by Lake St. Clair, and on the north and northeast by the said river Huron, and on the west and southwest by James Abbott's lands, being one hundred acres in front, and one hundred and fifty acres in depth, containing in the whole fifteen thousand arpents or acres, more or less; said claimants file a deed of conveyance from the Chippewa nation of Indians to Thomas Williams, the father of said John R., and to Isaac Williams, under whom said James May claims, for the above tract of land, bearing date 1780.

The petition sets forth that the said Isaac Williams, one of the grantees as above stated, without any authority, conveyed, in the year 1792, to sundry persons thirty-two arpents in front on the south side of said river Huron, by forty in depth, upon which said tract the first settlement upon the river Huron was made, but that in 1794 said settlers relinquished their possessions and improvements to Mrs. Jaques Lazon, the late widow of said Thomas Williams; that in 1800 Jaques Lazon, the husband of said late widow of said Thomas Williams, without the consent of his wife, sold the said premises to Joseph Campau; that said John R. Williams, one of the petitioners, had lived and labored on said tract for a considerable length of time; that in the year 1806 the said John R. Williams entered with the commissioners a conflicting claim, in behalf of the heirs, against said Joseph Campau's application for a confirmation of said lands. The records will, however, show that this land was confirmed to said Joseph Campau, and also that James May, one of the petitioners, in 1789, having previously conferred with the said John R. Williams, then a minor, granted, under certain express conditions, to a number of individuals the privilege of occupying and settling each on one hundred and twenty arpents of that part of said tract situated on Lake St. Clair. It was stipulated that each of said occupants or purchasers should pay one hundred pounds, New York currency. These settlers, in the year 1806, finding that they could enter these lands in their own names by virtue of their possession, did enter said several tracts in their own names, and obtained patents from Congress for the same. That previous to the entry of said tracts by said individuals they never had exercised an exclusive control over said tracts; but, in all their conveyances to and from each other, they simply sold their improvements, without the least attempt, in any single instance, to warrantee their sales; and, so far as it was deemed practicable under the construction that the then commissioners were pledged to give to the acts of Congress regulating the entries and claims to lands, your petitioners have made and preferred such claims, entries, and demands as they were understood at that time to be justifiable and authorized to make; all of which will more fully appear by their printed petition.

TESTIMONY.

Jaques Campau, being duly sworn, deposeth and saith that the first settlement was made on the river Huron, on the premises in question, about the year 1788, and that he well recollects that in the year 1791 or 1792, or thereabouts, the said settlers produced deeds from Isaac Williams for those farms, who, jointly with Thomas Williams, was the reputed owner of the said land, and that said tract comprehends what is called the Lonce Creuse settlements. Deponent well knows that at the time of the establishments made as above stated it was generally known and admitted throughout the country that the lands in question belonged to the Messrs. Williams. Deponent also knows that it was reported that afterwards Judge May acquired an interest in the property from the Messrs. Williams or their family. Deponent knows that a number of persons had authority from Judge May to stay on said land. Deponent frequently heard said Thomas Williams express his determination to reduce to special and actual possession all his lands; but that before he could complete all his plans he died. That at his death he left three children, the eldest of whom could not have been more than three years of age.

Jean Baptiste Comparet, being duly sworn, deposeth and saith that the settlers mentioned in the above affidavit (of whom he was one) purchased their lands from Isaac Williams; that the settlement was made, and he is sure that the settlers were there six or seven years previous to the arrival of General Wayne's army.

Jean Baptiste Nontoy, being duly sworn, deposeth and saith that previous to the establishment of the American government here, the father of one of the present applicants, (J. R. Williams,) and, after him, Judge May, exercised acts of ownership over the land at Lonce Creuse, and at the river Huron,

part of the same now claimed, of which said tract Mr. Williams, deceased, was universally recognized as owner; and afterwards Judge May acquired, by general reputation, an interest in the property; and further knows that, as a matter of general reputation, the persons who located themselves there had obtained permission of, or right in, said land from one or the other of these two claimants; and that many persons, perhaps ten or twelve, had established themselves on said premises long before the arrival of General Wayne; and further, that the establishments thus made were always thereafter kept up, until after the year 1808, and, indeed, to the present time.

Joseph Robertjean, being duly sworn, deposeth and saith that on or about the year 1794 one Jaques Lazon and his wife, Cicile, took formal possession of certain lands and improvements occupied on the river Huron by Thomas Edwards, Jeane Marie Comparet, François Comparet, Joseph Comparet, and Michel Comparet; that said Jaques Lazon took possession of said several farms by virtue of the right claimed by Mrs. Lazon in right of her former husband, the said Thomas Williams, deceased, and under whose title peaceable and quiet possession was given to the said Jaques Lazon and his wife, Cicile, by the said Edwards and the said Comparets, of the said several farms aforesaid, and by virtue of the claim and title of Mrs. Lazon aforesaid, the widow of said Thomas Williams, deceased; and, furthermore, that one of the aforesaid farms was sold by Mrs. Lazon to Michel Comparet, one of the aforesaid occupants, for a valuable consideration; that it was the prevailing opinion that the lands aforesaid were the property of the said Thomas Williams, including the lands from the Delaware town, on said river, to a boundary on Lake St. Clair, commonly known by the name of *Runs Condele Perelo.* Deponent frequently heard Mrs. Lazon, the late Mrs. Williams, observe that if her husband, Mr. Lazon, was a man of business, he would prevent intruders from squatting on said lands; and further, that he (deponent) perfectly recollects to have seen John R. Williams, the son of said Thomas Williams, labor on said lands with a negro man, the property of the said late Thomas Williams, before General Wayne took possession of this country.

John Baptiste Dube, Joseph Dube, and Alexis Dube, being duly sworn, depose and say that they live at Lonce Creuse, on Lake St. Clair, (excepting Joseph Dube;) that deponents severally purchased farms at Lonce Creuse, on Lake St. Clair, from persons who originally settled the said lands, and in all the transfers of said farms the improvements only were transferred; and that sometime after deponents had purchased said improvements they were informed that the lands belonged to John R. Williams and James May; that the said several deponents were not informed that the farms and lands aforesaid were owned by the said John R. Williams and James May until entry of some of said farms had been made before the commissioners appointed by the United States.

Upon mature consideration of this claim, and of the testimony adduced in support of it, considering the minority of Mr. Williams at the date of the first improvements, and the apparently unwarranted and illegal transfer of many of the tracts claimed by persons having no right, by which means many of the occupants who had been merely tenants under the original claimants obtained confirmations purporting to be in their own rights; considering the respectable characters of Messrs. Williams and May; the zeal manifested by them at all times for the welfare of their country, of which the one is a native and the other a citizen of more than forty years' residence; and, moreover, taking into consideration that claims preferred before the land boards of 1807, 1808, and 1809, were not ultimately patented according to the decision of the commissioners, but according to the survey and plat made thereof by the surveyor, which in many instances were for much less than the quantities confirmed by the land board; and as it does appear that, for reasons unknown to this board, the present claimants, although few were more active in promoting the early settlement of lands on this strait, succeeded in but few or no claims, but whose lands were confirmed to those in possession, who, as is shown, were originally the tenants of these gentlemen: Therefore, for the foregoing and other cogent reasons, the commissioners do confirm the claimants in that residuum of their claim not heretofore confirmed to other claimants, adjacent to those lands on the south border of the river Huron, and near Lake St. Clair, which were originally a part of this claim, provided that the lands now confirmed shall not exceed in quantity 640 acres to each of the said claimants, and provided, also, that the lands so confirmed shall not interfere with any lands which may have been sold at the time the said claimants or their legal representatives shall be authorized by the proper authority to make their survey and location of said claim now confirmed.

No. 24.—*The legal heirs and representatives of John Askin, deceased, and the legal heirs and representatives of William Ancrum, deceased.*

The legal heirs and representatives of the late John Askin, esq., deceased, and the legal heirs and representatives of the late William Ancrum, major of the 34th regiment, deceased, renew the entry made with the former commissioners by the aforesaid John Askin, dated October 28, 1805, recorded in volume 4, page 76, of the records of the former commissioners, to wit:

NEAR SANDWICH, *October* 28, 1805.

John Askin claims, in behalf of William Ancrum, esq., formerly of the 34th regiment, and himself, 20,000 acres of land, the remainder of twenty-four thousand purchased by them, jointly, of the Chippewa nation, which remainder of land is situated on each side of the river Aux Huron, commencing below the Moravian town, and extending downwards; this river empties itself into Lake St. Clair.

JOHN ASKIN,
For WM. ANCRUM & JOHN ASKIN.

The REGISTER *of the Land Office at Detroit.*

In behalf of this original entry, first made in 1805, no additional testimony is adduced before the present board. The commissioners have therefore examined the various testimony adduced before the former land board; and from all the circumstances, especially considering the vagueness of the proof as to occupancy and the fact that most or all the lands here claimed have been confirmed by former land boards to other individual claimants, the present board of commissioners do reject this claim.

No. 25.—*The legal heirs and representatives of the late John Cornwall, John Askin, sen., and John Askin, jr., deceased.*

DETROIT, *September* 26, 1821.

The legal heirs and representatives of the late John Cornwall, John Askin, sen., and John Askin, jr., deceased, renew their claim made by the aforesaid John Askin, sen., in behalf of himself and two others, with the former commissioners, October 31, 1805, recorded in volume 4, page 96, and in volume 3, page 428, in the words following, to wit:

OCCTBER 31, 1805.

John Askin, in behalf of John Cornwall, John Askin, jr., and himself, claims a tract of land, the quantity not ascertained, situate on each side of the road made through the woods at the expense of William Ancrum, esq., and John Askin, sen., from where the lands already granted, near Tremble's mills, ended, to the old Moravian town, on the part of it not granted, which Moravian town was then situated on the border of the river Aux Huron, which empties itself into Lake St. Clair, by a deed of gift from the Chippewa nation.

JOHN ASKIN.
SIBLEY & WHITNEY, *Attorneys for heirs.*

TESTIMONY.

Gaget Tremble, being duly sworn, deposeth and saith that about the year 1786 Mr. John Askin employed men to cut a road from the said Tremble's creek or mills to the river Huron, where the Moravian village stood; that he knew of sleighs passing back and forth the winter following, and that the said road has been used since.

This claim was, as appears, duly considered and deliberately *rejected* by a former board in 1805. No additional testimony being now adduced, except that sleighs have travelled upon a certain road adjacent to the land, the present commissioners do reject the same.

No. 26.—*François Furton.*

JUNE 15, 1821.

I, François Furton, make claim to a certain tract of land situated on the border of Lake St. Clair, bounded on one side by Jeane Bpt. Chovin, and on the other side by Louis Tremble, being three arpents in front by forty arpents in depth.

FRANÇOIS FURTON.

TESTIMONY.

John Grant, being duly sworn, deposeth and saith that he has lived from his infancy a near neighbor to François Furton; that he well knows said Furton occupied the tract in question at least five years before the Americans took possession of this place; said Furton has continued in the possession and improvement of said tract of land ever since; that before the arrival of General Wayne's army, said Furton had twenty acres of land under fence and cultivation; said Furton has continued to cultivate said land since that time, and is now with his family, consisting of seven children, on said tract; that said Furton is an extremely ignorant man, and that he was frequently told by Mr. Aaron Greely, surveyor, that said Furton was badly advised by his neighbors and friends not to make an entry of his land in 1812; that deponent well knows that two sons and one son-in-law of said Furton entered the regular army of the United States; and that said François Furton served the United States during the late war two years.—*June* 15, 1821.

François Rivard, being duly sworn, deposeth and saith that he has a perfect knowledge that, at least five years previous to the arrival of General Wayne's army, François Furton lived on the land in question, where he now lives; that he has continued in the undisturbed possession of said land from that time to the present; that said Furton is an extremely ignorant man, and deponent has always understood that he did not enter his land with the commissioners in 1812 by advice of neighbors as ignorant as himself; that said Furton, in the commencement of the late war, entered the American army, with two of his sons and his son-in-law; that he has long known said Furton, and that he is an honest and industrious farmer.—*June* 15, 1821.

The commissioners confirm this claim to said François Furton according to the following boundaries: commencing at a post on the border of Lake St. Clair, and on the line between this tract and a tract granted to Jeane Bpt. Chovin; thence, on said line, north 60° west, 50 chains 30 links, to an oak tree 18 inches diameter, standing on the line between that tract and a tract granted to Louis Tremble; thence south 71° east, 47 chains 95 links, to a post on the border of said lake; thence, along said lake, south 40° 30′ east, 8 chains 22 links, to the place of beginning; containing 23 acres, being the only vacant lands remaining unconfirmed in the vicinity of said claim, and being the land upon which said Furton resides; and the surveyor of private claims is hereby authorized to survey the same according to the foregoing boundaries. The commissioners are aware that in this confirmation they may, perhaps, have exceeded their strictly legal powers, yet they feel disposed to take for granted a formal entry made in due time, which it plainly appears the ignorance of the claimant alone prevented, and that the surveyor, Mr. Aaron Greely, left this small tract vacant for claimant's use when he surveyed the adjoining claims in 1812.

No. 27.—*Abraham Cook.*

DETROIT, *June* 26, 1821.

GENTLEMEN: Please to take notice that I claim title for myself, my heirs and assigns, and set up title as the assignee of the heirs of Jaques St. Obin, deceased, and of Gabriel St. Obin, of the county of Wayne

and Territory of Michigan, as aforesaid, by virtue of a long and uninterrupted possession, occupancy, and improvement thereof, made by me and those from whom I derive title to said premises, previous to the 1st day of July, 1796, to this day, of a tract of land situated on the border of Detroit river, containing two hundred arpents or French acres of land, more or less, with the appurtenances, being five arpents fronting on the Detroit river by forty arpents in rear; bounded on the northeast by lot No. 723, confirmed to John Bpt. Laderonte, on the southwest by lot No. 180, confirmed to François Rivard, and on the northwest by lot No. 153, confirmed to said Gabriel St. Obin, and lot No. 155, confirmed to Joseph Laparle, *alias* Laquiré, being originally two distinct farms adjoining each other. I claim and set up title to the lower farm, being three arpents in front by forty in depth, by virtue of a deed of purchase from said Gabriel St. Obin, *alias* St. Aubin, being three arpents in front on the Detroit river by eighty arpents in rear, dated December 13, 1811, recorded in the records of Wayne county, vol. 4, pages 5, 6, and 7, and pages 26, 27, 28, 29, 30, and 31, of said vol. 4, being lot known and described on Greely's large map of private claims in said Territory of Michigan as No. 734, as confirmed to Jaques St. Obin, containing 99.47 acres.

Secondly, of the upper farm, being two arpents in front by forty in depth, claimed by me as above. I acquired the same by deed of purchase from Robert McDougall, jr., dated July 3, 1818, of the same two arpents in front by eighty arpents in rear, from the border of said Detroit river, as recorded in said vol. 4, pages 128, 129, 130, and 131, who, viz: the said Robert McDougall, jr., acquired the same from Joseph Campau, as assignee of the front of said Gabriel St. Obin, and of the rear lot by deed from said Joseph Laparle, *alias* Lognon, to said Gabriel St. Obin, as recorded in vol. 3, pages 398, 401.

As no entry can now be found among the records of the former commissioners for said tracts of land now claimed by me as the assignee of said Gabriel St. Obin and Jaques St. Obin, heirs, having been entered in conformity to the different acts of Congress relative to private claims in this Territory, in addition to the witnesses I shall produce to you whenever you may think proper to take my peculiar case into consideration, I beg leave to refer you to the 4th volume of the proceedings of the former commissioners, June 18, 1808, pages 155 to 158, for presumptive evidence of the fact; for it will there be seen (claim No. 153) that the above-mentioned Gabriel St. Aubin made an entry with the said commissioners June 12, 1808, of one hundred and twenty arpents of land, being three arpents in front by forty in depth, bounded in front by Jaques St. Obin; and that the said Joseph Laparle (page 157) made his entry on the same day of eighty arpents of land, being two arpents in front by forty in depth, bounded in front by the farm of Gabriel St. Aubin, &c.

Now, can it be believed for a moment that the said Gabriel St. Obin, who, on July 13, 1808, owned and lived on the premises, and was also in the possession and occupancy of the front of said Joseph Laparle's claim, No. 155, would not have made an entry at the same time for the same, as well as for 153, which was confirmed to him as aforesaid? That he who also cultivated and entered No. 153, last mentioned, would not have also entered, at the same time, the farm lying between said No. 153 and the Detroit river, belonging to him and the other heirs of his father, Jaques St. Obin, deceased, which was then possessed and occupied by his brother, Jaques St. Obin.

The fact is, that an entry was made for the farms I now claim a patent for from the United States, as the assignee of said St. Obin, and the proofs thereof are on the files of the former commissioners. I allude to the official certificates signed by Aaron Greely, surveyor of private claims, dated at Detroit, January 4, 1820, now in your possession, being what he states to be a description of No. —, on Detroit river, confirmed to Jaques St. Obin, Nos. 168 and 169, to be a description of No. —, confirmed to Gabriel St. Obin, giving the exact boundaries and contents of these two farms as they now are, as surveyed by him January 8, 1810. All which is humbly submitted.

I have the honor to be, very respectfully, gentlemen, your obedient servant,

ABRAHAM COOK,
By GEORGE McDOUGALL.

The COMMISSIONERS *of the United States Land Office for the district of Detroit and Territory of Michigan.*

TESTIMONY.

Gabriel St. Obin, being duly sworn, deposeth and saith that he occupied the tract of two acres in front on the Detroit river by forty in depth, adjoining to Jean Bpt. Laderonte's above, and Jaques St. Obin's, deceased, below, for from twenty-five to thirty years. I procured this farm by an exchange with Pierre Casomell. I am now upwards of seventy years of age, and, from my earliest recollection, this farm has been constantly occupied by claimant, and those under whom he claims. I sold this tract, by deed, to Joseph Campau, who, by deed, sold to Robert McDougall, jr., who also sold, by deed, to Abraham Cook, the present claimant, who is now in possession of this tract. I have no interest whatever in this tract, having sold to Joseph Campau all my right, interest, and claim, to the said tract. I applied to the register in 1808 to make an entry of my claim to this tract, and was then informed by him that it was not necessary to make any further entry, as my title to this tract would be sufficiently evident to the commissioners from the grant or patent which I held from the King of France; and, accordingly, I made no further entry.

The tract containing three arpents in front bordering upon the Detroit river, by forty arpents in depth, now claimed by Abraham Cook; is bounded above by the tract mentioned in the foregoing testimony, below by the tract confirmed to François Rivard, No 180, and is numbered on the large map of private land claims 734; and is further bounded in the rear by lot No. 153, confirmed to Gabriel St. Obin, and now owned by Abraham Cook. I sold the rear or back part of this farm, which was confirmed to me, and No. 153, to Abraham Cook; and the other heir of my father, Jaques St. Obin, deceased, with myself, sold this tract to Abraham Cook. This witness was born and raised upon this farm, and lived upon it for a period of at least sixty-four years, until he gave possession thereof to the present claimant.

Reference to the 4th volume of the records of the former commissioners of private land claims mentioned in the above petition, vol. 4, page 156.

To the register of the land office at Detroit:

Please to take notice that I now enter with the commissioners of the land office at Detroit the following tract of land in the district of Detroit, containing, by estimation, one hundred and twenty arpents of land, it being three arpents in front by forty arpents in depth; bounded in front by the farm of Jaques St. Obin, and in rear by unconceded lands; on one side by François Rivard, and on the other by Joseph

Laparle. I make claim and set up title by virtue of possession and occupancy, and improvements made by me.

GABRIEL ST. OBIN.

DETROIT, *June* 13, 1808.

Page 57 of the same volume of said records.

To the register of the land office:

Please to take notice that I now enter with the commissioners of the land office at Detroit the following tract of land situate in the district of Detroit, containing, by estimation, eighty arpents of land, it being two arpents in front by forty in depth, bounded in front by the farm of Gabriel St. Obin, and in the rear by United States land; on one side by Gabriel St. Obin, and on the other by Louis Cochois. I make claim and set up title by virtue of possession, occupancy, and improvements made by me and those from whom I derive title.

JOSEPH LAPARLE.

It appears from the records that both of the above claimants' titles were confirmed.

Claimants file three deeds of conveyance: two from the United States to Joseph Laparle for the tract described in the above entry, and to Gabriel St. Obin for the tract mentioned in the above entry, made with the former commissioners; and another from Jaques St. Obin to Gabriel St. Obin.

The commissioners, in considering the foregoing claims of Abraham Cook, would observe that the continued possession of the lands claimed is of as long standing as perhaps any other upon this strait; and that the omission to make regular entries thereof before former land boards apparently arose from the announced belief of said boards that the early French deeds constituted a legal and sufficient title. The commissioners do now, however, in accordance with the wishes of the present claimant, confirm the tracts as claimed, and do direct a survey to be made thereof by the proper surveyor of private land claims, and that said survey be returned to the register of the land office at Detroit. That a patent certificate thereof be issued to the said claimant; and that, with the approbation of the Secretary of the Treasury, a patent do issue thereon for the aforesaid tract, embracing the said two tracts of land as claimed; the same being five arpents in front, and extending forty arpents in depth, and otherwise bounded as in the notice of claim.

No. 28.—*François Rivard.*

The undersigned renews his entry and application for a confirmation of six hundred and forty acres of land lying immediately adjacent and in rear of the tract of land confirmed to Michael Yax. The undersigned founds his claim on the following facts:

A long time anterior to the arrival of General Wayne's army, his deceased uncle, Michael Yax, was in possession and constant improvement of the above-mentioned tract of land; the possession and improvement were uninterrupted during his life; that by deed he became the assignee of the legal heirs of said Michael Yax. Considering himself entitled to a confirmation of six hundred and forty acres of land, pursuant to the act of Congress he personally made application to the commissioners appointed under the law to make an entry of said described tract of land, (as will appear by his own oath and that of John B. Chapoton,) and was refused permission. The undersigned considers that he has done everything required by the letter or spirit of the act of Congress in relation to his entry. If the land was not confirmed to the present applicant in 1812, it was by the improper rejection of his claim by the commissioners; a confirmation of the claim to the undersigned would not interfere with the claims of others. He conceives he has most unequivocally shown by the accompanying affidavits his uninterrupted possession and continued improvement. If further evidence be required to establish the fact he can procure it. His claim he considers within the present powers of the commissioners, and to their decision he submits his claim.

FRANÇOIS RIVARD.

TESTIMONY.

François Rivard, being duly sworn, deposeth and saith that during the time the commissioners, Messrs. Audrain, Abbott, and Atwater, were in session, he went before them, in company with John Bpt. Chapoton, and made application to make an entry of a tract of land lying immediately adjacent and in rear of the land now owned and occupied by him, and confirmed to his late uncle, Michael Yax, stating that the improvement and possession by himself and his late uncle could be proved by witnesses; that they informed him they could not receive his entry, and he made no further efforts.

Pierre Chovin, being duly sworn, deposeth and saith that he worked upon a tract of land distant about five acres beyond the tract of land now in the possession of François Rivard, confirmed by patent to Michael Yax, extending eighty arpents in rear from Detroit river. That about five acres of this tract was fenced in; and that, by direction of his late uncle, who he believes leased of Michael Yax, he sowed wheat on it; that the said land was improved and fenced in at least ten years before the arrival of General Wayne's army. That he always understood said tract of land was the property of said Michael Yax; and that, after the expiration of said lease of about one year to his uncle, he always understood that said Yax improved said land.

Gabriel St. Obin, being duly sworn, deposeth and saith that he has lived for the greater part of his life within half a mile of the land in question; and that, at least ten years before the arrival of General Wayne's army, the late Michael Yax possessed and cultivated a certain tract of land in rear of the eighty acres now owned by François Rivard, (and purchased of the heirs of said Yax,) containing about five or six acres; that said Yax, during his lifetime, continued to cultivate said tract, and since the decease of said Yax the possession has been continued up to the present time by François Rivard. That, to the best of deponent's knowledge, said Yax died in the year 1812; that there was a house on said tract when deponent first saw the premises; that he was often on said land while in the possession of said Yax.

John Bpt. St. Obin, being duly sworn, deposeth and saith that he has lived the greater part of his life within a mile of the tract of land now owned by François Rivard, formerly the farm of Michael Yax. This deponent well knows that, at least ten years before the arrival of General Wayne's army, the late

Michael Yax possessed and cultivated a certain tract of land in rear of the eighty acres now owned by François Rivard, and continued the cultivation till his death; that since the decease of said Yax the possession has been kept to the present time by François Rivard.

And it is further satisfactorily shown to this board that the above claimant, François Rivard, is the assignee of most or all the heirs of Michael Yax, deceased.

And thereupon the commissioners do decide that the said endeavors of the present claimant, François Rivard, as shown, be taken and considered as an entry of claim made in due time; and, as part of the land now claimed has been already confirmed to others, therefore the commissioners do confirm to said François Rivard that part, and so much of fractional section No. 22, in township No. 1 south, of range No. 12 east, in the land district of Detroit, as may not be included within the lines of survey of said fractional section claimed by and confirmed to Joseph Louis Tremble; leaving, however, to the heirs of Michael Yax, deceased, all their legal and equitable rights in and to said tract of land.

No. 29.—*Louis Chapoton.*

Louis Chapoton renews his entry made with the former commissioners in 1808, recorded in vol. 6, page 150, of the records of said commissioners, in the words following, to wit:

To the honorable the commissioners of the land board:

The subscriber enters his claim to a certain tract of land in the district of Detroit, containing three acres in front, bounded by the river Detroit, extending one hundred acres in depth; bounded on the north by a farm of the late Antoine Boyer, and on the south by the farm of Louis Beaufait.

LOUIS CHAPOTON.

It is stated in the said records that this tract contains, by estimation, two hundred and forty arpents, it being three arpents in front by eighty arpents in depth, and the boundaries described as in the above entry. The claim is No. 573 by the former commissioners.

In virtue of said entry, said Chapoton received a patent from the President of the United States for eighty arpents of land in depth by three arpents in front, making two hundred and eight and ninety-one hundredths acres.

He now produces his patent for said ——— of the above-described tract, and claims, in virtue of his original entry, in addition to the said eighty arpents, ——— so much more in depth as may be sufficient to complete the quantity originally claimed, viz: one hundred arpents in depth.

Testimony adduced before the former commissioners at the time of the entry of said original claim:

George Meldrum, being duly sworn, deposeth and saith that many years previous to the 1st day of July, 1796, claimant was in possession and occupancy of the premises claimed, and has continued so without any interruption to the present day.

Testimony adduced before the commissioners in 1821:

Bennoit Chapoton, being duly sworn, deposeth and saith that he was present at the time Louis Chapoton made the entry with the register. Mr. Audrain asked said Chapoton to produce the witness to prove his possession; said Chapoton replied, Mr. Meldrum would prove the possession of one hundred arpents in depth by three arpents in front. Mr. Meldrum was then sworn, and did testify to this fact, that Louis Chapoton was in the possession of one hundred arpents in depth by three arpents in breadth; and that he had occupied and improved the said quantity of land long prior to the 1st of July, 1796, and continued so to possess said quantity of land to the present time. This witness knows, of his own knowledge, that Louis Chapoton has always claimed this quantity of land, viz: one hundred arpents in depth by three in breadth.

And thereupon the commissioners do confirm to Louis Chapoton eight and thirty-two hundredths acres of land adjacent and in rear of the front heretofore confirmed to him, and being bounded in rear by the line of the back concession and the lands of the United States.

No. 30.—*Isidore Moran.*

The commissioners appointed to investigate the titles to lands in the district of Detroit will please take notice that I claim title to a tract of land situated on the border of Detroit river, bounded in front by said river, on the lower side and rear by lands confirmed to François Paul Malchere, and on the upper side by land claimed and confirmed to the heirs of Antoine Morass, containing one square arpent above the road; which tract is claimed by virtue of purchase, actual settlement, long possession, and valuable improvements.

ISIDORE MORAN.

It appearing to the commissioners that the one square arpent claimed by Isidore Moran is included within the bounds of a tract confirmed heretofore by a former board to François Paul Malchere, the present board, considering it incompetent for them to interfere with, or reverse the confirmations heretofore made by any former land boards, do decline to act upon the claim now preferred.

No. 31.—*Gabriel Cheine and the heirs of Jean Baptiste Campau.*

JULY 6, 1821.

The commissioners then proceeded to take into consideration the following claim to a certain tract of land bordering on the Detroit river. The following documents and proceedings before former land boards were adduced as evidence for the consideration of the present board.

The legal heirs of Jeane Baptiste Campau, deceased, renew the entry made by their deceased ancestor, Jeane Baptiste Campau, deceased, July 14, 1807, for a certain piece of land lying on the river Detroit, of three arpents, or acres, in front by eighty in depth, bounded on the northeast side by the farm owned by the heirs of Simon Campau, deceased, and on the southeast by the farm of James Campau; they claim by virtue of the long and uninterrupted possession and improvement of their deceased ancestor.

HUNT & LARNED, *Attorneys for the legal heirs of Jeane Baptiste Campau.*

ORIGINAL ENTRY.—Recorded in volume 3, page 324, of the records of the former commissioners.

TERRITORY OF MICHIGAN, *to wit:*

To the register of the United States land office at Detroit:

1st. Notice is hereby given that I, Gabriel Cheine, of the district of Detroit, in the name of my father-in-law, Jeane Baptiste Campau, claim a tract of land on the river Detroit, containing nine arpents in front by eighty in depth, originally granted by the governor and intendant of the province of Louisiana, by patent dated the 5th July, 1739, and by virtue of long possession and valuable improvements.

2d. I also claim, jointly with my brother, Touissant Cheine, another tract of land situate on the river Rouge, bounded on the west by Jaques Godfroy, and on the east by lands of Isidore Cheine, containing six arpents in front, extending in depth to lands of the St. Cosme family, by virtue of a deed dated 30th March, 1788, made to us by Isidore Cheine, and by virtue of my possession and valuable improvements thereon.

3d. I also claim, to hold to me and my heirs, a tract of land situate on the river Rouge, containing three acres in front by fifty in depth, bounded below by lands of Alexis, now the property of François Lafontaine, and above by lands of Messrs. Meldrum & Park, by virtue of a deed of sale dated the 14th September, 1799, made me by Redman Condon, who claimed by virtue of a deed of exchange made to him by Meldrum & Park, dated the 15th of August, 1797, and also by virtue of long possession and valuable improvements thereon made and done.

GABRIEL his × mark. CHEINE.

DETROIT, *October* 28, 1805.

Extract from the minutes of the land office at Detroit

["The original mark of the foregoing entries appears in the handwriting of P. Audrain, esq., late register."]

The words within inverted comas and brackets were inserted at the instance of the dissenting member; no proof of the allegation was adduced.

On the 20th day of October, 1805, Gabriel Cheine filed an entry with the commissioners, in the name of Jeane Baptiste Campau, his father-in-law, in the words and figures following, to wit:

TERRITORY OF MICHIGAN, *to wit:*

To the register of the United States land office at Detroit:

Notice is hereby given that I, Gabriel Cheine, of the district of Detroit, in the name of my father-in-law, Jeane Baptiste Campau, claim a tract of land on river Detroit, containing nine arpents in front by eighty in depth, originally granted by the governor and intendant of the province of Louisiana by patent dated July 5, 1739, and by virtue of a long possession and valuable improvements.

GABRIEL his × mark. CHEINE.

See volume 4, page 12, of the records of the former commissioners under the date of July 9, 1807 when this claim was considered, and the following testimony was adduced:

Jeane Baptiste Chapoton was brought forward as a witness, who, being duly sworn, deposeth and saith that Jeane Baptiste Campau, father-in-law of the claimant, was in possession and occupancy of three arpents, the middle of the said nine arpents, more than thirty years ago, and continued in the possession and occupancy of the same until he sold it to the present claimant; and that the said claimant, from the day he purchased to this day, has continued in the possession and occupancy of the said tract. The deponent further saith that in January, 1782, he accompanied Jaques Campau, Jeane Baptiste Campau, and Simon Campau, their brothers, each of whom then occupied three arpents of the said nine arpents, when they made the division of three farms, commencing at the river Detroit and extending in depth about eighty arpents, each of them retaining three arpents in front; and that ever since that division was made Jaques Campau and the late Simon Campau have been in the possession and occupancy, each, of their respective farms. The deponent doth further say that it was at the special request of Jeane Baptiste Campau, father-in-law of the claimant, that he, the deponent, accompanied the three brothers when they divided the three farms.

At the request of the claimant, and he declaring on oath that he believes that he can bring forward material evidence in his behalf, the commissioners postpone the consideration of this claim until Monday next, at ten o'clock in the forenoon.

On the 13th day of July, 1807, (see volume 4, page 13, of the records of the former commissioners,) the commissioners took up the claim of Gabriel Cheine. Evidence was adduced and heard. Whereupon Jeane Baptiste Campau, father-in-law to the claimant, came forward, and prayed that time may be allowed him until to-morrow morning to enter his caveat against the granting of a certificate to the present claimant, and it was granted him.

On Thursday, July 14, 1807, (see volume 4, page 14, of said records,) Jeane Baptiste Campau appeared and filed his caveat in the words and figures following, to wit:

TERRITORY OF MICHIGAN, *ss:*

To the commissioners of the United States for settling the claims to lands in the said Territory:

Whereas it appears from the records of the board of commissioners that Gabriel Cheine, of this township of Detroit, heretofore unknown to the applicant, made entry of a certain piece of land lying upon the

said river Detroit, of three arpents, or acres, in front by eighty in depth; bounded on the northeast side by the heirs of Simon Campau, deceased, and on the southwest by the farm of James Campau, all of which said piece of land or farm is the proper inheritance of this applicant, devised by gift of bargain and sale from his ancestor, Louis Campau, and of which the applicant now is and for forty-five years past hath been in the peaceable and uninterrupted possession thereof; and whereas it further appeareth that the said Gabriel Cheine is endeavoring to prosecute his said entry *so* as to oust this applicant of his inheritance, by obtaining, first, from this board their final certificate that he is the possessor and proprietor of the said piece of land and is entitled to the same; and, secondly, the patent of the President of the United States therefor: These are therefore, in my own behalf, to protest against the said Gabriel Cheine's getting any such certificate as is above mentioned, for the reasons aforesaid, and others accompanying this document; and I do by these presents ask and demand of this honorable board such certificate, in my own name, as shall enable me to obtain a patent therefor; and I do hereby tender unto this board at this time the evidence of my long and uninterrupted possession and improvement of the said piece of land, and that I am the true, sole, and proper owner and possessor thereof.

J. BAP. CAMPAU.

DETROIT, *July* 14, 1807.

And thereupon the further consideration of the claim of said Gabriel Cheine was postponed.

Charles, marquis of Beauharnois, a commander of the military order of St. Louis, governor and lieutenant general for the King in and over the New France and Louisiana; Gilles Hocquart, knight, counsellor of the King in his councils, intendant of justice, policy, and finances, in and over the New France and Louisiana:

Upon the representations which have been made by the inhabitants of the Fort Pontchartrain of Detroit, of Lake Erie, to MM. Dr. of Boishebert, captain of a company of the detachment of the navy, ex-commandant at the said Fort Pontchartrain, and Peon, knight of the military order of St. Louis, major of the town and government of Quebec, now commanding at said fort, and of which they have made an account to us, containing and stating that till now they had not ventured to undertake any culture and settle any lands at the said place, because they had no title to assure the property of these lands; and that if it was our will to grant some to them they would be not only enabled to work without any danger of disturbance, and that, moreover, great advantages would derive from their labors in obtaining by those means provisions in plenty, which would help the support of the garrison as well as to the inhabitants and travellers. Having taken those things into consideration, in virtue of the patent letters given by his Majesty at Paris in the month of April, 1716, registered to the superior council the 1st of December next, the act of the council of state of the King in date of May 19, 1722, the undersigned, in the name of his Majesty, have given, granted, and transferred, under pretence of cens and rents, from now and forever, to Louis Campau, inhabitant of said Fort Pontchartrain of Detroit, there residing, for himself, his heirs and assigns, one concession of land situated on the strait of Lake Erie, containing five arpents in front and forty in depth, adjoining to the side in a direction west-southwest to the land before granted to —— Binault, by a line north-northwest and south-southeast, and on the other side in a direction east-northeast to the unconceded lands, in front upon the strait of Lake Erie, and in the depth by a line east-northeast and west-southwest, adjoining likewise the unconceded lands, to be held in possession by the said Campau, his heirs and assigns, to the causes and charges, clauses, and following conditions, to wit: that the said Campau, his heirs and assigns, will be bound to carry their grain to be ground to the common mill as soon as one will have been erected, otherwise the said grain will be confiscated and an arbitrary fine will be inflicted; to occupy or to cause to occupy the said place in the course of a year from to-day, the latest; to cover the deserts of the neighbors when they will require it; to cultivate the said land; to give the paths which will be thought necessary to the public utility; to make the partition fences according to the regulations, and to pay every year to the receiver of the King's domain in this country, or to the clerk of said receiver who will reside at Detroit, one sol of cens for each arpent in front, and twenty sols of rent for each twenty arpents in superficies, amounting, for the said five arpents in front by forty in depth, to ten livres five sols of cens and rents, and besides, five barrels of wheat for the said five arpents in front; the whole payable every year to the day and feast of St. Martin, of which the first year will expire November 11, 1735, and continue from year to year, the said cens bearing profit of lots and sales, default and fine, with every all other royal rights, when the case will happen, according to the manner of the court of a provost martial *et vis* county of Paris. It is, however, allowed to the said Campau to pay the said ten livres of rent and five sols of cens in furs, at the price of Detroit, till the establishment of a current money; reserving, in the name of the King, upon the said habitation, all the wood which his Majesty may want for timber and the construction of his vessels and forts which may be built hereafter, as well as the property of mines, mine ores, and minerals, if there are any found in the extent of the said concession; and the said Campau, his heirs and assigns, obliged to cause to lay out, measure, and bound the said concession, in all its length and depth, at his own expenses, and to execute the clauses inserted in the present title, and to take letters of confirmation of his Majesty in the course of two years; the whole, otherwise, to be considered as null and void.

Made and given at Montreal, July 5, 1734.

HOCQUART.

By order of his excellency: DE VALMIER.

BEAUHARNOIS.

By order of his excellency: DE CHEVEREMONT.

Celeron, knight of the military order of St. Louis, major commanding at Detroit:

Upon the demands which have been made by Louis Campau, inhabitant at Detroit, to grant him the continuations of the lands which he has bought at Detroit, and of those which have been granted to him by the present title, the undersigned, with the permission of their excellencies the general and intendant, have granted and conceded, now and forever, to the said J. Louis Campau, for himself, his heirs and assigns, the said continuations of forty arpents in depth, being the continuation of the lands where he is now settled; and he will have and hold possession of said continuations to the charges expressed in the deed hereto annexed; and besides, for the sum of forty sols for every arpent in front of annual rent, of which the first year will terminate November 11, 1751, amounting, for the nine arpents of land which he

holds, to the sum of eighteen livres, payable for the benefit of the King to the receiver of his domain in this country.

Made and given at Detroit, March 16, 1751.

CELERON.

NAVARRE, *Sub-delegate of his excellency the Intendant.*

Before us, the undersigned witnesses, appear John Baptiste Campau, of the district of Hamtramck, in the county of Wayne and Territory of the United States, who doth acknowledge to have sold, ceded, transferred, and abandoned, from now and forever, to Gabriel Cheine, said Cahousa, his son-in-law, to these presents, accepting a purchaser for himself, his heirs and assigns, the said farm or plantation upon which the said John Baptiste Campau is now living, with all the furniture, cattle, and aratorial tools, of which an inventory is annexed to the presents, together with all the buildings erected upon, crops, and, in a word, all the appurtenances whatsoever to the said premises belonging or in anywise appertaining, without excepting or reserving the least thing, for and in consideration of the sum of one thousand pounds current money of New York State, equal in value to two thousand five hundred dollars current money of the United States of America, which said sum the said Gabriel Cheine, said Cahousa, doth promise and oblige himself to pay in the following manner, to wit: the said Gabriel Cheine, otherwise called Cahousa, doth promise and oblige himself to pay the debts of the said John Baptiste Campau, especially a mortgage which Baby's family has upon the said farm; and when the said debts shall have been paid and acquitted, if there is any balance left, it shall be paid to the said John Baptiste Campau or his heirs, who will give a good and lawful receipt for the same to said Gabriel Cheine. It is well understood that the said debts, and in case he should neglect to acquit them directly he, the said Gabriel Cheine, is responsible for all the damages and interests which can arise or come after. The said Gabriel Cheine doth promise and oblige himself, notwithstanding the payment of the sum of one thousand pounds, to harbor, dress, and board the said John Baptiste Campau, in health as well as in case of sickness, in a decent and reasonable manner, during all his lifetime, and after his death to bury him decently, and to have for him all the usual prayers performed.

The said Jeane Baptiste Campau reserves to himself the right and privilege to live with the said Gabriel Cheine, his son-in-law, or any other person whatsoever, according to his own will; and, in the last case, the said Gabriel is, and will be, obliged to pay him a reasonable pension; and, moreover, he will continue to furnish him with the necessary and convenient clothes, and will be bound to nurse him in case of sickness. As long as the said Jeane Baptiste Campau will live with the said Gabriel Cheine, his son-in-law, he will never be compelled to do any work; and even when he would consent to it, it will be considered as an act of his own free will. The said Gabriel Cheine doth promise and oblige himself, besides, to keep with him Archange Campau, a daughter, under age, of the said John Baptiste Campau, to board and dress her decently all the time, till she will become of age, that is to say, till the moment of her complete eighteenth year.

And to enforce the payment of the sum of one thousand dollars as above described, and for the faithful execution of the articles and conditions stipulated therein, the said Gabriel Cheine, otherwise called Cahousa, has no right and power to alien, exchange, or sell the said farm or plantation, together with the furniture, tools, and cattle, specified in the said inventory, without the permission or agreement of the said John Baptiste Campau; and the whole to remain affected and mortgaged till the perfect payment of the said thousand pounds.

The said farm or plantation is the same which he has received from his parents, and makes a part of the nine arpents of the first concession granted by the governor and intendant of New France and Louisiana, consisting of three arpents in front, and extending eighty arpents in depth; bounded west-southwest by the farm of Jaques Campau, and east-northeast by the farm of Simon Campau.

It is well understood, stipulated, and agreed between the parties, that the said Gabriel Cheine, said Cahousa, doth consider himself bound to pay only the debts contracted till the present day by the said John Baptiste Campau, not exceeding the sum of one thousand pounds New York currency; but that he will not be obliged to pay any debt which the said John Baptiste Campau may contract after the date of the presents; that the said Gabriel Cheine, when he will pay the above stated debts, will take receipts from the different creditors; and that the said John Baptiste Campau is bound to receive the said acquittances or receipts in payment of the said sum of one thousand pounds; and that when the payment will be entire and perfect, the said John Baptiste Campau, his heirs or assigns, will be held to present themselves before the clerk of the county to discharge the present mortgage in a legal manner.

Done and signed at Detroit, in the office of the prothonotary of the said county of Wayne, the twenty-seventh day of May, in the year of our Lord one thousand eight hundred, and the twenty-fourth year of the independence of the United States of America, before the children, then of age, of the said John Baptiste Campau, and other witnesses; and the said parties, after the reading of the presents, have signed and sealed.

J. B. CAMPAU. [L. S.]

GAB. CHEINE, his ⋈ mark. *dit* CAHOUSA. [L. S.]

In presence of—

GST. CAMPAU, son.
ANTOINE CAMPAU, son.
ISABELLE CAMPAU.
ALEXIS CAMPAU, son.
ZACHARIE CAMPAU, son.
TOUISSANT CHEINE, son-in-law.
PETER AUDRAIN, *Prothonotary.*

COUNTY OF WAYNE, *ss:*

Before me, the undersigned, one of the justices of the peace in and over the county of Wayne, have appeared the above-named John Baptiste Campau and Gabriel Cheine, otherwise called Cahousa, who have declared that the said deed of sale above described, together with the clauses and conditions stipulated therein, is a free and wilful act, and as such it may be recorded in the office of the county, with the inventory hereto annexed. Signed by the parties, and by me, the said Gabriel Cahousa having declared to be in full and quiet possession of the articles mentioned in the said inventory.

In witness whereof, I have signed at Detroit, May 31, 1800. JOSEPH GOYER.

Inventory of the aratorial tools, furniture, and cattle, contained in the sale hereto annexed, to wit:

2 complete iron works; 2 oxen and 1 cow; 3 heifers—2 one year old, and 1 two months; 2 mares with 3 colts; 1 young mare, one year old; 16 sheep, big and small; 5 hogs, of which 3 are sows and 2 boars; 5 hins, and 12 silver spoons, with 1 pot ladle; 6 ware plates and 1 dish, 6 large pewter basins, 3 labor chains, 6 wimbles, big and small; 2 planes, 5 chisels, and 1 gouge; 1 saw, and 1 small cross-saw; 1 bureau and 3 tables, 3 pair of leather straps, 1 pair of wheels, 2 looms, 5 pick-axes, 2 porridge pots and 1 frying pan, 1 big and 1 middle-sized brass kettle, 1 tin pot and 2 coffee pots, 2 buckets, 2 shovels, 10 chairs, 1 iron stove, with shovel and tongs; 2 spades and 2 shovels, 1 axe and 1 iron wedge, 2 smoothing irons, 2 pair andirons, 1 pair of fetters, 4 old candlesticks, 1 tankard, 2 iron hooks, 1 iron pitchfork, 1 tin kettle for milking and one trevat, 2 middle-sized looking glasses.

COUNTY OF WAYNE, *ss.*

The undersigned certify that the present inventory is true, and that the delivery of those articles has been made to Gabriel Cheine, otherwise said Cahousa, at the moment of the signature of the sale made at Detroit, May 27, 1800, and wish to have recorded in the public records of the said county of Wayne, annexed to the said sale; signed and sealed by us, May 31, 1820.

——— ———. [L. S.]
——— ———. [L. S.]

In presence of—
PETER AUDRAIN, *Prothonotary.*

["The foregoing document is not admitted to be a correct translation by the whole board."—*Note by one of the members.*]

[The receipt omitted in the original.]

COPY AND TRANSLATION.

MAY 12, 1817.

Received of Mr. Gabriel Cheine the sum of one thousand pounds, equal to two thousand five hundred dollars, being for full and perfect payment of the said farm which he occupies at present at Detroit.

J. B. CAMPAU, THE ELDER.

Witness: ARCHIBALD LYONS.

[*Note by one of the commissioners.*—"Fraud was alleged to have been used in obtaining the above document, but no proof was adduced."]

I, John McDonell, of the city of Detroit and Territory of Michigan, do solemnly swear that I have this day examined and compared the above copy of a receipt with the original receipt, and that I found it to be a true and perfect copy thereof. That Archibald Lyons, whose name is written under the original receipt as a witness, is well known to me, having formerly lived with me in capacity of a clerk; that I have very often seen him write his name, and am well acquainted with his handwriting, and am satisfied, and have no doubt, that the name of Archibald Lyons, signed to the original receipt, of which the above is a true copy, is the handwriting of the said Lyons.

JOHN McDONELL.

Sworn and subscribed to before me this 29th September, 1821.

J. KEARSLEY, *one of the Commissioners of the Land Board.*

DETROIT, *September* 29, 1821.

I have a perfect recollection that Charles Larned, esq., of counsel for the Campaus, in the claim of Cheine and Campau, did admit that to be the handwriting of Jeane Baptiste Campau which is attached or signed to a receipt of which the above purports to be a copy.

J. KEARSLEY, *one of the Commissioners*

TESTIMONY.

Antoine Campau, being duly sworn, doposeth and saith that he has seen Jeane Baptiste Campau sign his name. Deponent does not know that he will be able to distinguish between the handwriting of said Campau and that of any other person; witness cannot read or write manuscript; witness was present, in 1817, when Gabriel Cheine and Jeane Baptiste Campau, deceased, made a final settlement of their accounts. Archibald Lyons, Alexis Campau, and Pierre Cheine, were also present; witness saw, at that time, a receipt written, and Jeane Baptiste Campau signed it. Witness would know the paper if he were to see it. Witness saw Archibald Lyons sign the paper as a witness. Deponent understood that the settlement was had respecting the farm in question purchased by said Cheine, and that the receipt was given by said Campau as an acknowledgment of the payment in full by said Cheine for the said farm. Deponent was present when J. B. Campau, deceased, sold the farm to said G. Cheine, and made his mark as a witness to the deed of conveyance. The consideration for which the farm was sold was one thousand pounds to be paid by said Cheine, and the said Cheine was to maintain the said Campau the rest of his life; two daughters and one son of said Campau were to be supported by said Cheine until they arrived at the age of, the daughters 18 or 20, the son 21 years. Deponent knows that the settlement above mentioned, and the receipt then given by said Campau, was for the specific purpose as an acknowledgment, on the part of said Campau, of the fulfilment of the contract on the part of said Cheine. Witness understood, at the time, that said Campau was satisfied with the conduct of said Cheine as to every part of the contract or condition upon which the farm was sold by said Campau to said Cheine. J. B. Campau appeared to this deponent at the time to be in full possession of all his mental faculties, and in good bodily health. There was no objection made to the settlement at that time by any person present. Alexis Campau, one of the

heirs, was then present, and made no objection to the fairness and validity of the settlement. Witness is the son of J. B. Campau, deceased, and brother-in-law to Gabriel Cheine, the respective present claimants.

Pierre Cheine, being duly sworn, deposeth and saith that he was present at an arrangement of accounts between Jeane Baptiste Campau and Gabriel Cheine, when Alexis Campau and Archibald Lyons were present. Deponent does not know in what year, nor does witness know what accounts they settled; they spoke of several accounts, and of lands over the river; deponent saw Mr. A. Lyons writing, and supposed he was putting the accounts in order. Deponent never was present at any settlement between the parties, except at the time when Mr. J. B. Campau gave a receipt to G. Cheine, but does not know for what purpose, or upon what settlement; deponent did not see J. B. Campau sign any receipt. J. B. Campau told witness, after this settlement, that he (Campau) was satisfied with Gabriel Cheine and Alexis Campau, by which deponent understood, or he then understood, that the settlement was not alone with G. Cheine, but also with Alexis Campau and J. B. Campau; J. B. Campau was one party in the settlement, and Gabriel Cheine and Alexis Campau, jointly, the other party. Deponent has no knowledge of Cheine's having been requested by J. B. Campau to pay Alexis Campau any sum of money on account of lands over the river. Deponent knows that Alexis Campau owned lands on the other side of the river. J. B. Campau (as witness understood) gave Alexis Campau a mare in full payment of the demands of said Alexis Campau against him (said J. B.) at this settlement. Deponent never saw said Gabriel Cheine treat J. B. Campau ill, from the time said Campau sold to said Cheine said farm until the day of the decease of said Campau. Campau was as well clothed after he sold the farm to Cheine as he was prior thereto. J. B. Campau told witness that G. Cheine gave him clothing. Deponent never heard J. B. Campau complain of the treatment of Mr. Cheine towards him. J. B. Campau went and lived with Alexis Campau about two or three years; but witness never heard him give any reason for leaving Cheine's. Deponent was authorized by G. Cheine to state to said J. B. Campau that if he wished to live with his son, Alexis Campau, he (Cheine) would pay him (J. Bpt. Campau) a certain sum of money; but if he wished to return and live with him, (Cheine,) that he was at liberty to do so. The sum which deponent was authorized by G. Cheine to offer to J. B. Campau was two hundred dollars and two suits of clothes, in full for his support and clothing for life; and he, moreover, would be at liberty to return to the house of G. Cheine, and be fed and clothed by said Cheine, if he (Campau) should, at any time, wish to return to live with him; and, in the latter event, J. B. Campau would not be charged for the two hundred dollars which he (Cheine) might have previously paid him in the event of his accepting the former proposition. Deponent states that if Mr. Campau accepted the proposition, to wit: to receive the two hundred dollars and two suits of clothes, then Mr. Cheine would expect to be discharged from all the legal responsibility of feeding and clothing said Campau, as contained in his contract; yet if Campau chose, at any time, to return to Cheine's house to live, the door would be open to him; and if any of the children of Cheine treated him (Campau) ill, that he (Cheine) would remove them from the house thus occupied by him (Campau.) Deponent states that when he made the proposition to old Mr. Campau, the old man said he would accept the proposition, and the next day old Mr. Campau went to town, and, on his return, he told witness that he would not accept the proposition; that some people advised him not to accept it; old Mr. Campau did not tell witness who they were that advised him not to accept. Old Mr. Campau, not long before his death, told witness that he had some idea of returning to live with G. Cheine. Mr. Campau went out to look for his horses, and returned sick. He had the pleurisy; was sick two or three days, grew very unwell. The priest was sent for; Mr. Gabriel Cheine came with the priest, but when he arrived the old man was dead; he died at the house of deponent. Alexis Campau occupied the house, and the old man and witness lived with him. Witness does not know that Alexis Campau urged or was the means of inducing the old man to leave the house of G. Cheine. Witness knows that one pair of shoes, and two blue handkerchiefs, and some tobacco, were brought to old Mr. Campau while he was living with his son, Alexis Campau; that these articles were sent to the old man by Gabriel Cheine. Witness knows not of the old man's receiving bread from Mr. Cheine during the time he (the old man) lived with Alexis Campau. The old man continued always to wear the clothing he had when he left Mr. Cheine's as long as he lived. Witness does not believe he ever received any clothing from his son, Alexis Campau, during the time he (the old man) lived with him. After the arrival of the priest and Gabriel Cheine, the old man being dead, Gabriel Cheine asked witness what he (Gabriel) had to do. Witness replied, you know your contract—fulfil it. Gabriel then sent whiskey, candles, sugar, coffee, &c., to the house, for the people sitting up with the corpse, and paid for the coffee and all the funeral expenses, as witness believes. [Receipts were here read, one for $11 50 for funeral services of priest, and another for $7 50 for the anniversary service.]

Cross-examined by C. Larned, counsel for the heirs of said J. B. Campau.—Deponent does not know on what day of the week the settlement above mentioned was made. It was three or four weeks, as deponent believes, before the old man died that deponent communicated to him (the old man) Mr. Cheine's proposition of $200, &c. The mare given to Alexis Campau belonged to J. B. Campau, that was, as before stated, given by him to his son, Alexis Campau, in payment for the lands over the river. J. B. Campau had other horses. There were many accounts spoken of in the settlement alluded to.

August 17, 1821.

John Bpt. Prudhomme, being duly sworn, deposeth and saith that he lived near Gabriel Cheine, and, as his tenant, upon the tract of land in question for and during the term of one year, and at that time J. Bpt. Campau lived with said Cheine. Witness was in the house of said Cheine almost daily during the time he lived upon this farm. It was in the year 1804 that witness lived upon said farm. Deponent saw Mr. Cheine and family very frequently at their meals; they lived farmer-like, that is, always had plenty to eat. Deponent often bought bread, meat, chickens, cider, and any other articles of food which he wanted from Mr. Cheine. Mr. Cheine then kept a bake-house, and carried on the baking business. J. Bpt. Campau, deceased, was always present at the table of Mr. Cheine. Deponent never heard said Campau complain of the treatment of Cheine towards him. Deponent never heard any such complaint from Campau against Cheine. Mr. Campau was, during the time he lived with his son-in-law, Cheine, clothed in a like manner as he had always previously been. Deponent knew him thirty-five years, and he never was better or worse in his apparel during that period, but was always about the same. Mr. Campau was in the house of deponent almost daily during the above period, that is, during the year 1804. Campau, in conversation with witness, told him that he had given himself up to Gabriel Cheine to be supported by him, and had sold his farm to Cheine, and in these conversations never complained to witness of any bad treatment as received from Cheine. Deponent never saw Cheine treat Campau ill; and, being asked by witness why he so frequently came out of the house and returned, replied it was his own will, he liked to be on foot.

Cheine, so far as deponent saw, always treated Campau with kindness and respect. Deponent was afterwards (the year he does not recollect) in the employment of Henry Berthelette at Sandusky, and old Mr. Campau was also there. The old man (Campau) told deponent that Cheine had wished him to stay at home; but Campau observed that he was desirous of travelling about, as he thought he would live longer by taking this kind of exercise. But the old man (Campau) observed, he wished he had taken Cheine's advice, or that he was at home again, that is, at Cheine's house. Witness never heard old Mr. Campau, when at Sandusky, complain of Mr. Cheine; but, on the contrary, Campau wished he was at home again with Cheine. Deponent has known Mr. Campau since the year seventeen hundred and eighty-four until the time he died. Deponent saw Mr. Campau about one year previous to his death, and never heard him complain of any bad treatment received at the hands of Cheine; witness saw him very often daily while witness lived upon Cheine's farm at the other period; sometimes once a month, sometimes once a year, and at times once a week, and at other times, especially on Sunday, daily. Deponent was a soldier in the army of the United States for a period of five years, and was absent from Detroit not more than fourteen months of that time. Deponent was at Chippewa with Col. Miller. Deponent is now, as he believes, sixty-three years of age.

Abraham Tounier, being duly sworn, deposeth and saith that he has a perfect recollection that J. B. Campau, deceased, lived upon and occupied the land in question, in the time of the English government, with his family, long before Mr. Cheine lived there at all, and continued there until Cheine established himself upon it. Being questioned by Colonel Larned, he says that he has understood that the land was transferred to Mr. Cheine, and that, by the bargain, Cheine obliged himself to support and clothe Mr. J. B. Campau so long as he lived, as well also as Archange Campau, the daughter, until the daughter was married. That he has also heard Mr. Cheine and Mr. Campau, deceased, say and admit that such was the bargain. Upon further question deponent says he has frequently seen Archange at the Cheines before she had attained the age of eighteen years, and before her marriage. She was clothed neither remarkably well nor ill, but not exactly as well as a young lady of her station in life ought to have been. Deponent married Archange about eighteen years ago. Being further questioned, deponent says he has often seen the deceased at Cheine's, but thinks that he was not there perhaps more than half of the time; that he was not clad as a man of his age and consideration ought to have been. Deponent was often in the room that was assigned for deceased; that it was often with broken windows, and extremely cold and inconvenient in winter. That, in respect to his living, he thinks he has understood from the deceased that his table was sometimes sufficiently and sometimes badly supplied. The old man left Cheine's some years before his death; and he understood from him that the sole cause of his leaving there was his being so badly and uncomfortably situated there; and that, in consequence, he felt himself obliged to live about among his children. Deponent knows that the deceased once sold a horse which he had raised, and that he understood from deceased that he was obliged to sell the horse in order to procure the necessaries of life. Questioned by A. G. Whitney, in behalf of Cheine: When do you understand the contract to have been entered into, for the transfer of the property in question, between deceased and Cheine? Eighteen or twenty years ago. Witness recollects that before deceased finally left the Cheines, sometime before, he had passed two winters in the Indian country trading with the Indians, in the employ of different persons, for the purpose, as the old man told him, of procuring means to obtain better clothing and other little necessaries of life, for that Mr. Cheine was too poor to furnish all he wanted, and, besides, he did not like to live at all with a man or in a family where he was treated with so little tenderness. Deponent, after his marriage, continued to live fifteen days or three weeks with his wife at the Cheines; he occasionally worked with Cheine before, from time to time, but it was never before his fixed abode. He cannot say for how long a period at any one time he worked with him, perhaps five or six weeks in the whole before his marriage, and perhaps two months after in the whole. He helped him at harvesting, as well as other jobs. During the time deponent first worked for Cheine deceased sat with them at the family table. He worked for Mr. Cheine often, and he does not recollect that during that period he ever heard Mr. Campau make complaint of his living, though, for some ten or twelve years before deceased died, he was much in the habit of complaining of his treatment and fare. Deponent does not know of his own knowledge that deceased ever complained to Cheine, though from deceased he had so understood. Deponent, on further examination, says that deceased had a blanket coat and woollen overalls, and sometimes cotton overalls, his dress being much the same summer and winter, but does not recollect that he was ever clothed in winter with summer clothes. Deponent says that when he married Archange she possessed no articles of clothing, except one calico gown; she had neither stockings nor shoes; and that he was in a manner obliged to buy everything appertaining to her wardrobe. Being further questioned by A. G. Whitney, esq., deponent says Archange was in the habit of going to church, but not barefoot, and that he has understood from her that she borrowed shoes and stockings from her sister. The sisters sometimes went to church together.

Thursday, *July* 25, 1821.—Captain John R. McDougall, being duly sworn, deposeth and saith his knowledge of the matter in question is of so general a nature he prefers to answer such questions as may be thought best to put. Colonel Larned, in behalf of the heirs of J. B. Campau, puts the following questions: Was the tract of land now occupied by Gabriel Cheine, prior to the arrival of General Wayne, occupied and improved by J. B. Campau, deceased, father of the present applicant? Answer. Yes; J. B. Campau, deceased, has occupied and lived upon the tract some thirty years; he was raised and brought up there, and continued so to live, as upon his own property, until certain indentures of agreement were executed between him and the said Gabriel Cheine. Was there ever an old French grant to J. B. Campau, deceased, for the tract in question? Yes; there was a grant of that nature granted to Louis Campau, father of J. B. Campau, for a tract comprehending the one in question, being nine acres in front by the usual depth, eighty acres. Were there long and very valuable improvements made by deceased upon the tract in question? Yes; there were two barns, a stable, a dwelling-house, large orchards, and other improvements, all made in the time of the deceased. Have you always lived a very near neighbor to the deceased? Answer. I have; especially before the giving of the instrument alluded to. Was he then in easy and comfortable circumstances? He lived comfortably, but I have understood he was embarrassed; his farm was mortgaged, as I have understood, for about £500; but deceased refused, a few years before the American government here, £1,300 for it, as informed by deceased; in those days property was low, and £1,300 was then considered a high price. I had given for my own place £660, being half the quantity of land, no orchard, and improvements far less valuable, my farm extending but one-half the distance in the rear. In respect to articles of plate, cattle, and other personal property, the deceased was well off; as well as any person in the country. He (deponent) says, as to Mr. Campau's situation at Mr. Cheine's, he

went, by his request, to examine his apartments, and found them very poorly situated, as the want of glass and many other conveniences. He was also very poorly clad, and was under the necessity of going into the Indian country to procure something to clothe himself and subsist on. He further states that he was absent two seasons on the wintering ground, and has been frequently under the necessity of absenting himself for several months at a time, and for about the last three years he resided with his children. Mr. Campau was never clad decently after the first year he lived with Mr. Cheine, which was one of the causes of his leaving the house. Mr. Campau has repeatedly informed deponent that he refused him tobacco, and even the necessaries of life and comfort. Deponent further says that Mr. Campau was a mild, affable man.

At the like instance of Colonel Larned, James Campau was sworn; whereupon, preferring to be questioned concerning what he knew, was asked by Colonel Larned how long has J. B Campau, deceased, been in the actual possession of the tract of land in question? Answer. 30 or 40 years. Before the indenture mentioned by the former witness, I lived many years a near neighbor to him. The deceased was a mild, amiable man. There were, while the deceased was in the exclusive possession and occupancy of the tract, and before the instrument in writing mentioned, the same number of acres of cultivated land as now, *i. e.*, about eighty or ninety acres. Witness went himself with Mr. Beaubien, deceased, twenty-eight years ago, to deceased, and offered £1,200 for the tract in question, but deceased would not take it. Witness further says that at the time of the execution of the instrument of writing mentioned, the deceased delivered to G. Cheine, as he was informed by deceased, and also by Mr. Cheine, all he had of personal property; that deceased was a good farmer, and had all that was necessary to cultivate his farm and live comfortably, as much as the old French settlers generally had; for the last twelve years of his life, deceased sometimes appeared decently enough, at other times, and especially during the fall seasons, very badly clothed, in so much that it was a subject of complaint with his old friends and relatives, who urged upon him repeatedly the necessity of obtaining better and more sufficient and decent clothing. During the last three years of his life he lived with his son, Alexis Campau. During the time of his living with Mr. Cheine he was in the habit of sometimes calling at deponent's house to obtain these little comforts of life which he, deceased, considered necessary for him; and that he was in the habit of calling on others, his old friends and relatives, for the same things, complaining that he did not receive these attentions and little comforts of life which he thought suitable for him, and to which he thought himself entitled.

Question by Colonel Larned. Do you know of Mr. Cheine's selling any of the articles of personal property which were transferred to Mr. Cheine by deceased at the time of the instrument of writing mentioned?

Answer. I saw a mare, which was one of the articles so delivered by the deceased to Mr. Cheine, afterwards in the possession of Alexis Campau, and understood it was on account of some debt due from said deceased to said Alexis.

Question by Mr. Sibley. Were you acquainted with the manner of Mr. Cheine's living? Did he live in the way of most of the French farmers in the country?

Answer. I do not well know. I was not in the habit of going but very rarely into Mr. Cheine's. It was not to be expected that Mr. Cheine could live as well as the old farmers generally, being a newcomer, and the farm in debt—that Mr. Cheine could not have all the necessaries. Witness further says that deceased was obliged to go two winters into the woods or Indian country, in the capacity of a merchant's clerk, in order to obtain means to procure those articles which were necessary for him in his occasional attacks of sickness; also to pay for the Catholic burial ceremonies of his deceased wife; and also some of the money so procured by the deceased was lent by him to Mr. Cheine. Of his own knowledge, witness can only say that deceased did go into the Indian country; the rest of his present answer he acquired by his frequent conversations with deceased.

Question by Mr. Sibley. Do you know of deceased's giving anything to or working with his sons at anytime?

Answer. As to giving them anything I know nothing. Deceased did oftentimes go about doing some work for his children. The reasons which deceased gave for so occupying his time among his children were, that he, deceased, did not receive the attentions and treatment he thought himself entitled to at Mr. Cheine's, for otherwise he should have preferred to have so worked for him.

Cross-examination of Pierre Cheine continued.—Jean Baptiste Campau told witness sometimes that Gabriel promised to send him articles to-day, and now he had not sent them; that is, witness has heard J. B. Campau say that Gabriel Cheine had promised to send him some articles which he did not send him. Witness never heard J. B. Campau say that he was obliged to leave the residence of Gabriel Cheine and go to Sandusky or elsewhere in the winter season to obtain the necessary articles of clothing and subsistence. J. B. Campau never told witness that he had bought any articles of clothing out of his own pocket or from his own means. Deponent has no recollection of having expressed himself in terms of disapprobation (at the office of and in the presence of Colonel Larned, esq.) of the conduct of Gabriel Cheine towards J. B. Campau.

Cross-examined by Messrs. Whitney and Sibley, counsel of G. Cheine.—Deponent was very often at the house of G. Cheine while the old man, J. B. Campau, lived there; saw the old man always at the table with the family at meal times. G. Cheine lived as well as other farmers of this country.

Gabriel Cheine, jr., being duly sworn, deposeth and saith that he lived in the house of G. Cheine (who is his father) during the whole time that J. B. Campau lived with G. Cheine. J. B. Campau always set at the same table the family eat at. He was clothed reasonably during the time he lived there. He had the room in the house which he (the old man) thought best suited him, because there was a key to the door. He had his bed and all his property in that room. There was no fire in that room. He came out and sat with the family in another room near his own room, about eight feet from the door of his own room. Deponent never heard the old man wish for a stove in his own room. Deponent often got up at night and made a fire in the fire-place near the old man's room; and sometimes the old man got up and made the fire himself. G. Cheine furnished him with as much whiskey, and pipes and tobacco, as the old man wished for. The old man's bed was, as deponent supposes, comfortable. He had sufficient bed-clothes, blankets, &c. He owned a feather bed, which he exchanged to J. Grant for a woollen bed, upon which he afterwards lay. Deponent never heard J. B. Campau complain of the treatment of G. Cheine. He never heard him (the old man) say whether Gabriel Cheine treated him well or ill. When the old man would remain at home for several days together, he was kind to witness and the children, and took care of witness' sister; but after being at church, or abroad elsewhere, he would return sometimes morose and sullen, and would go to bed in silence; and in the morning would tell witness that he had been sometimes to Mr. Joseph Campau's, and sometimes at J. R. Williams', where he had drank wine and good rum, and other good liquors, at these houses respectively. Deponent then thought that it was perhaps these good liquors that

made the old man cross, but does not know whether this or some other thing put the old man into these morose moods of mind. The old man worked for Gabriel Cheine sometimes, especially in harvest; and when he so worked, the old man told witness that Gabriel Cheine paid him a dollar per day. The old man went sometimes to Alexis Campau's, and would stay one or two, sometimes more days. Deponent saw him sometimes at work and sometimes idle. The old man said he sometimes worked for Alexis Campau; sometimes the old man would return home apparently weary. Witness does not know why the old man went to the Indian country. Witness is between twenty-three and twenty-four years of age.

Henry Campau, sworn, deposeth and saith that he was born on the farm of which he is now the lessee as tenant of Joseph Campau; but which, at the time of birth, and for twenty or twenty-five years thereafter, was the proper estate of his father, Simon Campau, which farm adjoins to that now in the tenure of Gabriel Cheine, formerly J. B. Campau; that he heard the said J. B. Campau, not only once, but ten times, tell his father, Simon Campau, that the back concession, viz: that the forty acres back of his (the said Simon's) farm, after computing forty acres from the river, were his, the said J. B. Campau's, and were given to him by his father, Louis Campau, grandfather of deponent, in consideration of the said J. B. Campau's having maintained and clothed the said Louis Campau and wife during their life or lives; and that he, the said J. B. Campau, had papers to show that the said forty acres in rear of his, the said Simon Campau's farm belonged to him, the said John Baptiste; and this deponent further says that he was present when his father, the said Simon Campau, asked his uncle, the said John Baptiste Campau, if he had concluded his business with his son-in-law, Gabriel Cheine. To which the said John replied, yes; and that if he, the said Gabriel, fulfilled his agreement with him, the said John, that he, the said Gabriel, was not only entitled to all that he, the said John, had in possession, but all to which, in anywise, he was entitled; when he, the said Simon, answered, *poor little beggar*, (the said Gabriel meaning,) he is braver than I am to undertake such a thing; and if he gets through with it, the estate will be very well his Deponent further says that he frequently heard Alexis Campau and John Baptiste Campau, sons of the aforesaid John Baptiste Campau, declare that if he, the said Gabriel Cheine, their brother-in-law, did fulfil the engagements made with their father, the aforesaid John Baptiste Campau, he, said Gabriel, well deserved his, the said John's estate; but that they, the said sons, doubted the said Gabriel's ability to fulfil them; and if he did, it would be owing to his having corn to *lay*.—*September* 29, 1821.

Louis Campau, pere, being duly sworn, deposeth and saith that he was born in the house in which his brother Jaques Campau at present resides, the next farm to that which is now occupied by Gabriel Cheine, then owned by his uncle, J. B. Campau; that he frequently heard his said uncle complain to his brothers, Jaques and Joseph, as he always did to this deponent, of the bad treatment he received from his nephews; that none of them would come forward and assist him in his distress, and aid him in the payment of his debts; that they hated his son-in-law without a reason, meaning the aforesaid Gabriel Cheine, although he was the only person who paid his debts, and treated him with kindness; that, in consideration of the payment of his debts, and his maintenance during life, the said J. B. Campau frequently told this deponent that he had given the said Gabriel Cheine all his estate—all he had in the world; that the several farms now in the tenure of Jaques Campau, Gabriel Cheine, and Joseph Campau, were the estate of Louis Campau, deceased, the father of said John Baptiste Campau, and grandfather of this deponent; that this deponent often heard the said John Baptiste Campau declare to the said Jaques and Joseph that their grandfather, the said Louis, had given to his two sons, Simon and Jaques Campau, now deceased, (the latter the father of the aforesaid Jaques and Joseph Campau,) the two farms of Jaques and Joseph Campau, only forty arpents in depth, and had given to him, the said John Baptiste Campau, the remaining forty acres in rear of the said two farms now of Jaques and Joseph Campau; that, in constant and confidential intercourse with the said uncle, J. B. Campau, until his death, this deponent always heard him applaud the conduct of his son-in-law, Gabriel Cheine, in paying his debts, and kind treatment of him, expressing himself entirely satisfied; at the same time complaining of the conduct of his other relatives towards him, and of their hatred and malice towards his son-in-law, the said Gabriel.—*September* 28, 1821.

The tract of land which is the subject of the foregoing contested claim, fronts upon the river Detroit, a short distance above the city. It comprehends the whole of that tract which intervenes between the farms designated on Greely's map by No. 91, confirmed to Jaques Campau, and numbered 609, confirmed to Charles Paupard, assignee of S. Compau, sen., by former land boards. It purports to be in breadth three French arpents, in depth eighty French arpents, and to contain two hundred and forty square French arpents, more or less.

No doubt has at any time been entertained but that the farm in question had been constantly occupied, cultivated, and improved, during a period of more than half a century anterior to the passage of the act of Congress of March, 1807; nor has any question been made but that the tract ought to be confirmed to one of the parties claiming.

The commissioners have, from the commencement of their labors, flattered themselves with the hope, considering how illy calculated they were, from the nature of the powers conferred upon them, and the manner prescribed for the exercise of those powers, to adjust, equitably, the relative, proportionate, and conflicting interests of opposing claimants, that some provision would be made by law to secure, against ultimate sacrifice, the rights of successful claimants, by some appropriate judicial procedure; and on these points no diversity of sentiment has existed among the members of this board.

In determining, provisionally, the question of preference between the individual claims in *this* case presented, many difficulties have been experienced—difficulties more sensibly felt, perhaps, and more deprecated, because of the final difference of opinion in which they terminated But it became necessary that some decision should be made; and the result of the consideration given to the case is, that a *majority* of the commissioners do decide to confirm, and they do confirm, the tract hereinabove described to the heirs of Jean Bapt. Campau, deceased, to be holden by them, their heirs and assigns, as an estate of inheritance in fee simple; but subject, nevertheless, to all and all manner of just, legal, and equitable claim or claims therein, or thereto, of Gabriel Cheine, his heirs, executors, administrators, and assigns, and do direct that the same be surveyed by some surveyor thereto authorized, whose return, plat, and certificate, upon presentation to the register of the land office at Detroit, shall entitle the said confirmees to a patent certificate for the premises, &c.

In order that the proceedings which resulted in the above-written decision should be more fully understood, one of the board has deemed it proper to state that, anterior to the passage of the act of May, 1820, which constituted him, *ex officio*, one of the commissioners, he had been applied to by the above-mentioned Jean Bpt. Campau for professional advice and assistance relative to his claim. In such circum-

stances, he wished to avoid the necessity of expressing any opinion in the case; and, accordingly, he announced to the board, before any measures had been taken in it, that he should take no part in any discussion which might grow out of its investigation unless there should be found ultimately to exist an irreconcilable difference between the other two commissioners. In accordance with such expressed intention, he did not assist at the sittings while this matter was in discussion. There resulted, however, in the end, an unlooked-for and positive division of sentiment between those commissioners who had assumed to decide the claim, and unexpectedly he felt himself compelled to act. Claiming for himself no exemption from the ordinary frailties of human nature, and especially none from that which imperceptibly fashions the opinions of men to circumstances, he felt the necessity of cautious circumspection; he professes to have given the matter a careful and candid examination, and is led to unite in opinion with that member of the board who had previously advocated the decision above expressed. In arriving at this opinion, he has been influenced principally by two different considerations: 1st. He has not been able to discover that any regular entry of claim for the land in question was ever originally made, except in the name of J. B. Campau, whose heirs-at-law have, since the decease of their father, properly renewed that entry, and claimed that it should enure to *their* use. This is understood to have been the ground of the opinion of that member who unites with him in the decision made. It is observable that the only entry of the claim actually made by Gabriel Cheine purports, on the *face* of it, to have been made for the benefit of J. B. Campau, since it was *emphatically* made in the *name of Campau;* and, in the apprehension of this member of the board, Campau, by his subsequent caveat and entries, and by all his proceedings, claims and appropriates to himself, and his heirs to *themselves*, all benefit and advantage from it. If, *after* a regular entry preferred, a *bona fide* transfer and sale had passed to an assignee, a liberal view of the law might have justified a construction by which such entry might be deemed to enure to the benefit of such assignee; but, in the present case, the instrument adduced by Cheine to establish the allegation that he is a fair assignee of the right of Campau purports to have been executed long *anterior* to the date of his entry. It is *not* deemed regular to confirm a claim entered in the name of Campau, the benefit of which he has not ceased to claim, to another *not* having made his entry regularly, except in the case of an heir claiming by descent, or in the case of an assignee claiming by conveyance *posterior* to the entry, and whose claim is *not adverse* to the claim of him from whom he deduces his pretension. It is not surmised that Cheine stands relatively in such predicament. 2dly. In the view of this member of the board, it is not only apparent that the instrument which is at the basis of the claim of Mr. Cheine purports to have been executed *anterior* to the entry of Campau, but, on the *face* of it, it appears that *no absolute* and *unconditional* transfer of title or claim did or was intended to pass by virtue of that instrument. It purports, there is no doubt, to convey to Cheine a right relatively to the tract, or an *interest* in it, dependent either upon a condition precedent, or defeasible upon condition subsequent; and what may be its true construction, a regularly constituted judicial tribunal is more competent to decide, it is supposed, than a temporary board of commissioners, constituted as this board is. Nor is it believed that it was ever intended by the law that a board so formed should assume to investigate matters of *dispute between conflicting individuals*—allegations of fraud and questions of fact so widely diffused in this case (if, in such respects, it were fully investigated) would present; nor to *parcel* out the respective and nicely graduated interests of different parties in real estate; nor to determine whether the heirs of Campau shall be holden, and in what circumstances, to appear before the clerk or register of the county there, in the spirit of the instrument adduced by Cheine, to release their title in the hypothecated lands; or otherwise, in due form, to transfer their legal title in the premises claimed.

In the view of this member of the board, justice is satisfied, and due regard is had to the positive and undoubted rights of Cheine by the unequivocally expressed provision contained in the decision, that the *heirs of Campau shall receive and hold the legal title, subject to all the just, legal, and equitable claims of Cheine.*

PROTEST.

The undersigned, with great reluctance, arising from that deference always entertained by him for the unbiased opinions of his highly respected colleague who penned the preceding, deems it a paramount obligation, in the discharge of the trust confided to him, to differ from the above opinion, and enter his protest against the confirmation of the tract of land above described to the heirs of Jean Baptiste Campau. The reasons for this dissent, it is believed, will appear from the facts reported in the case, and the arguments deduced by the gentlemen. A comment upon these will be attempted to justify, if possible, the opinion of the member in the minority.

The facts are briefly these: On May 27, 1800, Gabriel Cheine purchased the farm from his father-in-law, J. B. Campau, upon a consideration similar to that upon which a very large proportion of the old French inhabitants of this Territory formerly, and even at this day, transfer their property to a near relative in whom they have great and implicit confidence, to wit: that the assignee shall maintain them comfortably through life, pay their debts, and decently inter them after death. J. B. Campau, with great deliberation, calls his family around him, and obtains their assent to the act; for it will be observed that all the present litigants were then present and subscribed their assent as witnesses to the deed; at the same time, and it is believed on the day of the execution of the deed, Cheine obtains from J. B. Campau, in presence of the family, quiet and peaceable possession of the house and farm, with all the farming and other utensils. On October 28, 1805, Cheine enters with the commissioners his claim to this tract, with all the other lands by him claimed. On July, 1807, the board took this claim into consideration, together with the evidence of Cheine in support thereof. This, it is observed, was more than seven years after the purchase; and now, for the first time, is offered the objection of J. B. Campau; delay is requested, a caveat is filed, and the board ultimately postpone the further consideration of this case. In virtue of his original entry, Cheine again appears before the present board and renews his claim. The opposing parties also appear, J. B. Campau in the meantime being dead, and much testimony is adduced on either side, of which a compendium is given by this board.

From a review of the whole testimony and evidence in this matter, it will appear, as is believed, that a majority of this board have decided this claim upon grounds which never were assumed by the parties in whose favor the decision is made, to wit, that Cheine made no regular entry. Against what is the caveat entered? The claim and entry of Cheine. What is it that J. B. Campau requests? That the entry of Gabriel Cheine may enure to his benefit. If Gabriel Cheine made no entry, do the whole proceedings exhibit that an entry ever was made by J. B. Campau? This, it is alleged by the gentleman, was the

ground of the decision; and this was, in fact, the ground, though not the only one, of the dissent to the opinion which one of the board is obliged to express. The undersigned is convinced that if Cheine did not make an entry in due time, then none was made, and consequently this claim could not come within the authority given by the law to this board to confirm it. Yet, under this view of the case, and upon this alone, a majority of the board have thought proper to report a formal confirmation to the heirs of J. B. Campau.

The undersigned will now proceed to a review of the statement above written by his much-respected colleague, premising that in this he feels himself relieved from the embarrassment under which he labored when differing in opinion with him as a member in the majority of the board.

He observes, that circumstances, arising out of the divided opinion of the two other members of the board, alone induced him to act in order to a decision. Although his sound judgment and opinions always, and most deservedly too, had their due weight, and were highly appreciated by this member, yet in the present case it cannot be conceded that no decision would have been made without his aid. A decision, it is believed, would most certainly have been made by the members who had devoted so much time to the investigation. On this point there was no diversity of opinion; long and uninterrupted possession, occupancy, and improvement were shown beyond all doubt; and that a decision of confirmation should be reported admitted of none. The only question was, in whose favor shall that be made? Could not this have been safely referred without the foregoing evidence, as it now is, for the decision of an umpire at least as competent to decide, and who most assuredly must review and ultimately decide this question?

He felt, says the gentleman, "the necessity of cautious circumspection under the circumstances," that is, the honorable bias of opinion arising from the relation of clients and counsellors, from which, with great candor, he claims no exemption. Nor need he claim it; his course of action in the case is decided upon; his voice is given, and the result follows. The reviewing power is relieved from the task, and the preponderance of an opinion of a majority is, in due time, kindly given in behalf of the parties whose partial and mournful tales had doubtless made a deep impression upon the humane feelings of this gentleman. In arriving at this opinion, the gentleman assumes that which a full view of the facts, it is believed, will not warrant. "The entry of the claim," the gentleman observes, "actually made by Gabriel Cheine, purports, on the face of it, to have been made for the benefit of J. B. Campau," &c. It is, then, here conceded that Gabriel Cheine actually made an entry; yet this is elsewhere *denied*. The gentleman is here taken at his word; for in this it would appear it is fully accorded that Cheine did make the entry of claim; and why in the name of J. B. Campau may easily be explained. Gabriel Cheine can neither write his name nor read a letter of that written by another. He appears before P. Audrain, late register, and informs him that he wishes to enter his lands agreeably to law; this is the fair presumption from what appears upon the records as the result. Mr. Audrain writes for him first one claim, as will be seen; next, he writes the entry of claim for that tract which Mr. Audrain knew (because, as register for this county, he had recorded the deed) Cheine claimed in virtue of purchase from his father-in-law, J. B. Campau. In this matter, therefore, Mr. Audrain used his own phraseology. He used undoubtedly, too, as would have been supposed, that diction in his entry which was best adapted to the basis and testimony which he knew Cheine must adduce in order to substantiate his claim. It may well be questioned whether a man of the limited information possessed by Cheine ever did, or whether he does at this day, comprehend the reasons assigned by the learned counsellor of his opponents as the grounds upon which the decision adverse to him has been founded. To tell him he had never entered a claim would be to him incomprehensible.

The gentleman, by connecting caveat and entries of J. B. Campau, would appear to allege that he, J. B. Campau, made an entry. The records have been carefully inspected. It is not found; or, if found, why not insert it? None exists. An answer, it is believed, has already been given to all that part of the gentleman's arguments which, with much ability, he predicates upon the anterior date of the conveyance to that of the entry of Cheine. It is only necessary to observe that, if the arguments of the gentleman be taken as demonstrative of that conclusion which he draws, then, indeed, must Cheine be even more ignorant and blind to his own interest than he has been represented. Can it readily be imagined that any man possessed of the natural endowments of reason would first pay a very large consideration for a property, and then take such measures as effectually to bar him forever of all advantage, possession, and enjoyment thereof; and this, too, at the moment when he is in the full possession, and deriving undisturbed all its products? The only rational conclusion, and consistent with common sense, is that already noticed, to wit: Cheine desires Mr. Audrain to write his entry of claim for that tract of land which he had purchased of J. B. Campau, and accordingly it is drawn as the proceedings show. The whole tenor of the testimony, and adductions of both the conflicting parties in the case, from first to last, is conceived conclusively to support this position. On the part of Campau and his heirs unusual pains are bestowed to show that Cheine had not fulfilled his contract, (especially that part relating to the subsistence of the old man,) in consideration whereof the premises were conveyed. It is also observable that the non-performance of that part of the condition which relates to the payment by Cheine of Campau's debts is nowhere alleged; and the receipt of Campau to Cheine puts this matter to rest, and shows conclusively that Cheine, in the opinion then entertained by Campau, had in all respects complied. The bargain, moreover, on the part of Cheine, appears, from the testimony, to have been considered by some of the heirs of Campau to have been a most unprofitable one, as one of them declared his belief that it would beggar him. The whole testimony adduced leads irresistibly, as is the opinion of the undersigned, to this conclusion: that Campau and all his children were perfectly satisfied with the arrangement; that Cheine complied in every particular with his engagements; and that it was not until old age and its concomitant imbecilities and peevishness inclined Campau to lend his ear to the busy mischief-making interference of interested or envious spirits, with which every community is cursed, that we hear of the slightest intimation of a failure on the part of Cheine to comply in any respect. Why Cheine has not long since cited the heirs of Campau to appear before the register or clerk of the county to relinquish, in a formal manner, their interest and title in the premises, may be easily conjectured: first, Cheine supposed that they had none, and that a patent from the government would vest in him a sufficient and indefeasible title; secondly, if the heirs had any title or interest remaining, Cheine, by his counsel, was advised that his only secure course was to delay until the legal title should be vested in him by a patent. The gentleman, in his argument, again forgets his premised cautious circumspection, when he speaks of circumstances under which the heirs of Campau may be holden to appear, and in due form to transfer their *legal* title in the premises claimed. "*Aliquando bonus dormitat Homerus.*" No member of the board better understands

the nature of the titles under which the early French settlers of this Territory claimed their lands, and that, in the whole country, there were scarcely half a dozen of legal titles, until, under the proceedings of former land boards, claims were confirmed and patents issued by the President of the United States. Under what pretence, then, can Cheine appear in a court of law without show or pretence of *legal* title upon which to cite the appearance of the heirs of Campau? The idea is absurd; the proposition that Cheine could do so is impossible; and the conclusion that the gentleman was in the predicament of his great prototype follows. In what situation, then, does the decision of a majority of the commissioners place Gabriel Cheine? He can have little hopes of ever being able to acquire the legal title; and, until he does so acquire it, he never can call upon the heirs of J. B. Campau to surrender their interest. He stands well, at present, in the chancery court of this Territory, and he ought, as defendant. He is in possession of the premises, and, for aught that has been satisfactorily shown in this case, merits that possession by his having paid a full and valuable consideration for the same. What will be the effect of granting the patent to the heirs of J. B. Campau? Upon their *legal* title, thus acquired, they sustain their writ of ejectment or *quo warranto.* Cheine is dispossessed, and it is doubtful whether he can ever again be reinstated in his occupancy by any court vested with the legal or equitable powers. It is a question of great doubt and diversity of opinion whether a court of equity has the power, in cases where patents have been granted upon proof of occupancy, &c., as is the case with the most of all the lands situated upon this strait, to inquire into the title beyond the patent. It is with plausible grounds for the opinion held that all persons who settled upon these lands, whether under the French, British, or American governments, were, at the time of making such settlements, intruders, inasmuch as they did not avail themselves of the provisions of the laws enacted by the respective governments, by which it was within their power to obtain a legal right. This was undeniably the fact as respected the early settlers under the French and British governments. How, then, can Gabriel Cheine appear, or upon what basis is the claimant, in a bill in chancery? A bill is now pending in chancery; Cheine is the respondent to that bill; but grant the patent in accordance with the decision of a majority of this board, and what is the result? Inevitably Cheine is defeated in the present suit; and it is doubtful whether he can ever recover the premises, or even whether that tract of land, or the heirs of Campau, can be holden to account to Cheine for the moneys expended in maintaining J. B. Campau and in the payment of his debts. Under the full view of this case, and especially the circumstances under which the decision is made, impressed with the soundness of the maxim that "*aliquis non debet esse judex in propria causa etione ne causidiens chintis,*" the undersigned considers it to be an imperious duty to protest against the foregoing confirmation to the heirs of J. B. Campau; and he trusts that the decision will be either reversed, and confirmation of the tract accorded to Cheine, in trust for himself and the other heirs, or that all decision as to whom the patent shall issue will be suspended until the termination of the suit pending between the parties; or that, should the decision of the majority be affirmed, then that such saving may be expressed as will prevent the issuing of the patent to the heirs of J. B. Campau until a decree of the court of chancery for this Territory touching the premises shall be awarded.

No. 32.—*Henry Berthelette.*

DETROIT, *October*, 1805.

Henry Berthelette renews his entry for the tract of land described in his entry made with the former commissioners in 1805, in volume 1, page 264, renewed in volume 3, page 422.

In the first entry there is no description given, except that it is four arpents in breadth and forty in depth, situated near the river Rouge.

In volume 3 the entry is renewed in the words and figures following, to wit:

Take notice that I claim title to a tract of land of four arpents by forty in depth, situated on the river Detroit, by virtue of a deed of exchange, dated February 16, 1800, and by virtue of long possession and improvements.

HENRY BERTHELETTE.

This claim was reconsidered in 1809. The proceedings of the commissioners are recorded in volume 7, page 84, in the words following, to wit:

The board took into consideration the claim of Henry Berthelette, grantee of Louis Barthe, to a tract of land situated on the river Detroit, which was entered with the former commissioners of the land office in volume 1, as above stated.

This tract contains, by estimation, one hundred and sixty arpents, it being four arpents in front by forty in depth, bounded in front by the river Detroit, in rear by lands of J. Livernois, northeast by lands claimed by John Harvey, and southwest by lands claimed by John Askin.

Whereupon Antoine Reopel was brought forward in behalf of claimant, who, being duly sworn, deposeth and saith that on the 1st of July, 1796, Joseph Livernois was in possession of the premises, and continued so until he exchanged with Louis Barthe. Deponent cultivated the premises for three years previous to 1796—in 1790, 1791, and 1792; that there were then eight or nine arpents under cultivation. There are no improvements or enclosures now on the premises.

On Wednesday, the 4th day of December, the claim was again taken up, and Andre Lapage brought forward as a witness, who, being duly sworn, deposeth and saith that on the 1st day of July, 1796, one Simon Drouillard occupied the premises for Mr. Askin, and continued thereon three years; that he, the said deponent, went on the premises, and remained thereon six years and six months, and enclosed and cultivated about four arpents; that this tract of land was the property of Joseph Livernois, who sold the same to Louis Barthe, from whom the claimant has purchased.

Joseph Weaver, being duly sworn, deposeth and saith that one year before Andrew Lapage left the premises he, the deponent, was charged with the care of them by Mr. Askin; that five years ago the improvements were destroyed.

Claimant now produces a deed of conveyance from said Louis Barthe to him, said Henry Berthelette.

Reference is requested by claimant to the deposition of Andrew Lapage, in the claim of Todd & McGill.

Said Lapage, in said case, testifies that John Askin, deceased, was possessed of all the land bordering

on the Detroit river, between the high sandy bluffs, a short distance up the river Rouge, and from thence, on the Detroit river, up to the farm now owned by John R. Williams; and that all the front, extending back to Prairie Ronde, was always considered as the property of Mr. Askin, with the exception of one farm belonging to François Livernois, of four arpents in front by forty in depth, &c.

And thereupon the commissioners do confirm this tract as claimed, and by the boundaries designated in his former entry, viz: one hundred and sixty arpents, being four arpents in front by forty in depth; bounded in front by river Detroit, in rear by lands formerly of Joseph Livernois, northwest by lands claimed in 1809 by John Harvey, and southwest by lands then claimed by John Askin: provided, however, that the front of this tract, commencing at the lower or southwest corner thereof, and being the upper corner of the aforesaid Askin, following the meanders of the Detroit river up stream, shall not exceed four arpents, French measure, nor interfere with the lateral or rear lines of lands heretofore confirmed.

No. 33.—*The legal heirs and representatives of the late John Askin, esq., deceased.*

The legal heirs and representatives of the late John Askin, esq., deceased, renew the entry made by the said John Askin, esq., deceased, with the former commissioners, on August 11, 1808, recorded in vol. 5, page 63, in the words following, to wit:

To the register of the land office at Detroit:

John Askin, sen., claims a tract of land containing one acre, on which there was formerly a house and garden, its situation at what is called the Race Ground, and bordering on the Detroit river, bounded northeast by John Harvey, and in the rear by the same, and on the southwest by what is called the Wind-mill land, claimed by John Askin.

Testimony filed in 1821 *with the now commissioners.*

Andrew Lapage, being duly sworn, deposeth and saith that deponent first went to live on said tract, being one square acre, upon which a house was erected a short distance below the wind-mill, in which house he continued to reside three years and six months, and afterwards removed a short distance above, where deponent resided the same length of time, during which term of years deponent cultivated the tract in question for and in behalf of John Askin. Deponent at the same time tended the mill. Deponent first established himself there the year after the arrival of General Wayne. The mill and house had both been built four or five years before that time. Deponent knows that Mr. Askin, deceased, had, by purchase, a considerable time before deponent's going there, the right to, or was reputed the owner.

Andrew Lapage, being duly sworn, deposeth and saith that François Barron purchased one square acre of François Livernois, or his father, on the Detroit river, below and adjoining the wind-mill lot, so called; and said Barron exchanged said lot with John Askin, deceased, for a square arpent above the wind-mill lot, on which said east lot said Barron erected a house five or six years previous to the arrival of General Wayne, which said Barron lived in four years, and then sold said house and lot to said deceased. The deponent occupied it under the deceased three years, and cultivated the land many years after that, when a sale of land adjoining was made to Harvey. The said deceased reserved the tract last mentioned in said sale.

At the time this claim was under consideration, in eighteen hundred and five, claimant filed a deed of conveyance of the above-described tract of land from François Bernard, dated 1796.

He now files a deed of conveyance from François Bernard, dated February 18, 1796.

And thereupon it does not appear to the commissioners that possession or cultivation of the land above claimed was continued until eighteen hundred and seven, or for some years prior to that time; and it would seem, indeed, that it was abandoned long before that period. The commissioners do therefore reject this claim.

No 34.—*The legal heirs and representatives of James McGill, deceased.*

The legal heirs and representatives of James McGill renew the entry made by the late John Askin, for and in behalf of said James McGill, entered with the former commissioners in vol. 3, page 134, being lot No. 270; the entry is under the date of November 19, 1805. Said lot was assigned by John Askin, deceased, to James McGill, deceased, and they claim by the possession, and occupancy, and improvement of the assignor, John Askin, deceased.

HUNT & LARNED,
Attorneys for heirs and legal representatives.

Original entry.

Take notice that I claim title to a tract of land situated near the river Rouge, of six acres in front and rear by fifty in depth; this tract is more fully described in vol. 5, page 62, where it was taken up for consideration. Said tract contains, by estimation, three hundred arpents, it being six arpents in front by fifty in depth, bounded in front by river Detroit, northeast and southwest by lands claimed by Isaac Todd, and in rear by lands claimed by the claimant.

JOHN ASKIN, *for James McGill.*

Testimony filed with the commissioners in 1821.

Charles Paupard, being duly sworn, deposeth and saith that he knows that about twenty-six years ago John Askin, sen., claimed all the lands bordering on Detroit river, from the mouth of river Rouge up to what is called the Spring wells; that Mr. Askin had in his employment a man named Lachorite, taking

care of cattle on these lands; there were two or three houses on said tracts. Witness knows that Mr. Askin cut hay every year on these lands. Mr. Askin was considered the owner of said lands; there was also a wind-mill erected on said lands.

The witness testifying to the foregoing facts applies his testimony to lot No. 270, claimed by the heirs and legal representatives of James McGill, deceased, being 142.92 acres, entered before the former commissioners in vol. 1, page 134, of the records of said former commissioners, under the date of November 19, 1805, for six arpents in front by forty in depth, the said tract being a tract situate on Detroit river, and intervening between lots Nos. 267 and 268, claimed by the heirs, &c., of Isaac Todd as above mentioned.

To all and each of the foregoing claims Michael Monett was sworn. Deponent corroborates the testimony of Charles Paupard, and further states that previous to the arrival of General Wayne, this witness and his brother-in-law, Joseph Borrors, were employed by Mr. Askin to cut wood on said lands. Deponent saw three houses on said tracts; the upper house was six or seven arpents below the wind-mill, the next house was probably two or three arpents below that, the third was about as far below the last.

Andrew Lapage, being duly sworn, deposeth and saith that John Askin possessed all the lands bordering on the Detroit river, between the high sandy bluffs, a short distance up the river Rouge, and from thence, on the Detroit river, up to the farm now owned by John R. Williams; and that all that front, extending back to Prairie Ronde, was always considered as the property of Mr. Askin, with the exception of one farm belonging to François Livernois; about one hundred acres of said land was fenced and improved; that it was so enclosed about twenty-five years ago; that there were two houses on said land. Mr Askin had the undisturbed possession of said tracts of land. Both houses were erected previous to the arrival of General Wayne's army in this country.

The commissioners, for the same reasons as in the preceding case, do reject this claim.

No. 35.—*The legal heirs and representatives of Isaac Todd, deceased.*

The legal heirs and representatives of Isaac Todd renew the entry made by the late John Askin, deceased, for and in behalf of their deceased ancestor, Isaac Todd, for lots Nos. 267, 268, and 269, entered with the former commissioners of Detroit, in vol. 3, page 124, of the records of said commissioners, under the date of November 19, 1805. The boundaries of said lots aforementioned are described and recorded in vol. No. 5, pages 60 and 61. They claim by possession, occupancy, and improvements of John Askin, assignor of said lots.

HUNT & LARNED,
Attorneys for said legal heirs and representatives.

No. 267.—This tract contains, by estimation, 350 arpents, being seven arpents in front by fifty in depth; bounded in front by river Detroit, and in rear, northeast, and northwest by lands claimed by James McGill.

No. 268.—This tract contains, by estimation, 300 arpents, it being six arpents in front by fifty in depth; bounded in front by the river Detroit, in rear by lands claimed by Joseph Livernois, southwest by lands claimed by James McGill, and northeast by lands claimed by Louis Barthe.

No. 269.—This tract contains, by estimation, seventy-six arpents, it being two arpents in front by thirty-eight in depth; is bounded in front by what is called the wind-mill lands, at the distance of twelve arpents from the river Detroit, in rear by lands claimed by Livernois and Barthe, northeast by lands claimed by John Harvey, and southwest by lands claimed by claimant. Reference is made to the preceding claim of James McGill for testimony.

The commissioners having taken into consideration the preceding claim of the legal heirs and representatives of Isaac Todd to the three preceding tracts of land, and the testimony referred to, are not satisfied that the occupancy and improvement of said tracts were continued according to the contemplation and intent of the several laws of Congress from which this board derive their authority to confirm. This claim is therefore rejected.

No. 36.—*François Cicot.*

François Cicot renews with the present commissioners his entry of claim made with the former commissioners July 6, 1808, recorded in vol. 4, page 221, of their proceedings, in the words and figures following, to wit:

DETROIT, *July* 6, 1808.

SIR: Take notice I now enter with the commissioners of the land office at Detroit the claim of my two sons, Jaques and François Cicot, to a tract of land situated on the north side of the river Rouge, containing about twenty arpents in front by fifteen in depth; bounded in front by river Rouge, in rear by John Askin's lands, on one side by the Northwest Company's lands, and on the other side by a ravine near Weaver's house. I claim and set up title by virtue of possession, occupancy, and improvements made by me for them.

JEANE BPT. CICOT,
For Jaques and François Cicot.

PETER AUDRAIN, *Register of the Land Office at Detroit.*

TESTIMONY.

Claimant produces a deed of transfer to him from Jeane Bpt. Cicot of all his right, interest, and title to the lands claimed by him, and described in said deed as follows: bounded in front by the river Rouge, on the east by lands claimed by the heirs of John Askin, deceased, on the north by a tract of land claimed

by the Northwest Company, and on the west and south by lands of John Bpt. Delisle and the said François Cicot, containing three hundred acres of land, be the same more or less, duly executed and acknowledged.

Pierre Le Blanc, being duly sworn, deposeth and saith that he recollects that about thirty years past there was a small improvement and a house on a tract of land now claimed by François Cicot, which tract of land is bounded in front by the river Rouge, on the northwest side by a tract of land formerly called the Northwest farm, on the southeast or lower side by a tract where Joseph Weaver formerly lived, called Askin's farm, and on the southwest by a tract were François Cicot now lives.

Charles Labadie, being duly sworn, deposeth and saith that about twenty-four or twenty-five years past Jeane Bpt. Cicot, senior, had in possession a tract of land situated on the river Rouge, near the place where François Cicot now lives; that there was a fence erected on said land, running from the river Rouge, in front of where François Cicot now lives, which said fence continued across the tract now owned by François Cicot, to the head of the river Rouge, in rear of François Cicot's lands, and across a part of the tract which François Cicot claims of the United States; and that said fence since that period has been kept and repaired by J. B. Cicot and François Cicot until this day.

Joseph Cicot, being duly sworn, deposeth and saith that about twenty-four years ago his father, Jno. Bpt. Cicot, obtained by exchange from Jaques Baby the land now claimed by François and Jaques Cicot; and that from that time to this the tract has been continually cultivated and improved by his father, or by his sons claiming under him.

Thomas Smith, being duly sworn, deposeth and saith that on March 16, 1800, the heirs of Duperon Baby requested of me (deponent) to survey a tract of land on the north side of the river Rouge, adjoining to a tract of land generally known by the name of the Northwest tract, and that he wished said deponent to make said survey for Jeane Bpt. Cicot; for which said land, that is, the land deponent was requested thus to survey, the said Cicot had given in exchange to the heirs of the before-mentioned Baby all his right, claim, interest, &c., of him, the said Cicot, claimed under the British government, and situated in Upper Canada; and that in the said year 1800 deponent did make said survey. Deponent understood at the time he surveyed it that said Baby had conveyed to said Cicot all his interest in said tract which deponent was surveying. Deponent supposes there may be three hundred and twenty acres of land, more or less. Deponent remembers to have seen some improvements made on this land; he recollects to have seen land cleared on the hollow and fenced. Deponent does not distinctly recollect to have seen any house, but thinks there was a house on said tract; he recollects to have seen an old deed for this land, written in French, given by the Pottawatomie Indians to the before-named Duperon Baby, in the handwriting of said Baby. This deed was dated long prior to July 1, 1796.

Jaques Peltier, being duly sworn, deposeth and saith that Jeane Bpt. Cicot, the father of François Cicot, has been in possession of a tract of land bounded by a bend of the river Rouge for about a mile and a half, and Mr. Askin's land on the other side, and a line of the lands formerly claimed by the Northwest Company on another side, for from forty to fifty years past, and has continued in the possession of the same until about twelve or thirteen years since, since which time the said François Cicot has continued in possession of a part of the same tract.

And thereupon appeared before the commissioners Lewis Cass, esq., who gave notice that he must oppose the confirmation of the aforesaid claim of François Cicot, inasmuch as it conflicted with a claim for back concession filed by him with the register of the land office on November 30, 1818; and then came the said François Cicot, by Hunt & Larned, his attorneys, and waived, in favor of Lewis Cass, esq., his pretensions to a confirmation of the above claim in his own name. The commissioners do therefore suspend all further proceedings upon the above claim of François Cicot.

No. 37.—*Charles Rulo.*

Take notice that I renew my entry of claim to a certain tract of land situated in the rear of a farm upon the river Rouge, upon the south side thereof, which I sold to Charles Chovin. For the original entry and proceedings had thereon by a former board of commissioners see vol. 1, page 298, and vol. 4, page 24, (claim No. 37 of Charles Chovin, as my assignee,) of the records of the proceedings of the former commissioners.

The Register *of the Land Office at Detroit.*

TESTIMONY.

Joseph Jobin, being duly sworn, deposeth and saith that, in relation to the case of the claim of Charles Rulo to a prolongation of No. 37, confirmed as the front of a tract of land situated on the river Rouge two or three years before the arrival of General Wayne at the rapids of Miami, by the direction of his mother-in-law, Angelique Labadie, the widow of Pierre Martin, this deponent sold the tract in question, as her agent, to Charles Rulo; that at the time of the sale this deponent made and regularly executed a deed to said Rulo, which deed he understands is lost; that said deed he distinctly recollects described this tract as including two acres in front by forty in depth, and that it guaranteed to the holder only forty acres in depth, that is, the warrantee was given only to that extent in front and depth; but with respect to the extent in depth this witness has no definite recollection how far this farm might extend, never having had any personal interest in said farm, and never having been upon it; that all the description of the land of which he ever had a knowledge was founded on an old Indian deed, which he understands to have been also lost since he sold to Mr. Rulo. He, this deponent, thinks it most probable that this farm had the same depth with other farms upon the river in that neighborhood; that he distinctly recollects to have transferred, and intended so to transfer, all the rights, and interests, and extent of land which his mother-in-law, Angelique De Labadie, of, in, and to, or arising in any manner from, this tract, either by virtue of the front upon said river Rouge or otherwise.

Charles Chovin, being duly sworn, deposeth and saith that he purchased a farm on the river Rouge from Charles Rulo, now the property of Robert Abbot, and that said farm was bought for no more than forty arpents in depth from the said Rulo, and sold by this deponent to Gabriel Godfroy for the same depth of forty arpents.

It is considered by the commissioners that Charles Rulo, or those claiming under him, have heretofore

been confirmed in the full quantity then claimed, as appears by the records of the former land boards, and the survey made by Aaron Greely, esq., surveyor; and further, that said Rulo purchased to the extent of only forty arpents in depth. This claim is therefore rejected. Nevertheless, the commissioners are advised that a mistaken apprehension has been entertained by said Rulo, that said Chovin entered for confirmation, not merely that part of the original tract sold by said Rulo to Chovin, but the whole tract to the St. Cosme line; and as the ignorance and inexperience of said Rulo in matters of this kind gives strength and apparent fairness to this allegation, thereupon the board do respectfully recommend to the revising powers that there be confirmed to said Rulo the residue of said original tract, viz: all that tract which may be comprehended between the extended lateral lines thereof until their intersection with the St. Cosme line, so called: provided, nevertheless, that the lines thereof be so run as not to interfere with any claims which, by former boards, or by this, may have been confirmed to any other person whomsoever.

No. 38.—*Alexander Frazier, administrator to the estate of Francis Trudelle.*

Alexander Frazier, administrator of the estate of Francis Trudelle, renews the entry and claim to a tract of land made with the former commissioners, recorded in volume 4, page 117, in the words and figures following, to wit:

DETROIT, *January* 6, 1808.

Please take notice that I claim title to a tract of land situated on the river Rouge, in the district of Detroit, which I have possessed, occupied, and improved for upwards of twenty years without any interruption. This tract contains three arpents in front by forty in depth, is bounded in front by the river Rouge, on one side by Touissaint Russel, and on the other side by lands of Desplains, deceased.

F. TRUDELLE.

The REGISTER *of the Land Office.*

TESTIMONY.

Gabriel Godfroy, being duly sworn, deposeth and saith that he knows that it was the intention of Francis Trudelle to claim and make entry of the tract in question, bounding it in the rear by the St. Cosme line, so called; and at that time this witness, having previously purchased the rear of the tract in question, the same now claimed by the said administrator, appeared before the then board of commissioners and opposed the claim of said Trudelle, so far as the same extended beyond forty arpents rearwards from the front line. Deponent states that he never having made any formal entry to claim the tract in question, or land intervening between the said forty arpents and the said St. Cosme line, he determined to withdraw all controversy to the claim of the said Trudelle or his administrator, and does now continue of the same determination. Trudelle had been in possession of the land confirmed to him for full ten or fifteen years before the arrival of General Wayne, and always occupied the rear now in question, by making rails and cutting wood therefrom, although there was no cleared land nor house upon the rear, and continued so to occupy the same until his death, which occurred about six years since. The distance from the rear line of the said forty arpents to the St. Cosme line may be about forty arpents; that is, making about eighty arpents from the front, on the river Rouge, to the said St. Cosme line. The said Trudelle, when he died, left the following children: François, Catherine, now the wife of the said administrator, Margarette, who married Louis Le Duc, Adelaide, and Terraise.

It appearing to the commissioners that François Trudelle was confirmed by a former land board in the full quantity then claimed, being forty arpents in depth, and that said claimant obtained a patent for the same, this board do therefore reject the claim.

No. 39.—*James Cisne.*

JANUARY 27, 1821.

The undersigned renews his entry for confirmation of his claim to the tract of land described in his entry on file, dated October 31, 1805, and his subsequent entry made and on file, dated October 30, 1808. Said tract is bounded on the east by the fork of the river Rouge, near lot No. 92, and now occupied by Conrad Ten Eyck, on the west side by a white-oak tree blazed on three or four sides, in rear by unconceded lands, and in front by river Rouge. Said land is situated on the south side of said river Rouge. He claims by actual possession and improvement.

JAMES CISNE.

Original entry recorded in volume 3, page 10, of the records of the former commissioners, in the words following, to wit:

OCTOBER 31, 1805.

Notice is hereby given that I claim title to the following tract of land by virtue of long possession had of them, and actual improvements and settlement made thereon, to wit: a tract of land on the south side of the river Rouge, bounded in front by said river, above, below, and in the rear by unconceded lands, containing forty arpents in depth; on which tract I have made an actual settlement and valuable improvements.

JAMES CISNE.

Testimony adduced before the commissioners in 1821.

John Reynolds, being duly sworn, deposeth and saith that in the summer of 1794 James Cisne, now a resident of the State of Ohio, entered upon a piece of land lying on the river Rouge, on the south side,

and adjoining a tract of land now supposed to be owned and in the possession of Conrad Ten Eyck, on the east side; that during said summer said Cisne entered upon and took possession of said land, and improved one acre; that said Cisne continued in the peaceable possession, and to improve the same by cultivation, from the summer of 1795 to the year 1799, at which time I left this Territory. I frequently saw said Cisne at work on said land above described.

John Cisne, being duly sworn, deposeth and saith that in the year 1795 he assisted James Cisne to clear a piece of land situated on the river Rouge, on the south side of said river above the fork, and adjoining on the land now occupied, as he is informed, by Conrad Ten Eyck; and in the spring of 1796 he assisted in planting apple trees on said land; and that the said James continued to improve the same until the year 1804 or 1805, at which time he left it, and went to Ohio, intending, as he said, to return in the spring, but did not. In his absence the act was passed in favor of improvements, with a limited time for claims to be entered. Deponent received instructions from his brother to act for him in his absence. He therefore laid in the said James' claim with the commissioners; and on his (the said James') return, he assisted said James in repairing his house on said land. Deponent knows that said claim has never been relinquished by the said James.

The commissioners, after a careful examination of all the proceedings of the former land boards, find that a claim to the foregoing tract was made in accordance with the above renewal before former land boards; but the evidence of continued possession and occupancy was not then shown. The commissioners are, however, of opinion, from the testimony now adduced to this board, that this claim is valid, and that, had the same evidence been presented to a former board of 1808, it would then have been confirmed. The present commissioners do therefore confirm said tract to James Cisne by the following bounds and limits: beginning at that point on the south side of the western fork of the river Rouge, which is the upper corner of the tract heretofore confirmed to George Hoffman, and now said to be in the possession of Conrad Ten Eyck; thence up stream, upon the western border of said west branch of the river Rouge, four arpents, French measure; thence, by a line parallel to the upper line of said tract occupied by said Ten Eyck, to the distance of forty arpents in rear from said river, or as far as the line of public surveys, and so that a line at right angles thereto will strike the rear line of the farm occupied by said Ten Eyck; thence, by the line of said Ten Eyck, to the place of beginning: provided that the tract now confirmed shall not contain more than two hundred and forty arpents, nor exceed four arpents in front upon the said western fork of said river Rouge, nor interfere with any of the lines of the public lands now surveyed and sold.

No. 40.—*The heirs of Joseph Harrison.*

MAY 7, 1818.

Take notice that, in pursuance of the third section of an act to authorize the granting of patents for lands according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes, passed April 23, 1812, we, Leonard Harrison, Morrenus Harrison, and Charles Harrison, the heirs of Joseph Harrison, late of Detroit, deceased, do make entry and claim to a certain tract of land lying and being situated on the northerly side of the river Rouge, in the district of Detroit and Territory of Michigan, containing five hundred acres, more or less, and bounded and described as follows, to wit: in front by said river Rouge, in rear by lands of the United States, on the upper side by a tract of land granted to Theophilus Lemay, and on the lower side by lands granted to Philip Mettez. They make claim to a confirmation and grant of said tract of land to them, as heirs of said Joseph Harrison, their late father, deceased, by virtue of long and continued possession and improvement of said land by their deceased father, Joseph Harrison, and those under whom he claimed, for a long time before his death, to wit, from July 1, 1796, until his death, and since by them, and in their right as his heirs. Wherefore the claimants pray that they may now be confirmed and quieted in their possession, and that certificate and patent may issue to them accordingly for said land so claimed.

SOLOMON SIBLEY,

Agent and Attorney for and in behalf of the heirs of Jos. Harrison, deceased.

The REGISTER *of the Land Office at Detroit, in the Territory of Michigan.*

TESTIMONY.

John Cisne, being duly sworn, deposeth and saith that James Cisne improved a certain tract of land on the river Rouge, now claimed by the heirs of Joseph Harrison, deceased, and let one James Briggs have said improvements—said Briggs sold said improvements to Oliver Wisewell; and that the said improvements were sold by virtue of an execution against said Wisewell. The above-claimed tract is bounded on the west side by Theophilus Lemay, on the east side by Mettez. Said James Cisne made said improvement in June or July of the year 1795, and the improvement was continued until Joseph Harrison took possession of said tract.

James Cisne, being duly sworn, deposeth and saith that in the year 1795 he made the first improvement on a tract of land situated on the river Rouge, now claimed by the heirs of Joseph Harrison, deceased; and that he commenced the improvement in the spring of the year 1795, and that he continued in the possession and improvement until the winter or spring of 1796, about which time James Briggs entered into the possession of said tract with a relinquishment from him, the said James, of all right, title, interest, claim, &c.

William Brown, being duly sworn, deposeth and saith that sometime in the year 1803 or 1804, at the suit of Benjamin Huntington against Oliver Wisewell, a certain piece or tract of land situate on the river Rouge, and then in possession of said Wisewell, and upon which a distillery was erected, was sold by the sheriff of Wayne county as the property of said Wisewell, and was purchased by the late Captain Joseph Harrison; and has, from that time to the present, been claimed by him and his heirs, and is now occupied and cultivated by the heirs of said Harrison.

Aaron Thomas, being duly sworn, deposeth and saith that in the year 1801 or 1802 deponent assisted Oliver Wisewell in building and clearing land; and deponent believes that about the year 1803 said property was sold at sheriff's sale to Jos. Harrison, deceased; and deponent has understood and believes that since that time it has been the property of said Harrison, and that the heirs have been in the possession

and occupancy of said premises since the year 1808 or 1809, except a short period during the war; and that, since said Joseph Harrison purchased the premises, deponent has never understood that any other person had any claim to the same.

Josiah Raymond, being duly sworn, deposeth and saith that sometime previous to the late war he delivered to Solomon Sibley, esq., the sheriff's deed of sale (of a tract of land on the river Rouge) to the late Joseph Harrison, together with the said Harrison's commission as an officer in the revolutionary war; which said tract of land is now in the possession of and claimed by the heirs of the late Joseph Harrison; and that the said Harrison died about the 22d of February, 1804, and that the widow and heirs of said Harrison moved on the said tract of land in the year 1807; and that, from the death of said Harrison until after the heirs took possession of the premises, neither of the heirs were of age. Sometime previous to the heirs moving on the premises, deponent accompanied the eldest of the heirs (Leonard) and ordered off the premises a man by the name of Stephens who was cutting timber and burning coal thereon; and that the said Stephens, on being informed that the property belonged to the heirs of Joseph Harrison, removed immediately therefrom; and deponent knows that, from the time the heirs took possession of the premises until this time, they have paid taxes for the same. Deponent believes that the sheriff's deed purported to be a deed of sale by virtue of an execution, and sold as the property of Oliver Wisewell to the late Joseph Harrison; and deponent further states that he has resided on the premises since the year 1807, and that since that time he has never understood that any person laid claim to said tract.

James Cisne, being duly sworn, deposeth and saith that James Briggs, mentioned in his former affidavit, sold his improvements to Oliver Wisewell, who erected thereon a distillery; and that during the occupancy by said Wisewell it was, as deponent believes, sold as the property of said Wisewell, by virtue of an execution to Joseph Harrison, deceased.

Leonard Harrison, being duly sworn, deposeth and saith that the papers, viz: the deeds, &c., relating to a tract of land claimed by his father, Joseph Harrison, deceased, on the river Rouge, were put into the hands of Mr. Sibley previous to the late war, since which time he has not been able to obtain any of the papers, and he does not know at this time where they are.

And thereupon the commissioners, in virtue of the 3d section of the above-recited act of Congress, passed April 23, 1812, do decide that the aforesaid tract of five hundred acres of land, bounded and described as in the foregoing notice of claim, be confirmed to the heirs of Joseph Harrison, deceased, saving expressly, however, to the personal representatives, and to the creditors of the said Joseph Harrison, deceased, all their just and equitable rights therein. The surveyor of private land claims within this district is therefore directed to survey the said tract at the expense of the said heirs, so that the same does not contain more than five hundred acres, and that the lines thereof shall not interfere with the lines of any lands heretofore confirmed; which survey and plat thereof he shall return to the register of the land office at Detroit, and thereupon a patent certificate shall be granted by the said register, upon which, with the approbation of the Secretary of the Treasury, a patent will be issued.

No. 41.—*The heirs and legal representatives of John Askin, sen., and the legal heirs and representatives of Wm. Robertson.*

DETROIT, *August* 14, 1821.

The heirs and legal representatives of John Askin, sen., and the legal heirs and representatives of Wm. Robertson, deceased, renew their claim to a certain tract of land supposed to be situated about ten miles up the river Rouge, at a place called the Salt Springs, containing two thousand one hundred acres of land, purchased by Mr. Robertson and John Askin, jointly, of Parlier Benac, May, 1796, and claimed by John Askin, before the former commissioners, December 28, 1804; said tract having twenty arpents in front and one hundred arpents in depth, and containing a salt spring. The said heirs and legal representatives claim by the possession and occupancy of Parlier Benac, and subsequent occupancy and possession of said John Askin, and by deed from said Benac to said Askin and said Robertson, jointly, dated May 20, 1796.

SIBLEY & WHITNEY,
Attorneys for the heirs and legal representatives of John Askin and Wm. Robertson.

Original entry.

Recorded in vol. 2, page 272, of the records of the former commissioners.

Take notice that I claim title to a tract of land, supposed ten miles up the river Rouge, at a place called the Salt Springs, containing two thousand one hundred acres of land, purchased by Wm. Robertson and me, jointly, of Parlier Benac in May, 1796; the deed of sale I now send you for the purpose of being recorded, and to furnish you with further information respecting its situation, boundaries, and extent.

JOHN ASKIN.

Said deed is recorded in volume 2, page 285, of the records of the former commissioners in 1805.

Testimony filed with the commissioners in 1821.

Antoine Le Franc, being duly sworn, deposeth and saith that in the year 1795, as he believes, he was employed by Mr. John Askin to go up to the Salt springs to get a canoe which had been taken there loaded with brick; that at that time a man by the name of Le Tard was living in a house which had been erected at the springs by Mr. Askin, and that the land around said house was cultivated and improved by him as the tenant of Mr. Askin.

Charles Labadie, being duly sworn, deposeth and saith that in the year 1794 or 1795 he went, in company with three or four persons, to the Salt springs on the river Rouge, where they erected a building for Mr. John Askin, and that a person named Le Tard was left in possession of the place for Mr. Askin, who made an improvement of several acres adjoining the spot where said house was situated; that he distinctly recollects that Mr. Askin, a short time afterwards, caused a road to be cut from Prairie Ronde to said house and farm; that sometime afterwards a Mr. Bath made salt on the place above mentioned

for Mr. Askin; and further, that the said house was erected within twenty-five feet of the Salt springs, and near the bank of the river Rouge.

Elizabeth Coleman, being duly sworn, deposeth and saith that during the year 1801, or about that time, her husband was employed by John Askin to go to a tract of land on the river Rouge, upon which the Salt springs are, to work at the salt-works, set kettles, dig wells, &c., &c.; he worked not more than eight days, when, after having made some bushels of salt, he returned. Deponent understood that some improvements had then been made on the premises, such as a house or cabins, &c. Deponent does not know the nature of Mr. Askin's right, but only knows that the deceased claimed it.

And thereupon it is considered and adjudged by the commissioners that this claim be *rejected*, inasmuch as continued occupancy, according with the acts of Congress, is not proved; and further, that the lands here claimed are believed, so far as the vagueness of description enables the commissioners to judge, to have been heretofore confirmed or included within the public surveys and sold; or it may be that tract of which six hundred and forty acres have been reserved from sale as including a salt spring.

No. 42.—*The legal heirs of François Chobert Jancaire.*

AUGUST 8, 1821.

The legal heirs of François Chobert Jancaire renew their entry, made by their deceased father, Colonel François Chobert Jancaire, October 31, 1808, and claim confirmation of a tract of land situate, lying, and being on the river Detroit, containing, by estimation, 639 acres; bounded in front by river Detroit, in rear by lands of Alexis Labadie, northeast by a creek dividing this tract from Lasselle's lands, and southwest by river Aux Vous. Said claim is made from long possession, occupancy, and improvement, &c.

GEORGE McDOUGALL,
HUNT & LARNED,
Attorneys for heirs of Colonel François Chobert Jancaire.

The original entry made by said François Chobert, in the year 1808, recorded in volume 5, page 155, of the records of the former commissioners, in the words and figures following, to wit:

SIR: Take notice that I now enter with the commissioners of the land office at Detroit my claim to a tract of land lying and being situate on the river Detroit, containing, by estimation, six hundred and thirty-nine acres, bounded in front by the river Detroit, in rear by lands of Alexis Labadie, northeast by a creek dividing this tract from Lasselle's lands, and southwest by river Aux Vous. I claim and set up title by virtue of possession, of twenty-four years' occupancy, and improvement, &c.

FRANÇOIS CHOBERT JANCAIRE.

The REGISTER *of the Land Office at Detroit.*

In 1811 the board reconsidered the claim of said Chobert and rejected the same; whereupon, and at the same time, Solomon Sibley filed an appeal from the decision of the commissioners, which (said reconsideration, rejection, and appeal) is reconsidered in volume 7, page 175.

Testimony adduced at the renewal of the claim in 1821.

Gabriel Godfroy, being duly sworn, deposeth and saith that, to the best of his knowledge, many people, previous to the arrival of General Wayne's army, in 1796, cut hay on the above-described tract by permission of the late Colonel Chobert; that he never knew permission to cut hay given by any other person than said Chobert; that said land was, after the purchase of the same from Isidore Cheine, always considered and known as in possession by Colonel Chobert's tenants; that said possession was continued uninterruptedly, by cutting hay, until the death of Colonel Chobert, in 1811 or 1812; that it was impossible to build on said land, from the circumstance that in the fall season there was a great quantity of water on it; said tract of land was only suited for hay; and further, this deponent saith he has no interest in said claim.

The testimony of Louis Bourrassa states that, twenty-eight years since, he well recollects that Joseph Bondie, deceased, cut hay on the above-described tract of land by permission of the late Colonel Chobert; that he assisted him in hauling hay from said land; that many persons each successive year cut hay on said tract by permission of Colonel Chobert; that Colonel Chobert was always considered as the owner of said land; and that about eighteen years since he made a contract with Colonel Chobert to cut hay on said land; that he enclosed a small tract of said land, and for many years cut his hay on said land; said tract of land was, without interruption, in possession of Colonel Chobert's tenants until the period of his death, in 1811 or 1812. Deponent says he hath no interest, directly or indirectly, in the before-mentioned claim.

The commissioners do confirm the said claim to such extent as shall not interfere with lines of lands heretofore confirmed; that is, bounded on the northeast by the tract confirmed to Jaques and François Lasselle, and on all other sides by the tract confirmed to Alexis Discompte Labadie and the river Detroit, containing, according to Greely's map of survey, 237.9 acres. Yet the commissioners do recommend to Congress the confirmation to the heirs of said Chobert the residue of their claim, being 401 acres of land, to be located upon such of the adjacent public lands as may have been offered for sale within the land district of Detroit and remain unsold.

No. 43.—*James May.*

DETROIT, *July* 6, 1821.

The petition of James May respectfully showeth that your petitioner, on the first day of March, 1797, purchased from Harmon Eberts, sheriff of the county of Wayne, at public auction, a tract situated at

river Ecorces, containing four acres in front by one hundred deep, as per deed of sale from said sheriff herewith will more fully appear; that on the 1st day of May, 1797, he also purchased another farm, adjoining the former, situated at said river Ecorces, from Amable St. Cosme, containing four acres in front by one hundred in depth, as per deed of sale herewith, likewise the evidence of Louis Bourrassa, will fully show. The aforesaid two farms contained eight hundred acres, which your petitioner laid out into four farms of two acres in front by one hundred acres in depth, (to accommodate purchasers,) one of which he sold to Charles Mitchel Campau, a second to J. B. Bondie, a third to Louis Bourrassa, and a fourth to Baptiste Rousson. The three latter farms extended only forty acres in depth; consequently there remained 360 acres unsold out of the aforesaid 800 acres, and for which your petitioner has laid in his claim, and prays that the aforesaid 360 acres of land, lying in the rear of Bondie's, Bourrassa's, and Rousson's farms, which he had formerly sold to those persons, be confirmed to him, &c. And your petitioner, as in duty bound, &c., &c.

JAMES MAY.

The COMMISSIONERS *of the Land Board at Detroit.*

TESTIMONY.

Charles Mitchel Campau, being duly sworn, deposeth and saith that the persons who first settled what is called the river Aux Ecorces were: first, Ignatius Tuat, *alias* Duval; second, Jeane Salliotte; third, Pierre Campau; being all the settlers on this side, that is, upon the north side of the river Aux Ecorces, and between the said river and what was called the St. Cosme line. In respect to the time of the first settlement of these persons, it was before the Americans took possession of this country some four or five or more years: 1st, the farm now owned by John Baptiste Rousson, No. 85, was first worked by Pierre Mitchel Campau; 2d, the farm now owned by the heirs of Joseph Bondie, No. 92, was first worked by Pierre Mitchel Campau, being a part of the former, it being originally a farm of four arpents in front, but has since been divided into two farms; 3d, the farm now owned by Pierre Le Blanc, No. 83, was first worked by Jeane Salliotte, who first possessed the said farm. I have no knowledge that either Mr. or Madame St. Cosme, the father and mother, or any of their children, nor Judge May, nor any of them, have ever worked or lived upon, or have been established upon, those three farms, or either of them. Suits were brought under the American government against all the inhabitants living on the lands above mentioned by Judge May, about two years, deponent thinks, after the Americans came into the possession of this Territory. The result of these suits was, that the sheriff threatened to turn off the inhabitants aforesaid, and of whom this witness was one, to sell their property; and rather than abandon the possessions, this deponent and others purchased from and paid to Judge May.

In answer to question put by the commissioners: Pierre Mitchel Campau and Jeane Salliotte removed to the land in question, and came into the occupancy, possession, and improvement thereof, by the permission of Madame St. Cosme, whose husband was then absent at Montreal. At the time Campau settled upon these lands there were no lines or boundaries shown or known, but within that year in which they settled them they were run out. No one in particular pointed out these lands, but it was told them by the St. Cosme family that the lands upon which Campau and Salliotte did settle were the lands which they had permission from the St. Cosmes to settle. The said Campau and Salliotte refused to pay Madame St. Cosme for these lands, because Madame St. Cosme did not make them a good warrantee deed for the said lands; and in answer to this demand of Madame St. Cosme for deeds, she said that they should have their deeds, but they did not get them.

Charles Mitchel Campau, being duly sworn, deposeth and saith that he bought these lands from Madame St. Cosme, who claimed and held under an Indian deed; he remained on the land a few years. This deponent was one of a number who purchased there, and of whom payment was demanded, but not made, as no deed could be got. After remaining on said land four or five years, a new order of things, that is, a change of government, took place, and in the meantime the claim to these lands appears to have got into the hands of Judge May, who demanded payment, and brought suit against this deponent and the others to compel payment, &c. Deponent knows very well that Mr. St. Cosme claimed these lands many years previous to 1796, and more than thirty years ago; said St. Cosme never lived upon this land himself. There were above the river Aux Ecorces the following farms, as divided and surveyed by Mr. Fry: 1. Next the river Aux Ecorces, the farm of Tuat Duval, of four arpents in front by one hundred in depth; next to this farm, and adjoining, is a farm described as follows, to wit: bounded in front by the Detroit river, below by Duval, in rear by unconceded lands, above by Pierre Le Blanc, being two French arpents in front upon the Detroit river and one hundred arpents in depth. The next above is the farm purchased by Jeane Salliotte from Amable St. Cosme, but not paying for it, the same was sold by the sheriff, and purchased by James May, from whom this deponent then purchased the lower half, of two arpents in front by one hundred in depth; the remaining or upper half (part of the four arpents sold by the sheriff to Judge May) was in part purchased by Louis Bourrassa, who sold to Pierre Le Blanc, his son-in-law, viz: Bourrassa bought from Judge May two acres in front by forty arpents in depth, and Bourrassa sold the two arpents in front by twenty in depth, reserving to himself the remainder, viz., two arpents by twenty in the rear. The farm next above Le Blanc's was purchased by Joseph Bondie from deponent's brother Pierre, who purchased from Dominique St. Cosme, and was, as sold, two arpents in front by forty arpents in depth. The adjoining farm next above was purchased by Jeane Bapt. Rousson from Labe Roche, and from whom Labe Roche purchased deponent does not know. Deponent has frequently heard the several owners of these front farms express their intention to purchase the rear from Judge May, and regret their inability to purchase or pay for the whole one hundred arpents at the time they purchased the front, and that all that prevented them from purchasing at the time I heard them speak of this matter was their want of means. The time these conversations passed was about the time deponent purchased.

Thomas Smith, being duly sworn, deposeth and saith that, to the best of his recollection, Pierre St. Cosme obtained by purchase the lands in question, together with other lands, in the year 1776. Deponent has seen all the papers of Mr. St. Cosme, and founds his opinion from the recollection he has of those papers. Mr. St. Cosme and the people living on these lands in question jointly applied to this deponent to survey these lands, to the best of deponent's recollection, in the year 1787 or 1788, and the then commandant, Major Wiseman, gave him (this deponent) permission to survey this or any other lands near said place. Deponent has heard that the said St. Cosmes (Amable and Dominique) had sold their interests to their father's estate to the lands at the river Ecorces, but does not know the fact; and further, that occupants of said land have always claimed under the St. Cosmes, and no other, to his knowledge.

Louis Bourrassa, being duly sworn, deposeth and saith that about twenty-three years ago he purchased from James May, esq., a farm situated at the river Ecorces, two acres in front by forty in depth, being part of a farm originally two acres in front by one hundred in depth; but not having the means of purchasing the whole, Mr. May sold him the quantity as above stated, with the promise that deponent should have the preference of purchase whenever he was able to pay for it; that is, that deponent should have the preference in becoming the purchaser of two acres in depth, to the extent of Mr. May's claim, viz., one hundred arpents by the said two acres in front. This deponent knows that Mr. May was in the posssesion of the lands claimed by him, the said May, situated upon the river Ecorces, for a long time prior to the year 1796; and that said land was settled by tenants under Mr. May, and by persons who had purchased from him. Jeane Bpt. Salliotte then lived on the farm deponent now owns, and endeavered to claim it without paying Mr. May. Said May brought suit against him, and recovered the land again. Deponent then bought the aforesaid part of this farm from said May, which is two arpents in front by forty in depth, which has since been confirmed to him. Deponent has knowledge, from common report then current, that Mr. May bought his right to all these lands, and also to Turkey island, from the heirs of said St. Cosme; and when this deponent bought of Mr. May, Mrs. St. Cosme was alive, and she and the heirs told him that they had sold to Mr. May.

Claimant files three deeds of conveyance from the St. Cosmes: one from Amable St. Cosme, of a tract of land of four arpents in front by one hundred in depth, bounded on the east by Joseph Bondie, jr., on the west by Joseph Bondie, sen.; two others from Amable St. Cosme, Antoine Beaubien, J. Bpt. Petre, and Dominique St. Cosme, of all their right to said land as heirs of Pierre St. Cosme and Madame St. Cosme, their father and mother; and also another from Hermon Eberts, sheriff of the county of Wayne, to said James May—said deed was made by virtue of a sale of the said sheriff of said county, in virtue of an execution to him, directed against the plantation of Pierre Mitchel Campau. The said tract, so sold and conveyed, is described as follows: situated on the river Ecorces, containing two acres in front by one hundred in depth, more or less; bounded in front by river Detroit, and in rear by unlocated lands, on the northeast by the lands of Alexis Labadie, southwest by Charles Mitchel Campau, &c.

And thereupon the commissioners do *confirm* to the said James May all that tract or parcel of land which shall be included within the rear lines of the farms heretofore confirmed to J. Bondie, Louis Bourrassa, and J. Bpt. Rousson, on the southwardly and on the westwardly side by the line of the tract heretofore confirmed to Charles Mitchel Campau, and to extend in depth to the rear line of the tract of said Campau; thence, and in the rear, by a prolongation, in an eastwardly direction, of the said rear line of Campau's land; and on the eastwardly or northeastwardly side by the St. Cosme line, or the general course of the rear lines of the confirmed tracts which front on the river Rouge, and to run as nearly as may be upon one continued or straight course, and not unnecessarily following the various indentations of said rear line, containing, by estimation, three hundred and sixty arpents of land, more or less: provided always that the lines of said tract now confirmed shall in no case interfere with the lines of any lands confirmed by any former land boards.

No. 44.—*James May.*

To the register of the land office at Detroit:

SIR: Take notice that I renew the entry made before the former commissioners, February 17, 1805, for Turkey island, in the river Detroit.

This original entry is found upon the journal of proceedings of the land board on the day above mentioned, in the words following, to wit:

DECEMBER 31, 1804.

SIR: Please take notice that I claim title to the following tract of land, to wit, Fighting island, otherwise called Turkey island, in virtue of a deed of sale from St. Cosme and others.

JAMES MAY.

GEORGE HOFFMAN, *Register of the Land Office at Detroit.*

A deed of conveyance, regularly executed, is also recorded at length upon the journal of proceedings of said board; and the commissioners did not then act upon this claim affirmatively, as was the case with most other claims, the same not being founded upon a legal French or British grant.

Additional testimony adduced to the present commissioners in 1821.

Charles Mitchel Campau, being duly sworn, deposes and saith that he thinks it is about thirty years since he saw a quantity of timber, for building purposes, taken from the main land to Turkey island by one Durand, by permission of Madam St. Cosme, in the absence of her husband, who was then and for several years at Montreal. Deponent understood distinctly that the said Durand took possession of and made these preparations for improving this island by permission of and in consequence of arrangements entered into with Madam St. Cosme; but deponent does not know whether said Durand had contracted to purchase or only rent the said island. From the appearances of the timber and materials it appeared to witness that it was intended to build a very elegant house; that witness did not see this house erected. Deponent only knows that a cabin was erected by said Durand and workmen sent to the island, who remained on the island for some time. Said Durand did afterwards quit possession of this island, but deponent does not know for what reason, nor does deponent know how long Durand remained upon the same. About thirty-five years ago this witness obtained permission from Madam St. Cosme to go upon the island to cultivate the land thereon, and, in pursuance of this arrangement, did take his horses and cattle over to the island and commenced work, intending to enclose a corn field. Deponent found a kind of fence enclosing a field that was cleared, but not sufficient to preserve grain. After this witness commenced work, there came to the island a large party of Hufon Indians, who threatened to kill his cattle and destroy his property unless he, this deponent, would leave the island; in consequence of which this deponent left the island and reported the circumstances to Madam St. Cosme, and never afterwards returned to the island. Deponent, after this period, frequently saw persons upon the island at work in cutting hay, but does not know by whose permission or authority. The reason, as this witness under-

stood, for the hostility of the Huron Indians towards persons inhabiting this island was from the circumstance of the St. Cosme family having obtained a grant of this island from the Pottawatomies, and it was claimed by the Hurons as theirs; but among the white inhabitants of that time the island was generally acknowledged to belong to the St. Cosme family. Deponent does not know anything about Judge May's having derived a title to the island from Madam St. Cosme, or from that family. Deponent has heard the sons of Madam St. Cosme say that they had transferred all their right or inheritance, or otherwise, to Judge May.

Thomas Smith, being duly sworn, deposeth and saith that, in respect to Turkey island, Pierre St. Cosme, father-in-law of Judge May, purchased Turkey island from the Pottawatomie Indians, who always claimed this island, the Wyandotts never having any supposed right to this island; and deponent understood that St. Cosme purchased with approbation of the then governor of Detroit, it being a separately organized government from the Canadas. Durand built a cabin, and cultivated some land upon this island by permission and under the authority of the St. Cosme family, as it was then generally understood, and as this witness understood. After this period, and after Durand left the island, deponent saw several persons at different times cultivate and possess the island, but under whose authority or by whose permission this deponent does not know. It was always understood that the island was owned by the St. Cosme family, and this witness never heard that there was any other claimant. After the death of Mr. and Madam St. Cosme, the latter of whom died about thirty years ago and about ten years after her husband, Judge May claimed this island, and this witness understood had purchased the claims of the St. Cosme family.

Louis Bourrassa, of river Ecorces, being duly sworn, deposeth and saith that about twenty-nine years ago Durand, a merchant living at the Petit Cote, came to this deponent and asked him to go and live on Turkey island on shares. Deponent told him if he could find an opportunity to sell his farm he would willingly go and live there, but, not being able to effect a sale, did not accept of Durand's offer, although a very advantageous one. Deponent further states that he, Durand, informed him that he, Durand, had purchased the island from Madam St. Cosme, and that Joseph Lajuness and himself were employed the whole summer cutting fire-wood on said island for said Durand, and received from him four shillings, York, per cord. About two years after Durand had been in possession, finding he was not in circumstances to pay the purchase money, surrendered back the island to Mrs. St. Cosme, after making some improvements on it.

The commissioners, after due deliberation, entertain strong doubts as to their authority to confirm Turkey island, inasmuch as it is an island in the Detroit river, which may ultimately be found without the boundary of the United States. The board do therefore decline to express an opinion upon this claim of James May, but would respectfully recommend the same to the attention of the revising powers.

No. 45.—*The legal heirs and representatives of John Askin, deceased.*

The legal heirs and representatives of John Askin, esq., deceased, renew the entry made by the said John Askin with the former commissioners October 28, 1805, recorded in volume 3, page 139, of the records of the former commissioners, in the words and figures following, to wit:

To the register of the land office at Detroit:

Take notice that I claim title to a tract of land of six acres, French measure, in front and rear, by what is supposed will be one hundred deep, situated on the northeast side of river Aux Ecorces, having river Detroit in front, by purchase from Baptiste Reaume.

JOHN ASKIN.

Claimant produces, in support of his title before the former board, a deed from Jean Baptiste Reaume to John Askin, senior, dated December 31, 1796. See volume 2 of minutes, folio 291.

It appearing to the commissioners that the land here claimed has been appropriated by a former land board to other claimants, and, further, no testimony being adduced by present claimants in proof of occupancy or improvement, this claim is *rejected.*

No. 46.—*John McDonell, as trustee of John Smith McDonell, Ann Catharine McDonell, Charles Stewart McDonell, Donald Sunday McDonell, and Alexander James Dallas McDonell, (minors.)*

To the honorable William Woodbridge, Jonathan Kearsley, and Henry B. Brevoort, commissioners appointed by the United States for settling and adjusting the land claims in the Territory of Michigan:

The undersigned, assignee of Thomas Smith, as the trustee of John Smith McDonell, Ann Catharine McDonell, Charles Stewart McDonell, Donald Sunday McDonell, and Alexander James Dallas McDonell, (minors,) respectfully represents: That a certain tract of land is deeded to him, in trust for the aforesaid minors, by Thomas Smith, the original claimant, situate between the forks of the river Ecorces, adjoining a tract of land in front already confirmed to the said Thomas Smith, the assignor, by a patent from the United States.

The undersigned further represents that, in his opinion, the documents herewith enclosed fully establish the rights of your petitioner to the said tract of land.

Your honorable body will observe that, by the document marked with the letter F, the whole claim was rejected by the former commissioners, but at a subsequent period they did allow, on the same evidence, three hundred and thirty-five acres of said tract of land, as appears confirmed afterwards by patent to the said Thomas Smith. The undersigned fully relies on the justice of his claim from the documentary evidence accompanying the same, that with the impartial and correct line of conduct pursued by your honorable body in relation to claims. From which circumstance your petitioner anticipates a favorable report; and, as in duty bound, will ever pray.

JOHN McDONELL.

DETROIT, *August* 13, 1821.

Claimant files a deed of conveyance from the said Thomas Smith to the said John McDonell, in trust for the above-named minors, for a tract of land containing by admeasurement fifteen hundred and eighty-five acres, butted and bounded as follows, viz: commencing at a post in the northwesterly angle of a tract numbered forty-eight on the line of the Antoine Barron; thence south sixty chains fifty links, to the intersection of the boundary line of Jonathan Shefflin; thence, along the said line, south 84° 39′ west, one hundred and sixty-five chains; thence south 35° 30′ west, sixty-five chains thirty-nine links; thence north 19° 30′ east, sixty-seven chains fifty-one links, to the intersection of said Barron's line; thence south 70° 30′ east, along said line, one hundred and fifty-seven chains, to the place of beginning; dated June 12, 1821.

Claimant files a certified copy of a deed of conveyance from Maria Catharine Bowes St. Cosme, Amable St. Cosme, Dominique St. Cosme, and Theoliste St. Cosme, of all their right to the gore in the forks of the river Ecorces, dated at Detroit May 6, 1787.

Claimant files certified copies of four deeds of conveyance from Etienne Pierre Labadie, Simon Drouillard, Louis Moreceau, Simon Drouillard, jr., of their several improvements on the above tract claimed, and also of all their right, title, &c., to the said Thomas Smith, dated November 25, 1805.

Extract from the records of the former commissioners of 1807.

Simon Drouillard, being duly sworn, deposeth and saith that previous to July 1, 1796, the claimant was in possession and tenanted the premises, and has continued so to this day.

Other affidavits were produced, establishing the occupancy and possession of different parts of said tract by said Smith.

And thereupon the commissioners are of opinion that the original claimant, Thomas Smith, might, with justice and equity, have been confirmed by former land boards to the extent of six hundred and forty (640) acres for each of the said several improvements; but as confirmation was formerly made only to the extent of three hundred and thirty-five acres in the whole, and that, as the present board are advised, embraces, most probably, all the improvements made on the several tracts, therefore the present board do not consider themselves authorized to confirm beyond that which may be the residuum of the one tract heretofore confirmed. The commissioners do therefore confirm to the said John McDonell, as trustee aforesaid, three hundred and five acres, bounded in front by the land heretofore confirmed to said Smith; on the northeastward by lot No. 86, heretofore confirmed to Antoine Barron; and on the southwest by lot No. 113, confirmed heretofore to Jonathan Shefflin; and in the rear by a line drawn parallel to the front line, and extending from the line of said Barron, on the one side, to the line of said Shefflin on the other: this tract to be as nearly as practicable in a square form. And the commissioners do further recommend to the favorable notice of Congress, for confirmation, the residue of said claim not heretofore or now confirmed.

No. 47.—*Joseph Barrian.*

Joseph Barrian now renews his claim to the following tract of land, situated below the river Ecorces; the situation and extent, as well as improvements made thereon, will appear from the testimony; and for which tract he entered his claim in 1808, with Peter Audrain, esq., the register of the land office, but which claim, it appears, was never presented to the land commissioners, or acted upon by them, and which it is presumed was lost or mislaid by the said register; all of which will more fully appear by the accompanying testimony, August 17, 1821; and also that I paid the entrance fees, and also for recording the title papers in support of my claim.

JOSEPH BARRIAN.

TESTIMONY.

John Bpt. Lebeau, being duly sworn, deposeth and saith that the tract of land on which Joseph Barrian now lives, below the river Ecorces, was cultivated thirty years since; that at the time of the arrival of General Wayne's army Joseph Drouillard was in possession of said tract, and had an improvement of about six acres; that said Drouillard sold his possession to Bazil Pepin, and said Bazil Pepin sold the same to Joseph Barrian. The land has been continually cultivated to the present time. Deponent well recollects that about thirteen years ago he came with the said Barrian to the office of the late Mr. Audrain; said Barrian informed him that he was going to enter said land, and pay the entrance fees. Deponent often heard that said Barrian entered said land, and it was always considered, until within a few years, as the land of said Barrian.

Pierre Dellore, being duly sworn, deposeth and saith that the tract of land on which said Barrian now lives, below river Ecorces, was cultivated and improved more than thirty years ago; and at the time of the arrival of General Wayne's army Joseph Drouillard was in possession of said land; that said Drouillard sold his improvements to Bazil Pepin, and said Pepin sold them to Joseph Barrian; that the land has been continually occupied up to the present time. He always understood that the said Barrian entered said land with the register.

Amable Bellau, being duly sworn, deposeth and saith that the tract of land on which Joseph Barrian now lives was cultivated and improved more than thirty years since; that said land, at the time of the arrival of General Wayne's army at Detroit, was occupied and improved by Joseph Drouillard, and by him sold to Bazil Pepin; that said Drouillard had a house on said tract, and five or six acres cleared at that time; that said Bazil Pepin sold two arpents of said land in front, running back, to Joseph Barrian, and four arpents in front, running back, to this deponent, who had quit-claimed all his right to the same to the said Joseph Barrian. Deponent says that the land sold by him to Joseph Barrian has been uninterruptedly occupied and improved to the present time; and further, that he has always understood from said Barrian that he had entered his land about thirteen years since, and supposed it had been confirmed to him until the late survey and public sales.

The manifest ignorance of the claimant, and entire want of all knowledge respecting land matters, being taken into view, and the facts, as stated by him, that in 1808 he did make application to the then

register to enter his claim, and did pay the fees demanded for entering the same, being fully believed; and the commissioners having no doubt that the claim was then entered, but either lost or mislaid, and never presented to the land board in 1808, or to any subsequent board; and that the claimant, supposing the said claim to have been confirmed to him, rested undisturbed in his possession until 1818, when these lands were sold by the government; and it further appearing to this board that, under the late law for the relief of purchasers of public lands, the land claimed, or a greater part thereof, has been *relinquished*, and is now the property of the United States, therefore this board do confirm to the said Joseph Barrian such quantity of land, being part of fractional sections Nos. 20 and 21, as shall be included between a prolongation of the south line of the tract, containing (126.28) one hundred and twenty-six acres and twenty-eighth hundredths of an acre, retained by him and others, and extending to the river Detroit, and the south line of the private claim No. 112, heretofore confirmed to J. B. Le Beau; bounded, also, in front by the river Detroit, and in rear by the east line of said part of said fractional section No. 20, retained as aforesaid, which tract, now confirmed, will contain and is estimated at two hundred and twenty-five acres, more or less.

No. 48.—*Robert Abbott, for himself and in behalf of the heirs of James Abbott, deceased.*

The undersigned, for himself and in behalf of the heirs of the late James Abbott, deceased, begs leave to submit to the consideration of the commissioners a tract of land entered with the former commissioners on September 11, 1805, recorded in volume 1, page 257, situated on the river a La Cannor and Detroit, about ten miles below this place, and, in addition to the evidence already on record, and in further support of the claim, encloses the deposition of Michael la Chorite.

ROBERT ABBOTT,
For himself and in behalf of the heirs of James Abbott, deceased.

DETROIT, *June* 5, 1821.

The volume now numbered 3 was formerly numbered 1. Original entry, volume 3, page 257, and volume 5, page 39, of the record of said former commissioners. This claim is taken up in the words and figures following, to wit:

"This tract contains, by estimation, two thousand two hundred acres, it being fifteen acres in front by one hundred and fifty in depth; bounded in front by river Detroit, in rear by unconceded lands, below by the river a La Cannor, and above by unconceded lands."

James Howard testifies that this tract was occupied in 1785 and considerably improved, but that the tenant was driven off by the Indians.

In volume 7, page 127 of said records, the claim is again taken up by the commissioners, and Israel Ruland brought forward in evidence, who swears that in 1796 James Abbott was in possession of said tract; and that, from time to time, since said 1796, deponent has occasionally seen people working on the premises, and that he knows of no other claim thereto.—(See also volume 7, page 138, where it is ultimately postponed.)

Testimony filed at the renewal of the claim in 1821.

Michael la Chorite, being duly sworn, deposeth and saith that he cannot exactly recollect the time when James Abbott, deceased, placed a man upon the land heretofore described, which person said he was placed there by James Abbott as a tenant, but thinks it was as much as thirty years ago. The land on which this tenant was placed is situate on the river a La Cannor. There might have been an acre and a half of ground under improvement; he saw an orchard there in 1789. He does not know of any persons living on said premises after he saw said orchard last, until he himself went there to live, which was four years ago in June next. He raised a crop thereon in 1817, and removed from said place in the latter part of said year. He recollects to have seen a house on said place a short time previous to the late war. He knows that the contractor had permission from Mr. Abbott to enclose a small part of this land for the purpose of keeping his cattle from going astray. This was about three years before the war. It has always been the belief of people, since he first knew the place, that Mr. Abbott owned a large tract there; he never knew that any other person claimed this tract, and that Mr. Abbott always claimed it.

The commissioners, after a careful investigation of all the testimony adduced before the former boards of commissioners, together with that adduced before the present board, do find, but for what reasons they pretend not to determine, that this claim was postponed by the board in 1810. The present board express their full conviction of the strong equitable grounds for the confirmation of this claim to the extent allowed by law—six hundred and forty acres; but they find an insuperable barrier to such confirmation arising out of the fact that all or most of the lands embraced by this claim have been *sold* by the government. This board can, therefore, only express their earnest recommendation that the claimants be confirmed by Congress in a tract of land containing six hundred and forty acres, to be located upon such of the public lands adjacent to the lands claimed as may have been offered for sale and remain unsold at the time said claimants may be authorized to locate their claim; and cause the same to be surveyed or otherwise sufficiently designated to the register of the land office at Detroit, so as to enable him, the said register, to issue a patent certificate for the same.

No. 49.—*John R. Williams.*

John R. Williams, in behalf of himself and the other heirs of the late Thomas Williams, deceased, hereby renews his entry of claim made to a former land board for a certain tract of land situate upon the Detroit river. He claims title by virtue of the ancient occupancy and possession of Thomas Williams, deceased, his late father. The claimant also submits to the commissioners that the death of his father at a period when all the heirs were minors and very young sufficiently accounts for the long interruption in

the possession and improvements of the lands claimed. And claimant further begs the commissioners that should they, by virtue of the limited powers under which they feel themselves bound to act, find it beyond their authority to report a confirmation, in such case to give such favorable representation of this claim as will enable him to present it to Congress upon such strong grounds as its justice and equity, in his opinion, merits.

TESTIMONY.

James Campau, being duly sworn, deposeth and saith that in 1781 or 1782 he was present and heard a conversation between Thomas Williams, late of Detroit, deceased, and Joseph Bondie, sr., by which he understood that Mr. Bondie had improved a tract of land, then owned by Thomas Williams, at Montguago; and that a short time before the decease of the said Thomas Williams deponent heard him say that he had a good encouragement to settle the lands, having sent his deed to Albany, and taking the advice of his friends in relation to the views and policy of the government of the United States on that subject; that Mr. Williams claimed a large tract of land at Montguago.

Gabriel Godfroy, being duly sworn, deposeth and saith that about thirty-eight years ago Joseph Bondie and three of his sons settled on and occupied a tract of land now called the settlement of Montguago, and the same that has since been purchased from the United States by Major General Alexander Macomb, and by Thomas Cowles, and perhaps some others; that the said Bondie settled said tract of land under a claim of the late Thomas Williams, esq., from whom the said Bondie purchased the said lands as was then reported and understood; and that, to the best of his recollection, one of the sons of said Bondie occupied said land near three years successively. Deponent does not know what quantity of land was embraced in the claim of the said Thomas Williams, but understood it to be a large tract. During the time of the occupancy of said Bondie improvements to some extent were made upon the lands—a part of the same fenced and enclosed, &c.

Dominique Bondie, being duly sworn, deposeth and saith that his brothers occupied the lands now possessed by Thomas Cowles upwards of thirty years ago; which lands they then held in virtue of a claim derived from the late Thomas Williams, deceased. Deponent understood that his father and brother had purchased the said land, but owing to some difficulty with the Indians they gave up the lands without fulfilling the contract on their parts.

The commissioners are of opinion that the foregoing statements in the notice of claim are strictly true, and do therefore recommend this matter to the favorable notice of Congress. The authority vested in the board, however, forbids a confirmation of this claim by them.

No. 50.—*The legal heirs and representatives of John Askin, deceased.*

The legal heirs and representatives of John Askin, deceased, renew the entry made by the said John Askin with the former commissioners, recorded in volume 2, page 273, of the records of the former commissioners.

MARCH 1, 1805.

Take notice that I claim title to a tract of land situate at Montguago, opposite Grosse Isle, granted to the late Paul Gambier, of Post Vincent, by Monsieur Belestre, the French commandant at Detroit.

JOHN ASKIN.
SIBLEY & WHITNEY, *Attorneys for heirs.*

The REGISTER *of the Land Office at Detroit.*

DETROIT, *September* 20, 1821.

The grant or deed from said commandant is recorded in vol. 2, page 279.

When said Askin's claims were presented before the commissioners for the purpose of getting them recorded in their books, for their information he stated, in relation to this claim, that he obtained this tract of land from said Gambier by a judgment.

The commissioners decided that as no testimony was adduced before the board of 1805, when this claim was first entered, and as no testimony has since that period been produced in support thereof, this claim is *rejected.*

No. 51.—*Sarah Macomb, executrix, &c., of William Macomb, deceased.*

For the testimony in support of the several claims following, situated upon Grosse Isle, see the same subjoined at the close of all the claims.

LAND OFFICE, *November* 28, 1818.

On Wednesday, the third day of August, eighteen hundred and eight, the commissioners of the land office at Detroit confirmed to John, William, and David Macomb, the heirs and legal representatives of William Macomb, deceased, lot No. 553, situate, lying, and being on Grosse Isle, on the border of the river Detroit, containing six hundred and forty acres by the return of the surveyor. In pursuance of the act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Sarah Macomb, administratrix and executrix of the last will and testament of William Macomb, deceased, do enter the rear of said farm so as to extend it to eighty arpents in depth, French measure.

SARAH MACOMB.

In the case of the claim of the heirs of William Macomb, deceased, to the lot or tract of land containing,

by estimation, five hundred and eighty-three acres, (583,) situate on the western border of Grosse Isle, bounded on the north by the lot or section heretofore confirmed and No. 555, on the west by the river Detroit, on the east by the lots or sections heretofore confirmed and numbered 552 and 553, and on the south by the lot or section heretofore confirmed, and numbered 554, the commissioners do decide that the said tract or parcel of land be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, to the said Mrs. Macomb her rights of dower therein.

No. 51.—*The legal heirs of John Macomb.—Claim for same tract as the preceding entry.*

DETROIT, *November* 30, 1818.

SIR: The legal heirs of John Macomb, otherwise John W. Macomb, deceased, make entry and claim title under the act of Congress of April 23, 1812, and revived and enforced by the act of March 3, 1817, to the vacant land lying in the rear of a tract of land on the Detroit river, on what is called Grosse Isle, numbered on the map of Aaron Greely 553, and containing six hundred and forty acres, more or less; and which said tract of land was granted to John, William, and David Macomb, by patent, in the lifetime of said John, and after his death, by division of land, assigned to the heirs of John Macomb, to hold in severalty; which said vacant land claimed lies in rear of said land, No. 553, and northerly thereof, and is a part of said Grosse Isle.

SOLOMON SIBLEY, *Attorney and agent for the legal heirs of John Macomb.*

The REGISTER *of the Land Office in the district of Detroit.*

In the case of the claim of the heirs of William Macomb, deceased, to the lot or tract of land containing, by estimation, 583 acres, situate on the western border of Grosse Isle, bounded on the north by the lot or section heretofore confirmed, No. 555, on the west by the river Detroit, on the east by the lots or sections before confirmed, and numbered 552 and 553, and on the south by the lot or section heretofore confirmed, and numbered 554, the commissioners do decide that the said tract or parcel of land be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, to the said Mrs. Macomb her rights of dower therein.

It will be observed that this is a mere repetition of the decision made on the next preceding claim, being for the same tract of land.

No. 51.—*John A. Rucker.—Claim for the same tract as the preceding entries.*

DETROIT, *November* 30, 1818.

SIR: John A Rucker, assignee of John Macomb, otherwise called John W. Macomb, enters and claims title to the land lying in the rear of a certain tract of land lying on the river Detroit, on what is called Grosse Isle, numbered 553, according to the map of survey made by Aaron Greely, and contains six hundred and forty acres, more or less; which said tract of land was granted to the said John, William, and David Macomb, in the lifetime of said John, and by said John assigned to the said John A. Rucker, and, by division of the lands of said John, David, and William Macomb, assigned to the said John A. Rucker, to hold in severalty; which said land, so claimed to be confirmed in, is vacant, and lies in the rear of said tract of land numbered 553, and the claims to be confirmed therein by an act of Congress of April 23, 1812, revived and enforced by the act of March 3, 1817.

SOLOMON SIBLEY, *Attorney and Agent,*
For JOHN A. RUCKER.

The REGISTER *of the Land Office at Detroit.*

In the case of the claim of the heirs of William Macomb, deceased, to the lot or tract of land containing, by estimation, three hundred and eighty-three acres, situate on the western borders of Gross Isle, bounded on the north by the lot or section heretofore confirmed, No. 555, on the west by the river Detroit, on the east by the lots or sections heretofore confirmed, and numbered 552 and 553, and on the south by the lot or section heretofore confirmed, and numbered 554, the commissioners do decide that the said tract or parcel of land be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, as is mentioned in the previous decision upon this tract, it being the same tract as that decided upon in the last two preceding cases.

No. 51.—*Alexander Macomb.—Claim for the same tract as the preceding entries.*

LAND OFFICE, *November* 28, 1818.

On Wednesday, August 3, 1808, the commissioners of the land office at this place confirmed to John, William, and David Macomb lot No. 555, situate, lying, and being on Grosse Isle, on the border of the river Detroit, containing, by the return of the surveyor, six hundred and forty acres, and being in depth only fifty-five chains, or eighteen and one-half arpents, French measure. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Alexander Macomb, as agent of David B. Macomb, do enter the vacant land adjacent to the tract confirmed as above, so as to obtain the donation offered by the acts of Congress above quoted, and is bounded as follows: beginning at the southwest corner of tract No. 555; thence running east, fifty-one chains, on the southern

line of the aforesaid tract, No. 555; thence south, on the west border of tracts Nos. 552 and 553; thence west, on the north border of tract No. 554, to the water's edge; thence up stream, on the border of river Detroit, to the place of beginning, containing 583.16 acres by the survey in the land office.

ALEXANDER MACOMB.

The commissioners do decide that the said tract or parcel of land be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, to the said Mrs. Macomb her rights of dower therein. This claim, it will be observed, is still for the same tract, No. 51, heretofore decided upon.

No. 52.—*Sarah Macomb, executrix, &c., of William Macomb, deceased.*

LAND OFFICE, *November* 28, 1818.

On Wednesday, August 3, 1808, the commissioners of the land office at Detroit confirmed to John, William, and David Macomb lot No. 554, situate, lying, and being on Grosse Isle, on the border of the Detroit river, containing, by the return of the surveyor, 639.05 acres. In pursuance, therefore, of an act of Congress passed April 23, 1812, and revived by a subsequent act passed March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Sarah Macomb, executrix of the last will and testament of William Macomb, deceased, do enter the land which is vacant and adjacent to the above-quoted farm, No. 554, which is only forty-nine arpents, French measure, in depth, the following tract, commencing at the east corner of the tract 554; thence running west along said tract, one hundred and four chains, to the river Detroit; thence, following the said river south-south-eastwardly, to the place of beginning, containing, by the return of the surveyor, three hundred and sixty-two acres.

SARAH MACOMB.

In the case of the claim of the heirs of William Macomb, deceased, to this tract of land, containing, by estimation, three hundred and sixty-two acres, situate at the lower or southern extreme of Grosse Isle, bounded on the north by the tract or section heretofore confirmed, No. 554, and on all other sides by the Detroit river, the commissioners decide that the said tract be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, to the said Mrs. Macomb her rights of dower therein.

No. 52.—*The heirs of John Macomb, deceased, for the same tract as described in the last preceding claim.*

DETROIT, *November* 30, 1818.

SIR: The legal heirs and representatives of John Macomb, otherwise John W. Macomb, deceased, make entry of claim and title under the act of Congress of April 23, 1812, revived and continued in force by the act of March 3, 1817, to the vacant lands in rear and adjoining to a certain tract of land situate on the Detroit river, upon what is called Grosse Isle, and granted to the said John, William, and David Macomb in the lifetime of said John, and, since the death of said John, by a division of their land, assigned to the heirs of said John, to hold in severalty, which, on the map of survey made by Aaron Greely, is numbered 554, and containing six hundred and forty acres, more or less; which said vacant land, so claimed by said heirs, lies to the south and west of said lands, numbered 554, and embrace a part of Grosse Isle, Isle Celeron, Hickory island, and Calf island.

SOLOMON SIBLEY,
Agent and Attorney for the heirs of John Macomb, deceased.

The REGISTER *of the Land Office at Detroit.*

In the case of the claim of the heirs of William Macomb, deceased, to this tract of land, containing, by estimation, three hundred and sixty-two acres, situate at the lower or southern extreme of Grosse Isle, bounded on the north by the tract or section heretofore confirmed, No. 554, and on all other sides by the Detroit river, the commissioners decide that the said tract be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, to the said Mrs. Macomb her rights of dower therein.

This decision is the same, and for the same tract as the previous one; and it will be observed that the islands above claimed are also confirmed to Mrs. Sarah Macomb, in trust, &c.—*Vide postea.*

No. 52.—*John A. Rucker, assignee, &c., for the tract described in the last two preceding entries.*

DETROIT, *November* 13, 1818.

SIR: John A. Rucker, assignee of John Macomb, otherwise called Jno. W. Macomb, makes claim of title and entry of the land in the rear of a certain tract of land confirmed and granted to John, William, and David Macomb, situate on the river Detroit, called Grosse Isle, being numbered on the map of survey made by Aaron Greely 554, and containing six hundred and forty acres, more or less; which said tract of land was assigned to the said John A. Rucker by the said John Macomb in his lifetime, to hold in common with William and David Macomb, and which afterwards, on division of certain lands, was assigned to the said John A. Rucker, to hold in severalty, which said land he claims is vacant and unconceded, and lies adjoining to said tract No. 554, in rear thereof to the westward, which tract he claims, embracing a part of Grosse Isle, Hickory island, Isle Celeron, and Calf island, to be confirmed by the act of Congress of April 23, 1812, revived and continued in force by the act of Congress of March 3, 1817.

SOLOMON SIBLEY, *Agent and Attorney for John A. Rucker.*

The REGISTER *of the Land Office at Detroit.*

In the case of the claim of the heirs of William Macomb, deceased, to this tract of land, containing, by estimation, three hundred and sixty-two acres, situate at the lower or southern extreme of Grosse Isle, bounded on the north by the tract or section heretofore confirmed, No. 554, and on all other sides by the Detroit river, the commissioners decide that the said tract be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, to the said Mrs. Macomb her rights of dower therein. It will be observed that the remark applied to the last case also applies to this.

No. 52.—*Alexander Macomb.—On Grosse Isle.*

APRIL 16, 1817.

SIR: In pursuance of the act of Congress passed ———, I do hereby enter with you a tract of land lying on the lower end of Grosse Isle, containing, by admeasurement, three hundred and sixty-two acres, bounded as follows: beginning at the southwest angle of a tract confirmed to John, William, and David Macomb; thence, on the line of said tract, east 104.22 chains, to the east side of said island; thence, along the water's edge, southwardly, to the mouth of Reedy creek; thence northwestwardly, to the place of beginning.

ALEXANDER MACOMB.

PETER AUDRAIN, Esq., *Register of the district of Detroit.*

The commissioners decide that the said tract be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, to the said Mrs. Macomb her rights of dower therein. This is a fourth claim for the same tract; the decision is therefore the same.

No. 53.—*The heirs of John Macomb.—Claim to certain islands in the Detroit river, adjacent to Grosse Isle.*

DETROIT, *November* 20, 1818.

SIR: The legal heirs of John Macomb, otherwise John W. Macomb, make claim and title, jointly, of and to the land in rear of a tract of land lying up the Detroit river, situate on Grosse Isle, and on the map of Aaron Greely is numbered 552, and contains six hundred and forty acres, more or less, in pursuance of the provisions of the act of Congress of April 23, 1812, revived and enforced by the act of Congress of March 3, 1817; and which said land thus claimed lies in rear and contiguous to said tract numbered 552, and is commonly known by the name of Stoney island, Sugar island, and Fox island; which said tract of land numbered 552 was granted by patent to John, William, and David Macomb, and after death assigned, by division, to the heirs of said John Macomb, to hold in severalty.

SOLOMON SIBLEY,
Attorney and Agent for the heirs of John Macomb.

The REGISTER *of the Land Office at Detroit.*

In the case of the claim of the heirs of William Macomb, deceased, to the islands adjacent to Grosse Isle, and situated in the Detroit river, called Sugar island, Hickory island, Fox island, Isle Celeron, and Calf island, containing in the whole, by estimation, three hundred and sixty acres, more or less, the commissioners decide that the said islands be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, to the said Mrs. Macomb her rights of dower therein.

No. 53.—*Alexander Macomb.—Stoney island, in the river Detroit.*

DETROIT, *February* 23, 1817.

SIR: I do hereby make entry of a certain tract of land situate opposite to Grosse Isle, in the said district of Detroit and Territory of Michigan, in the river Detroit, known by the name of Stoney island, which is bounded as follows: by the river Detroit on all sides, and contains one hundred and sixty acres; it lies opposite to a tract or section on Grosse Isle confirmed to John, William, and David Macomb.

ALEXANDER MACOMB.

The REGISTER *of the Land Office of the district of Detroit, in the Territory of Michigan.*

It appears to the commissioners that the island above claimed has been disposed of heretofore by a special act of Congress.

No. 53.—*Alexander Macomb.—Sugar island.*

DETROIT, *March* 27, 1817.

SIR: I do hereby make entry with you of a certain tract of land lying in the Detroit river, in the district of Detroit, in the Territory of Michigan, known by the name of Sugar island, being opposite to an island in the said river Detroit called and known by the name of Hickory island, which said tract of land is bounded on all sides by the river Detroit, and contains fifty acres, more or less.

ALEXANDER MACOMB.

The REGISTER *of the Land Office of the district of Detroit.*

The commissioners decide that the said island be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, to the said Mrs. Macomb her rights of dower therein. See previous decision, embracing this and other islands adjacent thereto.

No. 53.—*Alexander Macomb.—Hickory island.*

DETROIT, *March* 6, 1817.

SIR: I do hereby enter with you all that certain tract of land lying and situate in the river Detroit, known by the name of Hickory island, and is bounded as follows, viz: by the river on all sides, and contains, by actual measurement, one hundred and thirty-seven acres, and is so stated in the government survey; the same being in the district of Detroit and Territory of Michigan.

ALEXANDER MACOMB.

The REGISTER *of the Land Office at Detroit, in the Territory of Michigan.*

The commissioners decide that the said island be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, to the said Mrs. Macomb her rights of dower therein. See the remark last above.

No. 53.—*Alexander Macomb.—Isle Celeron.*

DETROIT, *March* 28, 1817.

SIR: I do hereby make entry with you of a certain tract of land called and known by the name of Isle Celeron, in the river Detroit, in the district and Territory aforesaid, containing, by admeasurement, one hundred and fifty acres, more or less.

ALEXANDER MACOMB.

PETER AUDRAIN, Esq.,
Register of the Land Office for the district of Detroit, in the Territory of Michigan.

The commissioners decide that the said island be confirmed to Mrs. Sarah Macomb, widow of the late William Macomb, deceased, in trust for the use of the children and legal representatives of the said William Macomb, deceased, saving, however, to the said Mrs. Macomb her rights of dower therein. See the foregoing decision, embracing this island with the others adjacent.

No. 54.—*Sarah Macomb.—Northern end or head of Grosse Isle.*

DETROIT, *March* 23, 1818.

On Wednesday, August 3, 1808, the commissioners of the land office at this place confirmed to John, David, and William Macomb, the heirs of William Macomb, deceased, lot No. 549, situate, lying, and being on Grosse Isle, on the border of the river Detroit, containing, by the return of the surveyor, six hundred and forty acres.

In pursuance, therefore, of the act of Congress passed April 23, 1812, and revived by a subsequent act of March 3, 1817, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," I, Sarah Macomb, executrix of the last will and testament of William Macomb, deceased, do enter the vacant land lying and being adjacent to the said tract, which vacant land is bounded as follows: beginning at the northeast border of tract No. 549, where it touches the river Detroit; then running on the water's edge one hundred chains; thence, across the marsh, west twenty-five chains; thence, along the water's edge, south, till it strikes the northwest corner of tract No. 549; thence, following the bounds of said tract, to the place of beginning, containing 500 acres.

SARAH MACOMB.

The commissioners, upon the subsequent testimony of Edward McCarty respecting the early, long-continued, and uninterrupted possession and improvements made upon Grosse Isle, do confirm this tract as claimed, be the quantity more or less, provided, however, that the tract here claimed shall not exceed 640 acres; and provided also that the lines of the tract hereby confirmed shall not interfere with the lines of the small tract or gore of land claimed in the entry next following by Simon Perkins, and recommended by this board for confirmation to said Perkins.

No. 55.—*Simon Perkins.—Grosse Isle, in river Detroit.*

DETROIT, *September* 28, 1821.

The claim of Simon Perkins, of Warren, in the State of Ohio, respectfully showeth: That the said Simon Perkins is the proprietor of two certain tracts and parcels of ground on Grosse Isle, (so called,) in the county of Wayne and Territory of Michigan, to wit: sections number one and number three, recently owned by Gideon Leet.

The said claimant is desirous of obtaining, according to the provisions of the laws of the United States in such case made and provided, a confirmation of his title to certain lands lying betwixt the above-mentioned tracts and the river Detroit, which lands, at the time of the original survey, were either covered with water or considered of so little value as that they were omitted in said survey; and, by a recent recession of the waters from said tracts of land, the said land claimed is, in a great measure, cut off from the privilege of said river Detroit, except by crossing said unsurveyed strip of land lying, as aforesaid, between said sections numbered one and numbered three. The said claimant, therefore, respectfully submits to the said commissioners his petition in the premises, and prays a confirmation of his title as aforesaid.

SIMON PERKINS,
By his special Agent and Attorney, John J. Deming.

The UNITED STATES LAND COMMISSIONERS, *sitting to decide upon claims within the district of Detroit.*

DETROIT, *May* 20, 1821.

It is satisfactorily shown to this board that the above-named claimant, Simon Perkins, is the assignee of the above-described tract of land, to which he derives title from John, William, and David Macomb.

It appears to the commissioners that the above Simon Perkins is entitled to a confirmation to that gore or narrow piece of ground intervening between the tract of land now owned by him, as the assignee of John, William, and David Macomb, and which gore or small tract of land is considered by the board as forming a part of said original tract, as it would seem to be excluded in the preceding entry of Mrs. Macomb, who does not appear to embrace this gore in her claim; the commissioners, therefore, in virtue of the long-continued and uninterrupted possession of those under whom Simon Perkins derives title, would respectfully recommend this, his claim, for confirmation.

The undersigned, acting for himself, as assignee of William Macomb, and for the other legal representatives of William Macomb, deceased, the father of the said William Macomb, begs leave to call the attention of the board to claims numbered 556, 557, in vol. 6, pages 130, 131, 132, 133, 134, 135, of the proceedings of the commissioners, which have been duly entered with the board, and evidence adduced in support thereof, which the undersigned views as conclusive testimony of the possession, occupancy, and improvement contemplated by the act of Congress, and prays the consideration thereof by the board. In addition to the evidence adduced in support of these claims, and in support of his claims and those of the legal representatives of the said William Macomb, deceased, to his and their claims to the upper or north end of Grosse isle, to Isle Celeron, to Hickory island, and to Sugar island, to Fox island, and to Calf island, brings forth Edward McCarty as a witness, who can testify to the possession, occupancy, and improvements of the tracts claimed, and prays that he may be sworn. The last-mentioned tracts have also been duly entered, and are on file with the register.

ALEXANDER MACOMB.

TESTIMONY.

Edward McCarty, being duly sworn, deposeth and saith: I, Edward McCarty, came to Detroit in the year 1784, in the month of August, and was employed by Mr. William Macomb; and in the year following a number of families were settled on Grosse Isle by Mr. William Macomb. About the beginning of September, Mr. Fry, the deputy surveyor, received an order to survey the island, and I accompanied him all round the whole island, laying off the same into farms of seven acres front, except that at the head of the island, which was occupied by one Thomas Williams, who was the first settler on the island, which lot commenced at the northeast or upper end of the thoroughfare; thence running west across the island, and taking in the whole of the point, and was called No. 1. Thomas Williams made his settlement on the meadows at the head of the island, a considerable distance above where Mr. Leet now lives, and afterwards improved the very spot where Mr. Leet now resides, by building a house thereon, and making fields and clearing. That the next lot, which was No. 2, was left vacant for the use of the mill; but ten acres were cleared and enclosed for meadows for the use of the horses employed at the mill. The next lot must be No. 3, on which one Stofflemger lived, and is the same lot on which Mr. William Macomb, the son of William Macomb, the proprietor, now lives. The next lot is No. 4, on which one Scratch lived, and is the same on which the mansion house was built, which house was occasionally occupied by Mr. Macomb and his family while collecting the rents. The next lot must be No. 5, on which one Mungee lived; and afterwards, in the year 1788 till 1796, I lived on lot No. 5. The next lot, No. 6, was occupied by one Peter Mallet. The next lot, No. 7, was rented to John Cray. The next lot, No. 8, was rented to William Lockart. The next, No. 9, was settled by John and Robert Jones. The next lot, No. 10, was rented to and occupied by one Jacob Jar, who now resides in Canada. It was the lime-kiln lot, and was used only for the purposes of making lime thereon. The next lot was No. 11, and was improved by one Hyer, a Dutchman. The next lot, No. 12, was settled by Wolf. The next, No. 13, (the house occupied by Mr. David Macomb,) was settled by one Snyder. Next lot, No. 14, rented by Jacob Dix. No. 15, by Henry Crow. Then there was no settlement until you get down to Frenchman's creek, at the south or lower end of the island, where one Bpt. Duberry, a Frenchman, settled. Then, on the west side of the island, opposite to Duberry, was one Joseph Terris settled. Then further up was settled Charles Mungee; but on what lot I do not recollect. The next settlement was at the mouth of the thoroughfare, by one John Ireland, and afterwards by one Gill, who came on four years afterwards; and further up was John Heartley; on the lot just above him was settled the son of said Heartley, called also John Heartley; and then, betwixt Heartley and Williams, was settled Joseph Terris, the father of Joseph Terris, at the foot of the island. These settlements were all made and established by Mr. William Macomb in the year 1785, and were the first actual settlers. Since that time others have settled under the direction of Mr. McIntosh, the executor of Mr. William Macomb, who died in the year 1796. The small islands, also, around Grosse Isle were also in possession of Mr. William Macomb at the time I came to the country, viz: Stoney island, Fox island, Sugar island, Hickory island, Isle Celeron, and Calf island. In the year 1785 Thomas Williams and his black man, under the permission of Mr. William Macomb, built a small cabin on Sugar island, and made a small clearing at the head of the island. On Fox island a lime-kiln was constructed for the burning of lime. The islands were always considered as the property of Mr. William Macomb, both by the Indians and the white people. They were used as appendages to Grosse Isle to receive the young cattle belonging to his extensive improvements.

MAY 25, 1821.

On May 25, Edward McCarty sworn, in continuation. After the death of William Macomb, esquire, and in April, 1796, I left the island. Williams went on the upper end of the island in the year 1783, and remained on it until a year or two before the death of William Macomb, esquire, which was in April, 1796. After Williams left the island, his family, or part thereof, remained a year or upwards upon the same place. They remained there until after the death of Mrs. Macomb. After the family of Williams left the island, a man named Allen rented this same place, who placed Jesse Hicks, as his tenant, thereon, in the year 1799, to the best of my recollection, who remained there for several years. In the year 1787 or 1788 Charles Munger remained on the upper end of the island, (where he had lived with Williams,) towards the southwest end of the island, opposite to Walker's, on the American shore, and nearly opposite to Crow's, who lived on the east side of the island. In the fall of 1794 Munger was killed at the action of the Miami, and his family remained on the island until the spring following. After the decease of Mr. Macomb, Mr. McIntosh, executor of the estate of Mr. Macomb, took this tract under his care, and that year or the year following leased the same to one Myers, who remained thereon several years. Bpt. Dube was living on the lower end of the island, near the mouth of Frenchman's creek, when I came to the country in 1784, and remained thereon upwards of six years as the tenant of Mr. Macomb. Almost two years after Dube left this tract Joseph Terris went on to the same end of the island, and made an improvement near where Dube had lived, and remained two or three years or more as tenant of Mr. Macomb, and continued there until it was known that the American troops were about to advance and take possession of the country, when he removed; after which, Mr. Macomb, and, after his death, Mr. McIntosh, as his executor, continued always to exercise ownership, and it was always understood by the inhabitants to be the property of Mr. Macomb, and after his death as belonging to his estate; and further, that Sugar island, Hickory island, Isle Celeron, Fox island, and Calf island, were occupied by Mr. Macomb, or tenants under him, as pasture grounds, as from year to year they had occasion for them, from the time I came to the country until the death of Mr. Macomb.

And further, the said Edward McCarty, having examined a certain chart of Grosse Isle, doth further make affidavit that the same exhibits, according to the best of his knowledge, a true view of the said island, and of the ancient subdivisions thereof, and also of the small islands adjacent thereto.

Testimony adduced before the former commissioners in 1808, *and recorded in volume* 6 *of the records of said commissioners, page* 131; *claim there No.* 556, *and in the proceedings of* 1821, *No.* 51.

J. Gibe was brought forward as a witness and sworn. He says that previous to July 1, 1796, three improvements had been made on the tract in question by tenants of the late Mr William Macomb; that a year or two previous to 1796 the tenants left the premises, and the land has been idle since that time to this day. Three houses had been built thereon, but are decayed.

Angus McIntosh, another witness, being sworn, says that the reason why this tract of land has remained idle sometimes was that no application was made to him by any person to whom he thought worthy of renting. The deponent further saith that he considers that part of the island as much under his protection and care as any part of it.

Jacob Gibe, in support of the claim No. 557, *by the commissioners, December* 23, 1808, *volume* 6, *pages* 133 *and* 134, *which claim is No.* 52 *on the proceedings in* 1821.

Joseph Gibe, being duly sworn, deposeth and saith that many years previous to 1796 the late William Macomb was in possession and tenanted the premises; that eight or ten years previous to 1796 the premises were improved by Charles Munger, as a tenant to William Macomb, to whom he paid the rent; that in the fall of 1794 he was killed, and his wife remained in possession until in the fall of 1795, when she left it; and that from that time until James Mitchell went on, which was three years ago, the land remained idle. Said Mitchell remained thereon one year; since which time it has been occupied by Michael Myers, as a tenant, who pays rent to Mr. McIntosh, as agent, &c. About eight acres are now under fence, and a house erected thereon.—*December* 23, 1808.

Angus McIntosh, being duly sworn, deposeth and saith that the reason of this tract remaining idle sometimes was that no person applied whom he thought worthy to rent it; and further, that he considers this tract as much under his care as any part of the island.—*December* 23, 1808.

The commissioners, upon full and deliberate consideration of the foregoing testimony, adduced in support of the claims made by the several heirs of the late William Macomb, deceased, have felt themselves authorized in making the decisions of confirmation to the widow, as executrix, in trust for the use of the children and legal representatives generally, without considering the precedence of the right of any one heir to the exclusion of the others, and without undertaking to decide the right in nature of back concession to lands situate as these are.

No. 56.—*George McDougall.*

DETROIT, *June* 26, 1821.

GENTLEMEN: Please to take notice that, in pursuance of the several acts of Congress for ascertaining and deciding on claims to land in the Territory of Michigan, I now renew my claim and title to a certain tract of land situated on Sandy creek and Rocky river, in this district, being one of several tracts mentioned and described in a deed of partition, of two parts, existing between the late George Meldrum and myself, which deed is recorded by a former board of commissioners, together with my entry at that time made, reference being had to the journal of their proceedings, volume 1, page 325, &c.; and also of another indenture of agreement and partition of said four thousand acre tract, between the said George Meldrum and myself, dated October 24, 1808, herewith; by virtue of which original entry made in 1805, and partitions, I now claim six hundred and forty acres of land, described and bounded as follows, viz: on the southwest by Sandy creek aforesaid, and fronting on said creek, in rear and on the northeast by Rocky river aforesaid, on the southeast by a tract of land, No. 476, confirmed to George Meldrum, and on the northeast by unconceded lands.

I claim title to the above tract of land by right of purchase and partition as aforesaid, and also of continued possession, occupancy, and improvements thereon, made by me, my tenants, and those from whom I derive title, from a period prior to the first day of July, one thousand seven hundred and ninety-six, to the present time; all which will more fully appear, reference being had to the aforesaid proceedings of a former land board above alluded to, and the testimony there adduced, together with the further testimony which I shall take the liberty to offer.

I am, very respectfully, gentlemen, your most obedient servant,

GEORGE McDOUGALL.

The COMMISSIONERS *of the United States Land Office for the district of Detroit and Territory of Michigan.*

The commissioners having reference to the record of proceedings of a former land board, they appear as follows:

FEBRUARY 6, 1805.—The board took into consideration (volume 1, page 325,) the claim of George McDougall and George Meldrum, in the words following, to wit:

DECEMBER 28, 1804.

SIR: Please receive, for the purpose of entering in your office, titles for a tract of land, and the plat thereof, herewith, which was purchased from François Pepin by George Meldrum and George McDougall, the subscribers, on September 8, 1797. The deed of said Pepin is recorded by the said board, by which said Pepin, for and in consideration of £1,751 18s. 6*d.*, New York currency, conveyed to said McDougall and Meldrum all his right, title, and interest to a certain tract of land, containing 4,000 arpents, being 40 arpents in front upon Lake Erie, beginning at the southern border of Rocky river; thence, in a southern direction, down the border of Lake Erie 40 arpents, and supposed to extend to the northern bank of Sandy creek, and extending in depth by the meanders of said Rocky river 100 arpents, the southern line being of like depth, as per the plat accompanying the said claim, which also exhibits the several improvements on said tract, containing a grist-mill and saw-mill, and sundry other distinct and several improvements. Allusion is also made in the said proceedings of the former board to a deed of partition made and duly executed by the said McDougall and Meldrum, the original of which is presented to this board. An article of agreement, dated October 24, 1808, between the said McDougall and Meldrum, and duly executed by the parties, was also presented, by which it appears that an alteration in said partition was made, by which said alteration the tract now claimed belonged to the said McDougall, and of this fact the commissioners are satisfied. By virtue of the improvements made on certain parts of this large tract two tracts appear to have been confirmed, one to said McDougall and another to Meldrum, as will appear, reference being had to the proceedings of a former land board, Nos. 476 and 56. It also appears from the proceedings of said former board in November, 1805, volume 1, pages 192 and 193, that said McDougall purchased from sundry French settlers, for the sum of £102 16s., New York currency, all their right or title, by virtue of said improvements, to four several tracts, being parts of the aforesaid large tract, as fully appears upon the said record of proceedings where the conveyances of the said French settlers to said McDougall are referred to and recorded at length on pages 194 and 195 of said volume 1; these purchases being made as is there mentioned, page 193, by the said McDougall, with the view of quieting all conflicting claims and of securing to the said McDougall the undisturbed possession and title to said lands.

Claimant also adduced to this board the following additional testimony in support of his present claim to show the improvement and continued occupancy thereof as a distinct claim or tract from that heretofore confirmed.

Pierre Ducheine, being duly sworn, deposeth and saith that, relative to the claim of George McDougall to a certain tract of land situate between Sandy creek and Rocky river, in the late county of Wayne, now called the county of Monroe, in said Territory, which is adjoining to, and situate above, the farm on Sandy creek aforesaid, appertaining to the heirs of Josine Linfont, now deceased, and bounded on the southeast by a tract of land confirmed to George Meldrum, deceased, that part of said tract of land so claimed by said George McDougall was occupied and improved on the border of said Sandy creek by one Alexis Guy, now deceased, as a tenant for the said George McDougall, prior to the year one thousand seven hundred and ninety-six; and that the said Guy continued in the occupation thereof, under the said George McDougall, until he was driven away from thence by the Indians at the time all the inhabitants settled in the vicinity, on the river Raisin, had to fly for their lives, shortly after the defeat of the United States troops under Colonel Lewis, at Frenchtown, during the late war with Great Britain. This deponent further saith that there was a house and other buildings then erected on said tract, and about eight or nine arpents of land then under fence and cultivation.

The commissioners having fully examined the records, papers, and proceedings of the former land board, together with all the additional evidence of title adduced to this board, and with much labor and difficulty attending the research, are fully of the opinion that, in virtue of the several distinct improvements made upon the large tract mentioned in this case, a confirmation would have been made upon this tract had claim therefor been properly entered in due time. This board would therefore respectfully recommend for confirmation by the revising power, to George McDougall, the tract of land claimed in the foregoing notice, containing 640 acres, to be located according to the claim, and specially so as to include the improvements as mentioned in the claim and testimony. But should the lands claimed have been sold prior to the time when the said McDougall shall be authorized to have the same located and surveyed, then that said claimant be allowed to locate said claim upon such of the adjacent public lands as may remain unsold. And it is further provided by this board that all the just and equitable rights of all persons whatsoever shall be, and hereby are, expressly reserved by this confirmation; and that the said McDougall shall be considered as receiving and holding the patent (if the same be ultimately confirmed to him) of the President of the United States in trust and for the use and benefit of all such persons as it may appear have the better right to all or any part of said land herein claimed and now recommended for confirmation.

GEORGE HOFFMAN, *Register, &c.*

No. 57.—*The legal heirs and representatives of John Askin.*

The legal heirs and representatives of John Askin, esquire, deceased, renew the entry made by the said John Askin with the former commissioners on the 28th day of October, 1805, recorded in volume 2, page 271, in the words following, to wit:

Take notice that I enter a tract of land called Isle Celeron, below Grosse Isle, being a small sandy island, containing, perhaps, two hundred acres, more or less, by purchase from Bpt. Reaume, in seventeen hundred and ninety-six. The deed of sale I now send you for the purpose of being recorded and to furnish you with further information respecting its situation, boundaries, and extent.

Said deed from said Reaume for said tract of land is recorded in volume 2, page 292, of the records of the former commissioners.

Testimony adduced before the former commissioners, recorded in volume 3, page 171, in the words following, to wit:

John Bpt. Reaume, being duly sworn, deposeth and saith that the sandy island mentioned in claimant's notice, and known by the name of Isle Celeron, was purchased of the Indians by deponent in the year seventeen hundred and ninety; for many years previous to which period, and from that time until the present time, it has been cultivated. There are on this island two cabins, formerly built by the Indians. Deponent, for a valuable consideration, some years ago transferred the said island to the said John Askin. Deponent estimates the superficial contents of the said island at 100 arpents. A writing, purporting to be a grant of said island to said Reaume by the Pottawatomie Indians, in the year seventeen hundred and ninety-six, was also filed and recorded in volume 3, page 172, of the records of the former commissioners.

The commissioners are of opinion that the evidence of claim shown by the heirs of William Macomb, deceased, is entitled to a preference for this island, and have confirmed to the said heirs. This claim is therefore rejected.

No. 58.—*Charles James Lanman, in his own right, and as guardian, &c., for the heirs of V. Solo, deceased.*

Charles James Lanman, in his own right, under V. Solo, deceased, as guardian of Glaude Solo and attorney in fact for Madlin Solo and Catharine Solo, heirs of Pierre Solo, deceased.

To the register of the land office for the district of Detroit:

Take notice that, in right of Vincent Solo, deceased, and as guardian of Glaude Solo, a minor, and in behalf of Madlin Solo and Catharine Solo, all legal heirs of Pierre Solo, deceased, entry is hereby made of a tract of land situate on the north side of the river Raisin, bounded on two sides by land patented by the United States to Jaques and François Lasselle, on one side by the main street, and on the other side by land patented to the legal heirs of Pierre Solo, deceased, containing one acre, or arpent, be the same more or less.

CHARLES JAMES LANMAN,
In his own right, under V. Solo, deceased, &c.

The commissioners having fully investigated the testimony adduced before the former board in 1808, do find to their surprise, judging from the evidence spread upon their records, that the then commissioners did confirm to Jaques and François Lasselle the tract of land of which the above acre purports to have been a part. That land board appears to have had no other evidence of title in the said Lasselle to said tract than a conditional mortgage or deed by the widow of Pierre Solo of all her right; and the said widow, moreover, explicitly avowing that she had no letters of administration upon the estate of her deceased husband, Pierre Solo, or any right whatever to alien the estate of her said late husband from his children or other legal representatives; yet Jaques and François Lasselle seem to have been confirmed in said tract. The present board, under this view of the matter, are therefore of opinion that by said confirmation manifest injury was done to the said heirs or other legal representatives of Pierre Solo, inasmuch as confirmation ought in justice to have been made to them; and the only reason the present board can conjecture why confirmation was not made to the said heirs is, that it does not appear that the said heirs ever entered their claim before the said commissioners in 1808. But, further, as it appears by the allegations of the claimants only, in the succeeding entry made by Thomas Caldwell, as administrator of Jaques Lasselle, before the present board, that this lot or piece of ground was excluded by the patent issued for the said farm, although apparently confirmed by the former commissioners, the present commissioners do not feel authorized to reconfirm or recommend for confirmation this lot of ground to either of the said claimants; yet, if they were allowed to venture an opinion upon the matter, to which they have bestowed more than ordinary attention, the board would certainly incline to admit the claim of the heirs or the representatives of Pierre Solo, deceased.

No. 58.—*The legal heirs and representatives of James Lasselle, deceased.*

To the commissioners of the private land claims for the district of Detroit:

The legal heirs and representatives of James Lasselle, deceased, renew their claim, as heirs of said Lasselle, deceased, to a tract of land containing about one acre, more or less, and including with a centre tract of land lying on the north side of the river Raisin, in the county of Monroe, and making part of a centre farm on said river, numbered on the plan of survey 124, confirmed to James and Francis Lasselle;

and which said one acre of land was excepted out of the patent, as a reservation for military purposes, by the President of the United State, under a misrepresentation made to the President in that behalf.

THOMAS CALDWELL, *Administrator of James Lasselle, deceased.*

(See the decision annexed to the last preceding claim, as both that and the present refer to the same lot of land.)

No. 59.—*The legal heirs and representatives of Jaques Lasselle, deceased.*

DETROIT, *September* 27, 1821.

The legal heirs and representatives of the late Jaques Lasselle, esq., deceased, claim three acres and seven perches in front by one hundred acres in depth, situate on the north border of the river Raisin, bounded in front by said river Raisin, in rear by lands of the United States, on the upper side by lands appertaining at this time to Oliver Johnson, and on the lower side by lands formerly belonging to Richard Pollard; which tract I claim by virtue of purchase, actual settlement, long possession, and valuable improvements.

THOMAS CALDWELL, *Administrator de bonis non.*

TESTIMONY.

Colonel Francis Navarre, being duly sworn, deposeth and saith that Alexander Amittille dit Conplon was a resident on and occupied a farm situate on the north bank of the river Raisin, in the now county of Monroe, of three arpents and several perches, French measure, in front on said river, by one hundred arpents in depth, bounded above, formerly, by Israel Ruland's lands, and below by a farm which has been patented to Richard Pollard, but now the property of Mrs. Sarah Macomb, as is said, for several years before the year 1796, and for several years after, by him, the said Alexander, and others.

Jean Baptiste Cicot, being duly sworn, deposeth and saith that on the twelfth day of July, in the year of our Lord one thousand eight hundred, he sold a lot or parcel of land, situate on the north bank of the river Raisin, to Antoine Campau, of the same place, containing three acres and several perches in front and extending in depth one hundred acres, bounded in front by said river Raisin, in rear by lands of the United States, on the upper side by lands appertaining at this time to Oliver Johnson, and on the lower side by lands formerly the property of Richard Pollard. The said deponent further saith that at the time he conveyed the above-described premises to said Antoine Campau there were about twelve or fifteen acres of land under cultivation, and so continued until the said Campau sold to one Jaques Lasselle, in the year of our Lord one thousand eight hundred and ten.

Claimant, in support of his claim, produces a deed from Jean Baptiste Cicot to Antoine Campau, and also a deed from Antoine Campau to said Lasselle.

The commissioners, having examined the files of the former boards of commissioners, find that Antoine Campau, the then claimant of this tract, did, on the 31st day of October, 1805, make entry of claim to this tract of land, in the words following, to wit: Notice is hereby given that I claim title to a tract of land lying on the north-northeast side of the river Raisin, by virtue of long and uninterrupted possession had thereof by myself and those from whom title to the same is derived, as well as by reason of actual settlement and improvements made thereon. It is bounded as follows, viz: in front by said river, in rear by unlocated lands, on the upper side by lands claimed by Israel Ruland, and on the lower side by lands claimed or in possession of Mr. Richard Pollard, containing four acres or arpents, less three perches, in front by one hundred arpents in depth, it being the same sold and conveyed to me by Jean Baptiste Cicot by his deed executed and bearing date July 12, 1800. I paid him $125 for this piece of land.

ANTOINE CAMPAU.

OCTOBER 31, 1805.

Yet it does not appear, from an investigation of the proceedings of the former boards of commissioners, that this claim was ever taken into consideration by them, as no evidence of such proceedings can be found in their records. Therefore the present board are of opinion that it is properly their province at this time to consider this claim as made in due time and under the provisions of the laws, and that the above claim, entered by Thomas Caldwell in behalf of the heirs of Lasselle, ought to be considered as a renewal of the original claim; and thereupon the commissioners, believing that had this claim been taken into the consideration of the former commissioners it must then have been confirmed, and that the occupancy and improvement of the tract appear as well supported by testimony as in most instances of confirmed claims situate at the river Raisin, do therefore confirm the tract as claimed, provided the heirs thereof do not conflict with the lines of any other tract heretofore, or by the present board, confirmed; and provided, also, that the lines of said tract shall be run parallel from front to rear, and that the width in rear shall not be greater than the width in front; and provided, also, that the lines of said tract shall not interfere or conflict with the lines of any of the public lands surveyed and sold adjacent thereto; and saving, further, all the just or equitable rights of all other persons whatsoever in and to the said tract of land.

No. 60.—*George McDougall.*

SEPTEMBER 21, 1821.

I have the honor of enclosing herewith, for your inspection, a deed from Jeane Baptiste Cicot, sr., to me, my heirs and assigns, for three hundred acres of land, being the same land or lot numbered by the former commissioners No. 694, entered by the said Cicot with said commissioners on October 31, 1805, situate on the south side of the river Raisin, in the now county of Monroe, bounded in front by said river, in rear by the United States lands, on the west by lot No. 208, which has since been confirmed to Richard

Patterson, &c., and on the east by lands claimed by Jaques Godfroy. The proof taken by the former commissioners will show that the tract now claimed ought to have been confirmed to the said Jeane Baptiste Cicot, and his said deed to me will, I trust, entitle me to a confirmation to me, my heirs and assigns, as the assignee of the said Jeane Baptiste Cicot, and a final certificate issued accordingly

GEORGE McDOUGALL.

The COMMISSIONERS *of the United States Land Office for the district of Detroit.*

Jeane Baptiste Cicot's original entry of October 31, 1805, recorded in volume 3, page 98, of the records of the former commissioners, in the words and figures following, to wit:

Notice is hereby given that I claim title to the following tract of land by virtue of long and uninterrupted possession had of it, to wit: a tract of land situate on the south side of the river Raisin, containing three acres in front by one hundred acres in depth, bounded on one side by lands claimed by Gabriel Godfroy, being part of a large tract originally granted to me by the Pottawatomie Indians in June, 1786.

J. B. CICOT.

This claim was taken up November 14, 1805, by the commissioners, and recorded in volume 3, page 98, of their records. It was rejected as not founded upon any legal grant made by the French government prior to the treaty of Paris of February 10, 1763, or upon any legal grant made by the British government subsequent to the said treaty, and prior to the treaty of peace between the United States and Great Britain, or any act of Congress subsequent to said treaty.

This claim was reconsidered in volume 7, page 146, of said records, and the following testimony adduced:

Israel Ruland, being duly sworn, deposeth and saith that previous to the year 1796 claimant was in possession of the premises, which he then caused to be cultivated, and has continued to do so till now, July 18, 1810. This claim was then finally postponed.

George McDougall, the present claimant, presents a deed of conveyance of the above-described tract from Jeane Baptiste Cicot, pere, dated June 25, 1821.

Satisfied of the validity of this claim upon the testimony, and that it was occupied, cultivated, and improved, according to the requisitions of the law, this board were prepared to confirm this claim; but the investigations of the board having led to the suspicion that Greely had, in a manner not sufficiently explained, comprehended the whole of this tract within his survey of the land confirmed to Gabriel Godfroy, the board deem it expedient to postpone the case for further testimony and advice.

No. 61.—*The legal heirs and representatives of James McGill, deceased.*

The legal heirs and representatives of James McGill renew their entry made by John Askin for and in behalf of said James McGill, entered with the former commissioners in vol. 3, page 135, which said lot was sold and assigned by said John Askin, deceased, to said James McGill, deceased; and they claim by the possession, occupancy, and improvement of the assignor, and those from whom said Askin purchased.

HUNT & LARNED,
Attorneys to the heirs and legal representatives of James McGill.

DETROIT, *September* 28, 1821.

Original entry.

Recorded in volume 3, page 135, of the records of the former commissioners, in the words and figures following, to wit:

John Askin, sr., in behalf of James McGill, merchant, of Montreal, claims the following tract of land, with the houses and improvements thereon, to wit:

Two and one-half acres, French measure, in front and rear by one hundred deep, on the north side of river Raisin, fronting said river, by purchase from said J. Askin, sr.

JOHN ASKIN,
For JAMES McGILL.

OCTOBER 31, 1805.

Testimony filed with the commissioners in 1821.

Francis Navarre, being duly sworn, deposeth and saith that on the tract above described, entered with the former commissioners about the year 1788 or 1790, Isaac Gognier, a tenant, had a house and barn upon the farm, and cultivated about ten acres; that said Gognier lived on the premises about eight or nine years; that he was informed by said Gognier that he was about selling said land and improvements to John Askin, sr., and he was afterwards informed that he had sold the same to Mr. Askin. After the sale to Mr. Askin, different people residing near said lands cultivated them; deponent does not know whether by the permission of Mr. Askin or not.—*September* 28, 1821.

François Navarre, being duly sworn, deposeth and saith that in the year 1792 Antoine Bourgard was in possession and occupancy of a tract of land situated on the north border of the river Raisin, bounded on the west by lands belonging to Isaac Gognier, and on the east by a tract of land belonging to John Askin, deceased; and that the said Bourgard built a house and made a field of about three arpents, on which he, this deponent, has seen corn planted; and further, that the said Bourgard remained several years on the said land after July 1, 1796; and that said Bourgard claimed said land.

Dominique Drouillard, being duly sworn, deposeth and saith that previous to the year 1790 he, this deponent, has a perfect knowledge that a tract of land situate on the north side of the river Raisin, of three arpents in front and one hundred and twenty arpents in rear, bounded on the west by the farm of Jaque Gognier, and on the east by the farm of Antoine Bourgard, which was then claimed by Isaac Gognier; and further, that the said Isaac occupied and improved said land for several years previous to that period, built a house, fences, &c. This deponent further states that he heard the said Gognier say that he had sold the said land to John Askin, and never to his knowledge has any other persons claimed said land,

except said John Askin; and further, that all the tract of land between the said Bourgard and Joseph Hivon was considered as the property of the said John Askin, who, this deponent believes, obtained it from Charles and Baptiste Reaume.

John Anderson, being duly sworn, deposeth and saith that in the year 1794 deponent was on the river Raisin, and was told by Charles Reaume, then living there, that all the lands between his farm and that of Isaac Gognier, on the north side of that river, belonged to the late John Askin; and deponent further saith that about the year 1803 he was living on river Raisin, and then acting as magistrate; and further, this deponent states that Lewis Bond, of said river Raisin, was, in said year, acting as agent for the said John Askin in relation to his lands on said river, and that the said agent brought a suit against two individuals for trespassing by cutting and carrying away timber from said land, and did receive judgment against said individuals; and this deponent further saith that he understood the said Askin had disposed of the aforesaid tract of land to Isaac Todd and James McGill, and does not know, nor did he hear of any other person having any claim to said lands until a year or two past; and this deponent further saith that there were clearings on the different parts of the aforesaid tract of land; and further the deponent saith not.

The commissioners having examined with care the records of the former land boards, and not finding any evidence in support of the continued occupancy or improvement of the tract above claimed, and taking also into consideration the testimony at present adduced, do reject this claim, except so far as the rights of the claimants, in law or equity, may be maintained by the saving thereof expressed in the confirmation recommended by this board to Antoine Bourgard.

No. 62.—*The legal heirs and representatives of John Askin, deceased.*

The legal heirs and representatives of the late John Askin, esq., deceased, renew their entry made by the said John Askin with the former commissioners on October 28, 1805, in vol. 3, page 138, of the records of the said former commissioners, in the words following, to wit:

Three acres, French measure, in front and rear by seventy-six deep, situate in rear of the water-mill, and on the south side of the river Raisin, being the remainder of land sold George McDougall and others, belonging to said water-mill, by purchase from Louis Guillard.

In volume 4, page 98, of the records of the former commissioners, this claim was taken up and rejected.

In volume 6, page 54, of said records, this claim was again taken up, and the following testimony adduced, and also the following statement of the commissioners in said records, to wit: that this tract contains, by estimation, two hundred and twenty-eight acres.

Whereupon, Joseph Jobin, being duly sworn, deposeth and saith that previous to the year seventeen hundred and ninety-six, and from that time till within one or two years before the mill was burnt, which was about six years ago, the said mill was occupied, and that Charles Reaume owned this tract as well as the mill.

The deed for said tract from said Guillard is recorded in volume 2, page 281, of said records, in rear of No. 426.

The commissioners having examined the proceedings had upon this claim before the former land boards, no additional testimony being adduced to the present board, great difficulty being found in identifying clearly the tract, and no sufficient and continued possession being satisfactorily shown, feel themselves obliged to reject the same.

No. 63.—*The legal heirs and representatives of John Askin, deceased.*

The legal heirs and representatives of John Askin, esq., deceased, renew their entry to a tract of land situate on the river Raisin, and entered with the former commissioners on October 28, 1805, in volume 3, page 138, described as follows:

Two acres, French measure, in front and rear by eighty deep, situate on the north side of the river Raisin, in the rear of forty acres deep, sold at public auction, then the property of Etienne Latour dit Bellair, (in rear of 210.)

This claim was taken up in volume 4, page 98, of the records of the former commissioners, and rejected.

Testimony filed with the commissioners in 1821.

François Navarre, being duly sworn, deposeth and saith that he has a perfect knowledge that the lot now numbered 210, on the north side of the river Raisin, was cultivated and improved long previous to the year 1796, and that it has continued to be cultivated up to this period; that it was occupied by Joseph Cicere previous to the year 1796, who held it of John Askin, and was occupied for many years by the late John Askin, jr., son to the aforesaid John Askin.

FRANÇOIS NAVARRE.

DETROIT, *September* 28, 1821.

The commissioners, on examining the claim above alluded to, No. 210, find that all the land there claimed was confirmed to James McGill, assignee of said Askin, and did doubtless embrace all the improvements, as neither occupancy nor cultivation was then or is to this board shown by present claimant to have been made upon the claim now under consideration. This claim is therefore *rejected.*

No. 64.—*The legal heirs and representatives of John Askin, deceased.*

The legal heirs and representatives of John Askin, esq., deceased, renew the entry made by the said John Askin, deceased, with the former commissioners on October 28, 1805, recorded in volume 3, page 138, of the records of the former commissioners, in the words and figures following, to wit:

Three acres, French measure, in front and rear by one hundred deep, situate on the south side of the river Raisin, fronting on said river, by purchase from Charles Reaume.

Testimony, volume 3, *page* 172.

Joseph Jobin, being duly sworn, deposeth and saith that this tract was occupied as long since as seventeen hundred and ninety-three or four; six or seven arpents were then cultivated. Since that time this tract has been continually occupied by claimant, and those from whom he derives title. A deed of conveyance from Charles Reaume to the claimant, and a deed of conveyance from Charles Baron to the claimant, each dated July 7, 1796, were also read as evidence of the said claim.—(*Vide* vol. 2, folios 283, 285; *vide* vol. 7, page 164.)

Upon a full view of all the testimony this board have been able to glean from the remains of the mutilated records of former boards to which access can now be had, they find: 1st, much uncertainty in the location and identification of the tract; 2d, that testimony of continued possession from July 1, 1796, to March, 1807, is not so clearly and positively proved as to leave the board free from all doubt. Nevertheless, considering that since the original filing of the claim the claimant has died, leaving representatives whose residence is remote from this tract, and who, it may fairly be presumed, were never conversant with the premises; and considering, also, the difficulties presented by the dilapidated condition of the books, papers, and maps which have relation to the subject, and which, if they were perfect, would sufficiently illustrate the claim; and considering it to have been fully made out that this tract was constantly occupied, cultivated, and improved by the ancestor of the present claimants from before 1796 to 1805, and that the same tract was also under cultivation in 1810, without any evidence of intermediate abandonment, the commissioners do not feel justified in rejecting it. This claim is therefore confirmed, according to the boundaries and description given thereof in the claim, subject to the conditions and restrictions following, that is to say, that the lines thereof be not so run as to conflict with the lines of any other tract whatsoever which may have been confirmed by this or any former board of commissioners; that the width thereof be not greater than three arpents, nor its depth from the river exceed eighty arpents, French measure, nor the contents thereof exceed two hundred and forty square French arpents, nor be located so as to comprehend any other than the improvements specified in the testimony exhibited by claimants.

No. 65.—*The legal heirs and representatives of John Askin, deceased.*

The legal heirs and representatives of John Askin, esq., deceased, renew the entry made by the said John Askin with the former commissioners, on October 28, 1805, in vol. 3, page 138, of the records of the former commissioners, in the words following, to wit:

Six acres, French measure, in front and rear by one hundred deep, situate on the north side of the river Raisin, and fronting on said river, by purchase from Jeane Bpt. Reaume.

This claim was taken up in volume 4, page 98, and rejected. (In rear of Nos. 443 and 434.)

The deed for said tract is recorded in volume 2, page 283, of said records.

The commissioners do not find that any testimony was adduced in support of this claim either before the former or present commissioners; it is therefore rejected.

No. 66.—*The legal heirs and representatives of John Askin, deceased.*

The legal heirs and representatives of the late John Askin, deceased, renew the entry made by the said John Askin before the former commissioners, in volume 3, page 138, of the records of the former commissioners, in the words and figures following, to wit:

Six acres, French measure, in front and rear by one hundred deep, situate on the north side of the river Raisin, and fronting on said river, by exchange from John Askin, jr.

Volume 3, page 375, the claim, being fully examined by the commissioners, was rejected.

The deed for said tract is recorded in volume 2, page 285, of said records.

Testimony adduced before the former commissioners in December, 1805, recorded in volume 3, page 375, in the words and figures following, to wit:

John Askin, jr., being duly sworn, deposeth and saith that in the year 1796 this deponent was on this tract, and saw about four acres enclosed and planted. The dwelling-house was not entirely finished.

This claim not being sufficiently supported by the evidence adduced to former boards, and no testimony in support thereof being adduced to the present board, *is rejected.*

No. 67.—*John Anderson.*

To the United States land commissioners for the district of Detroit:

John Anderson, of the river Raisin, respectfully showeth: That he has for a long time improved and occupied a tract of land upon the north side of the river Raisin, bounded in front by lot No. 53, upon the map of the river Raisin, east by the United States lands claimed by Robert Navarre, west by lands patented to Joseph Dazet and by land patented to Jaques and François Lasselle, and north by United

States lands; said tract so claimed containing four arpents in front and sixty acres in depth, it being the rear of the farm now occupied by the said John Anderson. He therefore prays, should the evidence of his occupancy be deemed sufficient, that this claim may be allowed.

CHAS. JAS. LANMAN,
For JOHN ANDERSON.

For the decision of the commissioners see it annexed to the next succeeding claim of Robert Navarre, where the board express their want of authority, under the acts of Congress, to confirm this species of claims.

No. 68.—*Robert Navarre.*

To the United States commissioners sitting to decide upon land claims within the district of Detroit:

The claim of Robert Navarre, of the river Raisin, respectfully showeth: That he has for a long time occupied a tract of land upon the north side of the river Raisin, bounded in front by the farm of said Robert, numbered on the map of private claims fifty-eight, east by lands patented to Jaques and François Lasselle, west by lands of the United States claimed by John Anderson, and north by United States lands; the said tract of land being the rear of said Robert's farm, and contains four acres in front and sixty deep. He therefore prays, should the evidence of his occupancy be deemed sufficient, that his claim for said tract be allowed.

CHARLES JAS. LANMAN,
For ROBERT NAVARRE.

Testimony for Anderson and Navarre's claim in 1821.

Isidore Navarre, being duly sworn, deposeth and saith that he is well acquainted with the farms of Robert Navarre and of John Anderson, which were deeded by the Indians to said Robert Navarre and François Hurton Navarre, in the year of our Lord one thousand seven hundred and eighty-six; and that the said François Hurton Navarre sold to said Anderson, in the year one thousand eight hundred and two, and that the said Anderson and Robert Navarre have kept up the possession since that date until the present time; and deponent also knows that said Anderson and Robert Navarre have occupied and improved beyond the forty arpents granted by the United States to said Anderson and Robert Navarre, by mowing hay and cutting of timber, and that deponent knows of no other claim to said land; and the said farms are of eight arpents in width and about eighty arpents long, the same length of the farms confirmed to James and François Lasselle on both sides.

The depositions of Alexander Labadie and Joseph Robert, to the same purport as the foregoing, were also adduced in testimony.

It appears to this board, on an examination of the claim of John Anderson, confirmed by a former board in 1807, that the said claimant was then confirmed in the whole quantity there claimed, and that the surveyor of said claims did survey the said tract according thereto. However just and equitable it would seem to be that the provisions of the act of Congress allowing donations as back concessions should be extended to the inhabitants at river Raisin, and however necessary to the full enjoyment of their farms such back concessions may be, yet, as no such provision can be found, this board feel obliged to disaffirm this claim; at the same time the board ventures to express the hope that the liberality of Congress will, at no distant period, be so extended to this meritorious portion of our ancient settlements.

The claim of Robert Navarre above involves the same principles, and the testimony adduced being the same, the decision, therefore, of the board is similar, and his claim cannot be confirmed.

No. 69.—*Heirs and legal representatives of William Knaggs, by Whitmore Knaggs.*

To the register of the land office at Detroit:

SIR: Whitmore Knaggs, in behalf of the heirs and legal representatives of William Knaggs, deceased, renews their entry of claim to a certain tract of land situate upon the north border of river Raisin, adjoining (on the upper side) a certain tract of land formerly claimed by George McDougall, and (on the lower side) by lands formerly claimed by Israel Ruland, containing, by estimation, six arpents in front by one hundred and twenty in depth, and, in support thereof, files a deed from Israel Ruland, duly executed and dated October 20, 1801, transferring.

The commissioners, in review of this case, have examined, so far as the imperfect records now remaining of former land boards admit, and are not able to find any former entry of claim for this tract of land. This board is, however, impressed with the belief of the probability that this claim may have been heretofore entered, as is stated in the preceding notice. The board is further impressed with the belief that the continued occupancy and improvement of this tract is susceptible of being satisfactorily established, and that the present claimants are minor children, without father or mother, or other competent representative to attend to their interests; and that, therefore, no evidence has been adduced showing that continued occupancy and improvement. Under these circumstances this board feel unwilling to reject this claim, but would respectfully recommend it to the attention of the revising authority.

No. 70.—*Lewis Bond, administrator to the estate of Israel Ruland.*

Lewis Bond, administrator on the estate of Israel Ruland, renews the entry made by the late Israel Ruland, bounded as described in vol. 6, page 138, dated Detroit, September 20, 1808; said entry and claim

is numbered 559, and testimony adduced by claimant, and said claim postponed, and no final decision had upon it.

HUNT & LARNED, *Attorneys of said Lewis Bond, administrator.*

Original entry of said Israel Ruland.

DETROIT, *December* 20, 1808.

SIR: Please to take notice that I now make entry in your office of my land lying on the southerly and northerly border of Salt river, in the district of Huron and Territory of Michigan, consisting of thirty-two acres in front, bounded by said river on the southerly side, and extending back nearly a southwesterly course the distance of twenty acres, bounded on both sides and rear by lands claimed by Meldrum and Park, which I claim by virtue of a deed bearing date the 29th day of September, in the year of our Lord one thousand eight hundred and eight; also one tract on the north side of said river, bounded in front by said river, of five acres in front by twenty in depth, bounded on the easterly side by lands of George Meldrum, on the northerly and westerly side by uncultivated lands; all of which I claim by virtue of purchase and improvements.

ISRAEL RULAND.

The REGISTER *of the Land Office at Detroit.*

Testimony recorded with said claim in said volume 6, *page* 138, *of the records of said commissioners.*

Jeane Bpt. Nontoy, being duly sworn, deposeth and saith that previous to July 1, 1796, said tract was improved for about a year; that in 1797 he (the deponent) went and lived there and remained there five or six months; that about five or six years since deponent was on the premises and saw thereon three or four persons; that at the time the deponent was on the premises there were old houses there, and that he helped to build new ones, and cleared three or four acres; deponent knows that about six years ago John Dugard was on the premises, had built two new houses, and had repaired an old one for the claimant.

The commissioners find no testimony in proof of the continued occupancy or improvement of this tract. The claim is therefore rejected.

No. 71.—*Joseph Jobin.*

AUGUST 2, 1821.

Take notice that I now enter my claim, heretofore entered with the former commissioners in 1805, recorded in vol. 3, page 202, in the words following, to wit:

Five arpents in front by forty in depth, containing two hundred arpents, which I purchased from Joseph Hyogue, situate on the north side of Otter creek, bounded in front by said Otter creek, in rear by river Raisin farms, on the east by François Belcour's farm, and on the west by unlocated lands. I claim by virtue of actual improvement, &c.—1805.

JOSEPH JOBIN.

The REGISTER *of the Land Office at Detroit.*

TESTIMONY.

Dominique Drouillard, being duly sworn, deposeth and saith that F. Belcour purchased a tract of land of the Indians in the year 1794, situated on the river Aux Loutre, (Otter creek,) and on the north side of said creek; and in the year 1795 F. Belcour sold said land to Joseph Hyogue; and in the fall of the same year Joseph Jobin built a house on said tract; and in the year 1796 he assisted said Joseph Jobin to cut timber on said land, and to build a grist-mill.

Louis Monimy, being duly sworn, deposeth and saith that in the winter of the year 1795 he assisted in measuring a tract of land belonging to F. Belcour, of fifteen or twenty arpents in width, on the north border of the river Aux Loutre, and joining the rear of the farms of the river Raisin; bounded on the east side by the farms then belonging to Jaques Jacob, and on the west by unconceded lands; and at the same time he assisted to build a small log-house; and further, that in the year 1798 he assisted Joseph Jobin, who then claimed said land, to cut and haul logs to build a house, and timber for a grist-mill; and this deponent further states that the land above claimed by Joseph Jobin, on Otter creek, as above stated, has been in the possession of the said Joseph Jobin since 1796, and that no other person or persons have ever claimed other than said Jobin, the present claimant.

Hiacynth La Joi, being duly sworn, deposeth and saith that in the year 1796 he assisted said Joseph Jobin to cut and haul timber to build a grist-mill on said Jobin's tract of land above described; and that the said Jobin has been in the possession and occupancy of said tract since 1796.

Dominique Drouillard further swears, in addition to his above testimony, that the land above described has been occupied by the said Jobin since the year 1796, except during the late war; and that he knows of no other claimant to the said tract than the said Jobin.

Upon consideration of the testimony above submitted, together with the entry made and testimony adduced to a former board, the commissioners decide that claimant be confirmed in the tract claimed, bounded as follows: on the south by a continuation of the rear line of the claim No. 411, heretofore confirmed to Louis Pierre Le Clerc, and a continuation thereof to a point where the same shall intersect the western line of No. 365, heretofore confirmed to Amable Bellou; thence in a northeasterly direction to Otter creek, and across said creek; thence down stream to a point where the western line of the claim No. 401, confirmed heretofore to Jeane Baptiste Conture, intersects said creek; thence northeasterly, upon said line of No. 401, to the northwardly corner thereof; thence in a westwardly direction to the intersection and upon the rear lines of claims Nos. 539, 208, and 511, heretofore confirmed to Gabriel Godfroy, sr., Richard Pattinson, and Antoine Robert, until its intersection with the eastern lateral line of claim No. 411, above mentioned; thence in a southwardly direction, and upon the said eastern line thereof, to the place of beginning. Provided, however, expressly, that the said tract, so bounded as aforesaid, shall not exceed the quantity claimed, to wit, two hundred arpents, exclusive of fifteen acres heretofore confirmed to said Joseph Jobin by virtue of a pre-emption right, and which fifteen acres it is intended the surveyor shall exclude from his survey and plat thereof, to be returned to the register of the land office at Detroit,

that the same may be excluded from his certificate, and, consequently, from the patent to be issued thereon. And should the boundary lines designated as aforesaid contain more than 200 arpents, after excluding the aforesaid fifteen acres, then it is decided by this board that the surplus, whatever it may be, shall be excluded from the northern or northeastern end of this tract, and next adjoining upon the rear lines of the river Raisin tracts. And it is further decided that the lines of this tract shall be so run as not to interfere with the lines of any lands heretofore or by this board confirmed. And it is also recommended that should the lands herein claimed, or any part thereof, have been sold prior to the time when claimant shall be authorized to have the same surveyed and returned, then that said Joseph Jobin be allowed to locate the said claim, or such part thereof as may have been sold, upon other lands in the vicinity which may have been offered at sale and remain unsold.

No. 72.—*Jeane Baptiste Rousson, for the heirs of François Paul Campau, deceased.*

To the register of the land office at Detroit:

Take notice that I renew the entry made with the former commissioners December 28, 1808, by Jeane Baptiste Rousson, recorded in volume — of the records of the former commissioners, in the words and figures following, to wit:

[NOTE.—The following notice is found upon the old files of commissioners, but seems never to have been recorded upon their journal of proceedings.]

DECEMBER 28, 1808.

SIR: Take notice that we claim title to a tract of land situate on river Aux Loutre, containing six arpents in front by about twenty-five in depth; bounded in front by said river Aux Loutre, on one side by lands of Joseph Monimy, and on the other side by lands of Joseph Drouillard. We claim by virtue of possession, and occupancy, and improvement, made by our late father, deceased, or those from whom he derived title.

JEANE BPT. ROUSSON,
For the heirs of François Paul Campau.

The REGISTER *of the Land Office at Detroit.*

Testimony filed with the commissioners in eighteen hundred and twenty-one.

Catharine Roe Rousson, being duly sworn, deposeth and saith that François Paul Campau was in possession of the farm claimed by his heirs previous to the arrival of General Wayne's army, and that the family continued to occupy and possess the said farm until the death of the said François Paul; that after his death the widow of said Campau immediately became very sick and incapable of cultivating the farm; that the long-continued sickness of her husband had deprived them of all means of support; that she had eight children, the eldest of whom, except a daughter, who was then married, was but eight years of age; that, nevertheless, she continued on the farm about one year after the death of her husband, at the end of which time, from absolute want, she was obliged to put out her children, and hire herself out, in order to obtain a living; that she never abandoned the farm voluntarily, nor did she ever intend to abandon her claim, although the necessities above stated obliged her to leave it for a *short* time; and having afterwards married Jeane Baptiste Rousson, she could not return to the farm; and further, on account of her former sickness, misery, poverty, and hardships, she labored for some years under complete mental derangement; that her children being bound to service, could not, until they were free, occupy or improve the said farm; that sometime during the late war her house was burnt, as she believes, by the Indians, and that their poverty has not allowed them to build since. It is a matter of general notoriety that this land is claimed by these heirs, and that frequent applications have been made to them for the purchase thereof; that no other person has ever claimed this land; no one resides on said tract at present. This farm is bounded by Otter creek in front, and the Plaisance settlement in rear, on one side by Joseph Monimy, and on the other side by Joseph Drouillard.

François Robert, being duly sworn, deposeth and saith that he recollects of François Paul Campau being in possession of the tract of land claimed by his heirs, and that he died thereon; and that after his death the widow, on account of sickness, poverty, &c., left the place; and further, that there was a house on said place, which he afterwards understood was burnt; and further, that there were ten acres cleared on said tract.

Antoine Guie, being duly sworn, deposeth and saith that in the year 1796 François Paul Campau, deceased, occupied and possessed a tract of land on the north border of the river Aux Loutre, until the year one thousand eight hundred and four, at which time the said Campau died. Deponent further states that the said tract or farm is six arpents in width, running back to the Plaisance settlements; bounded on the west by Baptiste Drouillard, and on the east by my own land.

Louis Lavigne, being duly sworn, deposeth and saith that François Paul Campau was in possession and improved a tract of land on the north border of the river Aux Loutre, in 1796; bounded on the west by the farm of Baptiste Drouillard, on the east by Antoine Guie's farm, and in the rear by the Plaisance settlements; said farm being six arpents in width in front and rear; that said Campau occupied the land until the year 1804, when he died.

Baptiste Rousson, being duly sworn, deposeth and saith that about fourteen or fifteen years ago he and several other persons attended on the land board, and entered a tract of land on which the said François Paul Campau resided previous to his death, and which he had occupied since the year 1796, until the time of his death in 1804; and that the aforesaid tract of land was six arpents in width, and bounded in rear by the Plaisance farms; and further, that he entered the said tract or farm with the late Peter Audrain, register, in the name of Paul F. Campau, and the heirs of the late Campau, and, at the same time, paid him the office fees.

The commissioners confirm the above claim to the heirs of François Paul Campau, provided that the lines thereof be so run as not to interfere with the lines of any lands heretofore, or by this board, confirmed; and provided also that the said tract do not exceed six arpents in front upon Otter creek, nor, in the whole, 300 acres.

No. 73.—*Antoine Guie.*

To the register of the land office at Detroit:

Take notice that I renew my entry made before the former commissioners December 6, 1808, recorded in volume —, page —, of the records of the former commissioners, in the words and figures following, to wit:

DETROIT, *December* 6, 1808.

SIR: Take notice that I now enter with the commissioners of the land office at Detroit my claim to a tract of land situate on the river Aux Loutre, of six arpents in front by twenty-nine in depth, bounded in front by Otter creek, in rear by Midord Coutre, on one side by Antoine Lafontaine, and on the other side by unlocated lands. I claim by virtue of occupancy, possession, and improvements made by me, and those under whom I derive title.

his
ANTOINE + GUIE.
mark.

Witness: PETER AUDRAIN.

The REGISTER *of the Land Office at Detroit.*

Testimony filed with the commissioners in 1821.

Louis Lavigne, being duly sworn, deposeth and saith that in the year 1796 Antoine Guie lived on a tract of land on the north border of the river Aux Loutre, bounded on the west by land occupied by François Campau, deceased, on the east by land patented to Antoine Bernard, and at present belonging to Philip Lecuyer, and in rear by the Plaisance farms; and further, that some of said land was fenced and sowed with grain, and that said claimant kept possession of the same until the year 1809.

Baptiste Drouillard, being duly sworn, deposeth and saith that in the year 1795 Antoine Guie was living at Otter creek or a La rivière Aux Loutre, on a farm situated on the north border of said creek, bounded on the west by the farm of François Campau, deceased, on the east by a farm patented to Antoine Bernard, being six arpents in front, and joining on the rear of the farms of the settlements of Plaisance; and this deponent further saith that the said Guie cultivated and remained on it; he had a house on said tract, and planted corn and kept possession, and had improvements continually until 1808.

The commissioners, upon examination of the files of the former register, find that the above entry was duly made and filed, and do therefore confirm the above tract of land to Antoine Guie, as claimed in his notice, saving, however, all the just or equitable claims of others therein, to be located and bounded as follows: in front by Otter creek, (otherwise called river Aux Loutre,) being six arpents in front on said creek, and of the same width in rear; on the lower or eastern side by the line of a tract heretofore confirmed and patented to Antoine Bernard, in rear by the farms of Plaisance settlement, and on the west by lands not heretofore confirmed, and containing, by estimation, one hundred and eighty arpents: provided, always, that the lines of said tract be so run as not to interfere with the lines of any tract confirmed by this or any former board, and provided, also, that the same do not conflict with the lines of any tract which may have been sold by the government; and if, contrary to the belief of this board, said tract should be found to have been so sold or confirmed to others, then that the said claimant be permitted to locate the same number of (one hundred and eighty) arpents upon any tract of public land in the vicinity of this claim which may have been surveyed and offered for sale, and which may remain unsold.

No. 74.—*Baptiste Drouillard.*

Jeane Bpt. Drouillard renews his claim, heretofore filled with a former register of the land office, in the words and figures following, to wit:

DETROIT, *October* 30, 1808.

SIR: Take notice that I claim title to a tract of land situate on Otter creek, containing four arpents in front, and extending in depth to the lands of the settlement of Plaisance; bounded in front by the said Otter creek, on one side by Joseph Monimy, and on the other side by lands (now) claimed by François Campau. I claim by virtue of possession, occupancy, and improvement made by me or those from whom I derive title.

ANTOINE LASSELLE, JR.,
For BAPTISTE DROUILLARD.

The REGISTER *of the Land Office at Detroit.*

Testimony filed with the commissioners in 1821.

Louis Lavigne, being duly sworn, deposeth and saith that in the year 1785 Baptiste Drouillard was living on the north side of river Aux Loutre on a farm; that he then, and has always since that time, claimed it; being four arpents in front on said river, and bounded on the rear by lands of Plaisance, on the west side by the land patented to Joseph Monimy, and on the east by land claimed by François Campau; and that the said Drouillard cultivated and occupied the same until the year 1810; and this deponent further saith that no other person, to his knowledge, ever claimed said land.

Antoine Guie, being duly sworn, deposeth and saith that in the year 1795 Baptiste Drouillard occupied a tract of land situate on the north side of the river Aux Loutre of four arpents in width on said river, and bounded in rear by the Plaisance farms, on the west by the farm patented to Monimy, and on the other side by lands claimed by François Campau.

The commissioners confirm this tract to Jeane Baptiste Drouillard, as claimed in the above notice, viz: four arpents in front upon Otter creek, and the same width in rear, bounded on the east by lands claimed by François Campau, on the west by lands patented to Joseph Monimy, in rear by the settlement or farms called Plaisance, and being, as is supposed, about thirty arpents in depth from front to rear; provided,

however, that the lines of this tract be so run as not to interfere with the lines of lands heretofore or by this board confirmed; and provided, also, that it shall not exceed in quantity two hundred acres in the whole.

No. 75.—*Abner Cooley.*

To the register of the land office at Detroit:

Take notice that I, Abner Cooley, of Monroe county, do hereby make claim and renew the entry heretofore made by François dit Eutreau Navarre, from whom I derive title, to a certain tract of land described in the original notice of Navarre, recorded in volume 3, page 386, of the proceedings of a former land board, in the words following, to wit:

THURSDAY, *December* 5, 1805.

The claim of François dit Eutreau Navarre was taken up for consideration, and the notice by him filed with the register of the land office being read, in the words and figures following, to wit:

RIVER RAISIN, *October* 21, 1805.

François E. Navarre, of Plaisance, hereby gives notice, by George McDougall, his agent, to George Hoffman, esq., register of the land office at Detroit, that he makes entry and claim to a certain tract of land situate, lying, and being on the south side of the creek whereon Lieutenant Colonel François Navarre's mill stands, on the south side of river Raisin, of twelve arpents width in front and rear by about thirty acres in depth, terminating *à La Grande Coolie;* bounded in front by said mill creek, in rear by Plaisance farms, on the east by lands bordering on the bay of *l'Isle à la Savatte,* which empties into Lake Erie, and on the west by Jaques Navarre's farm. The said E. Navarre claims the above tract by right of occupancy since the last year, having planted, fenced, sowed, and reaped corn on six acres thereof; he has built a house thereon; and also by virtue of the uninterrupted possession and improvement of the aforesaid tract until the present time.

GEORGE McDOUGALL.
For FRANCIS E. NAVARRE.

Testimony adduced before the commissioners in 1805, *in the words and figures following, to wit:*

Israel Ruland was brought forward as a witness in behalf of the claimant, who, being duly sworn, deposeth and saith that the said François settled, previously to the year 1787, at Navarre's creek, on the south side of the river Raisin; and at this time there are on the premises a dwelling-house, storehouse, barn, and some other out-houses, together with a small orchard, and a cultivation of about thirty or thirty-six apents. The premises have been constantly occupied.

Testimony filed with the commissioners in 1821.

Pierre Bourdeaux, being duly sworn, deposeth and saith that this tract was improved before 1790 by Charles Soudriette, who had a house thereon, and an improvement of about fifteen or twenty acres at that time. Charles Soudriette sold to the witness, who sold to Robert Navarre, and Robert Navarre, in presence of this witness, sold to the present claimant one year ago last fall. Charles Soudriette lived on said farm two or three years; but, having no cattle on said farm to work it, he rented a farm where he got cattle to work the rented farm, and also his own, that is, the farm now claimed, and continued to cultivate this farm until he sold it to witness; and that this farm has been occupied from that time to this.

Joseph Reaume, being duly sworn, deposeth and saith that twenty-nine years ago he saw Joseph Chouter, sen., on this farm, and he continued thereon two years; that he has heard of a number of others working on said farm, and has heard that the present claimant bought this tract, and that said claimant now lives on the tract claimed by him.

Pierre Bourdeaux, being duly sworn, deposeth and saith that Francis Eutrope Navarre and Robert Navarre, the father and son, bought this tract of land now claimed by Abner Cooley, on which said Cooley now lives, from the witness, in partnership, four years ago. This deponent was not present when said Navarres (father and son) sold to Abner Cooley, but they told this deponent that they had sold to said Cooley. Deponent knows that the tract was delivered to said Cooley, and that the purchase money was delivered to said Navarres.

Peter Bourdeaux, being duly sworn, deposeth and saith that the tract of land now claimed by Abner Cooley is twelve acres fronting the forks of Navarre's creek, and southerly, in depth, until it intersects Plaisance creek, thirty acres, more or less.

The commissioners confirm this tract to Abner Cooley as claimed, provided that the said claim shall be so located as to front twelve arpents in width on the forks of Navarre's creek, in accordance with the testimony, extending in depth until the lines intersect Plaisance settlement on the Grand Coolie, (so called,) being computed a distance of thirty arpents, more or less; and provided also that the lines be so run as to embrace the improvements of said Cooley, as described in the testimony, and so as not to interfere with lines of any other tract heretofore or by the present board confirmed, and so as not to contain, in the whole, more than three hundred and sixty arpents.

No. 76.—*The legal heirs and representatives of John Askin, deceased.*

AUGUST 14, 1821.

The legal heirs and representatives of John Askin, deceased, renew the claim made to a certain tract of land situate at a place called Presque Isle, at the entrance of Miami river, by said John Askin, before

the former commissioners of the land office November 19, 1805, and registered in volume 3, page 138, the quantity of land not ascertained, but not to exceed six hundred and forty acres; said tract being claimed by possession and improvement of Joseph Reaume previous to July 1, 1796, and until December 30, 1796, when the said John Askin purchased the same of said Joseph Reaume, and said Askin continued in occupation.

Said tract is numbered 233; and testimony was adduced by the claimant, which is recorded in volume 5, page 2, where it seems they confirmed the said tract to the said claimant, which entry of confirmation appears to have been subsequently erased, and the word "postponed" written above the erasure in volume 7, page 103. The said former commissioners reconsidered the said claim, and thereupon made the following claim or entry, to wit:

"And thereupon it doth appear to the commissioners that this tract of land is not within their district."

SIBLEY & WHITNEY, *Attorneys for heirs, &c.*

Original entry recorded in volume 2, page 272, and volume 3, page 138, of the records of the former commissioners, in the words and figures following, to wit:

Take notice that I make entry and claim title to a tract of land supposed to contain about one thousand acres, with the improvements, situated at a place called Presque Isle, at the entrance of the Miami river, on the left side going up, by purchase from Joseph Reaume. The deed of conveyance for said tract from said Reaume is recorded in volume 2, page 289.

JOHN ASKIN.

NOVEMBER 19, 1805.

Testimony adduced before the commissioners in 1821.

John Anderson, being duly sworn, deposeth and saith that, to the best of his recollection, previous to the year 1796 Jean Baptiste Reaume and Martin Nadau were living at a place called Presque Isle, on the Miami river, on which they had buildings, fences, and improvements; and that he understood from the said Reaume that he had sold the said tract of land aforementioned to John Askin. Deponent further saith that Pierre Lagothier occupied some of said land. And further, for nineteen years François Eutrope Navarre has occupied part of the same tract. Deponent further saith that he does not know of any other person having any claim to the tract at Presque Isle but the aforesaid John Askin.

The commissioners have suspended this claim with the view of giving time to claimants to adduce further testimony in support thereof.

No. 77.—*The legal heirs and representatives of the late John Askin, deceased.*

The legal heirs and representatives of the late John Askin, deceased, renew the entry made by the said John Askin with the said commissioners October 28, 1805, in volume 2, page 273, and also in volume 3, page 139, of the former commissioners.

Original entry.

Thirty acres, French measure, in front, going up the right hand side of the Miami river, setting off from a small river opposite an island, and extending, in depth, to a place called Swan creek, by purchase from Charles Reaume. The deed for said tract from said Charles Reaume is recorded in volume 2, page 293.

The commissioners, having examined all the records of proceedings of former boards, do not find any testimony in support of the foregoing claim; and no additional testimony being adduced to the present board, this claim is *rejected.*

No. 78.—*Martin Nadau.*

FRIDAY, *June* 22, 1821.

Martin Nadau renews his entry of claim on file in the register's office, bearing date December 29, 1804, to a certain tract of land situate upon the south bank of the Miami river, bounded and described as in the testimony in support thereof herewith adduced.

The REGISTER *of the Land Office at Detroit.*

Original entry.

SIR: Take notice that I now enter with the commissioners of the land office at Detroit my claim to a tract of land situated on the south side of the Miami river, containing six arpents in front by one hundred and twenty in depth.

PETER AUDRAIN,
For MARTIN NADAU.

GEORGE HOFFMAN, Esq., *Register of the Land Office at Detroit.*

Theophilus Mettez, being duly sworn, deposeth and saith that before General Wayne's army came to this country, twenty-eight years ago, I stayed all night for several nights in the house of Martin Nadau, upon the lands now claimed by Nadau; said Nadau lived upon this land until a year or two after the witness first saw him thereon, and for a year or two after General Wayne came to this country, and then removed. The witness does not know that Nadau ever returned to live upon this land; one Konson lived on the land for a short time after Nadau removed, but soon left it. The witness does not know that any person ever lived upon this land since.

Joseph Reaume, being duly sworn, deposeth and saith that twenty-eight years since I saw Martin Nadau living upon the land. This tract is situated upon the *left* bank of the Miami river of Lake Erie, as you go up stream, and above a small stream emptying into the Miami. Nadau lived upon this farm perhaps three and a half years or more, and then removed. Nadau never lived upon this land since that time. About eight years ago François dit Eutrope Navarre built a house thereon, the old house being rotten, and has lived there until the present time.

MARTIN NADAU, *Miami river.*

The commissioners are of opinion that continued occupancy and improvement, as required by law in order to authorize a confirmation, is not shown by the testimony in this case; the claim of Martin Nadau is therefore rejected.

BOOK No. 5.

Report supplementary.

The commissioners appointed by the act of May 11, 1820, were unanimously of the opinion that the strong equity presented in many of the cases embraced in the following report required the board to take notice of them in some shape. All claims not filed under the law of 1817, or previous to that time, the board were convinced could not be noticed by them under sanction of the law of 1820. No legal report of them could therefore be made. The board, however, deemed it an imperious duty which they owed to this meritorious class, the French native inhabitants of our Territory, to present their claims. They therefore unanimously agreed to receive them, and receive, hear, and report the testimony adduced in support thereof, believing that the liberal views of the government, and what the board considered their true policy, would induce a confirmation by Congress of all such claims as a careful investigation of each should induce the commissioners to recommend. This the board were led the more readily to believe when the small number of this class of claimants is taken into view; and that, in many instances, it is clearly shown that either the minority of the claimants or total ignorance of the provisions or even existence of former laws enacted for their benefit prevented previous applications for those benefits, or any entry whatever of their claims. Under these circumstances the undersigned would respectfully repeat the earnest hope that the claims recommended by the board for confirmation may meet a favorable reception by the government, and that measures may be adopted for securing those lands to the respective claimants by legal titles.

The commissioners would further beg to repeat the desire that the act confirming the foregoing, and all other acts of their board, may be so framed as to save the rights of all conflicting parties; for they are aware that in some instances there are contending claimants, upon whose conflicting rights they did not deem it necessary nor within their province to adjudge, designing that another tribunal, more competent, should decide to whose benefit a patent, when granted, should enure, or, ultimately, to whom, in equity, the better right pertains.

The undersigned would also respectfully submit to the revising power the propriety of causing to be withholden from sale such of the public lands now in market as may have been recommended by the board for confirmation, until the final decision thereon by the proper authority be made known.

J. KEARSLEY,
WM. WOODBRIDGE, *Commissioners.*

TERRITORY OF MICHIGAN, *ss:*

I do hereby certify that the preceding five manuscript pages contain a true copy of the original documents of the land board at Detroit, and that the following pages, numbered from 7 to 42, inclusive, contain true abstracts from the records of the proceedings and decisions of the said land board, made and had under the provisions of the act of Congress of May 11, 1820, the same having been by me carefully collated, copied, and compared.

In witness whereof, I have hereunto set my hand this 11th day of February, 1824.

WARNER WING, *Clerk of the said board.*

No. 1.—*Victor Morass.*

AUGUST 30, 1820.

SIR: Take notice that the heirs of Antoine Morass, of Detroit, and Territory of Michigan, now enter with the commissioners of the land office at Detroit their claim to a tract of land situated on the south border of the river Delude, containing six hundred and forty acres, to be laid out in a square form, bounded in front by said river, and on the lower side by the Chippewa reservations. We claim and make title by virtue of possession and occupancy previous and since the year 1796.

JAMES McCLOSKEY, *in behalf of the heirs.*

The REGISTER *of the Land Office at Detroit.*

TESTIMONY.

Pierre Bonhomme, being duly sworn, deposeth and saith that in 1798 he was in the employ of Antoine Morass, on river Delude; that said Morass had possession of said tract above mentioned; that there was a saw-mill erected on said tract, and was then in operation.—*March* 17, 1821.

John Bpt. Deschamps, being duly sworn, deposeth and saith that twenty-five or twenty-six years ago the above-mentioned tract was improved by Antoine Morass. Deponent is confident that the English government still existed here, and that there were about five or six acres of land under improvement, and a mill had been erected on said tract; that said Morass' family lived on said tract. Witness left the place

soon after, but has understood that said Morass continued for many years to reside on said tract.—*September* 20, 1821.

Ignace Morass, being duly sworn, deposeth and saith that Antoine Morass, deponent's father, at least twenty-nine years ago built a mill on Goose creek, on the tract in question, and enclosed about four or five acres, and continued to occupy and, for a greater part of the time, live on said place about sixteen years.—*September* 20, 1821.

Pierre Brondemone, being duly sworn, deposeth and saith that about twenty-six years ago he was in the employ of Pierre Bonhomme, and was present when Antoine Morass, deceased, measured and delivered the land that he, Bonhomme, purchased of him, which was the same that was granted to François Bonhomme; that the said Pierre also wished to purchase the land lying south of it, but was informed by Mr. Morass that he wished him to pay for the one just sold him, but, in the meantime, he would think further of it; that when Bonhomme returned from Detroit he told witness he had purchased the other also, but witness never heard any other person say so, and does not know whether he purchased it or not; he further says that he never knew any other person as the real owner but Antoine Morass, deceased.—*September* 19, 1821.

Claimant, in further evidence in support of the preceding claim, produced to the commissioners a deed of conveyance, dated June 23, 1815, duly signed and executed by all his brothers and sisters, and their husbands or wives, in which they convey and quit-claim, for a valuable consideration, all their right, title, and interest of, in, or to, the foregoing and several other tracts of land, and of all the property which they claim as heirs of Antoine Morass, deceased, and asks that confirmation thereof may be made to him individually, and not to the heirs generally.

And thereupon the commissioners decide that a part of this land, which is embraced in the public surveys, has been sold, being 107.84 acres thereof. The commissioners recommend the residue for confirmation to Victor Morass, especially as it would seem that the reason why this claim was not made at an earlier period was the death of the elder Morass, and the minority of his heirs. The tract now recommended for confirmation is the residue of the same section, being five hundred and thirty-two and fourteen-hundredths acres, (532.14)

No. 2.—*Victor Morass.*

AUGUST 30, 1821.

SIR: Take notice that the heirs of Antoine Morass, of Detroit, and Territory of Michigan, now enter with the commissioners of the land office at Detroit their claim to a tract of land situated on the border of the river St. Clair, containing six hundred and forty acres, to be laid out in a square form, and to include the mouth of Baby creek, as near the centre of the front as may be practicable. We claim and make title by virtue of possession and occupancy previous to and since the year 1796.

JAMES McCLOSKEY, *in behalf of the heirs.*

The REGISTER *of the Land Office at Detroit.*

TESTIMONY.

Ignace Morass, being duly sworn, deposeth and saith that about thirty-five years since his father built a house and saw-mill on Baby's creek, and cleared about two or three acres of land, and continued to work there every year for about twenty-five years.—*September* 20, 1821.

Pierre Bonhomme, being duly sworn, deposeth and saith that about twenty-seven or twenty-eight years since he was engaged by the late Antoine Morass to work for him; that said Morass had an improvement on, and was then in possession of, a tract of land on which there was a saw-mill, which improvement and mill was on a tract of land now in the possession of Mr. Bewel.—*March* 17, 1821.

John Baptiste Deschamps, being duly sworn, deposeth and saith that about twenty-five years since, but certainly before the English left this country, an improvement was made on the above-described tract of about thirteen acres; there was also a mill on said tract. Deponent left the place soon after, but is confident the occupation was continued for seven or eight years.—*September* 20, 1821.

And thereupon, it appearing that the greater part of the lands here claimed have been sold by the government, the commissioners can therefore only express their conviction of the validity of this claim, had the same been presented in due time, which they presume and believe the same circumstances prevented as in the foregoing case. The commissioners would therefore recommend the confirmation by Congress of other lands to Victor Morass, adjacent and unsold, in lieu of the land claimed.

No. 3.—*John Marie Beaubien.*

The petition of Jean Marie Beaubien respectfully represents: That your petitioner was in possession of a tract of land on the river St. Clair, in township five north, range seventeen east, being the fractions of section seven, and the fraction of section seventeen, (the latter named fraction purchased by Joseph Watson at the public sales,) since the year seventeen hundred and ninety-three, as will appear by the accompanying affidavits; and that your petitioner continued and still is in possession of the said several tracts of land contained in said township.

JEAN MARIE BEAUBIEN.

The COMMISSIONERS *appointed by the United States for the settlement of land claims in the Territory of Michigan.*

TESTIMONY.

Pierre Bonhomme, being duly sworn, deposeth and saith that a tract of land described to this deponent to be in township five north, range seventeen east, including the whole of said fractions, and also the whole of fraction eighteen, and the whole of fraction seventeen, in said township, on the river St. Clair, (which latter named fraction this deponent has been informed was purchased since by Joseph Watson.) This deponent is certain that Jean Marie Beaubien claimed and exercised ownership over said tract and fractions of land three years before General Wayne took possession of this country, and that said Beaubien had improvements on said tract; and further, that a part of this tract is situate between a tract of land patented to Meldrum and Park, and bounded on the upper side by a tract of land owned by Louis St. Bernard, bordering on the river St. Clair, running in the rear of the tract patented to Meldrum and Park, binding the rear of the same; and that said Beaubien is the rightful owner.

John Baptiste Ladoronte, being duly sworn, deposeth and saith that in the years one thousand seven hundred and ninety-five and ninety-six said Jean Marie Beaubien claimed and exercised ownership over about eight hundred acres of land, situate on the border of the river St. Clair, bounded as above mentioned; that the land owned by said Beaubien run and covered the rear of that owned by the above-named Meldrum and Park; said Beaubien had three improvements and houses on said premises; which said tract covers the above-mentioned fractions. Deponent believes said Beaubien to be the rightful claimant.

Peter Livea, being duly sworn, deposeth and saith that on or about the year one thousand seven hundred and ninety-three John Marie Beaubien claimed and exercised ownership over the above-mentioned tract. The remainder of deponents testimony corroborates the statement of Pierre Bonhomme.

Forty-one and twenty-six hundredths acres of this land is sold, fronting on the river St. Clair. The commissioners are of opinion that this claim would have been confirmed by the former board had it been properly presented them, as it now is. They therefore would recommend the same for confirmation by Congress, to be located, to the extent of six hundred and forty acres, upon adjacent unsold or unconceded lands.

No. 4.—*Ann Smith and the legal representatives or assigns of Mary Smith.*

DETROIT, *July* 27, 1821.

I, James W. Litle, make claim and make title for Ann Smith and the legal representatives or assigns of Mary Smith to a certain tract and parcel of land situate on the north side of the river St. Clair, containing one thousand five hundred acres, more or less, in virtue of a purchase from Richard Cornwall, and of possession and improvements made on said land before July, seventeen hundred and ninety-six, and continued to the present time; and pray that the same may be confirmed accordingly.

JAMES W. LITLE.

The REGISTER AND COMMISSIONERS *of the United States Land Office at Detroit, in the Territory of Michigan.*

Claimant produced a deed from said Richard Cornwall to Ann and Mary Smith, for two tracts of land, numbered 7 and 8—to Ann, lot No. 8, to Mary, lot No. 7; each of the said lots being five acres in front, running back one hundred and fifty acres, both together containing one thousand five hundred acres. The deed, moreover, states that in case of the death of either the said Ann or Mary before the age of sixteen years, or without legal issue, then both the said lots shall become the property of the surviving sister.

TESTIMONY.

Hezekiah Wilcox, being duly sworn, deposeth and saith that in the year seventeen hundred and eighty-nine, on the above-described tract of land, there was a house standing; witness left that place a short time after, and has never been there since, but has heard that about the time of the Americans taking possession of this country claimant's father put a tenant on said premises; the said Ann and Mary were very young at that time, and that the father and mother died a short time after. The father was drowned, and the mother and Mary were frozen to death, and Ann was frozen at the same time, and her legs amputated at the knee, and she lives there in a very helpless condition, and miserably poor.

Philip Toul, being duly sworn, deposeth and saith that the late Thomas Smith, father of claimant, had a tenant on the above-described tract in the year 1796; and that there was a house standing on said land at that time.

William Thorn, being duly sworn, deposeth and saith that said Smith had a tenant on said land in the year seventeen hundred and ninety-six, who cleared a small piece of land and fenced it in. Said land was surveyed for Richard Cornwall, and it was said Richard Cornwall gave this tract of land to Ann and Mary Smith.

James Cortright, being duly sworn, deposeth and saith that before 1796 said Thomas Smith had a tenant on said place. It was said to belong to Thomas Smith, of Detroit.

Continued occupancy from seventeen hundred and ninety-six to eighteen hundred and seven is not made out in this case. Although the decease of the original claimant affords plausible excuse for not preferring the claim in due time, yet the commissioners feel obliged to reject this claim, but would still, from the poverty and deplorable condition of the surviving daughter, recommend it to the favorable review of Congress.

No. 5.—*Angus McDonald.*

SIR: Take notice that I make entry and claim title to a certain tract of land situate on Thompson's island, otherwise called Stromness island, at the mouth of the river St. Clair, bounded as follows, viz: commencing at the north front corner of a farm lately occupied by the widow Lawton, now Mary Jacobs; thence, down the channel commonly known by the name of Eagle channel, eight acres; thence, across the said island, parallel with the farm aforesaid, to the channel commonly known by the name of Channel à Bout Ronde, or the Channel of the Round End; thence up said channel eight acres, till it meets the rear corner of the farm aforesaid; thence along the north boundary of said farm to the place of beginning, containing six hundred acres, more or less.

ANGUS McDONALD.

The REGISTER *of the Land Office at Detroit.*

Angus McDonald produces a deed from James Thompson to James Cortright for a large tract of land. Said deed is duly executed by the parties, and dated February 25, 1800, signed by James Thompson and James Cortright, witnessed by Alexander Harrow and Alexander H. Murray. Also the following instrument of writing:

Know all men by these presents that I, James Cortright, of Thompson's island, in river St. Clair, yeoman, am held and firmly bound unto Angus McDonald, of Bal Doun, printer, in the sum of six hundred dollars, current money of the province of Upper Canada, to be paid to the said Angus McDonald, his certain attorney, his executors, administrators, and assigns, which payment, well and truly to be made, I bind myself, my heirs, executors, administrators, and assigns, firmly by these presents. Signed with my hand, and sealed with my seal, at river St. Clair, this twenty-seventh day of November, in the year of our Lord one thousand eight hundred and fifteen.

Now, the condition of the above obligation is such that if the above-bound James Cortright, his heirs, executors, administrators, and assigns, do and shall well and truly convey unto the said Angus McDonald, his heirs, executors, administrators, and assigns, by a good and valid warrantee deed, all that certain piece, parcel, or tract of land situate, lying, and being on Thompson's island aforesaid, butted and bounded as follows, to wit: commencing at the north front corner of a farm lately occupied by the widow Loughton, (now Mrs. Jacobs;) thence down the channel commonly known by the name of Loughton's channel, or the channel of the Eagle's Nest, eight acres; thence across the said island, in a line parallel with that of the farm aforesaid, to the channel commonly known by Channel à Bout Ronde, or the Channel of the Round End; thence up said channel eight acres, till it meets the rear corner of the farm aforesaid; thence along the north boundary of said farm, to the place of beginning, containing six hundred acres, be the same more or less, (the said James is to warrantee the said Angus in the quiet and peaceable possession of the said tract of land against himself, his heirs and assigns, and every other person whatsoever, the government only excepted,) then this obligation to be null and void; otherwise to remain in full force and virtue.

JAMES CORTRIGHT.

Signed, sealed, and delivered in presence of—
ALLAN McDONALD.
JOHN BROWN.

TESTIMONY.

William Harsen, being duly sworn, deposeth and saith that he has been acquainted with Thompson's island since the year 1792, and that there were at that time four separate improvements on said island, two of which were said to belong to said Thompson, since deceased, who then lived on the head of the island, and the other two to a Captain John Loughton. After the decease of said Thompson the first farm on the head of said island, occupied by said Thompson during his lifetime, was occupied by James Cortright; the second by Captain John Loughton, since his death by his son Peter Loughton and heirs; the third by several tenants under said Thompson, and now by Angus McDonald.

William Thom, being duly sworn, deposeth and saith that he has been acquainted with Thompson's island since the year 1784 and at that time there were four farms occupied and improved on said Thompson's island. The one on the head of said island was occupied by James Thompson, the next one below, or southwest, was occupied by Captain John Loughton, the third by Eddy, a tenant under said Thompson, the fourth by Jacob Hill, said to be a tenant under Loughton; that Angus McDonald is now in possession of said third farm.

James Cortright, being duly sworn, deposeth and saith that he (the said deponent) has been in possession of that part of Thompson's island which James Thompson owned in his lifetime since the year eighteen hundred, and that he verily believes that said James Thompson was the sole owner of said island in the year 1783, which included the land of which Angus McDonald is now in possession. Witness verily believes said Angus McDonald to be the proper owner and possessor of said farm.

Doubts being entertained as to the fairness and validity of the supposed transfer from James Cortright, sr., to the claimant, Angus McDonald, the commissioners do for the present postpone the further consideration of said claim.

No. 5.—*Gage Davenport.*

DETROIT, *October* 12, 1823.

Please take notice that we make claim to a tract of land situate upon an island in river St. Clair, called Cortright's island, being the same land to which the heirs of Leach made entry of claim before a former land board. We claim title to said tract of land as the assignee of the said heirs; and in support thereof we will, as soon as possible, adduce the deed of transfer to us, and such other testimony as may be deemed necessary.

GAGE & DAVENPORT.

The COMMISSIONERS *for adjusting land claims in the Territory of Michigan under the act of February* 21, 1823.

And thereupon the present land board deem it proper to refer this matter to the consideration of the land board under the act of Congress of 1820, as that board have not yet reported all their decisions upon claims by them considered; and that this matter may be submitted entire to the view of Congress, and not detached, as it would be were the present board to act upon the foregoing notice.

The claim of Gage and Davenport being, as above stated, referred to this board, the said claim was thereupon taken into consideration.

Claimants produced a certified copy of a deed of conveyance from James Thompson to James Cortright for a tract of land situate on Stromness island or Thompson's island, in the river St. Clair; the front of said tract or farm being or lying to the westward, of nine acres extent, along what is called the middle channel, and running in depth westward to the opposite side of the island, bounded on the south and north by the farms of Peter Loughton on the aforesaid island. Said deed is duly executed, and dated February 25, 1800.

On comparison of said certified copy with the original filed in this office by Angus McDonald, it is found that it is a true copy.

Claimant also files another deed from said James Cortright to William Leach and Josiah Phelps, in the words following, to wit:

Know all men, by these presents, that I, James Cortright, of Stromness, for and in consideration of one hundred and thirty pounds, New York currency, in hand received and paid to my full satisfaction, the receipt whereof I hereby acknowledge, have granted, bargained, and sold to William Leach and Josiah Phelps all that tract of land lying between the north and south lines of land belonging to the heirs of the widow Loughton, supposed to be eight acres in front, and extending to the Sny à Boureau, the same in width as at the beginning, bounded east on the channel known by the name of the middle channel, and north and southerly on the lands belonging to the said heirs of the widow Loughton, and westerly on the aforesaid Sny à Boureau; to have and to hold the aforesaid bargained and granted premises to them, the said William Leach and Josiah Phelps, their heirs and assigns forever, to their use, benefit, and behoof. And I, the said Cortright, do furthermore warrant and defend the aforesaid premises from all persons lawfully claiming by, from, or under me, or any claim anterior to the signing and sealing of these presents, by any person or persons whatsoever, otherwise than any claim that government may claim, which I, the said Cortright, do not warrant or defend; but from all and every other I bind myself, my heirs, executors, administrators and assigns to forever warrant and defend.

In witness whereof, I have hereunto set my hand, at river St. Clair, this thirteenth day of September, in the year of our Lord one thousand eight hundred and nine.

JAMES CORTRIGHT.

In presence of—
THOMAS MILLER.
JOSEPH ROWE.

And also another deed from Henry Leach, in the words following, to wit:

Articles of agreement made and concluded at Detroit, in the Territory of Michigan, November four, in the year of our Lord eighteen hundred and twenty-three, between Philip B. Gage and Lewis Davenport, of Detroit, in the Territory of Michigan, of the first part, and Henry Leach, of the town of Hudson, Portage county, in the State of Ohio, of the second part:

First. The said party of the first part hereby bind themselves, their heirs, executors and administrators, to pay, or cause to be paid, unto the said party of the second part, his executors, administrators or assigns, the sum of one hundred dollars, lawful money of the United States, in manner following—that is to say, as soon as the said party of the second part shall comply with the underwritten condition, to wit:

And, secondly, the party of the second part, in consideration of the above payment being punctually made, binds and obliges himself, his heirs, executors and administrators, to convey, in fee simple, to the said party of the first part, their heirs or assigns, the following tract, piece, or parcel of land, situate, lying, and being on Cortright's island, so called, in the Territory of Michigan, being the equal undivided half or part of a certain piece of land lying and situate as aforesaid; which said land was conveyed, by deed, from James Cortright to William Leach, father of the said party of the second part, and one Josiah Phelps, dated September 30, 1809, said land being therein described as follows: lying between the north and south lines of lands formerly belonging to the heirs-at-law of the widow Laughton, supposed to be eight acres in front, and extending to the Sny à Boureau, the same in width as at the beginning; bounded on the east by the channel known by the name of the Middle channel, north and south on lands formerly belonging to the heirs-at-law of the widow Laughton, and westerly on the aforesaid Sny à Boureau.

It is understood between the parties to this instrument that the above-mentioned sum of one hundred dollars is to be punctually paid by the said parties of the first part to the said party of the second, so soon as the said party of the second part shall execute to the said party of the first part a perfect, sure, and indefeasible estate of inheritance, in the law, in fee simple, of the above-mentioned undivided equal half of said described property.

In witness whereof, the parties have hereunto set their hands and seals the day and year above written.

PHILIP B. GAGE.
LEWIS DAVENPORT.
HENRY LEACH.

Sealed and delivered in presence of—
HENRY S. COLE.

It is further agreed between the aforesaid parties that the parties of the first part shall bear the expense attending all inquiries into the title of the property aforesaid, and all expense incident to the perfection of a good title from the said party of the second part to the party of the first part, conditioned that a good title be obtained. In the event that no title should be obtained, the party of the second part shall pay all the aforesaid expenses.

Signed and sealed as aforesaid.

PHILIP B. GAGE.
LEWIS DAVENPORT.
HENRY LEACH.

Attest: HENRY S. COLE.

STATE OF OHIO, *Portage County:*

Know all men by these presents, that I, Henry Leach, of Hudson, in said, county, do constitute and appoint, and by these presents have this day constituted and appointed Philip B. Gage and Lewis Davenport, both of Detroit, and Territory of Michigan, my true and lawful agents and attorneys, in my stead and behalf, to settle and adjust all claims in any way relating to the real estate of William Leach, late of Sandusky, in said State, deceased; and more particularly to transact any and all business appertaining to a certain piece or tract of land situate, lying, and being on the island usually known by the appellation of St. Clair's island, in the river St. Clair, and Territory of Michigan aforesaid; for a more particular description of which piece or tract of land reference is had to a deed executed by James Cortright to the said William Leach and one Josiah Phelps; to which piece or tract of land I, as heir to the said William, with my brothers and sisters, (whose attorney I am,) have good right to possess and enjoy.

And I do further authorize my attorneys aforesaid to demand, sue for, and recover said premises, either by suit or otherwise, as to them shall seem most meet and proper; and, for that purpose, to engage and employ such counsel and other means as they shall think fit.

And, generally, I do give my said attorneys, in this behalf, all that power and authority concerning the aforesaid premises which shall be considered proper for the fulfilment and discharge of all the powers hereby vested, or intended to be vested, in them; thereby binding myself and heirs to abide by, approve, ratify, and confirm all and singular the premises, the doings, acts, and proceedings of my said attorneys in the premises, in as full, ample, and complete a manner as though I had personally done the same.

In testimony whereof, I have hereunto set my hand and affixed my seal, at Hudson aforesaid, this [L. S.] twenty-fourth day of December, in the year of our Lord one thousand eight hundred and twenty-three.

HENRY LEACH.

In presence of—
AUGUSTUS BALDWIN.
TISCUREE BALDWIN.

HUDSON, *December* 24, 1823.

STATE OF OHIO, *Portage County, ss:*

Personally appeared Henry Leach, signer and sealer of the above instrument, and acknowledges the same to be his free act and deed before me.

[L. S.] AUGUSTUS BALDWIN, *Assistant Judge.*

And it is further satisfactorily shown to the commissioners that the said Henry Leach is the lawful attorney of the other heirs of the said William Leach, deceased.

THE STATE OF OHIO, *Portage County, ss:*

I, Seth Day, clerk of the court of common pleas in and for said county, do certify that Augustus Baldwin, esq., before whom the foregoing acknowledgment was taken, was, at the time of taking such acknowledgment, and now is, an associate judge of the court of common pleas in and for said county, duly commissioned and sworn, and to whose official acts full faith and credit is and ought to be given.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at Ravenna, this [SEAL.] 24th day of December, A. D. 1823. S. DAY, *Clerk.*

STATE OF OHIO, *Portage County, ss:*

The deposition of Sally Lord, of the township of Huron, in said county, is as follows:

This deponent, of lawful age, deposeth and saith that, in relation to the tract of land which was conveyed by James Cortright to William Leach and Josiah Phelps, the said William Leach paid all except a small trifle of the purchase money to said Cortright; and that the said Phelps did only pay to the said Cortright for the same but a very small amount, by way of one-fourth of a kiln of brick; that the said Phelps was a very old man, and lived with the family of this deponent; and her then husband (said William Leach) had no wife, or family, or connexion in this country, as he always said.

That said deed, which embraced the names of said Leach and Phelps as grantees, was so made for the purpose of gratifying the old man's (Phelps) childish notions; and that he always said, and for that purpose made an agreement with said Leach, that if he would suffer him to have his name in the deed he would let the said Leach have the land exclusively when he, the said Phelps, should have done with it; but whether said agreement was ever reduced to writing or not this deponent does not recollect; however, if it was, it is misplaced, destroyed, or lost.

This deponent further says that George Leach, Henry Leach, Jonas Leach, and Hyta Leach are the lawful children and heirs of this deponent and her deceased husband, said William Leach.

SALLY LORD.

Sworn and subscribed before me this 18th day of December, 1823, at Hudson, aforesaid.

AUGUSTUS BALDWIN, *A. J. P. C.*

STATE OF OHIO, *Portage County, ss:*

I, Seth Day, clerk of the court of common pleas in and for said county, do certify that Augustus Baldwin, esq., before whom the foregoing deposition was taken, was, at the time of taking the same, and now is, an associate judge of the court of common pleas of said county, duly commissioned and sworn, and to all whose official acts full faith and credit is and ought to be given.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at Ravenna, this 24th [SEAL.] day of December, A. D. 1823. S DAY, *Clerk.*

MICHIGAN TERRITORY, *Wayne County, ss:*

Personally appeared before me, the subscriber, one of the justices of the peace in and for the county aforesaid, William Thompson, of lawful age, who, being duly sworn according to law, doth depose and say that on or about the fifteenth day of November, 1823, this deponent was present at Mr. Ainsworth's, in the county of St. Clair, in this Territory, when Louis Davenport, who this deponent understood to be a claimant, or one of the claimants, to a certain tract of land situate on Cortright's island, and being the

same tract of land on which Angus McDonald now lives, and to which this deponent understands the said McDonald has also made claim before the commissioners for adjusting the private claims to lands within the Territory aforesaid, called upon James Cortright, who this deponent understood had conveyed the tract of land aforesaid to the assignors of the said Davenport; that said Davenport, in presence of this deponent, informed said Cortright that he had come to see him (Cortright) on the subject of this land. Mr. Cortright observed to Davenport, you must give me time to think about it. This deponent, in company with Davenport and Cortright, went over to the island, (Cortright's,) and Davenport returned to Ainsworth's. As soon as Davenport was gone, Cortright told this deponent that he was in a bad box—that he had sold this land twice; that he had first sold this land to Leach, or Leach and Phelps, and that they, or Leach, had paid him almost the whole of the purchase money; and that he had afterwards sold the same tract of land to the aforesaid Angus McDonald. Said Cortright further observed that he had made a deed of conveyance to the said Leach and Phelps, and he (Cortright) could not deny that, if the deed was not lost or destroyed, as he (Cortright) supposed it had been. Said Cortright then observed to this deponent that when he sold to McDonald, he (Cortright) told McDonald that he had a long time previous sold to Leach and Phelps and given them a deed for it, and that therefore he (McDonald) must take it at his own risk. Cortright then observed that this Yankee (meaning Davenport) expected to obtain a deposition from him, or information respecting this matter; but, said Cortright, he will get nothing out of me, and he will not yankee me; he may go back to Detroit as he came. The following morning Mr. Davenport returned to the island and again saw Mr. Cortright in the presence of this deponent; and upon Mr. Davenport's introducing the subject, and producing a pen, ink, and paper, requesting him (Cortright) to write a statement of the matter, Cortright said he would write nothing nor sign nothing; that he had given a deed to Leach and Phelps, and if it were produced it would show for itself; and further, that if he (Davenport) would go to old Mr. William Thorn, he could tell him as much about this matter as he (Cortright) knew about it. Mr. Davenport then went away. Mr. Cortright then observed that McDonald would come upon him for the amount which he (Cortright) had received; that he (Cortright) had now spent that money, as well as the furs, &c., which he had received from Leach and Phelps, and that this would ruin him if it came upon him; and that he believed that he must now assign or transfer all his property to his son James, in order to avoid the responsibility of his property for this or other debts; that he owed about one thousand dollars if he had to repay McDonald, but he would collect all his debts due to him, and would fix his property so that it could not be taken for any debts which he owed.

his
WILLIAM + THOMPSON.
mark.

Subscribed and sworn to this second day of December, in the year of our Lord one thousand eight hundred and twenty-three.

WILLIAM W. PETITT, *J. P. W. C.*

MICHIGAN TERRITORY, *Wayne County, ss:*

Before me, the subscriber, one of the justices of the peace in and for the county aforesaid, personally came Joseph Spencer, of lawful age, who, being duly sworn according to law, doth depose and say that he was formerly well acquainted with William Leach and Josiah Phelps, who are both now dead; that said Leach and Phelps lived on Cortright's island about the years 1808, 1809, and 1810, and then occupied and cultivated a certain tract of land on said island, being the same tract of land which Angus McDonald now lives upon, which he understands said McDonald now claims. This deponent has been often told by Leach and Phelps that they had purchased this land from James Cortright, sr., and said Cortright has also frequently told this deponent that he had sold the same tract to said Leach and Phelps, and that the payments were to be made, as this deponent understood from the parties, in brick and furs. This deponent saw brick-making on the island, which he understood was in payment for the farm, and that he also heard from the parties that furs were given in payment for the farm; but whether complete payment was made or not this deponent does not know. Leach left this country about the commencement of the late war, and Mr. Phelps came to the house of this deponent to live, where he (Phelps) remained about two weeks, and there died. Said Phelps was, as this deponent understood, an old bachelor, and never was married, and had no heirs or relatives that this deponent knows of. This deponent saw young Mr. Henry Leach when he was lately at Detroit, and who, this deponent understands, sold the tract of land aforesaid to Gage and Davenport, of Detroit; and this deponent believes him to be the son of William Leach aforesaid, now deceased, and from conversation had with him this deponent has no doubt of his being the son of the said Leach. This deponent knows that Angus McDonald lived at Belle Domel, on the Canada side, near this island and tract of land, at the time Leach lived on the same; and this deponent thinks he (McDonald) must have known that Leach and Phelps purchased and claimed this tract of land, as it was a matter of general notoriety. This deponent does not personally know that the said Leach is dead, but has heard that he was dead, and particularly from his aforesaid son when he was lately here.

JOSEPH SPENCER.

Sworn and subscribed to December 22, 1823, before me.

GEORGE McDOUGALL,
Justice of the Peace for the County of Wayne, Territory of Michigan.

DETROIT, *Wayne County, Territory of Michigan, ss:*

Be it remembered that on this twenty-second day of December, in the year of our Lord one thousand eight hundred and twenty-three, personally appeared before me, the subscriber, one of the justices of the peace in and for the county and Territory aforesaid, William Thorn, sr., of lawful age, who, being duly sworn according to law, doth depose and say that he was well acquainted with Josiah Phelps and William Leach at the time they lived upon the island called Thompson's or Cortright's. Deponent knows, at the time of the purchase made, that said Leach and Phelps lived on said tract of land, being the same tract upon which Angus McDonald now lives. Said deponent further states, of his personal knowledge, that the said Leach and Phelps made a large quantity of brick for said Cortright, which they gave to said Cortright in part or full payment for said land; and this deponent bought part of said brick from said Cortright after the said Cortright had got them from Leach and Phelps. This deponent knows that said Leach and Phelps were put in quiet and peaceable possession of this farm by said Cortright, and they continued to occupy and cultivate said tract; that it was a matter of general notoriety that said Cortright had sold the

aforesaid tracts of land to the said Leach and Phelps. This deponent never heard Cortright deny this sale, or that he had not received full payment for the same. This deponent states that James Cortright, sr., and James Cortright jr., are both much addicted to intoxication; that he believes their character for a departure from veracity is such that much confidence is not to be placed upon their assertion, or even oaths, when in any way interested. This deponent never heard it alleged by the elder Cortright, nor any other person, until since the late appearance of young Leach in this country, that said Leach and Phelps had not made full payment for this land according to their contract; and this deponent does believe that said Leach and Phelps did make full payment in bricks and furs, or otherwise; had it not been so, deponent thinks that in his various intercourse and conversations had in former years with the said Cortright, sr., he, the said Cortright, would have mentioned it to this deponent. This deponent saw the young man, Henry Leach, when in this Territory last October or November, and is confident that he is the son of the aforesaid William Leach, as he perfectly recollects him, having often seen him when his father formerly resided on the aforesaid island. This deponent also stated his personal knowledge of the fact that this tract of land was occupied and cultivated by Thompson or Cortright, or other claimants, from a period long prior to the 1st day of July, 1796, and that it has been under them up to the present time. Angus McDonald now lives upon and cultivates the said farm. This deponent further states that when McDonald bought from Cortright, he (McDonald) was aware that Cortright had before sold the same tract to Leach and Phelps; but said McDonald thought the warrantee deed of Cortright good and sufficient for him, and neither McDonald nor Cortright supposed that Leach or Phelps would ever return to trouble them. This deponent knows that Phelps was an old man without any family; he was for several years in this country, and lived with the family of Leach, who always provided for and took care of him in health and in sickness. This deponent heard that said Phelps died at Detroit about the beginning of the late war. And further this deponent saith not.

WILLIAM THORN.

Sworn to and subscribed before me December 22, 1823.

GEORGE McDOUGALL, *Justice of the Peace W. C. T. M.*

James Cortright, sen., being duly sworn, deposeth and saith that a man by the name of George Leach contracted with this deponent for a piece of land on Thompson's island, in the river St. Clair, county of St. Clair, for which the said Leach did not pay this deponent, but relinquished his claim to said land, and gave this deponent possession of the same land which this deponent contracted to Phelps and Leach. The said Phelps and Leach never have fulfilled the contract for said land, or any other person for them, or in their name or otherwise.

James Cortright, jr., being duly sworn, deposeth and saith that he was present when George Leach and James Cortright, sen., had a settlement relating to their deal, in which the said Leach and Cortright, sen., had a settlement relating to a piece of land which the said Cortright, sen., had contracted to let Phelps and Leach have; and this deponent understood by the parties that Leach had not paid the said Cortright, sen., for said land; and that all of the said Leach's account was not equal to that of the said Cortright, sen., not including the land above mentioned, on which, immediately after the said Leach left said land, he, the said Cortright, sen., and the said Cortright, jr., went, within a few days afterwards, and took boards and other things belonging to the said premises and converted them to his own use; and after the said Cortright, sen., had possession peaceably for four years, the said J. Cortright, sen., sold the same piece of land to Angus McDonald, who is now living on said land.

This case presents for consideration distinct and conflicting claims for the same tract. The nature of the powers conferred upon the commissioners, the subject-matter of their investigations, and the manner in which they are obliged to execute their trust, combine to preclude the hope, in most cases, of determining the relative and conflicting right of opposing claimants, as between the governmental claim, however, and that of individual. This presents a strong case. There remains no doubt but that the land claimed was occupied, cultivated, and improved by individuals long before the epoch established by the law, (1796,) and that it has been continually occupied, cultivated, and claimed, as the property of individuals, since that period; and if, from circumstances not clearly explained, there had not been a failure to make a regular entry of the claim in due time, there can be no doubt but that the tract in question would have been confirmed as individual property. The commissioners, however, are of opinion that the circumstances of the claimants, and, more especially, the probable notoriety of the fact that former boards were at all times unwilling to act upon claims to islands in the straits and lakes along the national boundary, before that national boundary had been defined and established, constitute a sufficient excuse for the omission. They believe that the tract in question was regularly, and upon sufficient consideration, transferred by James Cortright to Leach and Phelps; that Phelps died before Leach, and that the claim to it survived to Leach, in whose heirs, and their assigns, the equitable claim now rests. The agreement between Cortright and McDonald appears to have been posterior, in point of date, to the purchase of Leach and Phelps, to be irregular on the face of it, and, probably, to have been entered into with a full knowledge of the previous sale to Leach and Phelps. McDonald, therefore, it is presumed, can have no valid specific claim for the land. His claim is therefore *rejected.* Taking this general view of the matter, the commissioners venture to recommend and to request that one moiety of the premises be confirmed to Henry Leach, George Leach, Jonas Leach, and Hyta Leach, heirs-at-law of William Leach, deceased, and to Lewis Davenport and Philip B. Gage, assignees aforesaid; the other moiety thereof to be holden by them, respectively, according to their respective interests, in trust for themselves and such others as may have any or better right therein.

No. 6.—*François Yax.*

To a tract of land containing 440 acres, more or less, upon Lake St. Clair. François Yax appears to make claim to a certain tract of land, which he states has been entered with the late register, P. Audrain, he thinks about eight years ago, and he now has the permit of the register to remain upon said tract; and this appears to be what he (this claimant) considers as his entry.

TESTIMONY.

Pierre Yax, being duly sworn, deposeth and saith that this tract was taken possession of before General Wayne's arrival in this country; that François Yax, son of deponent, who then took possession of this tract, has continued to occupy, cultivate, and possess the said tract from that time to the present. The farm claimed is adjoining the farm on which witness then lived. When claimant obtained permission from the register to remain on said tract there were about ten acres cleared.

Joseph Bassonnet, being duly sworn, deposeth and saith that about twenty-three or four years ago, and ever since the recollection of deponent, said claimant has worked on said farm every year up to the present time.

The testimony in this case does not appear to bring the occupancy and improvement clearly within the provision of the law requiring them to be made prior to the first of July, seventeen hundred and ninety-six. It further does appear that Pierre Yax, the father of claimant, did, in due time, file his claim to adjoining lands, and was confirmed therein; and, at that time, no claim or entry was made to this tract either by the present claimant or his father. The present commissioners do therefore, under consideration of all the circumstances, reject this claim.

No. 7.—*William Forsyth.*

SEPTEMBER 29, 1821.

Take notice that I claim title to a tract of land situate on Lake St. Clair, about one mile and a half above Milk River Point, bounded in front by Lake St. Clair, in rear by unlocated lands of the United States, being six arpents in front and rear by eighty in depth; which tract I claim by virtue of actual possession and improvements.

WILLIAM FORSYTH.

The COMMISSIONERS.

TESTIMONY.

Peter Yax and François Furton, being duly sworn, depose and say that, to deponents' certain knowledge, William Forsyth had possession of a tract of land situate on the border of Lake St. Clair, about one mile and a half above Milk River Point, bounded in front by Lake St. Clair and in rear by unlocated lands of the United States, being six arpents in front and running in rear eighty acres; which said tract of land deponents know the said William Forsyth to have occupied since twenty-seven years, and still occupies and cultivates the said tract of land; that deponents have always considered, and do now consider, that the said William Forsyth was, and is, the lawful owner of said tract, and has been for these twenty-seven years past.

The commissioners, upon considering the foregoing claim of William Forsyth, consider that the title thereto would have been deemed good and valid under the laws of Congress if the same had been preferred in due time; and it is regretted that the testimony does not set forth the cause of delay in making the claim. The commissioners do, however, from a sense of the strong equity of the case, earnestly recommend the claim for confirmation by Congress, and that it be located on fractional sections Nos. 23 and 22, in township No. 1 north, of range No. 13 east, in the land district of Detroit, and being, as the commissioners judge, the land claimed in the above notice; provided that this claim be so laid off by the survey thereof as not to interfere with any private claims heretofore confirmed, or which may be confirmed to other claimants by this board, or with the lines of the south fraction of section No. 14 in said township and range, which appears to have been heretofore sold.

No. 8.—*Gaget Marsac.*

DETROIT, *April* 24, 1821.

Take notice that I make entry and claim a title to a tract of land situate on the south side of Tremble's creek, being fractional section No. 15, in township No. 1 south, range No. 12 east of the meridian, containing 479.77 acres. I claim the above-described tract from having made an actual settlement thereon.

JAMES McCLOSKEY,
For GAGET MARSAC.

The REGISTER *of the Land Office of the district of Detroit.*

TESTIMONY.

Joseph Tremble, being duly sworn, deposeth and saith that several years previous to the year 1796 he commenced making an improvement on a tract of land now claimed by Gaget Marsac, situated as above mentioned. Deponent continued in the possession and occupancy of said tract of land until about the year 1799, when he sold all his claim and possession to Gaget Marsac, who entered into the possession, and continued occupying and cultivating said tract until sometime in the year 1806 or 1807.

Robert Marsac, being duly sworn, deposeth and saith that he has knowledge of the fact that Joseph Tremble settled upon the tract of land in question thirty years ago; at that period he had enclosed about one or two arpents. He has seen said Tremble thereon three or four times within two years of the time of the first period above mentioned. Said Gaget Marsac bought said tract of land of Joseph Tremble, and immediately took possession, and continued to possess and occupy said land for the three subsequent years. That for fifteen or sixteen years last past, said tract has not been occupied or improved by any one. About the time said claimant went to take possession of said tract, after having purchased said tract from said Tremble, Nicholas, the German, made a present to said Marsac of his improvement on said land.—1821.

The commissioners, in considering the above claim of Gaget Marsac, do decide to recommend the same to Congress for their confirmation.

No. 9.—*Asquire Aldrich.*

DETROIT, *June* 28, 1821.

I, Asquire Aldrich, make claim and title to a tract of land containing six acres in front by forty in depth, making two hundred and forty acres, situate on the northerly side of Tremble's creek, in the county of Wayne and land district of Detroit, bounded in front by said creek, easterly by lands granted to the late John Little and myself, westerly by public lands, and in rear by public lands. I claim by purchase from Thomas Tremble, in right of possession and improvements made on said tract of land at and before July, 1796, and continued to the present time by the claimant and those under whom he claims title and makes claim, and prays that he may be confirmed therein, and a certificate of such confirmation granted, &c.

ASQUIRE ALDRICH.

The REGISTER and COMMISSIONERS *of the United States Land Office at Detroit, in the Territory of Michigan.*

TESTIMONY.

Joseph Tremble, being duly sworn, deposeth and saith that, in the case of the claim of Asquire Aldrich to the above-mentioned tract, before the year 1796 an American by the name of Thomas Hobbs settled on and improved said tract; that when General Wayne came on, said Hobbs left said tract and Thomas Tremble took possession, and continued the occupation until he disposed of his claim to Asquire Aldrich.

Thomas Tremble, being duly sworn, deposeth and saith that previous to the year 1796 said farm was cultivated and a house built upon it. Hobbs went away, and witness took possession of said farm. Witness cleared and made fence on said land eight or nine years ago, with a view to keep possession of it.

The commissioners feel bound to reject this claim, it appearing to them that the lands here claimed were, in part, sold by the government to present claimant, and that the residue has been confirmed to others whose claims the commissioners adjudge paramount to that of Asquire Aldrich.

No. 10.—*Jacob Baker.*

Jacob Baker enters his claim to a tract of land situate on Tremble's creek, containing—[Omission in the original.]

TESTIMONY.

Joseph Louis Tremble, being duly sworn, deposeth and saith that about ten years previous to July, 1796, he well recollects that George Baker, deceased, occupied and improved a tract of land on Tremble's creek; that he built a house and cleared eight or nine acres of land; that said Baker was compelled to leave said tract by the hostility of the Indians; that since the death of said George Baker he has considered the land in the possession of Jacob Baker; that said tract of land has been, and still is, known by the name of Baker's land.

François Furton, being duly sworn, deposeth and saith that he has knowledge that George Baker, deceased, during his lifetime, and at least five years before the arrival of General Wayne's army, occupied and improved said tract of land; that said Baker was driven from said farm by the Indians, but afterwards returned; and that after the death of said George Baker, his son, Jacob Baker, occupied and cultivated said tract; and that said occupation was continued until 1814; said tract still bears the name of Baker's land. Deponent well knows that during the time the people of the country entered their claims to land said Baker resided in Canada.

This tract is confirmed to Henry Connor. See confirmation under claim of said Connor, next following.

No. 10.—*Henry Connor.*

DETROIT, *June* 26, 1821.

Notice is hereby given that I, Henry Connor, of the district of Detroit, make claim to a tract of land containing six hundred and forty acres, situate, lying, and being in the county of Wayne and Territory of Michigan, and within the land district of Detroit, and bounded as follows, to wit: on the northwest side by Joseph Tremble, and on the southwest by lands owned by Asquire Aldrich, and on the other side by United States land; said tract of land claimed lies on the northeast side of Tremble's creek, and is known by the name of Baker's improvement. The said Henry Connor sets up claim and makes title to the above tract of land as assignee of Jacob Baker and Mary Flin, late Mary Miers, the only children and heirs-at-law of John Baker, their late father, now deceased, who, whilst living, claimed said land to be granted and confirmed to him and his heirs and assigns by virtue of occupancy, possession, and improvement by the deceased had and made thereon prior to the year 1796, and continued thereafter; whereupon the said Henry prays that he may be confirmed in and to said land as above described.

HENRY CONNOR.

The REGISTER and COMMISSIONERS *of the United States Land Board in and for the district of Detroit.*

The claimant refers for evidence of occupancy and improvement of the above claim to the testimony adduced by Jacob Baker in his claim next preceding. Henry Connor also produces deeds of quit-claim and conveyance from Jacob Baker, the aforesaid claimant of this land, as specified by the foregoing entry, No. 10, and his sister, Mary Flin, being the sole heirs of George Baker, deceased; and also evidence that the said claimants, Jacob and Mary, desire that the said entry, by them or either of them made, may enure to the benefit of the said Henry Connor.

In satisfaction of this claim, the commissioners do recommend to Congress for confirmation the tract or parcel of land included within the following boundaries, to wit: beginning at that point on Tremble's creek which shall be the southwest or lower corner on said creek of the farm or tract of land next following,

and recommended for confirmation to the heirs of Joseph Pomerville; thence northeasterly, by the southern line of the said tract of said Pomerville, extending in depth along said line to the southeast corner of said tract recommended for confirmation to the said heirs of Pomerville; thence in a southwardly direction, and upon the course of the rear line of a tract of land confirmed by a former land board to Joseph Tremble, and being an extension of said rear line, to the point where the same shall intersect the rear line of the back concessions confirmed by the present board; thence by the said line of the back concessions, in a southwardly direction, to the east border of Tremble's creek aforesaid; provided that the lines of this tract be so run as not to interfere with the lines of any other tract of land confirmed or recommended for confirmation by the present or any former board of commissioners.

JULY 14, 1821.

No. 11.—*Heirs of Joseph Pomerville.*

SIR: The bearer of this, Joseph Pomerville, claims a tract of land on Tremble's creek lying between a tract confirmed to Joseph Tremble and a tract claimed by the Bakers or Henry Connor. The bearer says that his father made an improvement on the land, and wishes the evidence of the two Griffords taken.

JAMES McCLOSKEY.

TESTIMONY.

Personally appeared before the commissioners for adjusting private land claims in the district of Detroit, at the instance of the heirs of Joseph Pomerville, deceased, in behalf of the whole of said heirs of said Joseph Pomerville, deceased, Louis Grifford, who, being duly sworn, deposeth and saith that he well recollects to have seen Mr. Louis Pomerville at work on the land opposite to the land of Mr. Bean, and is southwesterly of the south line of Tremble's land, one farm of about three acres intervening, about three years ago; but he does not know the extent of his improvements. Mr. Pomerville was living at that time on the place afterwards confirmed to his heirs on the strait of Detroit.

And, at the instance of same claimants, Mr. Laurent Grifford, being duly sworn, deposeth and saith that Louis Pomerville, deceased, was one of the first settlers on Tremble's creek, and that it is more than thirty years since he saw him at work on the lands in question, which lie southerly of the land of Tremble; that he cleared and enclosed with good fence two or three acres in a field, and he also built a house on said tract. Mr. Pomerville died about twenty years ago, leaving one son and five daughters, all under the age of twenty-one, and very young.

Upon examination of this case, the commissioners recommend to Congress for confirmation to the heirs of Joseph Pomerville, deceased, a tract of land bounded on the north by the tract confirmed by a former land board to Joseph Tremble, and to extend in depth as far as the south line of said Tremble's farm extends in front upon Tremble's creek, to the extent of four arpents; thence by a line parallel with the said northern boundary on Tremble's line, so that a line running from the extremity thereof in a northern direction will intersect the rear extremity of the aforesaid line of Tremble's farm.

No. 12.—*Joseph Louis Tremble.*

DETROIT, *July* 27, 1821.

Please take notice that I claim title to a tract of land situate in the district of Detroit and Territory of Michigan, containing, by estimation, six hundred and twenty-five acres, it being twenty-five acres in front by twenty-five acres in depth, bounded in front by Tremble's creek and lands of the claimant, on the south also by lands of the claimant, and in the rear and on the north side by unconceded lands, the property of the United States. I have been in possession of the same for the last forty years. Possession, &c., can be verified by Joseph Leonard Tremble.

JOSEPH LOUIS TREMBLE.

The COMMISSIONERS, *&c.*

The testimony of Joseph Leonard Tremble, whose name is mentioned in the above claim, was either not taken or has been mislaid by the commissioners, and in lieu thereof Joseph Tremble's, jr., testimony was taken.

Joseph Tremble, being duly sworn, deposeth and saith that in the years of our Lord 1795 and 1796 Joseph Louis Tremble was in possession of a tract of land on the south border of Tremble's creek, *Entrout du Morais*, upon which there were about ten acres cleared and under constant cultivation; and the said Joseph Tremble, jr., further swears that the same tract has continued in the quiet and peaceable possession of the said Joseph Louis Tremble from said year 1796 to the present time; and further, that the said tract contains, according to the best of this deponent's knowledge and belief, six hundred and twenty-five acres of land, be the same more or less.

Upon consideration of this claim the commissioners recommend to the revising power for confirmation to Joseph Louis Tremble a tract of land containing the quantity claimed, to be bounded and described as follows: beginning at a point on the west side of Tremble's creek where the rear line of the back concession intersects said creek; thence up stream to a point where the east line of fractional section No. 15 intersects said creek; thence south, upon the said east line of said fractional section No. 15, to a point where the lines of fractional sections Nos. 15 and 23 corner; thence west, and upon the line dividing fractional sections Nos. 15 and 22, so far as that a due south line extending to the rear line of said back concessions, and thence in an easterly direction and upon the said rear line to the place of beginning, will contain the quantity claimed, viz: 625 acres.

No. 13.—*Joseph Campau.*

MAY 22, 1821.

Joseph Campau, son of the late John Bpt. Campau, and assignee of the widow and heirs of the said Jean Baptiste Campau, deceased, makes application and entry for confirmation of six hundred and forty acres of land lying immediately in rear of the tract of land, forty acres in depth, confirmed to the widow and heirs of Jean Bpt. Campau, deceased. Said applicant predicates his claim on the following facts: that ten years previous to the arrival of General Wayne's army, in 1796, his late father improved and occupied a tract of land about five acres in the rear of the land confirmed as aforesaid; that, in pursuance of the act of Congress, he conceives, had an entry been made pursuant to the law, he would have been entitled to a confirmation of six hundred and forty acres; that the improvement and possession were continued and have been uninterrupted to the present time, by his deceased father during his lifetime, and by this applicant since his death; that, being of French extraction, not understanding the English language, and not having received an education which would enable him to obtain information necessary to the prosecution of his claim under the act of Congress, he is in a great measure excusable for neglecting to make his entry in proper season, and thereby avail himself of the bounty of the government. His claim, he is aware, must in a great measure depend for its confirmation on the liberality of the government. The land for which he solicits a confirmation is of comparatively little value but to himself; to him it would be valuable, to the government of little consequence. He submits this application, and the accompanying evidence in support of it.

his
JOSEPH + CAMPAU.
mark.

TESTIMONY.

Constant St. Obin, being duly sworn, deposeth and saith that he is of the age of sixty-two years; was born in the county of Wayne, and has always been a resident in said county; he knows that John Bpt. Campau, deceased, occupied and improved, during his lifetime, a tract of land now lying immediately in rear of the farm now occupied and improved by Mr. Jaques Campau, son of said deceased. That said deceased built a house and enclosed about four acres of land; he cleared off the timber and improved it in the cultivation of grass, corn, and grain. That said possession and improvement was at least ten years before the arrival of General Wayne's army; that the possession and improvement have been continued from that time to the present by said deceased during his lifetime and by his son, Joseph Campau, since. Said improvements and possession are about four acres in the rear of the land already confirmed to the widow and heirs of said deceased; that he lived a neighbor to said deceased, and frequently saw him, and has since seen his son at work improving said land; that, to the best of his knowledge, the possession and improvement have been quiet and uninterrupted.

Claimant produces patent No. 152, to widow and heirs of J. B Campau; also a quit-claim from said widow and all the heirs, except one daughter, Bazilade, to Jean Bpt. Campau, son and brother; also a deed of exchange between said J. B. Campau and present claimant; and also the quit-claim of said sister Bazilade and her husband, François St. Obin, to the present claimant; by which respective instruments all the rights, interests, and titles of the widow and several heirs seem to have been transferred to present claimant in and to the lands herein claimed; but it appearing, also, that the lands here claimed are already appropriated to the purposes of back concessions and otherwise, yet, in consideration of the apparent justice of the present claim, and the distinct and long-continued occupancy thereof, the commissioners do recommend the same to the favorable attention of Congress.

No. 14.—*Henry Campau.*

DETROIT, *May* 20, 1821.

Henry Campau, son of the late François Campau, and assignee of the heirs of François Campau, deceased, makes application and entry for confirmation of six hundred and forty acres of land, lying immediately in rear of the tract of land, forty acres in depth, confirmed to Louis Moran, in trust for the heirs of François Campau. Said applicant predicates his claim on the following facts: that ten years previous to the arrival of General Wayne's army in 1796 his late father improved and occupied a tract of land, about five acres, in the rear of the land confirmed as aforesaid; that, in pursuance of the act of Congress, he conceives, had an entry been made pursuant to the law, he would have been entitled to a confirmation of six hundred and forty acres; that the improvement and possession were continued, and have been uninterrupted until the present time, by his deceased father during his lifetime, and by this applicant since his death; that, being of French extraction, not understanding the English language, and not having received an education that would enable him to obtain the necessary information to the prosecution of his claim under the act of Congress, he is in a great measure excusable for neglecting to make his entry in proper season, and thereby avail himself of the bounty of the government. His claim, he is apprised, must in a great measure now depend for its confirmation on the liberality of the government. The land for which he solicits a confirmation is of comparatively little value but to himself; to him it would be valuable, to the government of little consequence. He submits his application, and the accompanying evidence in support of it.

HENRY CAMPAU.

TESTIMONY.

Gabriel St. Obin, being duly sworn, deposeth and saith that he well knows that François Campau, during his lifetime, occupied and improved a tract of land now lying immediately in rear of the farm occupied and improved by Henry Campau, son of deceased; that said deceased built a house, and made an improvement of about five acres in rear of the lands confirmed to Louis Moran, in trust for the

heirs of François Campau, deceased, upon which land said deceased cleared off the timber, made fences, and improved it in the cultivation of grass and grain; that said possession and improvement were at least ten years before the arrival of General Wayne's army; that the possession and improvement have been continued from that time to the present by said deceased during his lifetime, and by the heirs of said deceased since that time; that he lived a neighbor to said deceased, and has frequently, in passing said improvement, seen the said deceased at work on said land, and since has seen his son, Henry Campau; that said possession has been quiet and uninterrupted, to the best of his knowledge.

Constant St. Obin, being duly sworn, deposeth and saith that he well knows that François Campau, deceased, during his lifetime occupied and improved a tract of land now lying immediately in rear of the farm occupied and improved by Henry Campau, son of said deceased; that said deceased built a house, and made an improvement of about five acres in rear of the land confirmed to Louis Moran in trust for the heirs of François Campau, deceased; cleared off the timber, made fences, and improved it in the cultivation of grass and grain; and that said improvement was at least ten years before the arrival of General Wayne's army; that the improvements and possession have been continued from that time to the present by said deceased during his lifetime, and by the heirs of said deceased since. Deponent has frequently seen said deceased at work on said land, and since his death has seen his son, Henry Campau, at work on it.

(See proceedings of the former commissioners, vol. —, pages 13 and 14.)

And thereupon, it being represented to the commissioners that the said Henry Campau is now lately deceased, and it appearing that the lands herein claimed are already appropriated to the purposes of back concessions and other confirmed claims, the commissioners think it proper only to express their opinion that the occupancy and improvement of this tract is clearly shown to have been prior to 1796, and continued to the present time. The board would therefore recommend this claim of the widow and heirs to the favorable attention of Congress.

No. 15.—*Dominique Reopel.*

The commissioners appointed to investigate the titles to lands in the district of Detroit will please take notice that I claim title to a tract of land situate on the Detroit river, bounded in front by the Detroit river; on the lower side by a lane running to the high road, by land claimed by François Lafontaine, deceased; on the rear by the highway; and on the upper side by lands claimed by the heirs of Angelique Cicot, containing about three arpents, more or less, French measure.

DOMINIQUE REOPEL.

Claimant files a deed of conveyance from his father, Ambroise Reopel, to him, the said Dominique Reopel. of said tract claimed.

And thereupon, the board having examined the surveys and patents of the said Cicot and Lafontaine farms, by which this claim is bounded on all sides, (of the latter of which it would seem to have originally formed a part,) find that the said farms of Cicot and Lafontaine do embrace all the lands here claimed by said Reopel; therefore the commissioners, although persuaded that injustice may have been done to said Reopel by the former surveys and confirmations thereon, owing, perhaps, to the ignorance or inertness of said Reopel in the prosecution of his claim before former land boards, do not feel themselves authorized to interfere, or in any manner to contravene the acts of former surveys confirmed by Congress. The commissioners are of opinion that Mr. Reopel can only find redress in a court of equity. They are therefore constrained to postpone this claim.

No. 16.—*Joel Thomas.*

DETROIT, *June* 27, 1821.

Take notice that I claim title and make entry of a tract of land situate on the south border of the river Rouge, opposite a tract now owned and occupied by Mr. Buckline. I claim title to 640 acres, bounded in front by river Rouge, as above stated, on the upper side by a tract purchased at public sale by Henry McGee, on the lower side by land claimed by James Cisne, and in rear by United States land. I claim title to the said tract in consequence of an improvement made on the same by John Reynolds, and as his assignee.

JOEL THOMAS,
By JAMES McCLOSKEY.

The REGISTER *of the Land Office of the district of Detroit, Michigan Territory.*

TESTIMONY.

Aaron Thomas, being duly sworn, deposeth and saith that twenty years ago last spring he was on the premises now claimed by Joel Thomas, on the river Rouge, as assignee of John Reynolds; that there was on said premises an improvement of about two acres, which had been cultivated, and that, in addition to the two acres, there were some six or eight acres which were partly enclosed; that, from appearances, there had been on said premises a log cabin, which had been burned; and that, previous to the late war, I understood that Joel Thomas claimed the tract of land alluded to; and that the improvement which was made thereon previous to my going on the premises I have always believed to have been made by John Reynolds.

Amos Gorden, being duly sworn, deposeth and saith that about three years ago he was on a tract of land on the south side of the river Rouge, now claimed by Joel Thomas, on which said tract there appeared to be an old improvement; that about ten acres of which appeared to be enclosed with the old rails; which improvement I have been informed was originally made by John Reynolds.

John Reynolds, being duly sworn, deposeth and saith that in the year of our Lord one thousand seven hundred and ninety-four or five he took possession of a tract of land situate on the south border of the river Rouge, and opposite a tract of land now owned by William Bucklin; that he cleared some three or four acres of land on said tract, and that deponent continued in possession of said tract until sometime in the year 1798 or 1799, about which time I left this Territory, and has since been absent until a short time since. Deponent states that he has ceded to Joel Thomas all his right, title, interest, or claim to said tract, in consequence of the improvements made by deponent in 1794 or 1795.

Claimant produces a deed of conveyance from said Reynolds to said Thomas of a tract of land situate and described as above in said Thomas' claim, containing six hundred and forty acres; said deed is dated May 22, 1821.

The commissioners are of opinion that continued and uninterrupted possession from 1796 to 1807 is not proved by the claimant, but that said improvement was abandoned by Reynolds in 1799, and was never reoccupied by him or the present claimant. This claim is therefore *rejected.*

No. 17.—*Gabriel Godfroy.*

DETROIT, *September* 28, 1821.

The commissioners appointed to investigate the titles to land claims in the district of Detroit will please take notice that I claim title to a tract of land situate on the northeast side of river Huron of Lake Erie, bounded in front by said river, to be laid out in a square form, to contain six hundred and forty acres, lying opposite to lands patented to me and my heirs; which tract I claim by virtue of actual settlement, long and valuable improvements, and possession.

G. GODFROY.

TESTIMONY.

Charles Chovin, being duly sworn, deposeth and saith that previous to July 1, 1796, a tract of land situate on the north border of the river Aux Huron, at or near a place commonly called the establishment of La Chambre, claimed by Gabriel Godfroy, sr., was then occupied and cultivated by the said Gabriel; that there was always a field fenced in of about ten acres; and further, that this field was kept in cultivation, and claimed by said Gabriel, until the year 1812, when the war broke out and prevented the cultivation. Deponent never knew of any other claim to said tract than the said Gabriel's.

John Bpt. Sans Crainte, jr., being duly sworn, deposeth and saith that previous to July 1, 1796, a tract of land situate on the north border of the river Huron, near Detroit river, and near the place commonly called the establishment of La Chambre, claimed by Gabriel Godfroy, sr., was then occupied and cultivated by the said Gabriel; that there was a field fenced in of about ten or twelve acres; and further, that this field was continually cultivated and claimed by said Gabriel until the late war in 1812. Deponent knows of no other claimant than the said Gabriel.

The commissioners, on examining this claim, do find that the lands here claimed have been sold by the government. The exhibits furnish strong evidence of validity, and good grounds in equity for confirmation. The commissioners would therefore recommend to the revising authorities for confirmation to the said Gabriel Godfroy a tract of land not exceeding one hundred and sixty acres, to be located upon one entire quarter section of the public lands in the vicinity of the lands so claimed and sold, which may have been offered at public sale, and which may remain unsold at the time said claimant may be authorized to locate his claim.

No 18.—*J. B. Sans Crainte.*

DETROIT, *July* 6, 1821.

GENTLEMEN: I beg leave to draw your attention to my claim to a tract of land situate on the north side of river Huron of Lake Erie, containing six hundred acres; bounded in front by said river; on the west by lot No. 636, confirmed to Gabriel Godfroy; on the east by the strait of Lake Erie; and to the northeast by the United States lands; reference being hereby made to the said claim No. 636, being part of my original tract, and the evidence produced and recorded in volume 7, page 60, being said Godfroy's seventeenth claim, and book called by Mr. Audrain No. 1, but lately numbered 3, page 298. I claim by virtue of my long possession at the Old Ferry stand (below which No. 636 the present toll-bridge is erected at river Huron aforesaid) and improvements thereon made by me at this ferry stand for several years previous to July 1, 1796, and for several years after, until he sold part of the said original tract to said Gabriel Godfroy, who had charge of said premises now claimed, and occupied the same occasionally as a ferry, for this claimant, from December 3, 1800, for several years afterwards. While I occupied this ferry stand in 1795 I had the honor of crossing Captain Shonbury and a party of dragoons who were sent from Greenville by General Wilkinson to demand the delivery of the post of Detroit; and I was promised by General Wayne that this tract should be certainly confirmed to me by the United States government in part recompense for the influence I exercised in taking all the Pottawatomie Indians and others to the treaty of Greenville, at great personal hazard and expense; and also for my said services at said treaty of Greenville.

B. SANS CRAINTE.

The COMMISSIONERS *of the United States Land Office for the district of Detroit and Territory of Michigan.*

TESTIMONY.

Pierre Cheine, being duly sworn, deposeth and saith that in the year 1795, during the month of June, he crossed at the old or lower crossing place, at said river Huron, about one mile below the present crossing or toll-bridge across said river, and was ferried over said river by Pierre Sans Crainte, the son

of the said Jean Bpt., who at that time had a house erected there, a field enclosed of about nine acres, and this deponent has always understood that the said Jean Bpt. Sans Crainte and his sons occupied, possessed, and improved the same until two years ago, ever since the said month of June, in 1795, aforesaid.

Antoine Barron, being duly sworn, deposeth and saith that in the fall of the year 1794 he assisted Perish and Francis Barron to build a log-house on the tract at the ferry for Jean Bpt. Sans Crainte, near the present toll-bridge. In the spring following, deponent went to the river Huron and aided the said Sans Crainte and his sons in building another log-house at the lower traverse on the said river Huron, on the east side, where the said Sans Crainte cultivated a tract of land. Sometime after said Sans Crainte sold a piece of land to Gabriel Godfroy, situate where the old toll-bridge now stands. From the time above mentioned (when said deponent assisted in building a house) the said J. B. Sans Crainte, by himself and his children, kept possession, occupied, and improved the land at said lower ferry, and, moreover, from the spring of the said year 1795 until the commencement of the late war; but at the return of peace they returned and cultivated said premises until the same were partly disposed of by the commissioners of the United States land office at Detroit, and sold at public auction.

It appears to the commissioners, after investigating this claim, that said claimant, Jean Bpt. Sans Crainte, did possess, occupy, and cultivate a tract or piece of ground situate below that tract or parcel of ground sold by him to Gabriel Godfroy, and that, in this tract, the said claimant would have been confirmed had he preferred his claim in due time. But as this was not made by him, and the lands claimed are now sold by the United States government, therefore the present commissioners can only recommend for confirmation to the revising power a tract of land containing three hundred and twenty acres, to be located on such entire half section of the public lands, in the vicinity of that claimed, as may have been offered at public sale, and shall remain unsold at the time said claimant may be authorized to locate the same.

No. 19.—*Antoine Lasselle.*

DETROIT, *September* 22, 1821.

Take notice that I claim title to a small island situate in the river Raisin, containing about three acres, more or less, which island forms part of my mill-dam. I claim by virtue of possession, occupancy, and improvement.

ANTOINE LASSELLE.

The COMMISSIONERS *of the Land Office.*

TESTIMONY.

Gabriel Godfroy, being duly sworn, deposeth and saith that he purchased a farm at the river Aux Raisin, about twenty years ago, from one Baptiste Contour, which property has since been sold, and is now the property of the heirs of James Lasselle. A small island is situate close to the mills of Antoine Lasselle, which is on the north side of the river Aux Raisin and adjoining the farm of said Antoine. A dam, which is one of the appurtenances of said mill, is bounded by the farm of the late James Lasselle, on the south side of said river. Deponent has seen the said island improved, and believes it to have been cultivated up to the present time.

Colonel Francis Navarre, being duly sworn, deposeth and saith that about thirty-one years ago this deponent lived at the river Aux Raisin, and that he, this deponent, tilled, ploughed, &c., the ground on a small island situate in the river Aux Raisin, in the county of Monroe, for the Pottawatomie tribe of Indians, whose chief claimed the same as belonging to said tribe. The said island is situate close to the mills owned by Antoine Lasselle, on the north side of said river, and touching the said mill of the said Antoine, and also bounded by the farm of said Antoine Lasselle, and on the south side of said river; the other said dam, which is an appendage to the said mills, is bounded by the farm of the late James Lasselle, deceased. From that period until the same came into the possession of Antoine Lasselle, by purchase, in 1806, and from that period until this present time, the said island has been cultivated more or less every year.

It appears to the commissioners that the said Antoine Lasselle would have been entitled to a confirmation of said island had it been included in his entry of claim for the tract adjacent, and which was confirmed to him by a former board. The commissioners would therefore recommend to Congress for confirmation the said island as claimed, containing three acres, more or less, provided that the said island has not been included within the lines of any tract of land confirmed by any former board of commissioners, subject, however, to all the rights in law or equity of all creditors, mortgagees, or other persons whatsoever, of, in, or to the said island, as an appurtenance to said mill or farm, so formerly confirmed to the said Antoine.

No. 20.—*Thomas Caldwell, administrator of the estate of James Lasselle, deceased.*

DETROIT, *September* 29, 1821.

The heirs and legal representatives of James Lasselle, deceased, enter their claim to a certain island of land, containing about three acres, more or less, lying on the river Raisin, in the county of Monroe and Territory of Michigan. They claim said island by right of occupancy, possession, and improvement, made and had by the said James Lasselle, deceased, in his lifetime, and those under whom he derived title and possession, from and since July 1, 1790, which said island lies in front of the farm purchased from Parre Solo, and by him patented to Antoine Lasselle, and numbered 46 on the plan of survey remaining in the office of the register of the land office at Detroit.

THOMAS CALDWELL, *Administrator of James Lasselle, deceased, for and in behalf of the heirs of James Lasselle, deceased.*

The COMMISSIONERS *of the Land Office at Detroit.*

No testimony being adduced in support of this claim, and the same island being recommended for confirmation upon the last foregoing entry of Antoine Lasselle, the commissioners do reject the same.

No. 21.—*Antoine Bourgard.*

To the commissioners of the land office at Detroit, Michigan Territory:

Take notice that I claim title to a tract of land lying on the north border of the river Raisin, containing five hundred and sixty arpents, being seven arpents in front by eighty in depth; said tract being situate and lying between a tract, No. 486, confirmed to James McGill, and a tract, No. 479, confirmed to J. B. Racine. I claim title to said tract in consequence of occupancy and improvement previous and since the year 1796.

ANTOINE BOURGARD.

TESTIMONY.

Louis Monimy, being duly sworn, deposeth and saith that previous to the first day of July, in the year seventeen hundred and ninety-six, Antoine Bourgard was in possession and occupancy of a tract of land situate on the north border of the river Raisin, lying between a tract of land on the west belonging then to Isaac Gagnier, and on the east by a tract belonging to John Askin, deceased, being seven arpents in front and eighty arpents in rear; and this deponent further states that several years previous to said 1st day of July, 1796, the said Antoine Bourgard fenced a field of about three acres of land; said Bourgard lived on said premises several years after the said 1st day of July, 1796; and that he always claimed said premises, and has had a son for several years living on said premises.

Joseph Jobin, being duly sworn, deposeth and saith that in the year 1787 Antoine Bourgard was in possession of a tract of land situate on the north border of the river Raisin, lying between a tract of land on the west belonging then to Isaac Gagnier, and on the east by a tract of land belonging to John Askin, deceased, being seven arpents in front by eighty in depth; and this deponent further states that several years previous to the 1st day of July, 1796, the said Antoine Bourgard fenced in a field, raised corn, potatoes, rye, &c., and built a house on said tract, and lived in the same for a number of years after 1796; that said Bourgard has always claimed said tract, and one of his sons has lived on said tract for a number of years.

Francis Navarre, being duly sworn, deposeth and saith that in the year 1792 Antoine Bourgard was in possession of a tract of land situate on the north border of the river Raisin. The remainder of deponents' affidavit confirms the two preceding ones.

The present commissioners are of opinion that had this claim, with the testimony now adduced, been presented to a former board, it would then have been confirmed; and had this claim been filed according to law this board could not have refused to confirm the same. The board do therefore recommend the said claim to Congress for confirmation to the extent claimed, provided that the western line of the tract, No. 486, heretofore confirmed to James McGill, and a prolongation thereof, extending to the distance of eighty arpents from the river Raisin, shall form the eastern line of this tract, at which point, eighty arpents at right angles thereto from the said river, a line to be run seven arpents in length, to be the rear boundary; and thence, by a line parallel to the first mentioned, to the said river Raisin, to such point as shall be seven arpents upon said river from the place of beginning; and thence, by the meanders of said river, to said beginning, provided that the lines of this tract shall not interfere with the lines of any lands heretofore or by the present board confirmed, nor with the lines of any of the public lands that may be sold prior to the period when said Bourgard or his legal representatives may be authorized to have the said claim surveyed; and further, saving expressly all the legal or equitable rights which the heirs or legal representatives of James McGill, deceased, may have in or to said tract.

No. 22.—*Joseph Menard.*

AUGUST 27, 1821.

I, Joseph Menard, enter my claim for a tract of land situate on the south border of the river Raisin, containing two hundred arpents, French measure, more or less, bounded as follows, to wit: on the east by a farm claimed or owned by Jean Baptiste Gerome, and on the west and rear by United States lands, in front by the river Raisin. I claim this tract in virtue of actual possession and improvement made on said tract prior to 1796, and continued from that time until 1807, and I still improve said tract.

JOSEPH MENARD.

TESTIMONY.

Joseph Robinet, being duly sworn, deposeth and saith that the farm claimed by Joseph Menard was occupied in the year 1795, and that the possession was kept up until the year 1807, and at this time there is a house and a large field enclosed; that he knows of no other claimant to said farm. It is bounded on the east by Jean Baptiste Gerome, in rear and on the west by United States lands, in front by the river Raisin. That said Menard held a deed from Joseph Cheine, which was recorded at Detroit by George Hoffman, which has been burnt.

Jean Baptiste Gerome, being duly sworn, deposeth and saith that on or about the year of our Lord one thousand seven hundred and ninety-four he was acquainted with a farm claimed by Joseph Menard, on the south border of the river Raisin, sold by Joseph Cheine to said Menard; that the farm was improved at that time, and that the improvement was kept up from that time until 1807, and it still is improved. The said farm is bounded on the east or lower side by a farm claimed by me, and on the west and rear by United States lands, in front by the river Raisin, and he knows of no other claimant to said farm;

that he knows of said Menard's having a deed for said farm from Joseph Cheine; that it was burnt in the office of Laurent Durocher.

The commissioners do recommend to Congress for confirmation to the said Joseph Menard the tract of land claimed, provided the same do not exceed five arpents in front, French measure, and not exceeding in depth forty arpents, upon the line of the tract of land claimed by Jean Baptiste Gerome, upon which this claimant's purports to be bounded, nor in the whole two hundred arpents; and provided also that said claim shall not interfere with the lines of any public lands which may be sold, nor with the lines of any lands confirmed by former commissioners, or heretofore confirmed or recommended for confirmation by the present board; and it is further recommended by this board that should the lands above described have been sold prior to the period when said claimant shall be authorized to have the same surveyed and returned to the register of the land office, then the said claimant be allowed to locate this claim upon such of the public lands adjacent to said claim as may have been offered for sale and remain unsold.

No. 23.—*Jean Baptiste Gerome.*

I, Jean Baptiste Gerome, make entry and claim title to a tract of land situate on the south border of the river Raisin, containing seven hundred and twenty apernts, it being six arpents in front by one hundred and twenty in depth, bounded on the east by Mr. Giles, on the west by United States lands. I claim in virtue of possession, occupancy, and improvement made on said tract prior to the year 1796, and continued from that time until 1807, and up to the present time, August 27, 1821.

JEAN BPT. GEROME.

TESTIMONY.

Joseph Reaume, being duly sworn, deposeth and saith that he is well acquainted with the farm claimed by Jean Baptiste Gerome, on the south border of river Raisin, sold by Joseph Cheine to said Gerome; that previous to the year 1793 said farm was improved, and that the improvement has been kept up until the present time; that he knows of no other claimant to said farm. There is a large field fenced in and under improvement. Said farm is bounded by Mr. Giles on the lower side, and on the upper side by United States lands, and in front by the river.

Robert Navarre, being duly sworn, deposeth and saith that he is well acquainted with a farm claimed by Jean Baptiste Gerome on the south border of river Raisin, sold by Joseph Cheine to said Gerome; that previous to 1794 said place was improved, and a house built on it, and that the improvement has been kept up to the present time. Said farm is bounded by Mr. Giles on the east, and on the west by United States lands. He knows of no other claimant to said land.

Claimant produces a deed from Joseph Cheine to him (the said Jean Bpt. Gerome) for a tract of land of six arpents in front by one hundred and twenty in depth, bounded and described as above.

Upon consideration of this case, the commissioners do recommend to Congress for confirmation to the said Jean Baptiste Gerome a tract of land situate as above described, provided that said tract do not exceed five arpents, French measure, in front upon said river by forty arpents in depth, nor in the whole two hundred arpents; and provided also that the lines of said tract shall not interfere with the lines of the tract last above recommended for confirmation to Joseph Menard, nor with the lines of any tract confirmed by a former board, or by the present board confirmed or recommended for confirmation, nor with the lines of any public lands which may be sold. And it is further respectfully recommended that in the event of the lands herein claimed having been sold prior to the time that the said Gerome shall be authorized to have the same surveyed, then that the said Gerome be allowed to locate the land so confirmed to him upon such of the public lands adjacent to this claim as shall have been offered for sale and remain unsold.

No. 24.—*Bt. Sousore, Menard Labadie, and Etienne Duval.*

Take notice that we, B. Sousore, Menard Labadie, and Etienne Duval, do respectively enter and make claim to the several tracts mentioned and described in the following depositions.

The Register *of the Land Office.*

TESTIMONY.

Jeane Bpt. Sans Crainte, being duly sworn, deposeth and saith that in the month of April, in the year of our Lord 1794, the chiefs of the Ottaway nation came and requested of this deponent to go with them to Otter creek, near river Raisin, for the purpose of receiving a tract of land which they had given to the Cheine family in consideration of the good-will and affection which they bore towards said Charles Cheine and his sons, in consequence of their friendship towards their nation, by suffering them to lodge on their premises, and giving them nourishment as often as they came to Detroit on business. He further testifies that he went as interpreter, in company with Antoine, and Franc, and Touissant Cheine, to Otter creek, where the chiefs showed them the tract of land, and proceeded, according to their custom, to butt and bound the same by planting a post at each corner, and making their customary mark with vermilion. He further testifies that the tract of land, according to estimation, was about three miles square.

Medare Labadie, being duly sworn, deposeth and saith that about twenty-two years ago Mr. Pierre Cheine, in company with Baptiste Sans Crainte and Mr. Neuveville, a surveyor, came to Plaisance, near the river Raisin, and laid out several farms or parcels of land belonging to the late George Lyons and Thomas Surechley's children. This deponent further states that Col. Choabert was also with the aforesaid persons, and was aiding and assisting in surveying said lands, being a party interested in the deed of gift of said lands. He further deposeth that Pierre Cheine, uncle to the late George Lyon's children, sold and

conveyed to Francis Robert a farm of four acres or arpents in front, and in rear about twenty-five arpents; also to Gabriel Bondy another farm, and to Etienne Duval another farm, all of four arpents in front by twenty-five arpents in depth. This deponent further deposeth that he was personally present when the bargain and sale of the aforesaid farms was made by P. Cheine to the persons aforesaid, for and in the name of the late George Lyons' children, who were under his charge as administrator to said estate and guardian to said children; that the said Robert Bondy and Duval promised to give said P. Cheine a good and sufficient security for the faithful payment of sixty pounds, New York currency, for each of said farms for the children aforesaid. This deponent further deposeth that François Robert, about two years ago, sold this farm to Bt. Sousore, who actually resides upon said farm; and that Gabriel Bondy sold his farm to Antoine Goie; that said A. Goie resided upon it about three years, and then sold it to this deponent, who is now in possession of it; that Etienne Duval continues to remain on the one he purchased; and further this deponent saith not.

Claimant files a deed from the Indians, dated 1796, to Cheine.

Upon examination of the testimony adduced in support of the above-mentioned claim, the board does not discover proof of actual possession and cultivation in 1796, nor do they find that any entry was made thereof within the time prescribed by law. The commissioners do therefore disaffirm the same. But, in so much as the said claimants appear now to be, and for a long time have been, in the actual possession and cultivation of the same, they respectfully recommend their case to the favorable notice of the government.

No. 22.—*Hyacinthe La Joie.*

Take notice that I now, [the remainder omitted in the original.]

The REGISTER *of the Land Office at Detroit.*

TESTIMONY.

François Lasselle, being duly sworn, deposeth and saith that he has no knowledge of Joseph Jobin's having sold to Jaques and François Lasselle a tract of land situate on the north side of Otter creek, as per contract or deed executed by Joseph Hyroque to said Joseph Jobin, dated February 5, 1800.

Dominique Drouillard, being duly sworn, deposeth and saith that in the year 1800 he saw on a tract of land now claimed by Hyacinthe La Joie a small field of corn and a small house; and that said improvement had been made on said land by François Monimy, who afterwards sold to Hyacinthe La Joie; said land is situate on the Bay settlement, bounded in front by the Fourche aux Cyne, in rear by unconceded lands, on the east side by Jaques Martin, and on the west by Dominique Drouillard.

Louis Monimy, being duly sworn, deposeth and saith that in the year 1800 the tract of land now claimed by Hyacinthe La Joie at the Bay settlement was improved; said tract is bounded in front by the Fourche aux Cyne, in rear by unconceded lands, on the east side by Jaques Martin, and on the west by Dominique Drouillard. Deponent further saith that these improvements were made by François Monimy, and afterwards sold to the said Hyacinthe La Joie.

No testimony being adduced showing the continued occupancy and improvement from 1796 to 1807, the board do therefore reject this claim.

In the rejection of the foregoing claims the commissioners have been governed by a sense of duty. They are aware that a rule is prescribed to them which they may not transcend. Motives of policy, principles of humanity, circumstances of individual hardship, form considerations for the framers of the law rather than for those who execute it. The commissioners venture to submit to the government, however, that had they suffered themselves to be influenced in this respect by the considerations above alluded to, they would have confirmed not only to the above-named claimant the tract applied for by him, but they would also have extended the same benefit to the other heads of families established at the settlement called "La Bay." This settlement was principally formed after the arrival of General Wayne, and the consequent establishment of the American government here; it consists of about twenty families of Canadian French. Prior to the late war, the settlement is represented as having been as thriving as any other of the Canadian settlements in the Territory. The notoriously faithful, zealous, and active part its inhabitants took in supporting the cause of their country during the war resulted in the burning and utter destruction of their houses, barns, and property by the British Indians. The most deplorable sufferings followed in the train of so barbarous an act. In the fond hope that the government would, in consequence of their fidelity and distress, confirm their possessions to them, they again returned, even before the termination of the war, and with renewed industry erected cabins and temporary shelters, and have since reoccupied their former fields. In the view of these facts, represented to the commissioners in a manner to preclude doubt of their truth, it is respectfully submitted to the government that an act may be passed for their relief.

BOOK No. 6.

Claims within the county of Michilimackinac.

NOTICE.—Michael Dousman enters his claim with the register of the land office at Detroit, to be laid before the commissioners under the act of Congress approved February 21, 1823, entitled "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," to a certain tract of land situated on the island of Michilimackinac, described as follows: beginning at a stake on the border of Lake Huron, and running thence N. 5° E., to a stake and stones; thence S. 47° E., to a stake and stones; thence S. 43° W., to a stake and stones; thence N. 47° W., sixty-six chains, to the place of beginning; containing, by estimation, six hundred acres of land, more or less.

MICHAEL DOUSMAN.

MACKINAC, *July* 21, 1823.

On July 18, 1823, came before me, the undersigned judge, Ambrose Davenport, who, being duly sworn, saith that Mr. Michael Dousman was certainly in possession in the year 1805 (and that this deponent thinks much earlier than this) of the farm and tract of land mentioned in the annexed notice of claim, and that he has occupied and cultivated the same every year, uninterrupted, from the said year 1805 to the present day, as his own property; his improvements have always been more extensive than any other in this country; that, in the opinion of this deponent, said Dousman has at least sixty acres of said tract enclosed and under cultivation. He was in possession July 1, 1812.

A. R. DAVENPORT.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day also came before me Simon Champaigne, who, being duly sworn, says that he is well knowing to all the facts in the preceding deposition of Ambrose Davenport, and deposes to the same of his own knowledge, the same as if they were here again repeated.

SIMON his ⋈ mark. CHAMPAIGNE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day also came before me Patrick McGulpin, who, being duly sworn, says that Mr. M. Dousman was in possession of the tract mentioned in the annexed notice before the year 1805; that he has continued to occupy and cultivate said tract every year from 1805 to the present time, and has added every year a considerable to his improvements; that on July 1, 1812, said Dousman occupied and cultivated said farm; that said Dousman has at least sixty acres of said tract enclosed and under cultivation; and that the said Dousman has always had the most extensive farm of any in this country.

PATRICK McGULPIN.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On July 25, 1823, came before me, the undersigned judge, John Dousman, esq., who, being duly sworn, saith that in the year 1804 this deponent lived upon the tract described in the annexed notice, and cultivated a part of it for Michael Dousman; that in the year 1809 Mr. M. Dousman built a distillery upon this lot, and a horse-mill; that said Michael has continued to occupy, cultivate, and improve said farm and tract every year from the said year of 1804 to the present time; that the said Michael was in possession of said tract, and cultivating the same, July 1, 1812.

JOHN DOUSMAN.

Taken and subscribed before me, at Mackinac.

J. D. DOTY, *Judge.*

DETROIT, *October* 22, 1823.

The preceding claim of Michael Dousman confirmed as claimed; the lines to be run in such manner that the tract shall not extend more than eighty arpents in depth from the shore of the lake, nor contain more than six hundred and forty acres.

NOTICE.—Michael Dousman enters his claim with the register of the land office at Detroit, to be laid before the commissioners under the act of Congress, to a certain tract of land situated on Bois Blanc island, bounded on the north by Lake Huron, on the east by a tract confirmed to said Michael, on the west by United States lands, and on the south by the shore of said lake; said tract extending across said island, and being twelve acres wide by thirty-two acres in depth.

MICHAEL DOUSMAN.

On July 21, 1823, came before me, the undersigned judge, at Mackinac, Pierre Muller, who, being duly sworn, says that the tract of land described in the annexed notice has been cultivated in front from the year 1796, every year, to the present time; that Pierre Suissy was the first possessor of the lot, who continued to reside upon it until his death; that Joseph Latard occupied and cultivated a part of it for several years previous to the war, July 1, 1812, and until the year 1815; that Joachin Lagasse occupied another part of the same lot, and claimed the whole, in his own right, as heir of Suissy; he has continued to reside upon and cultivate it since the year 1812 to the present time. This deponent thinks that there is cultivated of this lot, in front, between fifteen and sixteen acres in width.

PIERRE his ⋈ mark. MULLER.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

Be it remembered that, July 18, 1823, came before me, the undersigned judge, at Mackinac, William Solomons, who, being duly sworn, deposeth and saith that during the year 1811 Joseph Latard was in possession of the tract of land described in the annexed notice; that he was in possession of it several years before that period; that the said Latard continued to occupy and cultivate said tract until the year 1815, when he removed from the premises; that during this time his possession was quiet and uninterrupted; that in 1813 Joachin Lagasse removed from Green Bay and settled himself upon the same tract, where he continued to reside, and to cultivate a large portion of the said premises, until the present time; that this deponent made sugar several springs, either on the rear of this lot or land adjoining, and had therefore a good opportunity to know, as well as from other circumstances, the persons in possession of said lot.

WILLIAM SOLOMONS.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day personally came before me, the undersigned judge, Patrick McGulpin, who, being sworn, saith that, according to the best of his recollection, during the whole of the year 1812, and for many years before, Joseph Latard was in possession of the tract before mentioned; that he had a dwelling-house erected thereon and a considerable field under cultivation; that this tract has been long cultivated, it having been settled as early and even before seventeen hundred and ninety-six; that Joachin Lagasse has also been residing upon this lot and cultivating it since the year 1813; he had a house erected upon it, and had a very considerable improvement.

PATRICK McGULPIN.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day came also before me Simon Champaigne, who, being duly sworn, says that Joseph Latard occupied and cultivated the tract mentioned in the annexed notice in the year 1807, and continued to possess and cultivate the same, without interruption, until the year 1815; that Joachin Lagasse also resided upon a portion of the same tract from the year 1813 to the present time; that the fields occupied and cultivated by said Latard and Lagasse were about fifteen acres wide in front upon the lake; they had also several buildings erected on the lot.

his
SIMON + CHAMPAIGNE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 29, 1823.

Michael Dousman produces a deed from James Latard, dated July 10, 1823, conveying to him a tract of land on the island of Bois Blanc, bounded and described as follows: on the north by the lake, twelve arpents; on the east by a tract confirmed to Michael Dousman, thirty-two arpents; on the south by the lake, twelve arpents; on the west by United States lands, thirty-two arpents.

The commissioners, at their session of this day, confirm to Michael Dousman the tract claimed by him on the island of Bois Blanc, as described in the preceding notice.

NOTICE.—Michael Dousman enters his claim with the register of the land office at Detroit, to be laid before the commissioners under the act of Congress, to a certain tract of land situated on the main land within the reservation at Old Mackinac, lying in rear of and adjoining a certain tract confirmed to the legal representatives of Robert Campbell, deceased, as appears by the patent of the President, dated May 30, 1811, being bounded on the sides and in the rear by vacant lands, and containing six hundred and forty acres of land.

MICHAEL DOUSMAN.

Filed: JOHN BIDDLE, *Register.*

On July 18, 1823, came before me, the undersigned judge, at Mackinac, Mr. Ambrose R. Davenport, who, being duly sworn, says that Robert Campbell, now deceased, was in possession of the tract of land mentioned in the annexed notice as early as the year 1796, when the Americans took possession of this post; that he cut on said tract a very large quantity of hay every year, on which he supported a great number of cattle; that said Campbell continued in possession of said tract until his death, which was three or four years before the war; that after his death his family and heirs continued to possess the same, in the same manner as their father had previously done, until they sold to Mr. Michael Dousman, since which time Mr. Dousman has been in the possession of it; that the meadows on this tract are very extensive, from which the hay has been cut yearly.

A. R. DAVENPORT.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day came before me Patrick McGulpin, who, being duly sworn, says that he recollects to have seen Robert Campbell in the possession of the tract before mentioned in the year 1790; that he well knows, of his own knowledge, that all the facts stated in the preceding deposition of Mr. Davenport are just and true, and now freely deposes to the same as if they were here again repeated.

PATRICK McGULPIN.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day came before me Simon Champaigne, who, being duly sworn, says that he is well knowing to all the facts in relation to the annexed notice of claim stated in the preceding depositions of Ambrose R. Davenport and Patrick McGulpin, and now deposes to the same, of his own knowledge, as if they were here again repeated; that he has resided in this country thirty-four years.

his
SIMON + CHAMPAIGNE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On July 25, 1823, came before me, the undersigned judge, John Campbell, who, being duly sworn, saith that he is now thirty-seven years old and upwards; that ever since his recollection his father, Robert Campbell, occupied until his death the tract of land described in the annexed notice; that after

his father's death this deponent occupied said tract until he, together with the other heirs of his said father, sold the same to Michael Dousman, since which time said Dousman has been in possession of the same; the meadows on this tract have always been considered very valuable, and this deponent well knows that his father every year cut large quantities of hay upon them, and this deponent did the same while he was in possession of them.

JOHN CAMPBELL.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 22, 1823.

Upon consideration of the testimony in this case adduced, (claim of Mr. Dousman at old Mackinac,) the claim is confirmed as follows, to wit: bounded in front by the rear line of the tract confirmed by the United States to the representatives of Robert Campbell, deceased, and by lines to be run at right angles from each extreme of said rear line, in rear for quantity; provided that the said lines extend in no case further than eighty arpents.

MICHILIMACKINAC, *May* 30, 1823.

SIR: I hereby enter my claim, agreeably to law, to a lot of land situated on the island of Michilimackinac, Michigan Territory, at the south end of the village, bounded and described as follows: on the south side by Lake Huron, two hundred and ninety-five feet; on the west by the United States lands, four hundred and thirty-six feet; on the north by a street leading to the western part of the island, two hundred and eighty-four feet; on the east by Market street, four hundred and ten feet to the lake, the place of beginning.

I have the honor to subscribe myself your most obedient and humble servant,

JOHN CAMPBELL.

JOHN BIDDLE, Esq., *Register of the Land Office, Detroit.*

Be it remembered that on July 25, 1823, came before me, the undersigned judge, Ambrose R. Davenport, who, being duly sworn, says that Bartholomew Nobles, in the year 1809 or before, built a house, in which he lived, on the lot described in the notice of claim of John Campbell filed with the register of the land office at Detroit; that said Nobles or his family continued to reside on said lot and to cultivate it from said year 1809 until the American troops departed from the island, after the surrender of the post in 1812; that at the same time this deponent was compelled to leave this place, but when he returned in 1815, immediately after the peace, a Mr. Grignon was in the possession of said lot and premises; that said Grignon continued in possession of said premises until he sold the same to William H. Puthuff, esq., which was about two or three years afterwards; that the said Puthuff held the same until he sold said lot to the present claimant, John Campbell, who has occupied and cultivated the same for about three years, and is still in possession of said premises at the present time.

A. R. DAVENPORT.

Taken and subscribed before me, at Mackinac.

J. D. DOTY, *Judge.*

On the same day also came before me Simon Champaigne, who, being duly sworn, saith that he is knowing to all the facts in relation to the claim of John Campbell, as the same are stated in the preceding deposition of Ambrose R. Davenport, and now testifies to the same, of his own knowledge. He further saith that after Nobles left the said lot in 1812 M. Porlier, who had purchased it, took possession of it and cultivated it until he sold the same to one Joseph Jourdan; that the said Jourdan continued to possess and cultivate said lot until he sold the same to Louis Grignon, who sold to Major Puthuff.

his
SIMON + CHAMPAIGNE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of July, 1823, also came before me Patrick McGulpin, who, being duly sworn, saith that he is knowing to all of the facts as stated in the two preceding depositions of Simon Champaigne and Ambrose R. Davenport in relation to the claim of John Campbell, and now makes affidavit to the same, of his own knowledge, as if here again repeated. He further states that said house was occupied and the lot cultivated during the whole of the war.

PAT. McGULPIN.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

A conveyance is produced, from Joseph Jourdan to Lewis Grignon, of the lot above mentioned, and from said Grignon to William H. Puthuff, esq.; also a certificate of survey from Aaron Greely.

DETROIT, *October* 29, 1823.

At their sitting this day the commissioners *confirmed* to John Campbell the tract or lot described in the preceding notice of claim.

MICHILIMACKINAC, *May* 30, 1823.

SIR: I hereby enter my claim, agreeably to law, to a tract of land situate on the island of Michilimackinac, Michigan Territory, bounded and described as follows: on the south by Lake Huron, eight arpents; on the west by a tract confirmed by letter patent to George Chandler, twelve arpents; on the north by the United States lands, eight arpents; on the east by the same, twelve arpents.

I have the honor to subscribe myself your most obedient and humble servant,

A. R. DAVENPORT.

JOHN BIDDLE, Esq., *Register of the Land Office at Detroit.*

On the 18th day of July, 1823, came before the undersigned judge John Dousman, esq., who, being duly sworn, says that Ambrose Davenport has been in the possession and cultivation of the tract mentioned in the notice of claim of said Davenport, filed with the register of the land office at Detroit, for many years before the war, and had a house erected on it; that on the 1st day of July, 1812, he was in the possession and cultivation of it, and so continued until the surrender of the post, and afterwards; that on his (Davenport's) return to Mackinac he again cultivated said farm.

JOHN DOUSMAN.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day also came before me Simon Champaigne, who, being duly sworn, says that in the year 1807 Ambrose Davenport was in the possession of the tract mentioned in his notice of claim; that he knows said Davenport had a house upon said farm, and that he has always cultivated it from said year 1807 to the present time; that he had several acres under cultivation, and raised considerable grain upon it.

SIMON his ⋈ mark. CHAMPAIGNE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day also came before me Patrick McGulpin, who, being duly sworn, says that the facts stated in the preceding depositions of John Dousman and Simon Champaigne are, to the best of his knowledge and recollection, just and true. This deponent himself assisted Mr. Davenport to fence and enclose a part of the field he had cultivated in the year 1806.

PAT. McGULPIN.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the 24th day of July, 1823, came again before me Patrick McGulpin, who, being sworn, further deposeth that Mr. A. R. Davenport has occupied and cultivated the tract herein before mentioned, without any interruption, from the year 1807 to the present time; that Sam. C. Lastly, nor any other person, has ever cultivated any part of said tract, except Mr. Davenport, during that period, until the last year, when this deponent believes said Lastly took possession of some small part of it, and raised a few potatoes.

PAT. McGULPIN.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day came before me John Campbell, who, being duly sworn, saith that Samuel C. Lastly never occupied any part of the tract of land claimed by Ambrose R. Davenport until the last year, (1822,) when this deponent thinks he raised some potatoes on one part of it.

JOHN CAMPBELL.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

COUNTY OF MICHILIMACKINAC, *ss:*

Personally appeared before me, the subscriber, one of the justices of the peace for the county aforesaid, Francis Louisineau and Charles Marlie, good and lawful men, who, being duly sworn, depose and say that the claim of Ambrose R. Davenport is not legal; for, that in 1812 the said Charles Marlie occupied and cultivated the same spot of land which now A. R. Davenport claims; and that the house on the same land was built by A. R. Davenport in 1822; and further, that John Dousman has made a present of from five to seven panel of his fenced-in land.

CHARLES his ⋈ mark. MARLIE.

FRANCIS his ⋈ mark. LOUISINEAU.

Sworn and subscribed before me this 13th day of September, 1823.

J. M. BAILEY, *J. P. M. C.*

DETROIT, *October* 30, 1823.

At their sitting this day the commissioners *confirmed* to A. R. Davenport the tract or lot by him claimed, agreeably to the preceding notice.

NOTICE.—Michael Jaudron, sen., enters his claim with the register of the land office at Detroit, to be laid before the commissioners under the act of Congress, to a certain tract of land situated at Point St. Ignace, bounded and described as follows: commencing at a stake on the line between this lot and lot claimed by Alexis Lorrain on the border of said lake, and running thence north seventy-eight degrees west, eighty acres; thence southerly at a right angle with the said line until it intersects the strait between Lakes Huron and Michigan; thence along said strait to a point at the termination of said strait; and thence along the shore of said lake northerly to the place of beginning; containing about 480 acres, more or less.

MICHAEL his ⋈ mark. JAUDRON.

Subscribed before me.

J. D. DOTY, *Judge.*

On the 25th day of July, 1823, came before the undersigned judge John Campbell, who, being duly sworn, saith that Michael Jaudron, sen., about the year 1807 settled upon the tract described in the preceding notice of claim, and that he has continued to possess and cultivate the same, without interruption, until the present time; that said Jaudron was in the possession and cultivation of the same on the 1st day of July, 1812, and during the whole of that year; that said Jaudron has a dwelling-house and out-house erected on said lot, and has had for many years.

JOHN CAMPBELL.

Taken and subscribed before me, at Mackinac.

J. D. DOTY, *Judge.*

On the same 25th day of July, 1823, also came before me Mr. Ambrose R. Davenport, who, being sworn, saith that he is well knowing to all the facts stated in the preceding deposition of John Campbell in relation to the claim of Michael Jaudron, sen.; and the same being read to him, he now deposes to the same of his own knowledge, as if here again repeated.

A. R. DAVENPORT.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

Patrick McGulpin also came before me at the same time, and the deposition of John Campbell being read to him, he deposed, and now states on oath, that all the facts therein stated and set forth are true.

PATRICK McGULPIN.

Sworn to and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 28, 1823.

In the case of Michael Jaudron the commissioners decide that the claim be *confirmed;* the tract not to extend more than eighty arpents from the border of the lake, or contain more land than is claimed, viz: four hundred and eighty acres.

NOTICE.—Alexis Lorrain enters his claim with the register of the land office at Detroit, to be laid before the commissioners under the act of Congress, to a certain tract of land situated at Point St. Ignace, bounded in front by Lake Huron, on the southerly side by a tract claimed by Michael Jaudron, sen., and on the northerly side by a tract claimed by Joseph Gagnon; the lines of the sides of said tract running north seventy-eight degrees west, parallel; and said tract being in front upon the lake three acres by eighty acres in depth.

his
ALEXIS ⋈ LORRAIN.
mark.

Subscribed before me.

J. D. DOTY, *Judge.*

On the 25th day of July, 1823, came before me, the undersigned judge, at Mackinac, Simon Champaigne, who, being duly sworn, saith that Pierre Lorrain, the father of the present claimant, and the present claimant, were jointly in possession of the tract of land described in the preceding notice in the year 1807; and they continued to possess and cultivate said tract until the year 1817, when the said Pierre died, leaving the said Alexis his only heir known in this country; that said Pierre and Alexis, when they took possession of said tract, built a dwelling-house thereon; that they were in possession and cultivation of the said premises on the 1st day of July, 1812.

his
SIMON ⋈ CHAMPAIGNE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same 25th day of July, 1823, came also before me Mr. Ambrose R. Davenport, who, being duly sworn, saith that in the year 1807 Pierre Lorrain and Alexis Lorrain were in the possession of the tract of land described in the preceding notice; and this deponent knows that they continued to occupy and cultivate the same until he was compelled to leave this place, the last of July, 1812; that when this deponent returned to this country again in 1815, they were then in possession and cultivating the same premises, and so continued for several years thereafter.

A. R. DAVENPORT.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same 25th day of July, 1823, also came before me Patrick McGulpin, and the two preceding depositions of Ambrose R. Davenport and Simon Champaigne being read to him, he fully assents to them; and now, being first duly sworn, deposeth to the truth of all the facts therein contained, of his own knowledge.

PATRICK McGULPIN.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 28, 1823.

On the preceding claim of Alexis Lorrain, the commissioners decide that the same be *confirmed,* as set forth in the notice of claim—the word arpent being substituted for acre in relation to the depth thereof.

NOTICE.—Joseph Vaillancourt enters his claim with the register of the land office at Detroit to a certain tract of land situated in the village of Michilimackinac, being the same lot on which the claimant now lives, and containing, according to a survey by Andrew Greely, one hundred and three thousand nine hundred and fifty-two square feet.

JOSEPH VAILLANCOURT.

MICHILIMACKINAC COUNTY, *ss:*

Personally appeared before me, the subscriber, one of the justices of the peace for the county aforesaid, Pierre Suscelier and Pierre Nadeau, who, being duly sworn, depose and say that the above-named Joseph Vaillancourt, previous to the war between the United States and Great Britain, occupied the tract of land mentioned and described in the above notice; and that he has continued and still continues to occupy the same; and that he has a dwelling-house, stable, and other considerable improvements made thereon; and further say not.

Sworn and subscribed before me this 21st day of August, 1823.

J. W. BAILEY, *J. P.*

DETROIT, *October* 29, 1823.

At the sitting of this day the preceding claim of Joseph Vaillancourt is *confirmed*, as set forth in his notice prefixed.

NOTICE.—Magdaline Gauthier enters her claim with the register of the land office at Detroit to a certain lot of land situated in the village of Michilimackinac, on the island of Mackinac, bounded in front by a public street, in rear by the bluffs, on the west by a lot occupied by Marianne Fisher, and on the east by a lot occupied by Daniel Bourrassa; the said lot being two hundred and ninety-five feet in front by three hundred and forty-five feet in rear.

Be it remembered that on the 24th day of July, 1823, came before the undersigned judge Louis Chevallier, who, being duly sworn, saith that Magdaline Gauthier (the daughter of Charles Gauthier) occupied and cultivated the lot mentioned in the annexed notice at the time the British troops took possession of the island of Mackinac and built the fort here; that she had a dwelling-house erected on said lot, in which she resided, and she continued to cultivate and possess said lot, either by herself or by some one for her, until the year 1810; that this deponent himself occupied it during the summers of the years from 1804 to 1810, he being then, and now, engaged in the Indian trade; that she was in possession of said lot, and cultivating it during the whole of the year 1796; that during the war the Indians and somebody else pulled down and entirely destroyed said house.

LOUIS his ⋈ mark. CHEVALLIER

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of July came also before me Daniel Bourrassa, who, being duly sworn, saith that the lot mentioned in the annexed notice was given by Governor Patrick St. Sinclair to Magdaline Gauthier when the British troops took possession of this island; that said Magdaline occupied and cultivated said lot during the whole of the year 1796; that she had erected thereon a considerable dwelling-house, which was occupied, together with the lot, every year until the year 1808, he distinctly recollects, by said Magdaline, or some one for her; and that said house was standing on said lot until (sometime during the war) it was destroyed.

DANIEL BOURRASSA, *pere.*

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of July, 1823, came before me Joseph Vaillancourt, who, being duly sworn, saith that Magdaline Gauthier, or some person for her, occupied and cultivated the lot mentioned in the annexed notice during the whole of the time the British troops were in possession of the island of Mackinac, and during the whole of the year 1796, and until about the year 1808; that the house which was built on said lot continued standing until sometime during the last war, when it was destroyed.

JOSEPH VAILLANCOURT.

Taken and subscribed before me at Mackinac.

J. D DOTY, *Judge.*

OCTOBER 29, 1823.

In the preceding case of Magdaline Gauthier, the commissioners decide that a notice of the claim having been given under the former acts of Congress, the lot claimed be confirmed to her.

NOTICE.—The widow and legal heirs of Charles Gauthier, deceased, enter their claim with the register of the land office at Detroit to a tract of land situated on the south side of Bois Blanc island, bounded in front by Lake Huron, containing six hundred and forty acres, according to the testimony herewith submitted; said tract being part of the lower end or east half of said island, formerly occupied by said Charles.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Be it remembered that on the 18th day of August, in the year one thousand eight hundred and twenty-one, personally came before me, the undersigned justice of the peace for said county, Patrick McGulpin,

who, after being duly sworn, deposeth and saith that he has resided in this country since the year 1776, and well acquainted with Charles Gauthier in his lifetime; that as early as the year 1780 the said Charles had a farm under cultivation and improvement at Point aux Peris, on Bois Blanc island, where this deponent believes he continued to reside until about the year 1807; that the said Charles erected a house on said point, in which he lived, the remains of which may be now seen on the place where it stood. This deponent recollects that said Charles always claimed the whole of Bois Blanc island below Point aux Peris, and a short distance above; and that the farm before mentioned was a part of said tract; that the title of said Charles to said tract was founded on a sale or grant to him by the Indians, and was ratified and confirmed to said Charles by Governor St. Clair by a deed or patent; that while this country was in the possession of the English the said Charles always obtained payment for timber cut on said land without his permission, and his title to it was acknowledged by the British officers and others at this post.

JOHN DOUSMAN, *J. P. C. M.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Be it remembered that on the 30th day of July, one thousand eight hundred and twenty-one, personally came before me, the undersigned justice of the peace, Louis Chevallier, who, after being duly sworn, deposeth and saith that he has long resided in this country, and was well acquainted with Charles Gauthier in his lifetime; that in the year 1796 he saw a deed of confirmation from Governor Sinclair to the said Charles Gauthier of a tract of land which said Charles had purchased from the Indians, situated on Bois Blanc island. It conveyed to said Charles all that part of the island lying east of a line commencing opposite to a small stony island above Point aux Peris, in a sandy bay, and running thence directly across said Bois Blanc island to a marked tree on the shore which was then standing, but has since fallen; that Doctor David Mitchell had cut a quantity of pine timber on said tract near Point aux Peris, which said Charles demanded as belonging to him, it having been taken from his land; that the dispute between them was referred to Major Burbeck, of the American army, then commanding at this post, and then the deed above alluded to was produced by said Charles in support of his claim and title, and it was then this deponent saw it. He recollects the Major's decision was that the timber should be delivered to said Charles, and that the said deed conveyed to the said Charles a clear title to the tract before mentioned, and this deponent well remembers how the said timber was afterwards used by said Charles; and further, that the said Charles was in possession of the said land long before the English took possession of and commenced fortifying the island of Michilimackinac, and that he then had a house at Point aux Peris, on said tract, where he and his family resided, and had six or seven acres under improvement and cultivation; that the said Charles, by himself or his family, continued to reside there until the year 1807, as this deponent believes, although of this he is not positively certain. And further he saith not.

LOUIS his + mark. CHEVALLIER.

Sworn to and subscribed before me this 30th day of July, 1821.

SAMUEL ABBOTT, *J. P. C. M.*

Personally appeared before me, J. W. Johnson, one of the justices of the peace for the county of Crawford, Territory of Michigan, Michael Brisbois, esq., who, after being duly sworn on the Holy Evangelists, deposeth and saith that in the year of our Lord one thousand seven hundred and eighty-one he was at Mackinac, and was present when Gov. Sinclair, who then commanded the British forces, ratified, by a deed, part of the island of Bois Blanc to Charles Gauthier, King's interpreter, for past services, which tract had been ceded to the said Charles Gauthier by the Indians; that he knows that the said Charles Gauthier always had possession of the said tract, and the right was respected by the American officers when the American government took possession of Mackinac; and further, that the said tract of land has been cultivated and improved by the said Charles Gauthier until the year of our Lord one thousand eight hundred and seven, or thereabouts.

MICHAEL BRISBOIS.

Sworn before me this 10th day of November, 1821, at Prairie des Chien, county of Crawford, Territory of Michigan.

JNO. W. JOHNSON.

TERRITORY OF MICHIGAN, *County of Crawford, ss:*

Be it remembered that on this 5th day of November, one thousand eight hundred and twenty-one, Madam Magdaline Gauthier, widow and relict of Charles Gauthier, deceased, who, after being duly sworn, deposeth and saith that she is sixty-two years of age; and that in the year 1779 she came to this country; that in 1780 she went to reside with the said Charles, her husband, and one of the King's interpreters for the Indian nations in this quarter, at Point aux Peris, on Bois Blanc island; that the said Charles erected a dwelling-house on said point, and cultivated about forty acres of land; that she was in the possession of said farm, with the said Charles, at the time the Americans came to Mackinac, and the country was surrendered to them by the English; that the said Charles held and owned said farm, and the whole of the island of Bois Blanc, from Stony island, in the bay immediately above the point, down to the end or the whole of the island southeast of a line drawn directly across from said bay, by virtue of a sale to him from the Indians, which sale was ratified and confirmed by Governor Sinclair; and this deponent believes the said deed was lost during the late war between the United States and Great Britain; that the said Charles continued in possession of said tract for a long time after the surrender, and this deponent believes until the year 1807, but of the year she is not certain. She distinctly remembers the right of said Charles to said tract was acknowledged and admitted by the British and American officers at the post of Mackinac, from disputes which arose about timber which people from the island of Mackinac occasionally cut on the said tract without the permission of the said Charles; and further this deponent saith not.

MAGDALINE her + mark. GAUTHIER.

Sworn to and subscribed before me, the undersigned justice of the peace, the day and year first above written.

JNO. W. JOHNSON.

Magdaline Gauthier, widow and relict of Charles Gauthier, deceased, makes application that the above-mentioned tract of land, situated on the island of Bois Blanc, may be confirmed to her and to her assigns forever by the government of the United States.

her
MAGDALINE + GAUTHIER.
mark.

In presence of—
F. Bouthellier.
Joseph Brisbois.

Michael Brisbois, after being duly sworn, deposeth and saith that Charles Gauthier and Madam Magdaline Gauthier lived together as husband and wife from the year 1779 (the year when the deponent first became acquainted with them) until the death of said Charles; and this deponent believes that they were lawfully united in matrimony.

M. BRISBOIS.

Sworn to and subscribed before me this 5th day of November, 1821.

JOHN W. JOHNSON, *J. P.*

The widow and heirs of Charles Gauthier.

October 28, 1823.

This claim appears to be well supported by the testimony of occupation from 1796 to 1807. No proof of notice of claim having been given within the time limited by law accompanying the present application, the commissioners do not consider themselves authorized to confirm it. They recommend to the revising power the confirmation of a tract not to exceed six hundred and forty acres.

Notice.—Louis Bouisson enters his claim with the register of the land office at Detroit to the following described lot of land situated on Mackinac island, commencing at the intersection of the road leading from the village to Reaume's distillery, (so called,) and a road running on the westerly side of lands claimed by Dr. David Mitchell, and on the westerly side of said road north 35° east, 10 chains 75 links, to a road leading from said village to the farm of said Mitchell; thence north 24° west, 5 chains 15 links, on said road leading past said farm; thence, along said road, north 46° west, 4 chains 85 links; thence south 35° west, to the road first mentioned; thence, along said road, near the shore of Lake Huron, to the place of beginning.

L. BOUISSON.

On July 25, 1823, came before the undersigned judge Simon Champaigne, who, being duly sworn, saith that in the year 1811 Abraham Lyons took possession of the tract or lot of land described in the annexed notice, enclosed and cultivated it, and continued to possess and cultivate it during the year 1811. In the spring of 1812 a Mr. Askin took possession of said lot, and continued to possess the same until 1814, and to cultivate it for said Lyons, when it was sold at public auction by Mr. Gouet for said Lyons, when Mr. Bouisson, the present claimant, purchased said lot; since which time he has held the same as his own property.

his
SIMON + CHAMPAIGNE
mark.

Sworn and subscribed before me.

J. D. DOTY, *Judge*

On July 25, 1823, also came before me, at Mackinac, Pierre Cawne, who, being duly sworn, saith that Abraham Lyons, during the year 1811, occupied and cultivated the lot of land described in the annexed notice; that during the years 1812, 1813, and 1814, Mr. Askin occupied and cultivated said lot for said Lyons, and this deponent well remembers to have seen oats growing thereon; that in 1814 said lot was sold at public auction by Mr. Gouet, at which the present claimant became the purchaser. This deponent himself wished to have purchased it at said auction, and would have done so had not Mr. Bouisson been an old friend and acquaintance of his; since which time said Bouisson has been the owner of the same.

PIERRE CAWNE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

Detroit, *October* 28, 1823.

Claim of Louis Bouisson *confirmed*, as set forth in the foregoing notice.

Notice.—Simon Champaigne enters his claim to a tract of land on the island of Mackinac, commencing on the border of the lake, running southerly or westerly 65 chains 64 links to a post, and fronting on the lake nine acres; running northerly thereabouts, containing about two hundred acres; on the north line running easterly; on the east line running southerly by public lands.

his
SIMON + CHAMPAIGNE.
mark.

On July 31, 1823, came before the undersigned judge, at Mackinac, Morrice Montaigne, who, being duly sworn, says that Simon Champaigne occupied and cultivated the tract mentioned in the annexed notice of claim during the years 1811, 1812, and 1813; that said Champaigne had a very considerable

field enclosed and under cultivation; and that said Champaigne occupied and cultivated said lot on the 1st day of July, 1812.

his
MORRICE + MONTAIGNE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same July 31, 1823, came also before me Mr. Ambrose R. Davenport, who, being duly sworn, says that Simon Champaigne occupied and cultivated the tract described in the annexed notice two or three years before the year 1812, and this deponent well remembers to have seen said Champaigne at work on said lot; that said Champaigne occupied and cultivated said lot on the 1st day of July, 1812, and was in the possession thereof when this deponent left the island about the 27th of the month last mentioned.

A. R. DAVENPORT.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of July, 1823, also came before me Jeane Bt. Tesserron, who, being duly sworn, says that the lot mentioned in the annexed notice was occupied and cultivated by Simon Champaigne about the year 1810, and said Champaigne continued to possess and cultivate the same during the years 1811, 1812, and 1813; and said Champaigne was actually in the occupation and cultivation of said premises on the 1st day of July, 1812.

his
JEANE BT. + TESSERRON.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 28, 1823.

In the case of Simon Champaigne the commissioners decide that he be confirmed in a tract not to contain more than the quantity claimed, (two hundred acres,) nor to extend more than eighty arpents from the shore of the lake, nor so far from said lake as to interfere with other claims, comprehending, however, the ground occupied and cultivated by the claimant on the 1st of July, 1812.

NOTICE.—Daniel Bourrassa enters his claim with the register of the land office at Detroit to a tract of land situated at Point St. Ignace; bounded in front by Lake Huron, and on the easterly side by a lot claimed by Antoine Martin, jr.; the westerly line of said lot running south 80° west from the lake, and said tract being 14 chains in width by 80 acres in depth.

DANIEL BOURRASSA, *pere.*

On July 31, 1823, came before the undersigned judge, at Mackinac, Joseph Dellevere, who, being duly sworn, says that Daniel Bourrassa has occupied and cultivated the tract of land described in the annexed notice from the year 1810 until the present year, without interruption; that said Bourrassa has erected on said lot a dwelling-house, a barn, a stable, and several out-houses, and he has a very considerable field enclosed; that said Bourrassa occupied and cultivated said tract on the 1st day of July, 1812.

his
JOSEPH + DELLEVERE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

Also came before me, on the same day, Simon Champaigne and J. Bt. Tesserron, who, being duly sworn, say that the facts contained in the preceding deposition of Joseph Dellevere, in relation to the claim of Daniel Bourrassa, are just and true as they are stated.

his
SIMON + CHAMPAIGNE.
mark.
his
JEAN BT. + TESSERRON.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 28, 1823.

The preceding claim of Daniel Bourrassa, sr., is confirmed, agreeably to the limits set forth in the preceding notice, substituting the word arpent for acre in relation to depth.

NOTICE.—François Lapointe enters his claim with the register of the land office at Detroit to a tract of land situated at Point St. Ignace; bounded in front by Lake Huron, and on the sides and in the rear by vacant lands; the line of the easterly side of said tract running south 80° west, and the line on the westerly side running the same course; said tract being eight English acres in front by eighty acres in depth.

his
FRANÇOIS + LAPOINTE.
mark.

MICHAEL DOUSMAN.
THOS. P. JAMES.

On July 31, 1823, came before the undersigned judge, at Mackinac, Jean Bt. Tesserron, who, being duly sworn, saith that François Lapointe occupied and cultivated the front of the tract described in the annexed notice two or three years, the deponent is certain before the year 1812; that said Lapointe erected on said tract a dwelling-house, barn, out-house, and had several acres of land under enclosure; this deponent cannot estimate the quantity; that the said Lapointe continued to occupy and cultivate said premises without any interruption, and without removing therefrom during the whole of the years 1810, 1811, and 1812, and, in fact, until the year 1820; that this deponent has lived in the same settlement; that he has seen grain growing on said lot; and that he is, therefore, well knowing to the possession of said Lapointe; that said Lapointe was in the occupation and cultivation of said tract on the 1st day of July, 1812.

his
JEAN BT. + TESSERRON.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of July, 1823, also came before me Patrick McGulpin, who, being duly sworn, says that he is certain that François Lapointe occupied and cultivated the before-described tract of land four years before the late war, and that said Lapointe has been in the constant possession and cultivation of said premises from that time to the year 1820; that said Lapointe cultivated and enclosed a considerable portion of said tract, and had erected thereon a dwelling-house and several out-houses; and that said Lapointe was in the possession and cultivation of said tract on the 1st day of July, 1812.

PATRICK McGULPIN.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of July, 1823, came also before me Simon Champaigne, and the preceding depositions of Patrick McGulpin and Jean Bt. Tesserron being read to him, he, first being duly sworn, saith that the facts therein contained in relation to the cultivation and occupation of the tract before described by François Lapointe at the time therein mentioned are, as this deponent well knows, just and true.

his
SIMON + CHAMPAIGNE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 28, 1823.

The preceding claim of François Lapointe is *confirmed*, agreeably to the limits set forth in the notice prefixed, the word arpent being substituted for acre in relation to its depth.

NOTICE.—Pierre Muller enters his claim with the register of the land office at Detroit to a certain tract of land situated at Point St. Ignace, bounded in front by Lake Huron, on the eastern side by a lot claimed by the legal heirs of Louis Babin, and on the western side by a lot claimed by Jean Bt. Tesserron; the same being six chains in width by eighty acres in depth.

his
PIERRE + MULLER.
mark.

Witnesses: MICHAEL DOUSMAN.
THOS. P. JAMES.

On the 31st day of July, 1823, came before the undersigned judge, at Mackinac, Joseph Dellevere, who, being duly sworn, saith that he assisted Pierre Carey to build a house on the tract described in the preceding notice four years before the late war; that in 1810 said Carey sold his possession to Pierre Muller; that said Muller continued to possess and cultivate said tract after said year 1810 every year, until about two years after the close of the war; that said Muller occupied and cultivated the same on the 1st day of July, 1812.

his
JOSEPH + DELLEVERE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of July, 1823, came also before me Simon Champaigne, and the preceding deposition of Joseph Dellevere being read to him, he, being first duly sworn, fully assents to the same as there stated, and now deposes to the same facts, of his own knowledge.

his
SIMON + CHAMPAIGNE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

At the same time came also before me Jean Baptiste Tesserron, who, being duly sworn, saith that all the facts contained in the preceding deposition of Joseph Dellevere, in relation to the claim of Pierre Muller, are just and true as there stated. This deponent is the next neighbor of said Muller.

his
JEAN BT. + TESSERRON.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 28, 1823.

The preceding claim of Pierre Muller is confirmed by the commissioners, agreeably to the limits set forth in the notice of claim prefixed, the word arpent being substituted for acre in relation to its depth.

NOTICE.—Jean Bt. Tesserron enters his claim with the register of the land office at Detroit to a certain tract of land situated at Point St. Ignace, bounded in front by Lake Huron, on the easterly side by Pierre Muller's lot, and on the westerly side by a lot claimed by Ezekiel Solomons, the same being five chains seventy-five links in width by eighty acres in depth.

JEAN BT. his + mark. TESSERRON.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the 31st day of July, 1823, came before me, the undersigned judge, at Mackinac, Joseph Dellevere, who, being duly sworn, saith that for one year at least before the late war between the United States and Great Britain Jean Baptiste Tesserron planted the tract mentioned in the annexed notice, and continued to occupy and cultivate the same during the whole of said war, and was in the possession of the same on the 1st day of July, 1812. The said Tesserron had a dwelling-house erected on said lot, and had a considerable improvement made there.

JOSEPH his + mark. DELLEVERE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of July, 1823, came before me also Alexis Lorrain, who, being duly sworn, saith that Jean Baptiste Tesserron occupied and cultivated the tract described in the preceding notice two years at least before the late war, and he did not leave the same until after the close of the said war, during the whole of which time he cultivated the front of said tract, and was in the possession and cultivation of the same on the 1st day of July 1812. During the whole of this time the deponent lived the next neighbor to said Tesserron.

ALEXIS his + mark. LORRAIN.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of July, 1823, came also before me Simon Champaigne, who, being duly sworn, saith that Jean Bt. Tesserron was in the possession and cultivation of the tract above mentioned four years before the late war, and continued to occupy and cultivate the same until the close of said war, without any interruption, and was in the possession of the same on the 1st day of July, 1812.

SIMON his + mark. CHAMPAIGNE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 21, 1821.

The commissioners confirm to Jean Baptiste Tesserron the tract claimed, agreeably to the limits set forth in the preceding notice, the word arpent being substituted for acre in relation to the depth thereof.

NOTICE.—Joseph Babbien and Mary Babbien, lawful heirs of Louis Babbien, enter their claim with the register of the land office at Detroit to a certain tract of land situated at Point St. Ignace, bounded in front by Lake Huron, on the southerly side by a lot claimed by Augustin Amlin, and on the northerly side by Pierre Muller, the same being five chains and forty links in width by eighty acres in depth.

JOSEPH BABBIEN,
MARY BABBIEN,
By their attorney, RIX ROBINSON.

On the 1st day of August, 1823, came before me, the undersigned judge, at Michilimackinac, Jean Bpt. Tesserron, who, being duly sworn, saith that for some time previous to the late war between the United States and Great Britain Louis Babbien planted the tract mentioned in the annexed notice, and continued to occupy and cultivate the same for several years, and was in possession of the same on the 1st day of July, 1812; that the said Louis Babbien died in the fall of 1821, and that the said Joseph Babbien and Mary Babbien, mentioned in the annexed notice, are the descendants and only lawful heirs of him, the said Louis Babbien, deceased.

JEAN BT. his + mark. TESSERRON.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of August, 1823, came before me also Joseph Dellevere, who, being duly sworn, saith that Louis Babbien occupied and cultivated the tract described in the preceding notice one year at least before the late war between the United States and Great Britain, and was in the possession of the same on July 1, 1812. The said Louis Babbien had a dwelling-house on said tract, in which the said Louis there dwelt, and had a considerable improvement made thereon; that the said Louis Babbien died in the fall of 1821, and that the said Joseph Babbien and Mary Babbien, mentioned in the annexed notice, are the descendants, to wit: the son and daughter, of the said Louis Babbien, deceased, and are the only lawful heirs, as this deponent verily believes.

his
JOSEPH + DELLEVERE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day and year aforesaid came also before me Simon Champaigne, who, being duly sworn, deposeth and saith that Louis Babbien occupied and cultivated the tract of land described in the preceding notice for some time previous to the late war between the United States and Great Britain, and was in the peaceable possession of the same on July 1, 1812. The said Louis Babbien had a dwelling-house on said tract, and had a considerable improvement made thereon; that the said Louis Babbien died in the fall of 1821, and that the said Joseph Babbien and Mary Babbien mentioned in the annexed notice are the son and daughter of the said Louis Babbien, deceased, and are the only lawful heirs of him, the said Louis Babbien, as this deponent has been informed and verily believes.

his
SIMON + CHAMPAIGNE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 18, 1823.

The tract here claimed by the heirs of Louis Babbien (otherwise Beauben) is included in that which has been this day confirmed to Jean Baptiste Bertrand. The present claim is therefore *rejected* by the commissioners.

NOTICE.—Joseph Babbien and Mary Babbien, lawful heirs of Louis Babbien, deceased, enter their claim with the register of the land office at Detroit to a certain tract of land situated at Point St. Ignace, bounded in front by Lake Huron, on the southerly side by a lot claimed by the heirs of François Clermont, and the northerly side by a lot claimed by Joseph Dellevere; the same being four chains and fifty-five links in width by eighty acres in depth.

JOSEPH BABBIEN,
MARY BABBIEN,
By their attorney, RIX ROBINSON.

On August 4, 1822, came before me, the undersigned judge, at Mackinac, John Dousman, who, being duly sworn, saith that some time in the year 1816, or thereabouts, he sold the possession to the tract of land described in the above notice to Louis Babbien, of Point St. Ignace, for a valuable consideration, the same having been previously purchased by him, this deponent, from Joseph Ganion, the agent of one Augustus Shabogea, who had possession and cultivated said tract of land on July 1, 1812, and for some time before and afterwards; that said Louis Babbien took possession of said premises or tract of land shortly after the time of purchasing from this deponent, and continued to cultivate and possess said premises, without any molestation whatsoever, until the time of his, the said L. Babbien's, death, in the fall of the year 1821; that he is acquainted with Joseph Babbien and Mary Babbien, and that they are the only lawful heirs, to wit: the son and daughter, of said Louis Babbien, deceased, as he verily believes.

JOHN DOUSMAN.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of August, 1823, came before me also Antoine Martin, who, being duly sworn, saith that Augustus Shabogea occupied and cultivated the tract of land described in the annexed notice for some number of years previous to July 1, 1812; that, also, said Shabogea was in possession of said tract on July 1, 1812, and did cultivate the same at that time and for some time afterwards. That Shabogea afterwards left said place, and that he was present and heard the said Shabogea appoint Joseph Ganion his agent to dispose or sell said possession of said tract, with the house, as also the improvements thereon; that he is well knowing to Louis Babbien having peaceable and quiet possession to said tract for some years previous to his death, which was in the fall of the year 1821; that he is well acquainted with Joseph Babbien and Mary Babbien, and that they are the only lawful heirs of said Louis Babbien, deceased.

his
ANTOINE + MARTIN.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of August, 1823, came also before me Joseph Dellevere, who, being duly sworn, saith that he is well knowing to all the statements in the foregoing affidavit, except that he was not present at the time of said Shabogea's appointing Joseph Ganion his agent, but that he always understood the same to be the case; that all the other statements in said affidavit are strictly true.

his
JOSEPH + DELLEVERE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 21, 1823.

In the case of Joseph Babbien and Mary Babbien, legal heirs of Louis Babbien, (otherwise Baben,) the commissioners decide that the claim be *confirmed* as set forth in the preceding notice, the word *arpent* being substituted for *acre* in relation to its depth.

NOTICE.—Augustus Cadott enters his claim with the register of the land office at Detroit to a certain tract or lot of land situated at Michilimackinac, bounded as follows: on the west by a lot claimed by Charles Marley, on the north by a lot confirmed to Protier and Lapante, on the east by Ignace Pilot, and on the south by Lake Huron, (reserving one hundred feet from high-water mark for the public highway.)

AUGUSTUS CADOTT,
By his attorney, RIX ROBINSON.

On August 16, 1823, came before me, the undersigned, justice of the peace, at Michilimackinac, Patrick McGulpin, who, being duly sworn, saith that some time previous to the year 1812 Augustus Cadott planted and cultivated the lot of land described in the annexed notice, and also was in possession of the same on July 1, 1812, and still is in the possession of the same; that said Augustus Cadott has a dwelling-house erected on said lot, has a considerable improvement made thereon, and has always remained in peaceable possession of the same.

PATRICK McGULPIN.

Taken and subscribed before me.

LEW. BAILY, *Justice of the Peace.*

On the same day and year aforesaid came also before me Jean Baptiste Tesserron, who, being duly sworn, saith that for some time previous to the late war between the United States and Great Britain Augustus Cadott was in the possession, and planted and cultivated the tract or lot of land mentioned in the annexed notice. Said Augustus Cadott was in possession of said lot on July 1, 1812, and is still in possession of the same; that said Augustus has a dwelling-house and a considerable improvement thereon.

his
JEAN BAPTISTE + TESSERRON.
mark.

Sworn and subscribed before me.

LEW. BAILY, *Justice of the Peace.*

On the same day of August, in the year aforesaid, also came before me Simon Champaigne, who, being duly sworn, saith that for some time previous to the late war between the United States and Great Britain Augustus Cadott was in possession, and cultivated the lot of ground described in the annexed notice. The said Augustus Cadott was in possession of said lot on July 1, 1812, and is still in possession, and has a dwelling-house and a considerable improvement made thereon.

his
SIMON + CHAMPAIGNE.
mark.

Sworn and subscribed before me.

LEW. BAILY, *Justice of the Peace.*

DETROIT, *October* 28, 1823.

In the preceding case of Augustus Cadott, the commissioners decide that as the number of acres, the extent of front claimed, or the courses of the lines are not given, he be *confirmed* in the number of acres which he may have actually occupied July 1, 1812, subject to the limitation of the law.

NOTICE.—Michael Dousman enters his claim with the register of the land office at Detroit to a certain tract or lot of land situated at Point St. Ignace, and bounded as follows: lying on the southeasterly side of a small lake, and being that piece of land generally called the Meadows of the Hog's Back, and being one whole section of land, bounded on every side by unceded lands.

MICHAEL DOUSMAN.

On the 30th day of August, 1823, came before me, the undersigned justice of the peace, at Michilimackinac, Ambrose Davenport, who, being duly sworn, saith that some time previous to the year 1812, and previous to the late war between the United States and Great Britain, Michael Dousman was in the

habit of cutting hay yearly, and every year, on the said tract or lot of land mentioned in the above notice; that at the commencement of the said war between the United States and Great Britain this deponent left this section of the country, and did not return until the close of the said war; that at the time this deponent left this place said Michael was in possession of said tract of land mentioned in the annexed notice, by mowing part of the said tract yearly, and also continued so to do after the return of this deponent, which was immediately after the close of said war, and still continued so to do.

A. R. DAVENPORT.

Sworn to and subscribed before me.

WM. HENRY PUTHUFF, *J. P. C. M.*

On the same day of August, 1823, came also before me, the undersigned justice of the peace, Simon Champaigne, who, being duly sworn, saith that he is well acquainted and knowing that some time previous to the late war between the United States and Great Britain Michael Dousman possessed the said tract of land mentioned in the above notice, by mowing hay on a part of the same, and previous to the year 1812, and yearly and every year hath continued to do the same.

his
SIMON ⋈ CHAMPAIGNE.
mark.

Sworn to and subscribed before me.

WM. HENRY PUTHUFF, *J. P. C. M.*

On the same day of August, in the year 1823, also came before me Patrick McGulpin, who, being duly sworn, saith that he is well acquainted with all the circumstances stated in the annexed affidavits of Ambrose Davenport and Simon Champaigne, and that they are strictly correct and true.

PATRICK McGULPIN.

Sworn and subscribed to before me.

WM. HENRY PUTHUFF, *J. P. C. M.*

DETROIT, *October* 29, 1823.

On consideration of the preceding claim of Michael Dousman at Point St. Ignace, the commissioners decide that, as no proof of exclusive occupation is offered, or definite boundaries given, the said claim is *not confirmed.*

NOTICE.—Charles Marley enters his claim with the register of the land office at ——— to a certain tract or lot of land situate at Michilimackinac, bounded as follows, viz: on the south side by Lake Huron, (reserving one hundred feet from high-water mark for highway,) three chains and twenty-five links, on the east by a lot claimed by Augustus Cadott, on the north by a lot confirmed to Borson and Laroche, and on the west by a road leading to the lake.

CHARLES MARLEY,
By his attorney, RIX ROBINSON.

On the 16th day of August, 1823, came before me, the undersigned justice of the peace, at Michilimackinac, Patrick McGulpin, who, being duly sworn, saith that some time previous to the year 1812 Charles Marley planted and cultivated the tract or lot of land mentioned in the annexed notice, and also was in possession of the same on the 1st day of July, 1812, and still is in possession of the same; that said Charles Marley has a dwelling-house erected on said lot, has a considerable improvement made thereon, and hath always remained in peaceable possession of the said lot.

PATRICK McGULPIN.

Sworn and subscribed to this 16th day of August, 1823, before me.

LEW. BAILY, *J. P.*

On the same day of August, in the year aforesaid, came also before me Jean Baptiste Tesserron, who, being duly sworn, saith that some time previous to the late war between the United States and Great Britain Charles Marley was in possession, and planted the tract or lot of land mentioned in the annexed notice. The said Marley was in possession of said lot on the 1st day of July, 1812, and is still in possession of the same; that said Charles has a dwelling-house and a considerable improvement thereon.

his
JEAN BAPT. ⋈ TESSERRON.
mark.

Sworn and subscribed before me.

LEW. BAILY, *J. P.*

On the same day and year aforesaid also came before me Simon Champaigne, who, being duly sworn, saith that for some time previous to the late war between the United States and Great Britain Charles Marley was in possession of and cultivated the lot of land mentioned in the annexed notice. The said Charles Marley was in possession of said lot on the 1st day of July, 1812, and is still in possession, and has a dwelling-house and a considerable improvement made thereon.

his
SIMON ⋈ CHAMPAIGNE.
mark.

Sworn and subscribed to before me.

LEW. BAILY, *J. P.*

DETROIT, *October* 28, 1823.

In the case of Charles Marley, the commissioners decide that he be *confirmed* in a tract having the front mentioned in his notice of claim, and extending in depth as far as occupied on the 1st day of July, 1812, with the legal limitations.

NOTICE.—Ignace Pilot enters his claim with the register of the land office at Detroit to a certain tract or lot of land situate at Michilimackinac, bounded as follows: on the west by a lot claimed by Augustus Cadott, on the north by a lot confirmed to Fretier and Lapante, on the east by a lot claimed by Pierre Coon, and on the south by Lake Huron, reserving one hundred feet for public highway.

On the 30th day of August, 1823, came before me, the undersigned justice of the peace, at Michilimackinac, Patrick McGulpin, who, being duly sworn, says that some time previous to the year 1812 Ignace Pilot was in possession and planted and cultivated the lot of land described in the annexed notice, and also was in possession of the same on the 1st day of July, 1812, and still is in possession of the same; that said Ignace Pilot has a dwelling-house on said lot, has also a considerable improvement made thereon, and hath always remained in peaceable possession of the same.

PATRICK McGULPIN.

Taken and subscribed before me.

WM. H. PUTHUFF, *J. P. C. M.*

On the same day of August and year aforesaid, also came before me Jean Bt. Tesserron, who, being duly sworn, saith that for some time previous to the late war between the United States and Great Britain Ignace Pilot was in the possession and cultivated the lot of ground described in the annexed notice. The said Ignace Pilot was in possession of said lot on the 1st day of July, 1812, and is still in possession, and has a dwelling-house and a considerable improvement made thereon.

JOHN BPT. his ⋈ mark. TESSERRON.

Sworn to and subscribed before me.

WM. H. PUTHUFF, *J. P. C. M.*

On the same day aforesaid came also before me Simon Champaigne, who, being duly sworn, saith that for some time previous to the late war between the United States and Great Britain Ignace Pilot was in the possession and cultivated the tract or lot of land described in the annexed notice. The said Ignace Pilot was in possession of said lot on the 1st day of July, 1812, and is still in the possession of the same, and has a dwelling-house and a considerable improvement made thereon.

SIMON his ⋈ mark. CHAMPAIGNE.

Sworn to and subscribed before me.

W. H. PUTHUFF, *J. P. C. M.*

DETROIT, *October* 28, 1823.

The commissioners decide as follows upon the claim of Ignace Pilot: that he be *confirmed* in a tract not exceeding in the number of acres the extent occupied by the claimant on July 1, 1812, with the legal limitations.

Joseph Vaillancourt's claim.

MICHILIMACKINAC, *August* 14, 1823.

I, Joseph Vaillancourt, hereby enter my claim, under the laws of Congress for ascertaining and deciding upon claims to land in the Territory of Michigan, to a certain piece or tract of land on said island, situated on the northeast part thereof, and butted and bounded as follows, viz: beginning at a rock standing on the bank of Lake Huron, near to a large rock known by the name of the Arched Rock, and running 86° west, 30 chains; thence north 41° west, 12 acres; thence north 86° east, 30 chains; thence south 41° east, 12 acres; containing about ninety acres, be the same more or less.

JOSEPH VAILLANCOURT.

Personally appeared before me, Varnum I. Card, a justice of the peace in and for the county of Michilimackinac, in the Territory of Michigan, Morris Motto, of lawful age, who, being duly sworn, doth depose and say that on July 1, 1812, and for some time previous thereto, Joseph Vaillancourt was a resident of the island of Michilimackinac, in said Territory, and that on that day had possession of, and occupied, improved, and cultivated a certain tract or lot of land in said island, situated on the northeast part thereof, and butted and bounded as follows, to wit: beginning at a rock standing on the bank of Lake Huron, near to a large rock known by the name of the "Arched Rock," and running south 86° west, 30 chains; thence 41° west, 12 acres; thence north 86° east, 30 chains; thence south 41° east, 12 acres; containing about ninety acres; that for the period of fourteen years he, the said Joseph Vaillancourt, has had possession of said tract or lot of land, and has at all times submitted to the authority of the United States of America. And further this deponent saith not.

MORRIS his ⋈ mark. MOTTO.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said Varnum I. Card, justice of the peace as aforesaid, the above-named Morris Motto, and made oath that the facts contained in the foregoing deposition are true. In witness whereof, I have hereunto set my hand this 7th day of August, 1823.

V. I. CARD, *J. P.*

Personally appeared before me, V. I. Card, justice of the peace in and for the county of Michilimackinac, in the Territory of Michigan, John B. Perault, of lawful age, who, having been duly sworn, doth depose and say that on July 1, A. D. 1812, and for some time previous thereto, Joseph Vaillancourt was a resident of the island of Michilimackinac, in the said county, and on that day had the possession of, and

occupied, improved, and cultivated a certain tract of land on said island, situated on the northeast part thereof, and butted and bounded as follows, to wit: beginning at a rock standing on the bank of Lake Huron, near to the large rock known by the name of the "Arched Rock," and running south 86° west, 30 chains; thence north 41° west, 12 acres; thence north 86° east, 30 chains; thence south 41° east, 12 acres; containing about ninety acres, be the same more or less; that for the period of fourteen years he, the said Joseph Vaillancourt, has had the possession of said tract or lot of land, and has at all times submitted to the authority of the United States of America. And further this deponent saith not.

his
JOHN B. ⋈ PERAULT.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said V. I. Card, justice of the peace as aforesaid, the above-named John B. Perault, and made oath that the facts contained in the foregoing deposition are true. In witness whereof, I have hereunto set my hand this 7th day of August, A. D. 1823.

V. I. CARD, *J. P. C. M.*

DETROIT, *October* 29, 1823.

The preceding claim of Joseph Vaillancourt is this day *confirmed*, agreeably to the boundaries and quantity of lands set forth in the notice prefixed.

Ezekiel Solomons' claim.

MICHILIMACKINAC, *August* 14, 1823.

I, Ezekiel Solomons, hereby enter my claim, under the laws of Congress for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a certain piece or lot of land lying and being situated at Point St. Ignace, opposite the island of Michilimackinac, in said Territory, on the shore of the bay or head of Lake Huron, and butted and bounded as follows, to wit: on the east by land owned by J. B. Tessereau, and on the west by land claimed by the legal representatives of Clairmon, deceased, being three acres in width on the lake, and extending back from the margin thereof eighty acres, and being the same which I purchased of William Solomons, as appears by the deed herewith enclosed.

EZEKIEL SOLOMONS.

Personally appeared before me John Dousman, one of the associate justices of the county court in and for the county of Michilimackinac, in the Territory of Michigan, Joseph Delvare, of lawful age, who, after having been duly sworn, doth depose and say that in the year of our Lord one thousand eight hundred and seven Luke Chevalier had the possession of, and occupied, improved, and cultivated a certain piece or lot of land lying and being situated at Point St. Ignace, opposite the island of Michilimackinac, in said county, on the shore of the bay or head of Lake Huron, and butted and bounded as follows, to wit: on the east by land claimed by J. B. Tessereau, on the west by the land claimed by the legal representatives of —— Clairmon, deceased, being three acres in width on the lake, and extending back eighty acres from the margin thereof; that from the said year, A. D. 1807, he, the said Chevalier, continued to occupy and cultivate the same piece or lot of land until the year 1811, when he, the said Chevalier, sold and disposed of all his right, title, interest, claim, and demand in and to the said piece of land, for a valuable consideration, to one William Solomons; and further, that ever since said year 1811, said lot of land has been in possession of said Solomons; that on the 1st day of July, and during the year 1812, said Solomons occupied, improved, and cultivated said piece or lot of land; and the said Solomons, and also Ezekiel Solomons, who now claims said land, have at all times submitted to the authority of the United States of America. And further this deponent saith not.

his
JOSEPH ⋈ DELVARE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said John Dousman, associate justice as aforesaid, the said Joseph Delvare, and made oath that the facts contained in the aforegoing deposition are true, according to the best of his knowledge and belief. In witness whereof, I have hereunto set my hand this fifteenth day of August, in the year of our Lord one thousand eight hundred and twenty-three.

JOHN DOUSMAN, *A. J. C. C. M.*

Personally appeared before me, John Dousman, one of the associate justices of the county court in and for the county of Michilimackinac, in the Territory of Michigan, John Bpt. Tessereau, of lawful age, who, having been duly sworn, doth depose and say that in the year of our Lord 1807 Luke Chevalier had the possession of, and occupied, improved, and cultivated a certain piece or lot of land lying and being situated at Point St. Ignace, opposite the island of Michilimackinac, in said county, on the shore of the bay or head of Lake Huron, and butted and bounded as follows, to wit: on the east by land claimed by J. B. Tessereau, and on the west by the legal representatives of Clairmon, deceased, being three acres in width on the lake, and extending back from the margin thereof eighty acres; that from the said year of our Lord 1807, he, the said Chevalier, continued to occupy and cultivate the same lot of land until the year of our Lord 1811, when he, the said Chevalier, sold and disposed of all his right, title, interest, claim, and demand in and to the said piece of land, for a valuable consideration, to one William Solomons; and further, that ever since said year 1811 said lot of land has been in the possession of said Solomons; that on the 1st day of July, and during the year 1812, said Solomons occupied, improved, and cultivated said piece or lot of land; and that he, the said Solomons, and also Ezekiel Solomons, who now claims said land, have at all times submitted to the authority of the United States of America. And further this deponent saith not.

his
JOHN BAPTIST ⋈ TESSEREAU.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said John Dousman, associate justice as aforesaid, the said J. B. Tessereau, and made oath that the facts contained in the foregoing deposition are true, according to the best of his knowledge and belief. In witness whereof, I have hereunto set my hand this 15th day of August, A. D. 1823.

JOHN DOUSMAN, *A. J. C. C. M.*

Know all men by these presents that I, William Solomons, of Drummond's Island, in the province of Upper Canada, for the consideration of one hundred dollars received, to my full satisfaction, of Ezekiel Solomons, of the island of Michilimackinac, in the Territory of Michigan, have remised, released, and by these presents, for myself and for my heirs, do remise and release, and forever quit-claim, unto the said Ezekiel Solomons, his heirs and assigns, forever, all the right, title, interest, property, estate, and demand which I, the said William Solomons, have in and to a certain piece, tract, or parcel of land, lying and being at Point St. Ignace, in the county of Michilimackinac, situated on the shore of the bay or head of Lake Huron, opposite said island of Michilimackinac, and bounded as follows, to wit: on the eastern side by land claimed by J. B Tessereau, and on the western side by land claimed by the heirs of Clairmon, deceased, being about three acres in front, and extending back from the margin of said lake eighty arpents, and being the same piece of land which I previously purchased of Luke Chevalier; to have and to hold the said premises, with all the privileges and appurtenances, unto them, the said Ezekiel, his heirs and assigns, forever, so that neither I, the said William, nor any other person or persons in my name and behalf, shall or will hereafter claim or demand any rights or title to the premises aforesaid.

In witness whereof, I have hereunto set my hand and seal, at Drummond's Island aforesaid, this 7th day of August, A. D. 1823.

WILLIAM SOLOMONS. [L. S.]

Signed, sealed, and delivered, in presence of—
D. MITCHELL, *Justice of the Peace.*
JOHN DREW.
GEORGE MITCHELL.

PROVINCE OF UPPER CANADA, *Drummond's Island, ss:*

Personally appeared before me, Daniel Mitchell, a justice of the peace in and for said province, the said William Solomons, and acknowledged that he had voluntarily, of his own free will, signed and sealed the within written instrument for the purposes therein mentioned. In witness whereof, I have hereunto set my hand and seal this 7th day of August, A. D. 1823.

D. MITCHELL, *J. P.* [L. S.]

Je reconnais avois récu de cent franc de William Solomons, pour le terrain que je lui ai vendu, dont letiens quitté.

LUC CHEVALIER.

FAIT Á MACKINA, *le* 10 *Juillet*, 1811.

COUNTY OF MICHILIMACKINAC, *ss:*

Personally appeared before the subscriber, one of the justices of the peace for the county aforesaid, Francis Beaudin and Francis Louisneau, who, being duly sworn, depose and say that two pieces of land, one on the island of Michilimackinac, and one on Point St. Ignace, for which Ezekiel Solomons has filed his claim with the register of the land office at Detroit, were not occupied or cultivated by William Solomons or Ezekiel Solomons on the 1st day of July, 1812, or at any time since; that William Solomons is an Indian interpreter to the British government, resident in Upper Canada, and has been during and since the late war, and led the Indians against the Americans during the war; that Ezekiel Solomons has not been a resident of Mackinac since the war, until the year 1822.

his
FRANCIS + BEAUDIN.
mark.
his
FRANCIS + LOUISNEAU.
mark.

Sworn and subscribed to before me this 13th day of September, 1823.

J. M. BAILY, *Justice of the Peace for Michilimackinac County.*

COUNTY OF MICHILIMACKINAC, *ss:*

René Nadeau, being duly sworn, deposeth and saith that William Solomons did not, in 1812, cultivate a piece of land on the island of Michilimackinac, and likewise a piece of land at Point St. Ignace, nor has he since that period; and, moreover, that he was interpreter in the British Indian department in 1812, and went with a war party of Indians from this place against Detroit in that year; further, that he, the said William Solomons, is now actually employed in the British Indian department at Drummond's Island, Upper Canada.

RENÉ NADEAU.

Sworn and subscribed to this 2d of October, 1823.

J. M. BAILY, *Justice of the Peace for Michilimackinac County.*

COUNTY OF MICHILIMACKINAC, *ss:*

Jean Baptist Tessereau, being duly sworn, deposeth and saith that William Solomons did not, in 1812, cultivate a piece of land on the island of Michilimackinac, and likewise a piece of land at Point St. Ignace, nor has he since that period; and, moreover, that he was interpreter in the British Indian department in 1812, and went with a war party of Indians from this place against Detroit in that year; further, that the said William Solomons is now actually employed in the British Indian department, Drummond's Island, Upper Canada.

his
JEAN BAPT. + TESSEREAU.
mark.

Sworn and subscribed to this 2d day of October, A. D. 1823, before me.

J. M. BAILY, *Justice of the Peace for Michilimackinac County.*

Ezekiel Solomons' claim.

DETROIT, *October* 30, 1823.

Upon consideration of the testimony adduced in relation to the occupant of the tract on the 1st day of July, 1812, under whom the present claim is made, the commissioners would not deem themselves justified in confirming it. No testimony adverse to the present claimant appearing, and many informal statements having been made contravening the testimony offered against the occupant in 1812, to which the commissioners attach weight, they recommend the claim for confirmation. The time to which the powers of the commissioners are limited does not admit of additional testimony being asked for in the case.

Jean Baptist Bertrand's claim.

NOTICE.—I, Jean Baptist Bertrand, hereby enter my claim, under the laws for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a piece or tract of land situated at Point St. Ignace, in the county of Michilimackinac, in the Territory of Michigan, opposite to the island of Michilimackinac, lying upon the shore of the bay or head of Lake Huron, and bounded as follows, to wit: on the north by land claimed by Pierre Muller, and on the south by land claimed by Augustin Amlin, being about seven arpents in front, and extending back from the margin of said lake eighty arpents, be the same more or less; said piece or tract of land having been purchased by me of one Louis Babba, about three years ago, who is since deceased, and a valuable consideration paid him therefor by me, as appears by the deposition of Joseph Delvare and Antoine Martin, senior, herewith transmitted.

JEAN BAPTIST BERTRAND.

MICHILIMACKINAC, *August* 4, 1823.

Personally appeared before me, Varnum I. Card, a justice of the peace in and for the county of Michilimackinac, in the Territory of Michigan, Joseph Delvare, of lawful age, who, having been duly sworn, doth depose and say that on July 1, A. D. 1812, and for some time previous thereto, Louis Babba had the possession of, and occupied, improved, and cultivated a certain piece or tract of land situated at Point St. Ignace, in said county, opposite the island of Michilimackinac, lying upon the shore of the bay or head of Lake Huron, and bounded as follows, to wit: on the north by lands claimed by Pierre Muller, and on the south by lands claimed by A. Amlin; being about seven arpents in front and extending back, from the margin of said lake, eighty arpents, be the same more or less; that this deponent has heard the said Louis Babba say, during his lifetime, that he had sold and disposed of said piece or tract of land to one Jean Baptist Bertrand, of said county of Michilimackinac, and this deponent verily believes that the said Bertrand did, at the time of purchase, pay the said Babba a valuable consideration therefor; and that as well said Babba as the said Bertrand have at all times submitted to the authority of the United States of America. And further this deponent saith not.

JOSEPH his ⋈ mark. DELVARE.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said Varnum I. Card, justice of the peace aforesaid, the above-named Joseph Delvare, and made oath that the facts contained in the foregoing deposition are true, as he verily believes.

In witness whereof, I have hereunto set my hand this 4th day of August, A. D. 1823.

V. I. CARD, *J. P. C. M.*

Personally appeared before me, Varnum I. Card, a justice of the peace in and for the county of Michilimackinac, in the Territory of Michigan, Antoine Martin, sen., of lawful age, who, having been duly sworn, doth depose and say that on July 1, 1812, and for some time previous thereto, Louis Babba had the possession of, and occupied, improved, and cultivated a certain tract or piece of land situated at Point St. Ignace, in said county, opposite to the island of Michilimackinac, lying upon the shore of the bay or head of Lake Huron, and bounded as follows, to wit: on the north by land claimed by Pierre Muller, and on the south by land claimed by Augustin Amlin; being about seven arpents in front, and extending back from the margin of said lake eighty arpents, be the same more or less; that he, this deponent, has heard the said Louis Babba say, during his lifetime, that he had disposed of or given said piece or tract of land to Mr. Jean Baptist Bertrand, of said county; and this deponent verily believes that the said Bertrand did pay the said Babba a valuable consideration therefor; and that as well the said Babba as the said Bertrand have at all times, since said time first mentioned, submitted to the authority of the United States of America.

ANTOINE his ⋈ mark. MARTIN.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said Varnum I. Card, justice of the peace as aforesaid, the said Antoine Martin, senior, and made solemn oath that the facts stated in the foregoing depositions are true, as he verily believes.

In witness whereof, I have hereunto set my hand this 4th day of August, A. D. 1823.

V. I CARD, *J. P. C. M.*

I, the undersigned, do hereby certify that in the beginning of August last I visited the French inhabitants at the Point of St. Ignace, in the vicinity of the island of Michilimackinac, and that I then did see Jean Baptist Bertrand in full possession of a tract of land placed between Augustin Amlin on the south and Pierre Muller on the north side, about seven acres, more or less, in front, and eighty in depth; and that

in all appearance, he had been in possession for a number of years; that he had built a hewed log-house of about thirty feet by seventy-two, done by the said Jean B. Bertrand, about two or three years before the time of my said visit, and that I heard several of the neighbors say that the said J. B. Bertrand had bought and paid to the deceased, Louis Babba, (otherwise Babbo,) for the improvement made by him, the said Babba, on the said tract.

GABRIEL RICHARD.

Sworn to and subscribed this 19th October, 1823, before the commissioners for adjusting land claims, &c.

OCTOBER 18, 1823.

The commissioners, upon consideration of the testimony above adduced, relating to the claim of Jean B. Bertrand, which conflicts with a claim entered in behalf of the heirs of Louis Babbien, (otherwise Baben,) confirm the claims of said Jean B. Bertrand as set forth in the preceding notice and deposition.

Louis Chevalier's claim.

MICHILIMACKINAC, *July* 24, 1823.

NOTICE.—I, Louis Chevalier, hereby enter my claim, under the laws for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land lying and being situated on the river Aux Sables or Sandy river, in said Territory, about one-fourth of a mile from the mouth of said river, and on the west side thereof, extending eighty arpents in rear of said river, and containing six hundred and forty acres; bounded in front by said river, and in the rear and on each side by public lands.

LOUIS ⋈ (his mark) CHEVALIER.

In presence of H. S. BAIRD.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, John Dousman, one of the associate justices of the county court in and for the county of Michilimackinac aforesaid, George Shindler, of lawful age, who, being duly sworn, doth depose and say that in the year of our Lord 1800 Louis Chevalier was a resident of said Territory, and in said year had the possession of and occupied a certain piece or parcel of land lying and being on the river Aux Sables or Sandy river, in said Territory, about a quarter of a mile from the mouth of said river, and on the west side thereof; that on July 1, in the year of our Lord 1812, he, the said Louis Chevalier, was in the possession of said land, and occupied, improved, and cultivated the same during the said year 1812; and also that this deponent verily believes that the said Louis Chevalier had the possession of said land from the said year 1800 until after the said 1st day of July, 1812; and that said Louis Chevalier has submitted to the authority of the United States of America. And further this deponent saith not.

GEORGE SHINDLER.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the undersigned John Dousman, associate justice as aforesaid, the within named George Shindler, and made oath that the facts as stated in the foregoing deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at Michilimackinac aforesaid, this 24th day of July, A. D. 1823.

JOHN DOUSMAN, *A. J. C. C. M.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, John Dousman, a justice of the peace in and for the county of Michilimackinac aforesaid, Alexander Bourrassa, of lawful age, who, deing duly sworn, doth depose and say that in the year of our Lord 1812, and for a number of years previous thereto, Louis Chevalier was a resident of said Territory, and in said year had the possession of and occupied a certain piece or parcel of land lying and being on the river Aux Sable or Sandy river, in said Territory, about a quarter of a mile from the mouth of said river, and on the west side thereof; that on the first day of July, in the year aforesaid, he, the said Louis Chevalier, was in the possession of said land and occupied and cultivated the same during said year; and also that this deponent verily believes that the said Louis had the possession of said land for a long time prior to said year 1812; and that the said Louis has submitted to the authority of the United States of America. And further this deponent saith not.

ALEXANDER BOURRASSA.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said John Dousman, justice of the peace aforesaid, the above-named deponent, and made oath that the facts above stated are true, as he verily believes.

In witness whereof, I have hereunto set my hand this 7th day of August, A. D. 1823.

JOHN DOUSMAN, *J. P. C. M.*

DETROIT, *October* 29, 1823.

The preceding claim of Louis Chevalier is confirmed by the commissioners, as set forth in the notice prefixed.

Francis Louisignans' claim.

NOTICE.—I, Francis Louisignans, hereby enter my claim, under the laws of Congress for ascertaining and deciding upon claims to land in the Territory of Michigan, to a certain piece or tract of land lying and

being on the island of Michilimackinac, in the county of Michilimackinac, and Territory aforesaid, and bounded as follows, viz: beginning at the southeast corner of John Dousman's land, bounded on the north and west by land owned by the United States, and on the south by the border of Lake Huron, being three acres in width on the lake shore, and extending back twelve acres in length, and running parallel with the aforesaid west line of said John Dousman's farm.

his
FRANCIS ⋈ LOUISIGNANS.
mark.

MICHILIMACKINAC, *August* 28, 1823.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, John Dousman, one of the justices of the county court of the county of Michilimackinac aforesaid, Charles Marley, of lawful age, who, having been duly sworn, doth, on his oath, depose and say that Francis Louisignans, in the year of our Lord 1812, and for many years previous thereto, was a resident of the Territory aforesaid; that on the first day of July, in the said year 1812, the said Francis Louisignans was a resident on the island of Michilimackinac, and occupied and cultivated a certain piece or tract of land lying and being on said island of Michilimackinac, and bounded as follows, to wit: beginning at the southeast corner of John Dousman's land, and running along the western line of said Dousman's land; bounded on the north and west by land owned by the United States, and on the south by the border of Lake Huron; the said piece or parcel of land being three acres in width on the lake shore, and extending back twelve acres in length, and running parallel with the aforesaid west line of said John Dousman's farm; that since said last-mentioned time he, the said Francis, has continued in possession thereof, and has continued to submit to the authority of the United States of America. And further this deponent saith not.

his
CHARLES ⋈ MARLEY.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the within-naned John Dousman, one of the justices as aforesaid, the said Charles Marley, and made solemn oath that the facts within stated are true, to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at the borough of Michilimackinac, this 5th day of July, A. D. 1823.

JOHN DOUSMAN, *J. P. C. M.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, John Dousman, one of the justices of the county court in and for the county of Michilimackinac aforesaid, Simon Champaigne, of lawful age, who, being duly sworn, doth depose and say that Francis Louisignans, in the year of our Lord 1812, and for many years previous thereto, was a resident citizen of the Territory aforesaid; that on the 1st day of July, in the said year 1812, he, the said Francis Louisignans, was a resident on the island of Michilimackinac, in said Territory, and occupied and cultivated a certain piece or tract of land lying and being on said island of Michilimackinac, and bounded as follows, to wit: beginning at the southeast corner of John Dousman's land and running along the western boundary line of said Dousman's land, bounded on the north and west by land owned by the United States, and on the south by the border of Lake Huron; the said piece or parcel of land being three acres in width on the lake shore, and extending back twelve acres in length, and running parallel with the aforesaid west line of said John Dousman's farm; that since said last-mentioned time he, the said Francis, has continued in possession thereof, and has continued to submit to the authority of the United States. And further this deponent saith not.

his
SIMON ⋈ CHAMPAIGNE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, John Dousman, one of the justices aforesaid, the within-named Simon Champaigne, and made oath that the facts stated in said deposition are true, according to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand, at the borough of Mackinac, this 3d day of July, A. D. 1823.

JOHN DOUSMAN, *J. P. C. M.*

DETROIT, *October* 29, 1823.

The preceding claim of Francis Louisignans is this day *confirmed* by the commissioners, as set forth in his notice prefixed thereto.

Claim of Antoine Martin, jr.

I, Antoine Martin, junior, enter my claim, under the laws for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land situated at Point St. Ignace, opposite the island of Michilimackinac, in said Territory, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: southerly by a claim of Francis Trucky, and northerly by a claim of Daniel Bourrassa, being three acres in width, and extending back from the margin of said lake eighty arpents.

H. S. BAIRD,
For ANTOINE MARTIN, JR.

MICHILIMACKINAC, *July* 29, 1823.

Personally appeared before me, Varnum I. Card, a justice of the peace in and for the county of Michilimackinac, in the Territory of Michigan, Joseph Delvare, who, having been duly sworn, doth depose and

say that on the 1st day of July, A. D. 1812, Antoine Martin, junior, had the possession of, and occupied, improved, and cultivated a certain piece or parcel of land situated at Point St. Ignace, opposite to the island of Michilimackinac, in said Territory, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: southerly by a claim of Francis Trucky, and northerly by a claim of Daniel Bourrassa, being three acres in width, and extending back from the margin of said lake eighty arpents; that from said time till the present he, the said Antoine, junior, has had the possession thereof, and that he has submitted to the authority of the United States of America. And further this deponent saith not.

his
JOSEPH ⋈ DELVARE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared the within-named deponent, and made solemn oath that the facts stated in the foregoing deposition are true. Before me this 26th day of July, A. D. 1823.

VARNUM I. CARD, *J. P. C. M.*

Personally appeared before me, Varnum I. Card, a justice of the peace in and for the county of Michilimackinac, in the Territory of Michigan, Francis Trucky, who, having been first duly sworn, doth depose and say that on the 1st day of July, 1812, and for a number of years previous thereto, Antoine Martin, junior, had the possession of, and occupied, improved, and cultivated a certain piece or parcel of land situated on Point St. Ignace, opposite to the island of Michilimackinac, in said Territory, lying on the shore of the bay or head of Lake Huron, and bounded as follows to wit: southerly by a claim of Francis Trucky, and northerly by a claim of Daniel Bourrassa, being three acres in width, and extending back from the margin of said lake eighty arpents; that from said time till the present he, the said Antoine Martin, junior, has had the possession of said land, and that he has submitted to the authority of the United States. And further this deponent saith not.

his
FRANCIS ⋈ TRUCKY.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared the above-named deponent, and made oath that the facts contained in the foregoing deposition are true, as he verily believes. Before me this 26th day of July, A. D. 1823.

VARNUM I. CARD, *J. P. C. M.*

DETROIT, *October* 29, 1823.

The preceding claim of Antoine Martin, junior, is this day confirmed agreeably to the notice prefixed thereto.

Joseph St. Andrie's claim.

MICHILIMACKINAC, *July* 29, 1823.

I, Joseph St. Andrie, hereby enter my claim, under the laws for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a certain tract of land situated at Point St. Ignace, in the county of Michilimackinac, in said Territory, opposite to the island of Michilimackinac, lying on the shore of the bay or head of Lake Huron, bounded as follows, to wit: on one side by land claimed by Augustin Amlin, and on the other side by land claimed by Lorin Monse, being two acres in width, and extending back from the margin of said lake eighty arpents; the said land having been purchased by me of one Joseph Goungneau, as appears by the lease or assignment of said Goungneau, herewith enclosed, and bearing date on the 15th day of July instant.

his
JOSEPH + ST. ANDRIE.
mark.

Present: H. S. BAIRD.

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, in the Territory of Michigan, Augustin Amlin, of lawful age, who, having been duly sworn, doth depose and say that on July 1, A. D. 1812, and for a long time previous thereto, Joseph Goungneau was a resident of said county, then district of Michilimackinac, and occupied, improved and cultivated a certain piece or tract of land situated on Point St. Ignace, in said county, opposite to the island of Michilimackinac, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: on the one side by land claimed by Augustin Amlin, and on the other by land claimed by Lorin Monse, being two acres in width, and extending back from the margin of said lake eighty arpents; that for the space of upwards of twenty years he, the said Goungneau, has had the possession of said land, and that he has at all times submitted to the authority of the United States. And further this deponent saith not.

his
AUGUSTIN + AMLIN.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said William H. Puthuff, chief justice as aforesaid, the above-named Augustin Amlin, and made oath that the facts contained in the foregoing deposition are true. In witness whereof, I have hereunto set my hand this 28th day of July, A. D. 1823.

WM. HENRY PUTHUFF.

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, in the Territory of Michigan, Antoine Martin, senior, of lawful age, who, having

been duly sworn, doth depose and say that on July 1, A. D. 1812, and for a long time previous thereto, Joseph Goungneau was a resident of said county, then district of Michilimackinac, and occupied, improved and cultivated a certain piece or parcel of land situated at Point St. Ignace, in said county, opposite to the island of Michilimackinac, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: on the one side by land claimed by Augustin Amlin, and on the other side by land claimed by Lorin Monse, being two acres in width, and extending back from the margin of said lake eighty arpents; that for the space of upwards of twenty years he, the said Goungneau, has had the possession of said land, and that he has at all times submitted to the authority of the United States. And further this deponent saith not.

his
ANTOINE + MARTIN, SENR.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the above-named William H. Puthuff, chief justice as aforesaid, the said Antoine Martin, senior, and made solemn oath that the facts contained in the foregoing deposition are true. Witness my hand this 28th day of July, A. D. 1823.

WM. HENRY PUTHUFF.

MACKINAC, *July* 15, 1823.

This is to certify that I, Joseph Goungneau, do give unto my friend, Joseph St. Andrie, all my rights of two acres of land, which land lies between Augustin Amlin on one side, and Lorin Monse on the other, forever. I furthermore promise, if I succeed in getting a patent for the above-mentioned land, I do also oblige myself to give it to the said Joseph St. Andrie.

his
JOSEPH + GOUNGNEAU.
mark.

Attest: JOHN DREW.
THOMAS GUTHRY.

DETROIT, *October* 29, 1823.

The preceding claim of Joseph St. Andrie is confirmed to the extent, and agreeably to the limits specified in his notice prefixed.

Claim of Pierre Cowne, alias Constant.

To the commissioners for ascertaining and deciding on claims to lands in the district of Detroit, and for settling claims to lands at Green bay, Prairie du Chien, and Michilimackinac, in the Territory of Michigan:

Whereas Pierre Cowne, otherwise Pierre Constant, has heretofore purchased a certain tract or parcel of land upon the island of Michilimackinac, in the county of Michilimackinac, and Territory of Michigan, which said piece or lot of land is bounded as described by a certificate of Aaron Greely, as by him surveyed, (which said certificate is herewith transmitted;) and, also, whereas the said Cowne, otherwise Constant, purchased said lot of a certain Charles Bosquie for a valuable consideration, by him, the said Cowne, otherwise Constant, to him, the said Bosquie, in hand paid, sometime in the month of June, 1812, said property having, long previous to that date, been improved, cultivated, and occupied by said Bosquie, and at the time and date put said Cowne, otherwise Constant, into full and free possession of said lot of land, with its appurtenances, buildings, and improvements; which said lot of land has been peaceably held, occupied, and cultivated by the said Pierre aforesaid, from that date to the present time: Therefore you, the above-named commissioners, are notified that claim is hereby made to the lot or piece of land hereinbefore described by the same Pierre Cowne, otherwise Constant, in conformity with the provisions of the several acts of Congress relative to land claims in the Territory of Michigan.

his
PIERRE + COWNE.
mark.

MICHILIMACKINAC, *June* 11, 1823.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court of the county of Michilimackinac aforesaid, Pierre La Sallier, of lawful age, who, being duly sworn, doth, on his oath, depose and say that Pierre Cowne, *alias* Constant, having purchased a certain tract or parcel of land, bounded as described by certificate of Aaron Greely, as by him surveyed, upon the island of Michilimackinac, bearing date on November 18, A. D. 1819; that said Cowne, *alias* Constant, purchased said lot of a certain Charles Bosquie for a valuable consideration, by him, the said Cowne, *alias* Constant, to him, the said Bosquie, in hand paid, sometime in the month of June, 1812, said property having, long previous to that date, been improved, cultivated, and occupied by said Bosquie, and, at the time and date, put said Cowne, *alias* Constant, into full and free possession of said lot of land, with its tenements, buildings, and improvements; which said lot of land, with its appurtenances, has been peaceably held, occupied, and cultivated by him, the said Pierre Cowne, *alias* Constant, aforesaid, from that time to the present date; and that said Pierre has continued to submit to the authority of the United States. And further this deponent saith not.

his
PIERRE + LA SELLIER.
mark.

BOROUGH OF MACKINAC, *ss:* JULY 24, 1823.

Sworn to and subscribed to before me, the within-named William H. Puthuff, chief justice as aforesaid, on the day and year above written.

WILLIAM H. PUTHUFF.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court of the county of Michilimackinac, Joseph Dumaville, of lawful age, who, having been duly sworn, doth, on his oath, depose and say that Pierre Cowne, otherwise Constant, having purchased a certain tract or parcel of land, bounded as described by certificate of Aaron Greely, as by him surveyed, upon the island of Michilimackinac, bearing date November 18, A. D. 1819; that said Cowne, otherwise Constant, purchased said lot of a certain Charles Bosquie for a valuable consideration by him, the said Constant, to him, the said Bosquie, in hand paid, sometime since, in the month of June, 1812, said property having, long previous to that date, been improved, cultivated, and occupied by said Bosquie; and, at the time and date, put said Cowne, otherwise Constant, into full and free possession of said lot of land, with its tenements, buildings, and improvements; which said lot of land, with its appurtenances, has been peaceably held, occupied, and cultivated by him, the said Pierre Cowne, otherwise Constant, aforesaid, from that date to the present time; and that said Pierre has continued to submit to the authority of the United States. And further this deponent saith not.

his
JOSEPH + DUMAVILLE.
mark.

BOROUGH OF MACKINAC, *ss:* JULY 24, 1823.

Sworn to and subscribed before me, the within named William H. Puthuff, chief justice as aforesaid, the day and year above written.

WILLIAM H. PUTHUFF.

MICHILIMACKINAC, *November* 18, 1819.

I certify that I have surveyed a claim of Pierre Constant, adjoining the south end of the village of Michilimackinac, bounded as follows: commencing at a boundary on the south line of the village between this claim and a claim of Charles Petots; thence south 11° east, 282 feet, to the shore of Lake Huron; thence, along the border of said lake, east, 195 feet and six-tenths of a foot; thence north 12° west, 167 feet, to a boundary on the lake shore, terminating the south line of the village; thence, along said line, north 63° west, 268 feet, to the place of beginning; containing 40,297 square feet, reserving 100 feet along the border of the lake for the use of a road.

AARON GREELY, *Surveyor of Private Land Claims for the Territory of Michigan.*

DETROIT, *October* 29, 1823.

The commissioners at their sitting of this day confirm to Pierre Cowne, otherwise Constant, the tract specified in the preceding claim.

Claim of Joseph Delvare.

I, Joseph Delvare, hereby enter my claim, under the laws for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land situated on Point St. Ignace, opposite to the island of Michilimackinac, in said Territory, on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: southerly by a claim of Augustin Shebailly, and northerly by a claim of Antoine Martin, sen., being three acres in width, and extending back from the margin of said lake eighty arpents.

H. S. BAIRD,
For JOSEPH DELVARE.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, Varnum I. Card, justice of the peace in and for the county of Michilimackinac aforesaid, Antoine Martin, sen., of lawful age, who, being duly sworn, doth depose and say that in the year A. D. 1812, and for a number of years previous thereto, Joseph Delvare had the possession of and occupied and cultivated a certain piece or tract of land situated on Point St. Ignace, opposite to the island of Michilimackinac, in said Territory, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: southerly by a claim of Augustin Shebailly, and northerly by a claim of Antoine Martin, sen., being three acres in width, and extending back from the margin of said lake eighty arpents; that on the 1st day of July, in said year 1812, he, the said Joseph Delvare, cultivated and occupied the said piece of land, and has, for a long time previous to said year 1812 to the present time, had the possession of, and occupied, improved, and cultivated said piece of land; and that he, the said Joseph Delvare, has submitted to the authority of the United States of America. And further this deponent saith not.

his
ANTOINE + MARTIN.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, Varnum I. Card, justice as aforesaid, the above-named Antoine Martin, sen., and made oath that the facts set forth in the foregoing deposition are true, as he verily believes. In witness whereof, I have hereunto set my hand and seal this 26th day of July, A. D. 1823.

VARNUM I. CARD, *J. P. C. M.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, Varnum I. Card, justice of the peace in and for the county of Michilimackinac, Francis Trucky, of lawful age, who, having been duly sworn, doth depose and say that in the year A. D. 1812, and for a number of years previous thereto, Joseph Delvare had the possession of and

occupied and cultivated a certain piece or tract of land situated on Point St. Ignace, opposite to the island of Michilimackinac, in said Territory, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: southerly by a claim of Augustin Shebailly, and northerly by a claim of Antoine Martin, sen., being three acres in width, and extending back from the margin of said lake eighty arpents; that on the 1st day of July, in said year 1812, he, the said Joseph Delvare, cultivated and occupied said piece of land; and that he, the said Joseph Delvare, has, for a long time previous to said year 1812 till the present time, had the possession of, and occupied, improved, and cultivated said piece of land; and that he, the said Joseph Delvare, has submitted to the authority of the United States of America. And further this deponent saith not.

his
FRANCIS + TRUCKY.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, Varnum I. Card, justice of the peace as aforesaid, the above-named Francis Trucky, and made oath that the facts contained in the foregoing deposition are true, to the best of his knowledge and belief. In witness whereof, I have hereunto set my hand and seal this 26th day of July, A. D. 1823.

VARNUM I. CARD, *J. P. C. M.*

DETROIT, *October* 29, 1823.

At their sitting of this day the commissioners confirm to Joseph Delvare the tract specified in the preceding notice of claim.

Claim of Francis Trucky.

MACKINAC, *July* 29, 1823.

I, Francis Trucky, hereby enter my claim, under the laws for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land situate on Point St. Ignace, opposite to the island of Michilimackinac, in said Territory, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: southerly by a claim of Augustin Amlin, and northerly by a claim of Antoine Martin, jr., being three acres in width, and running back from the margin of said lake eighty arpents.

H. S. BAIRD,
For FRANCIS TRUCKY.

Personally appeared before me, Varnum I. Card, a justice of the peace in and for the county of Michilimackinac and Territory of Michigan, Joseph Delvare, of lawful age, who, having been duly sworn, doth depose and say that in the year A. D. 1812, and for a number of years previous thereto, Francis Trucky had the possession of and occupied and cultivated a certain piece or tract of land situated on Point St. Ignace, opposite to the island of Michilimackinac, in said Territory, lying on the shore or head of Lake Huron, and bounded as follows, to wit: southerly by a claim of Augustin Amlin, and northerly by a claim of Antoine Martin, jr., being three acres in width, and extending back from the margin of said lake eighty arpents; that on the 1st day of July, A. D. 1812, he, the said Francis Trucky, cultivated and occupied said piece of land, and has, for a long time previous to said year 1812 till the present time, had the possession of, and occupied, improved, and cultivated said piece of land; and that he, the said Francis, has submitted to the authority of the United States of America. And further this deponent saith not.

his
JOSEPH + DELVARE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said Varnum I. Card, justice of the peace as aforesaid, the above-named deponent, and made solemn oath that the facts contained in the foregoing deposition are true. Witness my hand this 26th day of July, 1823.

V. I. CARD, *J. P. C. M.*

Personally appeared before me, Varnum I. Card, justice of the peace in and for the county of Michilimackinac, in the Territory of Michigan, Antoine Martin, jr., of lawful age, who, having been duly sworn, doth depose and say that in the year A. D. 1812, and for a number of years previous thereto, Francis Trucky had the possession of and occupied and cultivated a certain piece or tract of land situated on Point St. Ignace, opposite to the island of Michilimackinac, in said Territory, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: southerly by a claim of Augustin Amlin, and northerly by a claim of Antoine Martin, jr., being three acres in width, and running back from the margin of said lake eighty arpents; that on the 1st day of July, in the year aforesaid, he, the said Francis, cultivated and occupied said piece of land, and has, for a long time previous to the said year 1812 till the present time, had the possession of and occupied and cultivated said piece of land; and that he, the said Francis, has submitted to the authority of the United States. And further this deponent saith not.

his
ANTOINE ⋈ MARTIN, JR.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared the above-named deponent, and made oath that the facts stated in the foregoing deposition are true, before me, this 26th day of July, 1824.

VARNUM I. CARD, *J. P. C. M.*

DETROIT, *October* 29, 1823.

At their sitting of this day the commissioners confirm to Francis Trucky the tract described in the preceding notice of claim.

Claim of Samuel C. Lasley.

To commissioners for ascertaining and deciding on claims to lands in the district of Detroit, and for settling claims to lands at Green Bay, Prairie du Chien, and Michilimackinac, in the Territory of Michigan:

Whereas Samuel C. Lasley, in the month of May, A. D. 1810, was in the possession of, and had cleared, fenced, and cultivated a certain piece of land on the island of Michilimackinac, in the county of Michilimackinac and Territory of Michigan, which said lot or piece of land is bounded as follows, to wit: on the southeast side by Lake Michigan, on the north and west by John Dousman's land, and on the northeast and southeast by public lands, which two last-mentioned lines run so far distant from the said southwest and north and east lines that lines running parallel therewith will make eight acres; and, also, whereas the said Samuel C. Lasley was, on the 1st day of July, A. D. 1812, a resident of said county and island of Michilimackinac; and on said 1st day of July he, said Lasley, occupied and cultivated said piece of land above described; and said Samuel C. Lasley has, at all times, since said month of May, 1810, continued to submit to the authority of the United States, and has retained the peaceable possession of said piece or lot of land, continuing to occupy, cultivate, and improve the same from the time last mentioned until the present day; therefore you, the above-named commissioners, are notified that claim is hereby made by the said Samuel C. Lasley to the piece or lot of land hereinbefore described, in conformity with the provisions of the several acts of Congress relative to land claims in the Territory of Michigan.

SAMUEL C. LASLEY.

MICHILIMACKINAC, *June* 10, 1823.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

I, Augustine Cadotte, of lawful age, having been duly sworn, doth depose and say that in the month of May, 1810, Samuel C. Lasley had possession of, and cleared, fenced, and cultivated a certain piece or lot of land on the island of Michilimackinac, in the county aforesaid, which said lot of land is bounded as follows, to wit: on the southwest side by Lake Michigan, on the north and west by John Dousman's land, and on the northeast and southeast by public lands, (which two last-mentioned lines run so far distant from the said southwest and north and east lines that lines running parallel therewith will make eight acres.) The said Samuel C. Lasley was, on the 1st day of July, A. D. 1812, a resident of said county of Michilimackinac; and that on the said 1st day of July he, the said Lasley, occupied and cultivated said piece of land above described; and also that the said Samuel C. Lasley hath at all times since said month of May, A. D. 1810, continued to submit to the authority of the United States, and has retained the peaceable possession of said piece of land, continuing to occupy, cultivate, and improve the same from the time last mentioned until the present day. And further this deponent saith not.

AUGUSTINE his ⋈ mark. CADOTTE.

COUNTY OF MICHILIMACKINAC, *Borough of Mackinac, ss:* JUNE 2, 1823.

Before me, the undersigned, chief justice of the county court of Michilimackinac county, personally appeared the within-named Augustine Cadotte, and made solemn oath that the facts within stated are true, according to the best of his knowledge and belief.

REGISTER'S OFFICE, *Detroit, September* 23, 1823.

Before me, one of the commissioners, under the law of February 21, 1823, for adjusting land claims, personally appeared Michael Dousman, who, being duly sworn, saith that when the British troops took possession of the island of Michilimackinac in the month of July, 1812, Samuel C. Lasley, then a resident of the island, and now a claimant under the law above mentioned, declared himself a British subject, took an oath of allegiance to the British government, and took arms against the United States during the late war.

MICHAEL DOUSMAN.

Sworn and subscribed to before me.

JOHN BIDDLE,
Register of the Land Office at Detroit, and one of the Commissioners, &c.

DETROIT, *October* 30, 1823.

Upon consideration of the testimony adduced in the case of Samuel C. Lasley preceding, the commissioners decide that the claim be rejected.

Claim of Augustin Hamlin.

I, Augustin Hamlin, enter my claim, under the laws of Congress for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land situated on Point St. Ignace, in the county of Michilimackinac, in said Territory, opposite to the island of Michilimackinac, on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: on the one side by land claimed by Francis Trucky, and on the other by land claimed by Antoine Martin, sen., being three acres in width and extending back from the margin of said lake eighty arpents.

AUGUSTIN HAMLIN.

COUNTY OF MICHILIMACKINAC, *ss:* JULY 29, 1823.

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, in the Territory of Michigan, Antoine Martin, sen., who, having been duly sworn, doth depose and say that on the 1st day of July, A. D. 1812, and for a long time previous thereto, Augustin Hamlin was a resident of the said county (then district) of Michilimackinac, and had the

possession of and occupied and cultivated a certain piece of land situated on Point St. Ignace, in said county, opposite to the island of Michilimackinac, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: on one side by land claimed by Francis Trucky, and on the other by land claimed by Antoine Martin, sen.; being three acres in width, and extending back from the margin of said lake eighty arpents; that for the period of about thirty years he, the said Augustin, had the possession of said land, and has at all times submitted to the authority of the United States of America. And further this deponent saith not.

his
ANTOINE ⋈ MARTIN, SEN.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said William H. Puthuff, chief justice as aforesaid, the above-named deponent, and made oath that the facts contained in the foregoing deposition are true.

In witness whereof, I have hereunto set my hand this 29th day of July, A. D. 1823.

WM. H. PUTHUFF.

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, in the Territory of Michigan, Joseph Delvare, of lawful age, who, having been duly sworn, doth depose and say that on July 1, A. D. 1812, and for a long time previous thereto, Augustin Hamlin was a resident of the said county (then district) of Michilimackinac, and had possession of and occupied and cultivated a certain piece or tract of land situated on Point St. Ignace, in said county, opposite to the island of Michilimackinac, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: on one side by land claimed by Francis Trucky, and on the other side by land claimed by Antoine Martin, sen., being three acres in width, and extending back from the margin of said lake eighty arpents; that for upwards of thirty years he, the said Augustin, has had the possession of said land, and has at all times submitted to the authority of the United States of America. And further this deponent saith not.

his
JOSEPH ⋈ DELVARE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice as aforesaid, the above-named deponent, and made oath that the facts contained in the foregoing deposition are true.

In witness whereof, I have hereunto set my hand this 29th day of July, A. D. 1823.

WM. H. PUTHUFF.

DETROIT, *October* 29, 1823.

In the preceding case of Augustin Hamlin the claim is confirmed agreeably to the notice prefixed.

Claim of Ezekiel Solomons.

NOTICE.

To the commissioners for ascertaining and deciding upon claims to lands in the district of Detroit, and for settling claims to lands at Green Bay, Prairie du Chien, and Michilimackinac, in the Territory of Michigan:

Ezekiel Solomons having, in the year of our Lord 1795, been a resident citizen of the island of Michilimackinac, in the county of Michilimackinac and Territory of Michigan, and having in said year had the possession of, and cultivated, occupied, and improved a certain piece or lot of land on said island, which said lot of land is bounded as follows, to wit: on the north by land enclosed and now cultivated by the officers and soldiers of the United States army stationed on said island, on the east by lots of land owned by John Laird and John Campbell, on the south by Lake Michigan, and on the west by lands owned by the United States; which said last-mentioned line to run so far distant from the easterly boundary line that a line running parallel with the said last-mentioned line from north to south will make six acres; and having continued to occupy the said lot of land from said year 1795, until the time of his death, 1809, since which last-mentioned year the said piece or lot of land has been occupied by and been in possession of the heirs or legal representatives of the said Solomons; said lot of land having also, on the 1st day of July, in the year 1812, been in the possession, cultivation, and occupancy of the said heirs of the said Solomons, and the heirs of the said Solomons having been, on said 1st day of July, 1812, resident on said island of Michilimackinac, in the county aforesaid, and continued to submit to the authority of the United States, and having retained the quiet and peaceable possession of said land from the time aforesaid until the present time; therefore you, the above-named commissioners, are notified that claim is hereby made by the heirs or legal representatives of the said Ezekiel Solomons, deceased, as aforesaid, to the piece or lot of land hereinbefore described, in conformity to the provisions of the several acts of Congress relative to land claims in the Territory of Michigan.

SAMUEL SOLOMONS.
E. M. SOLOMONS.
SOPHIA PELTIER.

MICHILIMACKINAC, *June* 10, 1823.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court of the county of Michilimackinac aforesaid, Simon Champaigne, of lawful age, who, being duly sworn, doth depose and say that in the year of our Lord 1795 Ezekiel Solomons was a resident of the island of Michilimackinac, in the county aforesaid; that in the year 1795 he, the said Solomons, had possession of and occupied and cultivated a certain piece or lot of land on said island, which said lot of land is bounded as follows, to wit: on the north side by land now enclosed and cultivated by the officers and soldiers of the United

States army stationed at said place, on the east by lands owned by John Laird and John Campbell, on the south by Lake Michigan, and on the west by lands owned by the United States; that the said Solomons continued to occupy and cultivate the said lot of land from the said year 1795 until the time of his death, in the year A. D. 1809; and also, that since the said year A. D. 1809 the said piece or lot of land has been occupied by the heirs or legal representatives of the said Solomons; that the said lot of land was in the possession, cultivation, and occupancy of the said heirs of the said Solomons on the 1st day of July, in the year of our Lord 1812; and that the heirs of the said Solomons were, on the said 1st day of July, A. D. 1812, residents on the said island of Michilimackinac, in the county aforesaid, and have continued to submit to the authority of the United States, and have retained possession of said land from the time aforesaid until the present time. And further this deponent saith not.

his
SIMON + CHAMPAIGNE.
mark.

County of Michilimackinac, *Borough of Mackinac, ss:*

Sworn to and subscribed on the 2d day of June, in the year of our Lord 1823, before me, the undersigned chief justice of the county court for the county of Michilimackinac.

WM. H. PUTHUFF, *C. J., &c.*

Territory of Michigan, *County of Michilimackinac, ss:*

Personally appeared before me, Wm. H. Puthuff, chief justice of the county court of the county of Michilimackinac aforesaid, Charles Marle, of lawful age, who, having been duly sworn, doth depose and say that in the year of our Lord 1795 Ezekiel Solomons was a resident on the island of Michilimackinac, in the county aforesaid; that in said year 1795 he, the said Solomons, was in possession of and occupied and cultivated a certain piece or lot of land on said island, which said lot is bounded as follows, to wit: on the north side by land enclosed and now cultivated by the officers and soldiers of the United States army stationed on said island, on the east by lands owned by John Laird and John Campbell, on the south by Lake Michigan, and on the west by land owned by the United States; that he, the said Solomons, continued to occupy and cultivate the said lot of land from the year 1795 until the time of his death in the year A. D. 1809; also, that since the said year A. D. 1809 the said piece or lot of land has been occupied by, and been in possession of, the heirs or legal representatives of the said Solomons; that the said lot of land was in the possession, cultivation, and occupancy of the said Solomons on the 1st day of July, in the year of our Lord 1812; and that the heirs of the said Solomons were on the said 1st day of July, A. D. 1812, resident on the said island of Michilimackinac, in the county aforesaid, and have continued to submit to the authority of the United States, and have retained possession of the said land from the time aforesaid until the present time. And further this deponent saith not.

his
CHARLES + MARLIE.
mark.

County of Michilimackinac, *Borough of Mackinac, ss:* June 27, 1823.

Then personally came before me, the undersigned, William H. Puthuff, chief justice of the county court of the county of Michilimackinac, the within-named deponent, and made solemn oath to the truth of the facts stated in the foregoing deposition.

WM. H. PUTHUFF, *Chief Justice.*

Territory of Michigan, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice of the county court of the county of Michilimackinac aforesaid, Samuel C. Lasley, of lawful age, who, having been duly sworn, doth depose and say that in the year of our Lord 1796 Ezekiel Solomons was a resident of the island of Michilimackinac, in the county aforesaid; that in the year of our Lord 1796 he, the said Solomons, had possession of a certain piece or lot of land on said island, which said lot of land is bounded as follows, to wit: on the north by land now enclosed and cultivated by the officers and soldiers of the United States army stationed at said place, on the east by lands owned by John Campbell and John Laird, on the south by Lake Michigan, and on the west by land owned by the United States; that the said lot of land was in the possession, cultivation, and occupancy of the heirs or legal representatives of said Solomons on the 1st day of July, in the year of our Lord 1812; and that the heirs of the said Solomons were, on the said 1st day of July, in the year of our Lord 1812, resident on the said island of Michilimackinac, in the county aforesaid, and have continued to submit to the authority of the United States, and have retained the possession of said land from the time aforesaid until the present time And further this deponent saith not.

SAMUEL C. LASLEY.

County of Michilimackinac, *Borough of Mackinac, ss:* June 2, A. D. 1823.

Sworn to and subscribed before me, the undersigned, W. H. Puthuff, chief justice of said county court of the county of Michilimackinac.

WM. H. PUTHUFF, *C. J., &c.*

Detroit, *October* 30, 1823.

In the foregoing case of the heirs of Ezekiel Solomons the commissioners decide that the claim be *confirmed.*

Claim of Antoine Martin, senior.

I, Antoine Martin, sen., hereby enter my claim, under the laws for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a certain tract of land situated on Point St. Ignace, opposite

to the island of Michilimackinac, in said Territory, lying on the shore, bay, or head of Lake Huron, and bounded as follows, to wit: southerly by a claim of Joseph Delvare, and northerly by a claim of Augustin Amlin, being three acres in width, and extending back from the margin of said lake eighty arpents.

H. S. BAIRD,
For ANTOINE MARTIN, SEN.

MICHILIMACKINAC, *July* 29, 1823.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, Varnum I. Card, a justice of the peace in and for the said county, Francis Trucky, of lawful age, who, having been duly sworn, doth depose and say that in the year of our Lord 1812, and for a number of years previous thereto, Antoine Martin, sen., had the possession of and occupied and cultivated a certain piece or tract of land situated on Point St. Ignace, opposite to the island of Michilimackinac, in the said Territory, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: southerly by a claim of Joseph Delvare, and northerly by a claim of Augustin Amlin, being three acres in width, and extending back from the margin of said lake eighty arpents; that on the 1st day of July, in said year 1812, he, the said Antoine, cultivated and occupied the said piece of land, and has, for a long time previous to said year till the present time, had the possession of, and occupied, improved, and cultivated said piece of land; and that the said Antoine has submitted to the authority of the United States of America. And further this deponent saith not.

his
FRANCIS + TRUCKY.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, Varnum I. Card, a justice of the peace as aforesaid, the above-named deponent, and made oath that the facts contained in the foregoing deposition are true, as he verily believes.

Witness my hand this 26th day of July, 1823.

VARNUM I. CARD, *J. P. C. M.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, Varnum I. Card, a justice of the peace in and for the said county, Joseph Delvare, of lawful age, who, being duly sworn, doth depose and say that in the year of our Lord 1812, and for a number of years previous thereto, Antoine Martin, sen., had the possession of and occupied and cultivated a certain piece or tract of land situated on Point St. Ignace, opposite to the island of Michilimackinac, in said Territory, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: southerly by a claim of Joseph Delvare, and northerly by a claim of Augustin Amlin, being three acres in width, and extending back from the margin of said lake eighty arpents; that on the 1st day of July, in the year of our Lord 1812, he, the said Antoine Martin, sen., cultivated and occupied the said piece of land, and has, for a long time previous to said year 1812 until the present time, had the possession of, and occupied, improved, and cultivated said piece of land; and that he, the said Antoine Martin, sen., has submitted to the authority of the United States of America. And further this deponent saith not.

his
JOSEPH + DELVARE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said Varnum I. Card, a justice of the peace as aforesaid, the above-named Joseph Delvare, and made oath that the facts contained in the foregoing deposition are true, as he verily believes.

In witness whereof, I have hereunto set my hand this 26th day of July, in the year of our Lord 1823.

V. I. CARD, *J. P. C. M.*

DETROIT, *October* 30, 1823.

In the preceding case of Antoine Martin, sen., the commissioners decide that the claim be *confirmed.*

Claim of Augustin Hamlin.

I, Augustin Hamlin, hereby enter my claim, under the laws of Congress for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract of land situated on Point St. Ignace, in the county of Michilimackinac, opposite the island of Michilimackinac, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: on one side by land claimed by Joseph St. Andre, and on the other side by land claimed by Louis Babba, being three acres in width, and extending back from the margin of said lake eighty arpents.

AUGUSTIN HAMLIN.

MICHILIMACKINAC, *July* 29, 1823.

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, in the Territory of Michigan, Joseph Delvare, of lawful age, who, being duly sworn, doth depose and say that on the 1st day of July, A. D. 1812, and for a long time previous thereto, Augustin Hamlin was a resident of the said county (then district) of Michilimackinac, and had the possession of and occupied and cultivated a certain piece or tract of land situated on Point St. Ignace, in said county, opposite to the island of Michilimackinac, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: on one side by land claimed by Joseph St. Andre, and on the other side by land claimed by Louis Babba, being three acres in width, and extending back from the margin of said lake eighty arpents; that for the period of thirty years and upwards he, the said Augustin, has had

the possession of said land, and has at all times submitted to the authority of the United States of America. And further this deponent saith not.

his
JOSEPH + DELVARE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the above-named William H. Puthuff, chief justice as aforesaid, the said Joseph Delvare, and made oath that the facts contained in the foregoing deposition are true.

In witness whereof, I have hereunto set my hand this 29th day of July, A. D. 1823.

WILLIAM H. PUTHUFF.

Personally appeared before me, the undersigned, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, in the Territory of Michigan, Antoine Martin, sen., of lawful age, who, being duly sworn, doth depose and say that on the 1st day of July, A. D. 1812, and for a long time previous thereto, Augustin Hamlin was a resident of said county (then district) of Michilimackinac, and had the possession of and occupied and cultivated a certain piece of land situated on Point St. Ignace, in said county, opposite to the island of Michilimackinac, lying on the shore of the bay or head of Lake Huron, and bounded as follows, to wit: on one side by land claimed by Joseph St. Andre, and on the other side by land claimed by Louis Babba, being three acres in width, and extending back from the margin of said lake eighty arpents; that for the space of thirty-four years he, the said Augustin, has had the possession of said land and has at all times submitted to the authority of the United States of America. And further this deponent saith not.

his
ANTOINE + MARTIN.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said William H. Puthuff, chief justice as aforesaid, the above-named deponent, and made oath that the facts contained in the foregoing deposition are true.

In witness whereof, I have hereunto set my hand this 29th day of July, A. D. 1823.

WILLIAM H. PUTHUFF.

DETROIT, *October* 31, 1823.

At the sitting of this day the preceding claim of Augustin Hamlin is confirmed agreeably to the notice prefixed.

Claim of the heirs of Clairmon.

The heirs of Francis Clairmon, deceased, hereby enter their claim, under the laws of Congress for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a certain piece or tract of land lying and being on Point St. Ignace, opposite to the island of Michilimackinac, in said county, on the shore of the bay or head of Lake Huron, and butted and bounded as follows, to wit: on the west side by a lot of land claimed by Joseph Babba, and on the other side by a lot of land claimed by the legal representatives of Joseph Chevalier, deceased, being about two arpents in width on the lake, and extending back from the margin thereof eighty acres, be the same more or less.

H. S. BAIRD,
For and on behalf of the heirs of Francis Clairmon, deceased.

MICHILIMACKINAC, *September* 8, 1823.

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, in the Territory of Michigan, John Baptist Tessereau, of lawful age, who, having been duly sworn, doth depose and say that on the 1st day of July, A. D. 1812, and for sometime previous thereto, Francis Clairmon had the possession of, and occupied, improved, and cultivated a certain piece or lot of land lying and being situated at Point St. Ignace, opposite the island of Michilimackinac, in said county, on the shore of the bay or head of Lake Huron, and butted and bounded as follows, to wit: on the west side by land claimed by Joseph Babba, and on the other side by land claimed by the legal representatives of Joseph Chevalier, deceased, being two acres in width on the lake, and extending back from the margin thereof eighty arpents, be the same more or less; that since the said year 1812 the said Francis Clairmon had died, leaving a wife and children; and that during his lifetime he submitted to the authority of the United States. And further this deponent saith not.

his
JOHN BAPTIST + TESSEREAU.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, chief justice as aforesaid, the said John Baptist Tessereau, and made oath that the facts stated in the foregoing deposition are true, as he verily believes. In witness whereof, I have hereunto set my hand this 10th day of September, A. D. 1823.

WM. H. PUTHUFF.

Personally appeared before me, Wm. H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, in the Territory of Michigan, Simon Champaigne, of lawful age, who, having been duly sworn, doth depose and say that in the year A. D. 1812, and for sometime previous thereto, Francis Clairmon had the possession of a certain piece or tract of land lying and being situated at Point St. Ignace, opposite the island of Michilimackinac, in said county, on the shore of the bay or head of Lake Huron, butted and bounded as follows, to wit: on the west side by a lot of land claimed by Joseph Babba, and on the other side by a lot of land claimed by the legal representatives of Joseph Chevalier, deceased; being about two arpents in width on the lake, and extending back from the margin of said

lake eighty acres, be the same more or less; that on the 1st day of July, in said year 1812, the said Francis cultivated, improved, and occupied said piece or lot of land; that since said year 1812 he, the said Francis, has died, leaving a wife and children; and that during his life he submitted to the authority of the United States. And further this deponent saith not.

his
SIMON + CHAMPAIGNE.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, William H. Puthuff, chief justice as aforesaid, the said Simon Champaigne, and made oath that the facts stated in the foregoing deposition are true, as he verily believes. In witness whereof, I have hereunto set my hand this 10th day of September, A. D. 1823.

WM. H. PUTHUFF.

DETROIT, *October* 31, 1823.

At the sitting of this day the preceding claim of the heirs of Clairmon is confirmed agreeably to notice thereof prefixed.

Claim of Wm. McGulpin.

MICHILIMACKINAC, *July* 29, 1823.

I, William McGulpin, hereby enter my claim, under the laws of Congress for ascertaining and deciding upon claims to lands in the Territory of Michigan, to a tract or lot of land situated, lying, and being in the borough of Michilimackinac, in the county of Michilimackinac, in said Territory, being the same lot which was surveyed by Aaron Greely, and containing 103,652 square feet, as appears by the certificate of the said Greely, bearing date on the 20th day of October, A. D. 1810, and herewith enclosed; said piece or lot of land having been purchased by me, the said William, for a valuable consideration, of John Baptist Bertrand, as appears by the deed of the said Bertrand bearing date on the 21st day of July instant, and herewith enclosed.

WM. McGULPIN.

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac, Territory of Michigan, Rene Nadeau, of lawful age, who, having been duly sworn, doth depose and say that on the 1st day of July, A. D. 1812, and for sometime previous thereto, Jean B. Bertrand was a resident of said county (then district) of Michilimackinac, and had the possession of, and occupied, improved, and cultivated a certain tract or lot of land lying and being situated in the borough of Mackinac, being the same lot which was surveyed by Aaron Greely on the 20th day of October, 1810, containing 103,652 square feet, as appears by the certificate of said Greely bearing date the day and year last aforesaid; that for the space of fifteen years he, the said Bertrand, has had the possession of said lot or tract of land; and that he has at all times submitted to the authority of the United States of America. And further this deponent saith not.

RENE NADEAU.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said Wm. H. Puthuff, chief justice as aforesaid, the above-named Rene Nadeau, and made oath that the facts contained in the foregoing deposition are true. In witness whereof, I have hereunto set my hand this 29th day of July, A. D. 1823.

WM. H. PUTHUFF.

Personally appeared before me, William H. Puthuff, chief justice of the county court in and for the county of Michilimackinac and Territory of Michigan, John B. Tessereau, of lawful age, who, having been duly sworn, doth depose and say that on the 1st day of July, A. D. 1812, and for sometime previous thereto, Jean B. Bertrand was a resident of said county (then district) of Michilimackinac, and had the possession of, and occupied, improved, and cultivated a certain tract or lot of land lying and being situated in the borough of Mackinac, being the same lot which was surveyed by Aaron Greely October 20, 1810, and containing 103,652 square feet, as appears by the certificate of said Greely, bearing date the day and year last aforesaid; that for the period of fifteen years he, the said Bertrand, has had the possession of said lot or tract of land; and that he has at all times submitted to the authority of the United States of America And further this deponent saith not.

his
JOHN B. + TESSEREAU.
mark.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said William H. Puthuff, chief justice as aforesaid, the above named John B. Tessereau, and made oath that the facts contained in the foregoing deposition are true.

In witness whereof, I have hereunto set my hand this 29th day of July, A. D. 1823.

WILLIAM H. PUTHUFF.

This indenture, made the twenty-first day of July, in the year of our Lord one thousand eight hundred and twenty-three, between John Baptist Bertrand, of the county of Michilimackinac and Territory of Michigan, of the first part, and William McGulpin, of the said place, of the other part, witnesseth: That the said party of the first part, for and in consideration of the sum of $100 to him in hand paid, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, released, and by these presents doth grant, bargain, sell, release, and quit-claim unto the said party of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land lying and being situated in the borough of Michilimackinac, and being the same lot surveyed by Aaron Greely, esq., October 20, 1810, for the said

party of the first part, containing 103,652 square feet; to have and to hold the above-bargained premises to the said party of the second part, his heirs and assigns, to the sole and only proper use, benefit, and behoof of the said party of the second part, his heirs and assigns forever.

In testimony whereof, I have hereunto set my hand and seal the day and year above written.

JOHN BAPTIST BERTRAND.

Signed, sealed, and delivered in presence of—
J. B. LEE.
W. TARSWORTH.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before the subscriber, one of the justices of the peace within and for the said county, John Baptist Bertrand, who acknowledged that he signed and sealed the foregoing conveyance as of his own free act and deed, before me.

WILLIAM H. PUTHUFF.

MACKINAC, *July* 21, 1823.

MICHILIMACKINAC, *October* 20, 1819.

I certify that I have surveyed in this village a lot claimed by John Baptist Bertrand, containing 103,652 square feet, in conformity to the original plan, by the return to the office of the Secretary of State for the United States.

AARON GREELY,
Surveyor of Private Claims for the Territory of Michigan.

DETROIT, *October* 30, 1823.

In the preceding case of William McGulpin, the commissioners decide that the same be *confirmed* agreeably to the notice of claim prefixed.

Claim of Catholic inhabitants of St. Ann's parish, in Michilimackinac.

We, Ely Bourrassa, William McGulpin, and John Dousman, having been duly elected and appointed by the Catholic inhabitants of the parish of St. Ann's, at Michilimackinac, trustees of said parish in all things touching and concerning the Catholic church in said parish, as appears by a certified copy of the records of said church, signed by the Rev. Gabriel Richard, rector of said church, and herewith enclosed, do hereby enter, under the laws of Congress for ascertaining and deciding upon claims to lands in Michigan Territory, as trustees as aforesaid, the claim of the said Catholic inhabitants of said parish to a certain piece or lot of land lying and being situated in the borough of Michilimackinac, in the county of Michilimackinac and Territory aforesaid, and butted and bounded as follows, to wit: beginning at the corner of Main or Market and a thirty-feet street, and thence, running on the east side of said Main or Market street ninety-four feet, to a lot of land owned by Edward Biddle; thence, along south line of said Biddle's land two hundred and twenty feet, to land owned by John Drew; thence, along the west line of said Drew's land ninety-four feet, to said thirty-feet street; and thence, along the north side of said thirty-feet street two hundred and twenty feet, to the place of beginning.

GABRIEL RICHARD, *Rector*,
For ELY BOURRASSA.
JOHN DOUSMAN.
WILLIAM McGULPIN.

MICHILIMACKINAC, *August* 12, 1823.

Personally appeared before me, William Henry Puthuff, chief justice of the county court in and for the county of Michilimackinac, in the Territory of Michigan, Joseph Belier, of lawful age, who, having been duly sworn, doth depose and say that in the year A. D. 1780 the Catholic inhabitants of the parish of St. Ann's, at Michilimackinac, in said Territory, were in possession of, and occupied and improved, by the erection of a church and other buildings, a certain piece or lot of land lying and being situated in the (now) borough of Michilimackinac, in the county and Territory aforesaid, and butted and bounded as follows, to wit: beginning at the corner of Main or Market and a thirty-feet street, and thence, running on said Main or Market street ninety-four feet, to a lot of land owned by Edward Biddle; thence, along the south line of said Biddle's land two hundred and twenty feet, to land lately owned by John Drew; thence, along the west line of said Drew's land ninety-four feet, to said thirty-feet street; and thence, along the north side of said thirty-feet street two hundred and twenty feet, to the place of beginning; that ever since said year 1780 said piece or lot of land has been used as a burying-ground or graveyard by said inhabitants, and as such is still used; that a church or other buildings had been erected on said land by and at the expense of said inhabitants, which has been recently removed. And further this deponent saith not.

JOSEPH his + mark. BELIER.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said William H. Puthuff, chief justice as aforesaid, the said Joseph Belier, and made oath that the facts contained in the foregoing depositions are true, as he verily believes.

In witness whereof, I have hereunto set my hand this 12th day of August, A. D. 1812.

WILLIAM H. PUTHUFF.

A copy of the record of the parish of St. Ann, of Michilimackinac, relative to the appointment of the trustees of said parish of St. Ann.

On this day, the 5th day of the month of August, 1821, the inhabitants of the parish of St. Ann, of Michilimackinac, having met according to the ordinary forms, have named trustees of this parish, to

continue to act until another election takes place, William McGulpin, Ely Bourrassa, and Laurent Rollet.

In witness whereof, have signed—

WILLIAM McGULPIN.
JOHN DOUSMAN.
ELY BOURRASSA.
GABRIEL RICHARD,
Rector of St. Ann, of Detroit, and President of this meeting.

On this day, the 15th of the month of August, 1821, the inhabitants of the parish of St. Ann, of Michilimackinac, having met according to usual forms, and having been informed that Laurent Rollet had refused to accept the office of trustee, have named to fill the vacancy and act as the third trustee John Dousman; and the trustees have been directed to cause a petition to be drawn and signed and sent to Congress for one lot lying on the east side of the village, to build a church in stone on the said lot.

WM. McGULPIN.
JOHN DOUSMAN.
ELY BOURRASSA.
GABRIEL RICHARD,
Rector of St. Ann, of Detroit.

The foregoing is a true copy and correct translation of the original French, kept in the record of the parish of St. Ann, of Michilimackinac.

Signed on this day, the 11th of August, 1823.

GABRIEL RICHARD,
Rector of St. Ann, of Detroit, in the Territory of Michigan.

Personally appeared before me, Wm. Henry Puthuff, chief justice of the county court in and for the county of Michilimackinac, in the Territory of Michigan, Daniel Bourrassa, of lawful age, who, having been duly sworn, doth depose and say that in the year A. D. 1780 the Catholic inhabitants of the parish of St. Ann, at Michilimackinac, in said Territory, were in possession of and occupied and improved (by the erection of a church and other buildings) a certain piece or lot of land lying and being situated in the now borough of Michilimackinac, in the county and Territory aforesaid, and butted and bounded as follows, to wit: beginning at the corner of Main or Market, and a thirty-feet street, and thence, running on the same Main or Market street 94 feet, to a lot of land owned by Edward Biddle; thence, along the south line of said Biddle's line 220 feet, to land lately owned by John Drew; thence, along the west line of said Drew's land 94 feet, to said thirty-feet street; and thence, on the north side of said thirty-feet street 220 feet, to the place of beginning; that ever since said year of 1780 said piece or lot of land has been used as a burying-ground or graveyard by the said inhabitants, and as such is still used; that a church and other buildings had been erected on said land by and at the expense of said inhabitants, which has recently been removed. And further this deponent saith not.

DANIEL BOURRASSA.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, the said William H. Puthuff, chief justice as aforesaid, the said Daniel Bourrassa, and made oath that the facts contained in the foregoing deposition are true, as he verily believes. In witness whereof, I have hereunto set my hand the 12th day of August, A. D. 1820.

WM. H. PUTHUFF.

DETROIT, *October* 31, 1823.

In the preceding case of the Catholic inhabitants of the parish of St. Ann, of Michilimackinac, the commissioners decide that the claim be confirmed.

The commissioners appointed under the act of Congress approved February 21, 1823, entitled "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," having examined and compared the preceding report on claims to land upon the island of Michilimackinac, and also claims within the county of Michilimackinac, with their original journal of proceedings had thereon, do certify that this is a true and correct copy thereof.

WM. WOODBRIDGE.
J. KEARSLEY.
JOHN BIDDLE.

DETROIT, *October* 15, 1824.

SIR: Enclosed is a copy of a paper recently forwarded to me, relating to the claim of the representatives of Charles Gauthier to a piece of land on the island of Michilimackinac. The omissions are found in the original.

Also a copy of a certificate of survey of a claim of Joseph Vaillincourt at the same place. It is the desire of those interested that these papers be attached to the proceedings of the commissioners acting under the law of February 11, 1823, before whom the claims were brought.

I have the honor to be, &c., your obedient servant,

JOHN BIDDLE, *Register.*

Hon. GEORGE GRAHAM, *Commissioner General Land Office.*

MICHILIMACKINAC, *October* 18, 1817.

I certify that I have surveyed the claim of Joseph Vaillincourt in conformity with the original survey of this village. This claim contains one hundred and three thousand nine hundred and fifty-two square feet.

AARON GREELY,
Surveyor of Private Claims for Michigan Territory.

This grant is ceded to Charles Gauthier, his heirs, executors, administrators, or assigns, for a space of land (omission in the original) with the following limited right and title, viz: that the said Charles Gauthier is to have, hold, and possess, with full and free powers to sell, convey, and dispose of said lands without fees or burdens whatever, (except the registering this deed in the office of notary public,) during the pleasure of his Majesty, or of the governor and commander-in-chief of the province of Quebec; and by these presents he, the said Charles Gauthier, stands, and shall stand, of right, lawfully, solely, and absolutely seized of and in the land and lot, with the premises thereon, with the appurtenances, of a good, sure, lawful, rightful, and absolute indefeasible estate, having in himself good right, full power, true title, and lawful authority to settle and assure the same, and every part and parcel thereof, the said lot and premises, which are forever to be held and enjoyed by him, his heirs, executors, administrators, or assigns, according to the limitations aforesaid. And for the security of the said Charles Gauthier, proprietor of the above limited and recited land and premises, this conveyance is granted on the tenth day of November, one thousand seven hundred and eighty-one, in the presence of the following witnesses, (omission in the original,) to which I have put my hand and seal of the port, (omission in the original,) and in the twenty-first year of his Majesty's reign.

PAT. SINCLAIR, *Lieutenant Governor and Commandant.*

Registered by the notary in folio 167. Recorded in the land office at Detroit, in liber F, folio 160.
Teste: GEORGE HOFFMAN.

Book No. 7.

Claims at the Sault de Ste. Marie, within the county of Michilimackinac.

Notice.—The inhabitants of the village of Pauwayteeg enter their claim with the register of the land office at Detroit to the following described lot, as common, to wit: bounded in front by the river Ste. Marie, in rear by lots claimed by John Johnston, Jeanette Cadotte, Lymon M. and Freeman A. Warren, and John Drew, on the east side by a part of the lot claimed by said Johnston, and on the west side by the lot claimed by Charles O. Ermatinger; said common being five hundred and seventy-five feet long upon the river, and one hundred and twenty feet in depth.

Be it remembered that on the —— day of July, 1823, came before me, the undersigned, John Johnston, esq., who, being duly sworn, says that the tract of land marked on the map hereunto annexed "old common" was a common in the year 1791, and used by the inhabitants of this place as such, and has continued to be so used to the present day by them; that said common extends upon the border of the river about 575 feet, and runs back from the river about 120 feet; that it is bounded on the west by the lot formerly occupied by Jean B. Nolin, on the east or lower side by a part of said deponent's lot, and in rear by the residue of said lot, and those now occupied by Madam J. Cadotte, J. Bt. Dubois, and the lot formerly occupied by Jean Bt. Cadotte, sr.

JOHN JOHNSTON.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

All the witnesses to the claims at Pauwayteeg stated to me that the tract has always been a common. A part of it was formerly occupied by the French troops, and the residue by Jesuits; their buildings, chapel, &c., I am informed by some of the oldest men here, were upon it; and since it was abandoned by them has remained a common.

J. D. DOTY.

Detroit, *October* 20, 1823.

A majority of the commissioners, not conceiving this claim on the part of the inhabitants of the village of Pauwayteeg to come strictly within their powers of decision, decline to act upon it, but recommend it to the revising power for confirmation.

Notice.—Charles Oaks Ermatinger enters his claim with the register of the land office at Detroit, to be laid before the commissioners under the act of Congress, to a certain tract situated immediately below the Sault de Ste. Marie, at the village of Pauwayteeg; bounded on the westwardly side by the Indian encamping grounds, eastwardly by the lot formerly occupied by the late Jeane Bt. Cadotte, and in front by the river Ste. Marie, and described as follows by Aaron Greely, surveyor of Michigan Territory, in his certificate of survey dated September 6, 1810, to wit: "a tract of land situated at the Sault of the Ste. Marie, claimed by John Bt. Nolin, it being seven Gunter's chains and twenty-eight links in front, by two hundred and fifty Gunter's chains in depth, and containing one hundred and ninety-two acres."

Papers filed in support of the preceding claim.

(A.) The copy of a deed of conveyance from the General Fur Company to Mr. Simon McTavish, for Jean Bt. Nolin, in which their previous purchase of a Mr. Barthe is mentioned. (B.) The copy of a deed from certain Indian chiefs at the Sault to Jean Bt. Nolin of said tract. This deed will be found upon record at Detroit, in "Records of Wayne County, No. 1, page 143." This record is in the hands of the register of probate. (C.) Aaron Greely's certificate of survey of the lot, dated September 6, 1810. (D.) The copy of an affidavit made by Colonel McKay and Doctor D. Mitchell, at Drummond's Island. The original has been mislaid or lost. (E.) A deed of bargain and sale of the tract and premises from Jean Bt. Nolin to C. O. Ermatinger. (F.) The affidavits of Joseph Piquette, William Harris, and Colonel John Johnston, taken before J. D. Doty.

To the commissioners:

This is considered by the settlers one of the oldest and best claims in the settlement. It is certain that it was occupied and cultivated many years before the year 1788. Although none but the last conveyance appear to be in form, yet I suppose, from conversations with the oldest inhabitants, there is no doubt of its having been regularly sold for a valuable consideration, so as, in the opinion of the parties, completely to invest in the present claimant the title or right to the possession. The situation has always been a very valuable one, and for a long time the most eligible of any in the place. It lies very near the site of the old French fort and the Jesuits' houses. Mr. Nolan was, for a long time, the principal agent of the Fur Company. He purchased it at a very high price, if it was not a very considerable establishment. The present claimant paid two thousand two hundred dollars for it. The buildings, which were standing upon the lot when taken possession of last year by the United States troops, have, under an order of the Secretary of War, and without the application or knowledge of Mr. Ermatinger, been appraised at one thousand dollars, and the proper officer directed to pay the same to him. It is presumed a similar appraisement will be made of the value of the land so soon as it shall be determined by the commissioners that the title is in Mr. Ermatinger.

I am instructed that the order of the Secretary of War to the commanding officer who took possession of this site for the fort was express that he was in all cases to respect private rights and claims. I know it to have been the opinion of that officer (Colonel Brady) that there were no rights or claims of citizens on the river St. Marie which would be confirmed by government. He therefore felt himself at liberty to locate where he pleased, and accordingly selected this lot, and removed the family then in possession of the premises entirely away from them, so that they were left without a house to shelter them, although the title of the present claimant was repeatedly stated to Colonel Brady by Mr. Ermatinger and by myself, as well as others, and the papers hereunto attached exhibited to him. Nevertheless, he stated that he considered himself justified, under the order of the Department of War, and that if Mr. Ermatinger had a claim he would be remunerated for it. Mr. Ermatinger's right to the buildings appears to be acknowledged by the government. I do not see, therefore, that anything which has been done by the military authority can injure this claim.

J. D. DOTY.

(A.)

[*Copy.—Original in French language.*]

The proprietors, who are at Montreal at present, in the General Company, in the name of all the proprietors, sell to Mr. Simon McTavish, for the sum of six thousand livres, old currency, the establishment at the Sault Ste. Marie, which they have acquired of Mr Barthe, the year past, which they have had of him, with the horses, utensils, and all other utensils, of whatsoever sort they may be, which they have had of Mr. Barthe, the said sum of six thousand livres, payable in the course of the month of September next. If there is any merchandise, or anything else in the store, it is well understood that the General Society are not to pay any storage, if it belongs to the society. Dated at Montreal, May 26, 1788.

A. HOLT, *for the Society General.*

(B.)

Articles of agreement made and entered into September 15, 1794, between Quesquoislacamequescame, Whetamessa, Meslisaquis, and Bounancheche, of the one part, chiefs and proprietors of the lands situated on the southwest side of the Sault of Ste. Marie, and Mr. John Baptist Nolin, merchant, of the said Sault of Ste. Marie, whereby the above-mentioned chiefs do, for themselves, their heirs and representatives, sell, deliver, and peaceably concede all and every the portion land situated behind the fort, of the said John Bt. Nolin, with all its boundaries, as shall be hereafter fully described, to him, the said John Bt. Nolin, his heirs, executors, and assigns forever, to be holden and enjoyed by him and them, without let, hindrance, or molestation from the said chiefs, their heirs, representatives, as follows: for and in consideration of four kegs, of nine gallons each, of rum, and sixteen pounds weight of tobacco, to be paid and delivered by the said John Bt. Nolin, to the said chiefs and proprietors, upon signing and sealing of these presents. The above said lands are marked on the southeast by the enclosure between Mr. John Bt. Cadotte, and that of present tenement, and exclusive of the said Mr. John Bt. Nolin, extending in front on the southwest one hundred and fifteen statute yards actual limitation to the south. These articles first having been duly read and explained to the said chiefs and proprietors, and to which they have consented and agreed, they have hereunto affixed their signatures of their different tribes, and entered agreeably, put their hands and seals, at the Sault Ste. Marie, the above-mentioned date, in presence of Jean Bt. Cadotte, John Johnston, John Reed, and George Kittson.

QUESQUOISLACAMEQUESCAME.
WHETAMESSA.
MESLISAQUIS.
BOUNANCHECHE.
JEAN B. NOLIN.

Runs in the direction of south-southwest two acres and a half in front, and eighty-four acres in depth, comprehending what is already purchased of the Indians.

Recorded September 13, 1797, records of Wayne county, No. 1, page 143.

(C.)

I do hereby certify that I have surveyed a tract of land situated at the Sault of Ste. Marie, claimed by John Bpt. Nolin, it being seven Gunter's chains and twenty-eight links in front by two hundred and fifty Gunter's chains in depth, and containing one hundred and ninety-two acres.

AARON GREELY, *Surveyor of Michigan Territory.*

SAULT OF ST. MARY'S, *September* 6, 1810.

(D.)

We, the undersigned, certify on oath that John Bt. Nolin, esq., has resided at the Sault of Ste. Marie since the year seventeen hundred and eighty, and that he has never resigned the possession of his location.

D. MITCHELL.
H. McKAY.

Sworn before me, at Drummond's Island, July 29, 1821.

JAS. WINNETT, *J. P.*

(E.)

This indenture, made this 14th day of August, in the year of our Lord 1821, between Jean Bt. Nolin, the elder, formerly of Sault Ste. Marie, in the Michigan Territory, in the United States of America, now of Pembina, on the Red river, in North America, of the one part, and Charles Oaks Ermatinger, esq., of the Sault Ste. Marie, aforesaid, merchant, of the other part, witnesseth: That, for and in consideration of the sum of five hundred and fifty pounds, current money of the province of Lower Canada, to the said Jean Bt. Nolin, the elder, at or before the ensealing and delivery of these presents, the receipt and payment whereof the said Jean Bt. Nolin, the elder, doth hereby acknowledge, and thereof, and of every part and parcel thereof, doth exonerate, acquit, and discharge the said Charles Oaks Ermatinger, or his heirs, executors, administrators and assigns, and every of them forever, by these presents, he, the said Jean Bt. Nolin, the elder, hath granted, bargained, sold, aliened, enfeoffed, and confirmed, and by these presents doth grant, bargain, sell, enfeoff, and confirm unto the said Charles Oaks Ermatinger, his heirs and assigns forever, all the tract and certain parcel of land situate, lying, and being at the foot of the said Sault Ste. Marie, in the Michigan Territory aforesaid, on the south side of the said Sault, containing two arpents and a half arpent in front by eighty-four arpents in depth, making, in superficial measure, two hundred and ten arpents, bounded in front by the high road, on one side by ground used as an Indian encampment, and on the other side by the land belonging to the heirs of the late Jean Bt. Cadotte, and in rear by the Indian woodland, with three houses, an hangard, bake-house, stable, cow-house and barn thereon erected; also, another piece and parcel of land situate, lying, and being at Sault Ste. Marie aforesaid, on the south side thereof, in Michigan Territory aforesaid, below the settlement of John Johnston, esq., bounded in front by the high road or river, on one side by land belonging to John Johnston, esq., and on the other side by the Indian woodland, and in the rear by the Indian woodland, containing about twenty-four arpents superficial measure, whereof twenty-two arpents are cleared for the plough; and the reversion and reversions, remainder and remainders, of all and singular the said land and premises hereby granted, and of every part and parcel thereof thereto belonging and appertaining; and also all and every the estate and estates, right, titles, claims, interests, and demands whatsoever, of the said John Bt. Nolin, the elder, into or out of the same lands and premises, and every part and parcel thereof; to have and to hold the said land and premises hereby granted, bargained, and sold, or mentioned, or intended to be hereby bargained, granted, and sold, and every part and parcel thereof, with their and every of their appurtenances unto the said Charles Oaks Ermatinger, to the proper use and behoof of him, the said Charles Oaks Ermatinger, his heirs and assigns forever. And the said Jean Bt. Nolin, the elder, doth hereby grant, for him and his heirs, the lands aforesaid, and all and singular other the premises hereby granted or mentioned to be granted, and every part and parcel thereof, with all and singular their and every of their rights, members and appurtenances, unto the said Charles Oaks Ermatinger, his heirs and assigns, against him, the said Jean Bt. Nolin, the elder, and his heirs, and against all and every other person and persons whatsoever, shall and will warrant and forever defend by these presents. And the said Jean Bt. Nolin, the elder, doth, for himself and his heirs, executors, administrators and assigns, and each and every of them, covenant and grant to and with the said Charles Oaks Ermatinger, his heirs and assigns, that he, the said Jean Bt. Nolin, the elder, and all and every other person or persons whatsoever, having or lawfully claiming, or which shall or may, at any time or times hereafter, have or lawfully claim, any estate, title, or interest, of, in, or to the said lands or premises hereby granted or mentioned to be granted, or any parcel thereof, shall and will, from time to time, and at all times hereafter, at and upon the reasonable request, and at the costs and charges of the said Charles Oaks Ermatinger, his heirs or assigns, or some of them, do make, levy, execute, acknowledge and suffer, or cause to be made, done, acknowledged, executed and suffered, every such further and other reasonable act and acts, thing and things, devise and devises, assurance and assurances, conveyance and conveyances, in the law whatsoever, for the better and perfect assurance, surety, and sure-making, and conveying, selling, establishing, and confirmation, of the said lands and premises hereby granted or mentioned, or intended to be hereby granted, or any of them, and of every or any part or parcel thereof, with all and singular their and every of their appurtenances, unto the said Charles Oaks Ermatinger, his heirs and assigns, according to the true intent and meaning of these presents.

In witness whereof, the parties to these presents have hereunto set their hands and seals the day and year first above written.

J. B. NOLIN, SEN. [L. S.]
CHARLES OAKS ERMATINGER. [L. S.]

Signed, sealed, and delivered, by the said Jean Bt. Nolin, the elder, in presence of—(the words "doth hereby acknowledge, and thereof, and every part and parcel," having been first written on an erasure in the first page hereof.)

Witnesses to the signature of Jean Bt. Nolin, sen.:

R. DICKSON.
ROBERT LOGAN.

Signed, sealed, and delivered, by the said Charles Oaks Ermatinger, in presence of—(the words "above mentioned" having been first written on erasure.)

Witnesses to the signature of Charles Oaks Ermatinger:

XAVIER BIRON.
HENRY D. HASKINS.

The above explanation is given by the commissioners in consequence of the ambiguous manner of the signatures in the original, of which the above is in manner and form a copy.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Be it remembered that on the seventh day of August, one thousand eight hundred and twenty-two, came before me, the undersigned justice of the peace for the county aforesaid, Robert Dickson, esq., one of the subscribing witnesses to the within deed, to me known, who, being duly sworn, says that he saw the within-named Jean Bt. Nolin, the elder, sign, seal, and deliver the said deed, for the uses and purposes therein mentioned; and that he knew the said Nolin to be the person described in the said deed, which is to me satisfactory evidence of the said fact; and that the said Robert Dickson, further, on his oath aforesaid, says that he, at the time of the execution of the said deed, signed his name thereto as a witness. All which I do certify, according to the statute in such case adopted and provided.

R. DICKSON.

Sworn to and subscribed before me this day and date above written.

WM. H. PUTHUFF, *J. P. C. M.*

(F.)

Be it remembered that on the 7th day of July, 1823, personally came before me, the undersigned judge, at the village of Pauwayteeg, at the Sault de Ste. Marie, Joseph Piquett, who, being duly sworn, deposeth and saith that he is forty-nine years of age, and that he has resided at the Sault since the year one thousand seven hundred and eighty-eight; that during the said year Mr. Simon McTavish, of Montreal, purchased of Mr. Barthe, Indian trader at the said Sault, for John Bt. Nolin, the lot and establishment thereon erected, consisting of several buildings, now claimed by Charles O. Ermatinger, esq., and of which Colonel Brady, commanding the United States troops, has taken possession; and that the said J. B. Nolin, during the said year 1788, took possession of the said lot of land and the establishment, and continued to occupy, possess, and improve the same, from the said year to the year one thousand eight hundred and nineteen; and that during the time that the said Nolin was in possession of said premises this deponent knows that said Nolin greatly improved the same, by erecting thereon a large dwelling-house and several extensive out-houses. And further he saith not.

JOSEPH PIQUETT.

Taken and subscribed before me, the same having been first explained to the deponent in the English and French languages.

J. G. DOTY, *Judge.*

On the same day above mentioned personally came before me, the said Judge, William Harris, who, being duly sworn, saith that more than thirty years since John Bt. Nolin was in possession of the lot and establishment mentioned in the deposition of Joseph Piquett hereunto annexed, and at that time he saw the said Nolin erecting a large dwelling-house on said lot. That about nine years since this deponent was passing the Sault, and he then saw Mr. Nolin in the possession of the said premises, improving and cultivating the same. And further he saith not.

WILLIAM his + mark. HARRIS.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day came before me Colonel John Johnston, who, being duly sworn, says that in the year one thousand seven hundred and ninety-one, he passed the Sault Ste. Marie on his way into the Indian country, and in one thousand seven hundred and ninety-three he became resident at the said Sault; that in the year 1791 Jean Bt. Nolin was in the possession and improvement of the premises situated immediately below the Sault, described in the annexed notice, now in the possession of the United States troops; that this deponent has continued to reside at the said Sault since the said year 1793; and this deponent well knows that the said Nolin, from the said year to the summer of the year 1819, continued in constant possession of the said tract and premises, and to cultivate and improve the same, undisturbed, as his own property; and further, that he understood the said Nolin was well affected towards the American government, and that he dined with the officers of the American army during the war, and they otherwise associated with said Nolin; that since 1819 Mr. C. O. Ermatinger has been occupying and cultivating said lot until dispossessed by the United States troops last session.

JOHN JOHNSTON.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 20, 1823.

The claim of C. O. Ermatinger to a tract of land lying at the Sault de Ste. Marie, in the county of Mackinac and Territory of Michigan, being under consideration before the commissioners at Detroit, Solomon Sibley, attorney for the United States of Michigan Territory, appeared before the said commissioners on behalf of the said United States, and gave them to understand and be informed that the said United States government are now in the actual possession of the land claimed, occupying the same as a military post or garrison, under a reservation of said land made by competent authority; whereupon the said attorney did and does, on behalf of said United States, enter a caveat, and make protest against the authority of said commissioners to sustain said claim, or otherwise to act thereon in prejudice of the rights and interest of the said United States, under the reservation made of said land as aforesaid.

SOLOMON SIBLEY,
For the United States Territory of Michigan.

It appears from the records of the proceedings of the commissioners under former laws of Congress that a notice of this claim (of C. O. Ermatinger) was duly entered with the register of the land office at Detroit, December 30, 1808, and testimony received, but no decision made thereon; whereupon the com-

missioners, on consideration of the testimony adduced and the facts above recited, do confirm to the said C. O. Ermatinger eighty arpents in depth, upon the extent in front set forth in the preceding notice of claim.

NOTICE.—John Johnston enters his claim with the register of the land office at the city of Detroit, to be laid before the commissioners under the act of Congress, to a certain tract of land situated at Pauwayteeg village, below the Sault Ste. Marie; bounded in front by the Old Common and the river Ste. Marie, on the westwardly side by a lot occupied by Madame Cadotte, eastwardly by a lot claimed by James D. Doty, and in rear by vacant lands, being four English acres in front by eighty in depth.

In support of this claim, the affidavits of Joseph Piquette, George Yarns, and Michael Cadotte, (the little,) are hereunto annexed and filed.

Be it remembered that on this seventh day of July, one thousand eight hundred and twenty-three, personally came before me, the undersigned, James D. Doty, judge, Joseph Piquette, who, being duly sworn, deposeth and saith that he is an inhabitant of the Sault Ste. Marie, where he has resided from infancy, and has a clear recollection of the time when John Johnston first settled upon the lands upon which he now resides at the Sault Ste. Marie; that the said John Johnston first occupied his lands in the year 1793; and that he has ever since been in the possession of said land; that about the same time he, the said John Johnston, commenced cultivating and improving his ground, and to erect buildings thereon. And further this deponent saith not.

JOSEPH PIQUETTE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the 8th day of July, 1823, came before me, the undersigned judge, at Pauwayteeg, George Yarns, who, being duly sworn, saith that he was at the Sault in the several years mentioned in his affidavit this day made, in relation to the possession of Jean Baptiste Cadotte, sr., and that each of these times he saw John Johnston in possession of the farm mentioned in the annexed notice, cultivating and improving the same; that he wintered, during the winter of 1809, with the said Johnston, when said Johnston was in occupation of said lot, and saw him frequently, before and afterwards, improving the same.

GEORGE YARNS.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day of July also came before me Michael Cadotte, who, being duly sworn, says that he, of his own knowledge, knows that Mr. John Johnston has occupied, without interruption, the farm mentioned in the preceding notice, as therein described, from the year 1793 to the present time, during the whole of which time he has himself resided at the Sault; that said Johnston has made very extensive improvements, of buildings, &c., and has about forty acres under fence and cultivation; that during the whole of the time said Johnston has had peaceable and quiet possession of said premises.

his
MICHAEL ⋈ CADOTTE.
mark.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 20, 1823.

It appears that a notice of this claim was filed with the register of the land office at Detroit December 24, 1805, and testimony adduced in support thereof, and not fully acted upon. Whereupon the commissioners decide that the said Johnston be confirmed in eighty arpents in depth upon the extent of front claimed in his notice.

NOTICE.—Jean Baptiste Nolin enters his claim with the register of the land office at Detroit, to be laid before the commissioners under the act of Congress, to a certain tract of land situated at the head of the Sault Ste. Marie; bounded in front by the river Ste. Marie, on the north side by the line of the projected canal, on the south by vacant lands, and in rear by the lot now occupied by E. B. Allen, being about six acres in front, and the same in the rear, commencing with the line of said canal, more or less; or to such other quantity as the commissioners may determine him entitled to on the testimony herewith submitted.

I have examined this tract, and find upon the front of it the foundation and remains of a very large building, and the timber around it appears to have been cleared away at some early period.

J. D. DOTY.

On July 7, 1823, came before me, the undersigned judge, Joseph Piquette, who, being duly sworn, saith that about the year 1792 or 1793 Jean Bpt. Nolin was in possession of the tract of land situated at the head of the rapids of the Ste. Marie, and that he had a large storehouse erected thereon, where he transacted business; and, as well as he remembers, said Nolin continued in the possession of the same six or seven years thereafter.

JOSEPH PIQUETTE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day came before the said judge Colonel J. Johnston, who, being duly sworn, says that, according to the best of his knowledge and belief, Jean Baptiste Nolin built his storehouse at the head of the portage mentioned in the preceding deposition, and that he continued in constant possession of the same, trading there for seven years afterwards.

JOHN JOHNSTON.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On July 19, 1823, came before me William Morrison, who, being duly sworn, says that he recollects distinctly, the first year he passed the Sault, which was in 1802, of seeing Jean Baptiste Nolin in possession of the tract described in the annexed notice; that Mr. Nolin had a very large storehouse erected on it; and this deponent recollects well of taking goods out of the same, and of transacting business there with Mr. Nolin; that the foundation of the store is yet remaining on said lot. Said Nolin continued to reside at the Sault until the year 1819 or 1820, since which time he has been chiefly at Red river.

WILLIAM MORRISON.

Taken and subscribed before me, at Mackinac.

J. D. DOTY, *Judge.*

DETROIT, *October* 21, 1823.

Upon examination of the testimony adduced in support of this claim of Jean Baptiste Nolin, the commissioners do not deem themselves authorized to consider it as coming within the provisions of the law, and it is therefore not confirmed.

NOTICE.—The legal heirs of John Sayre enter their claim with the register of the land office to the following tract of land: bounded in front by the river, on the east side by the Indian encamping ground, and on the west by a lot formerly occupied by one Dufour, being three acres in front by eighty in depth.

Be it remembered that on the 9th day of July, 1823, personally came before me, the undersigned judge, John Johnston, who, being duly sworn, deposeth and saith that in the year 1791 the late John Sayre, the father of the present claimants, was in the possession of the lot of land at the Sault described in the annexed notice; that said Sayre had then erected on said lot a dwelling-house, a very large storehouse, stores, out-houses, &c., and had a very extensive and beautiful garden on the same. This deponent occupied said premises himself during the winter 1793; that said Sayre continued in the possession of said premises, either by himself or others for him, until about the year 1797; that the deponent was well acquainted with the boundaries of the said lot, and the foundation of the houses and the stumps of the pickets may yet be seen; and this deponent thinks the lot was at least three full acres in front upon the river.

JOHN JOHNSTON.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the 8th day of July, 1823, came before me, the undersigned judge, Michael Cadotte, (the little,) who, being duly sworn, saith that in the year 1790 John Sayre was in possession of the lot and premises mentioned in the annexed notice, and built many houses, and cultivated a very beautiful garden in the rear of the buildings, larger than any other at the place.

That said Sayre himself occupied the premises until the year 1793, when he went into the Indian country to trade, and left the premises in possession of his clerk and agent, whose name was Michael Augie, who took care of it for Mr. Sayre for about two years; that Mr. Sayre then placed a Mr. John Reed in possession of the lot, who continued to occupy it until 1797.

That said Augie and Reed both cultivated and improved the said premises for Mr. Sayre, which was at that time the most eligible situation in the country; that, to the best of his knowledge, said Sayre died (according to his information) five years since, at Montreal; that after Mr. Reed left the country, in 1797, and while Mr. Sayre was in the Indian country, the Indians destroyed his buildings on said lot, so that, on Mr. Sayre's return, it was of so little value, or the expenses of repairing it would be so great, that he engaged in the service of the Northwest Company, and went to Montreal to reside.

his
MICHAEL + CADOTTE.
mark.

Taken and subscribed before me, at Pauwayteeg.

J. D. DOTY, *Judge.*

On the same day came before me Joseph Cadotte, who, being duly sworn, says that the late John Sayre, in 1792, purchased of one Parenteau a house and garden situated above said Sayre's first enclosure; that the garden extended a little above the house now occupied by Antoine Lalonet, and included one-half of the lot now claimed by said Lalonet; that sometime after said Sayre went into the Indian country Parenteau again sold his lot to one Dufour, although he had previously sold and given possession of it to Mr. Sayre; and the deposition next preceding this, made by Michael Cadotte, being read to this deponent, he assents to all of the facts therein stated, and now deposes to them, of his own knowledge.

JOSEPH CADOTTE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

Michael Cadotte being interrogated as to the facts above stated, testified to the truth of the same on oath, before me, on the same day.

J. D. DOTY, *Judge.*

DETROIT, *October* 21, 1823.

The commissioners, upon examination of the testimony adduced in support of this claim of the heirs of John Sayre, do not deem themselves authorized to consider it as coming within the provisions of the law, and it is therefore *not confirmed.*

NOTICE.—Lyman M. Warren and Truman A. Warren enter their claim with the register of the land office at Detroit, to be laid before the commissioners, to a certain lot or tract of land in the village of

Pauwayteeg, bounded as follows, to wit: in front by the river St. Mary, on the east side by a lot formerly occupied by John Bt. Dubois, on the west by the lot formerly occupied by Charles O. Ermatinger, and in rear by vacant lands; the same being fifteen rods in width, more or less, and eight acres in depth.

NOTE.—Forty or fifty feet of the west side of this lot has been taken by the military, this year, and picketted in. Jean Bt. Cadotte, sr., was the original claimant. He possessed and cultivated the lot, and had many large buildings upon it, the foundation only of which now remains; he was upon it as early as 1760; he occupied it until May 24, 1796, as his own, and then gave it to his two sons, Michael and Jean Baptiste, jr., although he continued there with his family sometime after that day, about 1806. From 1796 the property was considered by all the parties to be in the daughter of Michael, by the gift of both brothers, until the marriage with St. Germain, when, as all of the parties appear to have understood it, and do still, it became St. Germain's, and they consented to his disposing of it. The sale of it to Warrens is confirmed by a deed executed by Michael C. to them. So that, if the gift to St. Germain's wife is not good, Michael had the entire disposal of it as the surviving joint tenant, I should suppose.

They all appear to agree now that the title is in the present claimants. Last year, when I visited the Sault, there was a dwelling-house standing upon the lot.

NOTE BY THE COMMISSIONERS.—The foregoing exposition is in the handwriting of Judge Doty, but is not signed by him.

Be it remembered that on the 8th day of July, 1823, personally came before the undersigned judge Joseph Piquette, who, being duly sworn, deposeth and saith that he has resided at the Sault de Ste. Marie since the year 1788, and that he was well acquainted with Jean Bt. Cadotte, sr., in his lifetime; that in the said year 1788 the said Cadotte, then an Indian trader at the said Sault, was in the possession and improvement of a farm situated on the south side of the river Ste. Marie, described in the annexed notice; that it was about fifteen rods in width, and extended back into the woods.

That the said Cadotte had about sixteen acres of said farm under cultivation and improvement, and a large dwelling-house and many extensive out-houses erected thereon; and was in occupation of the same, and cultivating it as formerly, when the posts in the Northwestern Territory were surrendered in the year 1796, and until the time of his death, in 1803, or thereabouts.

That, before and since his death, Michael Cadotte (whom this deponent always heard the said John Bt. acknowledge as his son) has claimed this lot as a gift from his father, who divided his land between his children before his death.

JOSEPH PIQUETTE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

Personally came before me, the undersigned judge, on the same day, George Yarns, who, being duly sworn, saith that in the year 1794 he passed the Sault, on his way into the interior of the Indian country, where he saw John Bt. Cadotte, sr., in the possession of the lot described in the annexed notice, and said Cadotte had a large trading establishment on the same; that in the year 1796, at the time and after the surrender of the posts to the Americans by the English, said Cadotte was in the possession and improvement of the said premises; that in 1801 this deponent passed the Sault again, and the said Cadotte was then in the possession of said lot; that in 1812 he was again at the Sault, when the said lot was fenced in and cultivated.

GEORGE YARNS.

Taken and subscribed before me, at the village of Pauwayteeg.

J. D. DOTY, *Judge.*

On July 9, 1823, came before me, the undersigned judge, at the village of Pauwayteeg, John Johnston, esq., who, being duly sworn, saith that in the year 1791 Jean Bt. Cadotte, sr., was in the possession, occupancy, and improvement of the lot hereinbefore mentioned, and continued to occupy it until the time of his death; that said Cadotte was the first settler at this post after the occupation of it by the French troops, some twenty or thirty years before the said year 1791; that said Cadotte always acknowledged Michael Cadotte as his son; and this deponent always understood that the father and mother of said Michael were legally married, according to the forms of the Roman church, in Montreal.

JOHN JOHNSTON.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On July 14, 1823, came before me, the undersigned judge, Michael Cadotte, who, being duly sworn, says that he is the son of Jean Baptiste Cadotte, sr., mentioned in the preceding claim; that his father took possession of the tract described in the annexed notice during the time the post at the Sault was occupied by the French troops; that he continued to possess and cultivate said lot until May 24, 1796, the day when the annexed deed, will, or conveyance was executed; that this deponent with his brother, Jean Bt. Cadotte, jr., then received the said lot from their father as a gift and for their services to him, and from the said May 24, 1796, occupied and cultivated the same, jointly with his brother, until the latter part of the same year, when they both gave the said lot and premises to the daughter of this deponent, who, ten or twelve years afterwards, married Leon L. St. Germain, the person mentioned in the annexed deed to L. M. and T. A. Warren, and they vested in him the entire fee of the same; that, notwithstanding the said gift, this deponent and his brother continued to possess and cultivate said lot until about the year 1806, when they surrendered the same to the said St. Germain, and they have never made claim to the same since; that said St. Germain continued to possess and cultivate said lot until he sold the same to L. M. and T. A. Warren, the present claimants, without having abandoned the same at any time during that period; since which time the said Warrens have been in the possession of the same; that the brother of this deponent, before mentioned, died about the year 1818; that this deponent has no interest in this claim, nor does he consider that he has had any title to the same since the said gift to the wife of St. Germain.

MICHAEL CADOTTE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On July 18, 1823, came before me, the undersigned judge, at Mackinac, John Holliday, who, being duly sworn, says that he has passed the Sault Ste. Marie every season since the year 1802, and from that year to the year 1816 he has seen the tract of land mentioned in the annexed notice enclosed and under cultivation and improvement, during which time Michael Cadotte, or some one claiming for or under him, has been in the possession of said premises; that the remains of old Mr. Cadotte's buildings, the foundations, pickets, &c., may yet be seen on the lot.

JOHN HOLLIDAY.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

SAULT STE. MARIE, *Mai* 24, 1796.

Fut present Jean Baptiste Cadotte, pére, lequel attendu ses indispositions et son grand age, reconnaissant l'amour filial que lui temoinent Jean Baptiste Cadotte et Michael Cadotte, ses fil's legitimes, et consideration de l'amour paternal qu'il leur posté, au par ces presentes fait donation entre vis pure, simple, irrevocable, &c., promet garanter des tous troubles, deittes, alienations, et autres empechements generalement quelconque—aux dits Jean Baptiste Cadotte et Michael Cadotte, ses fils legitimes, a presents et acceptant, pour aux leurs, heirs, et ayant cause, le terrein attenant d'un coté a Monsieur Jean Baptiste Nolin et de l'autre au nommé François Champau, y compris les maisons, hangards, animaux, &c.

Cette donations faite moyennant et a la change qu'les dit Jean Baptiste et Michael Cadotte, promettant et s'obligent solidairement l'un pour l'autre au dit Sieur Jean Baptiste Cadotte leur pere, d'avoir sien de lui pendant sa vie tant la santé qu'en maladi par le moien d'une pension dans un lieu ou ils pourrent avoir la consolation de le voir passer agreablement ses jours.

Fait et passé au Sault St. Marie l'an et jour ci-dessus mentionnés, le dit Jean Baptiste Cadotte, pére, ne ni sachant signer, a fait volontairement sa marque ordinaire.

JEAN BAPTISTE ⋈ (sa marque) CADOTTE.

Temoins: J. BT. NOLIN.
JOHN JOHNSTON.

Le present est pour certifier qui l'achats que les Messrs. Warren ont faite de moi dans le cour d'Avril passé se trouve nul et que je donne le contracts a Jos. Deforet et jouissances du terraine jusqu'a mon arrive, fait et passé a Mackina, ce 17 jour Juillet, l'an 1821.

LEON L. ST. GERMAIN.

Know all men by these presents that Leon St. Germain, of Sault Ste. Marie, for and in consideration of nine hundred livres, ancient Quebec currency, to me in hand paid by L. M. and T. A. Warren, of Sault Ste. Marie, the receipt whereof I do hereby acknowledge, hath bargained, sold, and delivered, and by these presents doth bargain, sell, and deliver, unto the said L. M. and T. A. Warren, one lot of land lying between Mr. C. O. Ermatinger and Madame Cadotte, U. S. Sault Ste. Marie, in front and deep, exclusive of buildings thereon erected, at present occupied by Joseph Deaufoite, immediate possession granted; to have and to hold the aforesaid bargained premises unto the said L. M. and T. A. Warren, their executors, administrators, and assigns forever.

And I, the said Leon L. St. Germain, for myself, my executors, and administrators, shall and will warrant and defend the same against all persons, unto the said L. M. and T. A. Warren, their executors, administrators, and assigns, by these presents. In witness whereof, I have hereunto set my hand and seal, March 23, 1821.

LEON ST. GERMAIN. [L. S.]
LYMAN M. WARREN.
TRUMAN A. WARREN.

In presence of—
LOUIS BALEY.

Know all men by these presents, that I, Michael Cadotte, of La Pointe, on Lake Superior, for and in consideration of the sum of five hundred dollars to me in hand paid, at or before the ensealing and delivery of these presents, have given, granted, bargained, sold, enfeoffed, and confirmed, and by these presents do grant, bargain, sell, enfeoff, and confirm, unto Lymon M. Warren, (of whom I acknowledge to have received the said sum,) and to his heirs and assigns forever, all the right, title, interest, claim, and demand whatsoever, which I now have, or hereafter may have, either by reason of a deed of conveyance, will, testamentary, or other writing, from John Baptiste Cadotte to Jean Baptiste Cadotte, his son, and myself, heretofore executed, or as one of the heirs of the said Jean Baptiste Cadotte, the father, or as joint tenant with Jean Baptiste Cadotte, the son, or as the possessor and occupant of the premises hereinafter mentioned, in and to a certain lot of land situated on the south border of the river Ste. Marie, below the Sault, bounded in front by the said river, and on the westerly side by the premises heretofore occupied by Jean Baptiste Nolin, and containing about two hundred and fifty feet in width, and containing the same in rear for quantity; together with all and singular the hereditaments, concessions, and appurtenances thereunto belonging or in anywise appertaining; to have and to hold the same free and clear from all encumbrances whatsoever, unto the said Lymon M. Warren, his heirs and assigns forever, in as full and ample a manner as the same are, or hereafter may be, vested in me, without any suit, hindrance, or molestation from me. I do hereby authorize and empower the said Lymon M. Warren to make application, and obtain for him, and in his own name, a confirmation of the title hereby conveyed from me to him, of the premises before mentioned, from the government of the United States, in the same manner as I might or could do for and in behalf of myself. In witness whereof, I have hereunto set my hand and seal July 13, 1823.

N. B.—The words "will, testamentary, or other writing," on the first page, were interlined before signing.

MICHAEL CADOTTE.

Signed, sealed, and delivered in the presence of us—
JOHN H. FAIRBANKS.
SAMUEL ASHMIN.

COUNTY OF MICHILIMACKINAC, *ss:*

On July 14, 1823, personally came before me Michael Cadotte, who acknowledged that he had signed, sealed, and delivered the foregoing instrument of writing, for the purposes and uses therein contained and expressed. All which I do certify under my hand.

J. D. DOTY, *Judge.*

DETROIT, *October* 21, 1823.

The claim of Lymon M. Warren and Truman A. Warren to a tract of land at the head of Ste. Marie, in the county of Michilimackinac, in the Territory of Michigan, being under consideration before the United States commissioners, &c., Solomon Sibley, attorney for said United States, Territory of Michigan, being present, gave said commissioners to understand and be informed that the land claimed by said Warren is part and parcel of the land occupied and used by the United States as a garrison and military works at said Sault of Ste. Marie, under a reservation made thereof by competent authority, and therefore ought not to be adjudicated upon by said commissioners under the claim of said Warrens. Whereupon the said attorney for the United States makes opposition to, and enters his caveat against, the claim of said Warrens, and against any act of said commissioners therein that may in anywise, directly or indirectly, affect or prejudice the rights and interests of said United States in and to the land claimed and reserved by their authority for military purposes, as above suggested.

SOLOMON SIBLEY,
Attorney for the United States, Territory of Michigan.

Whereupon the commissioners do decide that the above-named Lymon M. Warren and Truman A. Warren be confirmed in a tract of land of the width set forth in their notice of claim, and extending eighty arpents in depth, provided that nothing in this decision contained be so construed as to interfere with the claim for common of the village of Pauwayteeg, if Congress should think proper to confirm the same for common; and, in the event of the confirmation by Congress of said claim for common, then the said tract, claimed by the aforesaid L. M. and T. A. Warren, to be considered as fronting upon and commencing at the rear line of said common, (if it should be found that such common intervene between said tract and the river,) and running thence to a point which shall be eighty arpents from the border of said river.

NOTICE.—John Drew enters his claim with the register of the land office at Detroit, to be laid before the commissioners, to a certain tract of land situated at Pauwayteeg village; bounded in front by the old common, on the east side by a lot claimed by Janette Cadotte, and on the west side by a lot claimed by Lymon M. and Truman A. Warren; the said lot being eighty feet in width by eighty acres in depth.

NOTE.—The eastern boundary line of this lot line is contested by Madame Cadotte. (See the map.)

J. D. D.

Personally appeared before me, May 26, 1823, the undersigned, François Dufault, who deposeth and saith that he is aged twenty-eight years, or thereabouts; that, as early as he can recollect, Mr. Dubois was in possession of the lot upon which he now resides at the Sault of Ste. Marie; that he is certain in his recollection of having seen him in possession in the year 1803, and has heard that the said Dubois has been in possession of said lot from an earlier period. And further this deponent saith not.

his
FRANÇOIS + DUFAULT.
mark.

Witness: ROBERT STEWART.

Taken and subscribed before me May 26, 1823.

HENRY R. SCHOOLCRAFT, *Justice of the Peace.*

Personally appeared before me, May 26, 1823, John Johnston, of the Sault of Ste. Marie, who deposes and says that, to the best of his recollection, Mr. Dubois purchased the lot upon which he now resides at the Sault Ste. Marie of a Mr. Champau, about the year 1803; that Mr. Champau occupied the lot as early as the year 1796, and that Mr. Dubois has constantly resided upon it from the date of his purchase to the present time.

JOHN JOHNSTON.

Taken and subscribed before me May 26, 1823.

HENRY R. SCHOOLCRAFT, *J. P.*

This indenture, made this twenty-sixth day of May, in the year of our Lord one thousand eight hundred and twenty-three, between Jean Baptiste Dubois, of the first part, and John Drew, of the second part, witnesseth: That the said party of the first part, for and in consideration of four hundred and fifty livres, lawful money of the United States, to him in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has granted, bargained, and sold, and by these presents doth grant, bargain, and sell, release, alien, and confirm, unto the said party of the second part all his claim, right, title, and interest to a certain lot of land lying at the Sault of Ste. Marie upon which the said party of the first part now resides, saving his right to live upon it and occupy his cabin during his life; to have and to hold the same, for himself, his heirs, executors, and administrators forever.

It witness whereof, I have hereunto set my hand and seal the day and year above written.

his
JEAN BAPTISTE + DUBOIS.
mark.

Witnesses to the signature—
SAMUEL C. LAVY.
GEORGE YARNS.

MICHIGAN TERRITORY, *Mackinac County, ss:*

Personally appeared before me, May 26, A. D. 1823, the within-named Jean Baptiste Dubois, known to me as the person who executed the within deed, who acknowledged to have executed the same voluntarily, and for the consideration therein expressed.

HENRY R. SCHOOLCRAFT, *J. P.*

DETROIT, *October* 21, 1823.

The commissioners decide that John Drew be confirmed in a tract bounded as follows: beginning at the westwardly end or side of the house of Madame Cadotte, and extending thence westwardly, with the rear line of the old common, to the boundary line of the tract confirmed to L. M. and T. A. Warren, and extending in depth, with lines of said Cadotte and Warrens, to a point which shall be eighty arpents from the border of the river Ste. Marie.

NOTICE.—Madame Janette Cadotte enters her claim with the register of the land office at Detroit, to be laid before the commissioners under the act of Congress, to a certain lot or tract of land situated in Pauwayteeg village; bounded in front by the old common, on the east by the homestead of Mr. John Johnston, and on the west side by the lot formerly occupied by Jean Baptiste Dubois; the same being seventy feet wide and eighty acres in depth.

The affidavits of Joseph Cadot, of Joseph Piquette, and John Johnston are filed in support of the claim.

NOTE.—The west end of Mrs. Cadotte's house (which appears to be a very old one) stands on the west line. The witnesses were very clear in their testimony as to the front being seventy feet wide. I state this to the commissioners because this west line will probably be contested.

The foregoing note is in the handwriting of Judge J. D. Doty, though not signed by him, say the land board.

Be it remembered that on July 8, 1823, came before me, at Pauwayteeg, Joseph Cadotte, who is a brother-in-law of the claimant, who, being duly sworn, says that Madame Janette Cadotte has resided quietly and peaceably upon the lot mentioned in the annexed notice since the year 1807, and has never at any time removed from the same; that she has, during this time, cultivated and improved the front of said lot, and has a considerable portion of it fenced in; that she has at all times, to the best of the knowledge of this deponent, continued to submit to the authority of the United States.

JOSEPH CADOTTE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day came before me Joseph Piquette, who, being duly sworn, says that he assents to the facts stated in the annexed deposition of Joseph Cadotte as to the claim of Madame Cadotte, and now deposes to the same of his own knowledge.

JOSEPH PIQUETTE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the 9th day of July, 1823, came before me, at Pauwayteeg, Mr. John Johnston, who, being duly sworn, saith that Madame Janette Cadotte has occupied and cultivated, as her own property, the lot of land, and the buildings thereon erected, described in the preceding notice; that she resided on it the 1st day of July, 1812, and a long time before, and has never, since she first had possession of the lot, resided elsewhere; and during the whole of the time to the present day she has cultivated it; that Madame Cadotte has, at all times, to the best of the knowledge of this deponent, submitted to the authority of the United States.

JOHN JOHNSTON.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 21, 1823.

The commissioners decided that Madame Janette Cadotte be confirmed in a tract of land described as follows: beginning at the west or upper end or side of the house occupied by her, and running thence eastwardly, with the rear line of the said common, seventy feet, to the boundary line of a tract confirmed to John Johnston, and extending in depth eighty arpents, computed from the margin of the river.

NOTICE.—James Duane Doty enters his claim with the register of the land office at Detroit, to be laid before the commissioners under the act of Congress, to a tract of land situated below the Sault de Ste. Marie, bounded in front by the river, on the east side by a public highway, and on the west side by the homestead of John Johnston, esq., and in the rear by vacant lands; said tract being six English acres in front and eighty in depth.

NOTE.—This tract was owned and cultivated by Jean Bpt. Nolin from the year 1810 to the year 1819, when it was sold by him to Mr. C. O. Ermatinger.—(See the deed between these parties annexed to the claim of Charles O. Ermatinger, No. 1.) Mr. Ermatinger owned and cultivated it until sold to the claimant.—(See affidavits and deed annexed hereto.) This note the commissioners, as explanation thereof, state to be in the handwriting of Judge J. D. Doty, although his name is not annexed thereto.

Be it remembered that on the 7th day of July, 1823, personally came before me, the undersigned justice of the peace, Charles O. Ermatinger, who, being duly sworn, deposeth and saith that about the year 1810 Mr. Jean Bpt. Nolin was in possession, occupancy, and improvement of the tract of land specified in the annexed notice, now claimed by James D. Doty, and that he had sowed and raised considerable grain on the said lot; that said Nolin continued to cultivate the same until he sold his right and title thereto to this deponent in the year 1819, when said deponent took possession thereof, and of which he received a deed from said Nolin bearing date August 14, 1821; that this deponent continued to possess and cultivate said tract from the said year 1819 until he sold his title and interest in and to the same to said Doty. And further, he saith that during the time said Nolin was in possession of said lot as aforesaid, he was a quiet and peaceable citizen of the United States, to the best of the knowledge and belief of this deponent.

CHARLES O. ERMATINGER.

Taken and subscribed before me.

HENRY R. SCHOOLCRAFT, *Justice of the Peace.*

On the same day personally came before the said justice Joseph Piquette, who, being duly sworn, deposeth and saith that, to the best of his knowledge, in the year 1810 Jean Baptiste Nolin was in possession of the lot of land claimed at the Sault by J. D. Doty, mentioned in the preceding deposition; and that he continued to occupy and cultivate said lot, raising grain, &c., thereon, until the year 1819; since which time Mr. C. O. Ermatinger has been in possession and cultivation of the same until last year, when the United States troops took possession thereof.

JOSEPH PIQUETTE.

Taken and subscribed before me.

HENRY R. SCHOOLCRAFT, *Justice of the Peace.*

On the 8th day of July, 1823, personally came before the undersigned justice of the peace, John Johnston, esq., who, being duly sworn, deposeth and saith that Jean Baptiste Nolin, in the year 1810, was in the occupation, possession, and improvement of a certain tract of land situated on the south side of the river Ste. Marie, bounded in front by the said river, on the west side by the farm now occupied by this deponent, and on the east side by the woods; that the improvement upon the said tract is about six acres in width upon the bank of the river, and several acres in depth, and has, ever since the said year, been fenced in and cultivated by the said Nolin, or those claiming under or for him. And further this deponent saith not.

JOHN JOHNSTON.

Taken and subscribed before me.

HENRY R. SCHOOLCRAFT, *Justice of the Peace.*

Know all men by these presents, that I, Charles Oaks Ermatinger, of Sault de Ste. Marie, for and in consideration of the sum of one thousand dollars to me in hand paid at or before the ensealing and delivery of these presents, have given, granted, bargained, sold, enfeoffed, and confirmed, and by these presents do grant, bargain, sell enfeoff, and confirm unto James D. Doty, and to his heirs and assigns forever, all of the right, title, interest, claim, and demand whatsoever, which I now have, or hereafter may have, (either by reason of a deed of conveyance from Jean Bpt. Nolin to me heretofore executed, or as the possessor, occupant, and cultivator of the premises hereinafter mentioned,) in and to a certain lot of land situated on the south border of the river Ste. Marie, at the village of Pauwayteeg, bounded in front by said river, on the upper or westwardly side by the homestead of John Johnston, esq., on the lower or westwardly side by a lot claimed by the said John Johnston, and in the rear by vacant lands—the same being six English acres in front upon the river, and eighty in depth; together with all and singular the hereditaments, concessions, rights, and appurtenances thereunto belonging or in anywise appertaining; to have and to hold the same, free and clear from all encumbrances whatsoever, unto the said James Duane Doty, his heirs and assigns forever, in as full and ample a manner as the same are, or hereafter may be, vested in me without any suit, hindrance, or molestation from me. And I do hereby authorize and empower the said James Duane Doty to make application in the proper form, and obtain for himself, and in his own name, a confirmation of the title or claim hereby conveyed by me to him, of the tract and premises before mentioned, from the government of the United States or its proper agents, under any act of Congress which has been, or hereafter may be, passed, in the same manner and to the same effect as I might or could do for and in behalf of myself; hereby ratifying his legal acts in the premises, and declaring this power to him irrevocable.

In witness whereof, I have hereunto set my hand and affixed my seal this twenty-ninth day of July, [L. S.] one thousand eight hundred and twenty-two.

CHAS. O. ERMATINGER.

Signed, sealed, and delivered in the presence of us—
WILLIAM A. AITKIN.
HENRY D. HASKINS.

COUNTY OF MICHILIMACKINAC, *ss:*

Be it remembered that on this 15th day of July, 1823, personally came before the undersigned justice of the peace, Charles O. Ermatinger, who acknowledged that he had signed, sealed, and delivered the foregoing instrument of writing, for the purposes and uses therein expressed. All of which I do certify according to the statute.

HENRY R. SCHOOLCRAFT, *J. P.*

DETROIT, *October* 22, 1823.

A majority of the commissioners confirm to the claimant, J. D. Doty, a tract of land, to be bounded as follows: beginning at the point where the easterly or lower line of the claim of John Johnston to the tract where he now resides intersects the river Ste. Marie, and running thence eastwardly, with the river, six English acres, provided the same does not conflict with the claim of John Johnston below the tract hereby granted, and extending on said front eighty arpents in rear.

NOTICE.—John Johnston enters his claim with the register of the land office at Detroit, to be laid before the commissioners under the act of Congress, to a certain tract of land situated at Pauwayteeg village, below the Sault de Ste. Marie, bounded in front by the river Ste. Marie, on the east side by the woods, on the west side by a lot claimed by James D. Doty, and in the rear by vacant lands; being four English acres in front upon the river by eighty acres in depth.

In support of this claim, the affidavits of Joseph Cadotte and Joseph Piquette.

Be it remembered that on the 8th day of July, 1823, came before me, the undersigned judge, Joseph Cadotte, who, having been duly sworn, saith that in the spring of the year 1809 he assisted Louis Nolin to clear the tract of land mentioned in the annexed notice, four English acres in width, (No. on the map 10,) now claimed by John Johnston; that he made a garden and built a house; that said Nolin sold said tract and his improvements to John Johnston, as said Nolin told this deponent in the year 1811, and at that time gave possession of it to said Johnston; that said Johnston has been in the occupancy and cultivation of said lot and premises ever since the said year of 1811 to the present time, uninterrupted.

JOSEPH CADOTTE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day also came before me Joseph Piquette, who, being duly sworn, says that he is personally knowing to all of the facts stated in the foregoing deposition of Joseph Cadotte in support of the claim of John Johnston, and now deposes to the same, of his own knowledge.

JOSEPH PIQUETTE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

DETROIT, *October* 22, 1823.

At the sitting of this day the preceding claim of John Johnston was confirmed agreeably to the bounds set forth in his notice of claim, substituting the word arpent for acre in relation to the depth of the tract.

DETROIT, *October* 22, 1823.

Upon examination of the testimony adduced in support of the following claim of the heirs of Francis Nolin, a majority of the commissioners do confirm so much of the tract claimed to the heirs of the said François as is comprehended within the following bounds, viz: commencing at a point upon the river Ste. Marie, where the upper line of the enclosure of said François would intersect the same; thence down the river to a point where the lower line of said enclosure would intersect the same, and preserving the same front, extending in the rear between parallel lines to be run from the said points, eighty arpents.

NOTICE.—The legal heirs of François Nolin enter their claim with the register of the land office at Detroit, to be laid before the commissioners under the act of Congress, to a tract of land situated below the Sault de Ste. Marie, bounded in front by the river, and upon each side by vacant lands, the same being four acres in front by eighty acres in depth, more or less.

Be it remembered that on the 8th day of July, 1823, came before me Joseph Cadotte, who, being duly sworn, says that the tract of land described in the preceding notice, claimed by the legal heirs of François Nolin, was taken possession of by said Nolin in the year 1811, and he then commenced the cultivation and improvement of about two acres in front of said tract, intending, as he declared, to extend it afterwards to four acres; that said Nolin continued to cultivate and possess the said lot until the year 1814, when he left the Sault for the Indian country, where he died, as this deponent has been informed, by *starvation;* that said Nolin had a fine and extensive garden on the front of said tract, and a considerable field under fence.

JOSEPH CADOTTE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the same day also came Joseph Piquette, who made oath that the facts stated in the preceding deposition of Joseph Cadotte are just and true, and that he is personally knowing to the same.

JOSEPH PIQUETTE.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

On the 9th day of July, 1823, personally came before me, at Pauwayteeg, Mr. John Johnston, who being duly sworn, saith that in the year 1811 Francis Nolin, now deceased, took possession of the tract mentioned in the annexed notice, and proceeded to cultivate the same by making a garden, &c.; that said Nolin declared to this deponent that he had cleared two acres upon the river, and intended to extend his front to four; but whether he did clear and cultivate any more than the two acres this deponent cannot say; that all of the land which he cleared was fenced in, and was about two acres in front; that said Nolin continued to occupy and cultivate said farm until he left this for the Indian country in 1814, where he perished.

JOHN JOHNSTON.

Taken and subscribed before me.

J. D. DOTY, *Judge.*

SAULT STE. MARIE, *September* 2, 1823.

NOTICE.—I, Elijah B. Allen, enter my claim with the register of the land office at Detroit, to be laid before the commissioners, to a certain tract of land situated below the Sault de Ste. Marie, on the river Ste. Marie, bounded in front by said river, on the westwardly side by vacant public lands, and on the eastwardly side by a lot formerly occupied by John Sayre, now deceased, being two and a half acres in front upon the

river, and eighty in depth, more or less; or to such other quantity of land as the said commissioners shall determine me justly entitled to from the affidavits and deeds herewith filed and submitted.

E. B. ALLEN.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Be it remembered that on this thirtieth day of July, one thousand eight hundred and twenty-two, came before me, the undersigned justice of the peace, Joseph Piquette, who, being duly sworn, deposeth and saith that in the year one thousand seven hundred and ninety-five Mr. Louis Dufault was in the possession of a certain lot of land situate on the south side of the river Ste. Marie, at the foot of the Sault, bounded on the west side by the Portage road, and on the east by the Indian encamping ground; that in the year aforesaid said Dufault erected a house on the said lot, and cultivated and improved several acres around it; that the said Louis continued to reside on the said premises from the said year until the time of his death, in the year one thousand eight hundred and seventeen; that François Dufault, one of the children of the said Louis, occupied the said house and farm, after the death of his father, until the year one thousand eight hundred and nineteen, together with his brother Joseph, who sometimes resided there with him, at which time they sold and delivered possession of the premises to Antoine Lalonet, who has continued to occupy and improve the same since the said year 1819 to the present day. And further the said Piquette saith not.

JOSEPH PIQUETTE.

Taken and subscribed before me, the same having been first explained in the French language.

HENRY R. SCHOOLCRAFT, *J. P.*

COUNTY OF MACKINAC, *ss:*

Personally came before me, the undersigned justice of the peace, Colonel John Johnston, who, being duly sworn, deposeth and saith that in the year one thousand seven hundred and ninety-three or ninety-four Louis Dufault purchased of one Parenteau a part of the tract of land mentioned in the preceding deposition, and took possession of the same at that time, and of the residue of the said tract he took possession in 1795; that the said Louis continued to occupy and improve the said tract during the year 1796 and until his death in 1817; and that after his death the children of said Louis occupied said premises until they sold to Antoine Lalonet.

JOHN JOHNSTON.

Taken and subscribed before me August 3, 1822.

HENRY R. SCHOOLCRAFT, *J. P.*

TERRITORY OF MICHIGAN, *County of Mackinac, ss:*

Be it remembered that on this ninth day of August, one thousand eight hundred and twenty-three, came before me, the undersigned justice of the peace in and for the county aforesaid, Joseph Piquette, who, being duly sworn, deposeth and saith that in the year 1795 Mr. Louis Dufault was in the possession of a certain tract or lot of land situated on the south side of the river Ste. Marie, bounded on the east by a lot occupied by John Sayre, and on the west by public vacant lands; that in the year aforesaid the said Dufault erected a house on the said lot, and cultivated and improved several acres around it; that the said Louis occupied the said house, and continued to cultivate land around it, from the time he took possession until his death; and that he, the said Louis, was a quiet and peaceable inhabitant, and did not, during the late war with Great Britain, take up arms against the United States.

That Francis Dufault and Joseph Dufault, children of the aforesaid Louis Dufault, had always lived with their father, and that they had done much of the labor in fencing and clearing the premises aforesaid; and, at the decease of their father, Louis, aforesaid, they were left in possession of the foregoing described premises; and that they continued to cultivate and improve the premises aforesaid until the year 1819, at which time they sold the premises aforesaid for a valuable consideration, and delivered possession to Antoine Lalonet, who also continued to occupy and improve the aforesaid premises until February last past, when he, the said Lalonet, sold the premises aforesaid, and delivered possession to Elijah B. Allen, now a resident at Sault Ste. Marie, and in possession of the premises by him purchased of Lalonet aforesaid; and that the said François and Joseph Dufault, and Antoine Lalonet, have continued to submit to the laws of the United States.

JOSEPH PIQUETTE.

Taken and subscribed before me August 9, 1823.

HENRY R. SCHOOLCRAFT, *Justice of the Peace.*

TERRITORY OF MICHIGAN, *County of Mackinac, ss:*

Be it remembered that on the 12th day of August, 1823, personally came before me, the undersigned justice of the peace in and for the county aforesaid, George Yarns, of lawful age, who, being duly sworn, deposeth and saith that in the month of June, 1812, Joseph Dufault and Francis Dufault were in possession of a tract or lot of land lying at the Sault Ste. Marie, in the Territory of Michigan and county of Mackinac, bounded in front by the river Ste. Marie, on the east by a lot formerly occupied by John Sayre, deceased, on the west by public vacant lands, and that they had enclosed two acres and one-half in front, and several acres back from the river; that their father, Louis Dufault, was then living with them in a comfortable house on the premises aforesaid, where he, the said Louis, had lived many years previous; that the aforesaid Francis and Joseph Dufault continued to reside on the premises aforesaid, and did cultivate and improve them until the year 1819, when they sold and delivered possession to Antoine Lalonet of the premises aforesaid for a valuable consideration; and that the said Antoine Lalonet continued to reside on the premises aforesaid from the time he took possession, until he sold and delivered possession of the premises aforesaid unto Elijah B. Allen in February last past; and that the said Allen is in possession of the premises by him purchased of Lalonet aforesaid at this time.

GEORGE YARNS.

Taken and subscribed before me August 12, 1823.

HENRY R. SCHOOLCRAFT, *J. P.*

TERRITORY OF MICHIGAN, *County of Mackinac, ss:*

Be it remembered that on this 13th day of August, 1823, came before me, the undersigned justice of the peace, François Dufault, of lawful age, who, being duly sworn, deposeth and saith that in the year 1812, in the month of June, he was in possession of a certain tract of land lying at the Sault Ste. Marie, in the Territory of Michigan, in the county of Mackinac, bounded as follows, viz: in front by the river Ste. Marie, on the east by a lot or tract of land formerly occupied by John Sayre, deceased, and on the west by public vacant lands; and that he had two acres and a half in breadth of the front enclosed and well cultivated, and that he had on the premises a comfortable house and barn, and that he lived many years on the premises aforesaid, with his father, Louis Dufault, now deceased, prior to the year 1812; and that he, with his brother, Joseph Dufault, who sometimes resided at the house with him and his father, cleared, cultivated, and fenced, and did much of the labor on the premises aforesaid; and that he continued to reside on the aforesaid premises, and cultivate and improve them, until the year 1819, when he and his brother, Joseph Dufault, sold and delivered possession of the premises aforesaid to Antoine Lalonet for a valuable consideration, and that he acknowledged to have, with his brother, received the consideration as by the parties agreed. And that the said Antoine Lalonet continued to possess, cultivate, and improve the premises aforesaid, from the time he took possession until February last past, when he sold and delivered possession of the premises aforesaid to Elijah B. Allen, now a resident of Ste. Marie, and in possession of the premises aforesaid.

his
FRANÇOIS + DUFAULT.
mark.

Witness to the signature:
GEORGE YARNS.

Sworn to and acknowledged before me August 13, 1823.
HENRY R. SCHOOLCRAFT, *Justice of the Peace.*

We, the undersigned, do hereby assign, transfer, and make over all our right, title, and interest in, of, and belonging to, all that piece or parcel of land containing two and a half acres in breadth of arable land, and extending backwards into the uncultivated woods, situate at Ste. Marie's falls, Michigan Territory; bounded on the east side by the premises at present occupied by Jean Baptiste Nolin, and on the west side by the Portage road, on or before the 30th day of June next ensuing the date hereof, unto Antoine Lalonet, his heirs, &c., forever, for and in consideration of the sum of one thousand five hundred livres, old Quebec currency, to be paid in hand, at present, by the said Antoine Lalonet, and the further sum of five hundred livres, of the aforesaid currency, on the said 30th day of June next ensuing. And we do hereby engage and bind ourselves, and each of us doth hereby engage and bind himself, to deliver the aforesaid premises into the possession of the said Antoine Lalonet, his heirs, &c., in the same well cultivated state that it is this day, that is to say, the fences new and in good and sufficient repair, and the land stocked and planted with twenty bushels of potatoes. And we do also bind and engage ourselves to deliver to the said Antoine Lalonet, on the day aforesaid, the following articles, to wit: one horse, one harness, four kettles, one plough, and four hoes.

In witness whereof, we have hereunto subscribed our names and affixed our seals this 3d day of August, 1819.

his
JOSEPH + DUFAULT.
mark.
his
FRANCIS + DUFAULT.
mark.
his
ANTOINE + LALONET.
mark.

Witnesses:
GEORGE JOHNSON.
JOSEPH E. WEBB.

JUNE 8, 1821.

Received, in full of all demands for the said farm, two thousand livres, old Quebec currency.

his
FRANCIS + DUFAULT.
mark.
his
JOSEPH + DUFAULT.
mark.

MACKINAC, *June* 30, 1820.

Received on the within fifty dollars.

his
JOSEPH + DUFAULT.
mark.

Witness: MICHAEL DOUSMAN.

This indenture, made this 15th day of February, A. D. 1823, between Antoine Lalonet, of the first part, and Elijah B. Allen, of the second part, witnesseth: That the said party of the first part, for and in consideration of seven hundred and twenty-five dollars, lawful money of the United States, the receipt whereof is hereby acknowledged, hath granted, bargained, and sold to the said party of the second part, and by these presents doth grant, bargain, and sell, release, remise, alien, and confirm unto the said party of the second part, to his heirs, executors, and assigns, all that certain tract of land granted and conveyed to the said party of the first part by the heirs of the late Louis Dufault, being and lying at the Sault Ste. Marie, in the county of Mackinac and Territory of Michigan, bounded as follows, viz: in front by the river Ste. Marie, on the southeast by a lot occupied by John Agnew and E. B. Allen, and the Indian burial ground, on the northwest by public lands occupied by E. Harris, and on the southeast and south by vacant public lands, being four acres in front by eighty acres in depth, and containing three hundred and twenty acres, be the same more or less, and all the buildings and appurtenances thereto belonging; to have and

to hold and occupy the same, and every part thereof, unto the said Elijah B. Allen, his heirs, executors, and assigns forever.

In testimony whereof, I have hereunto set my hand and seal the day and year first above written.

his
ANTOINE + LALONET.
mark.

Sealed, signed, and delivered in the presence of—
HENRY R. SCHOOLCRAFT.
GEORGE YARNS.

SAULT STE. MARIE, *March* 24, 1823.

I hereby certify that the words "granted and conveyed to the said party of the first part by the heirs of the late Louis Dufault," in the above deed, were written and inserted before the signing and sealing of the said deed.

HENRY R. SCHOOLCRAFT.

SAULT STE. MARIE, *County of Michilimackinac, ss:*

Personally appeared before me, this 15th day of February, 1823, the within-named Antoine Lalonet, who, being duly sworn, acknowledges and says that the within deed is his *bona fide* and voluntary act, made for the considerations therein expressed. Let it therefore be recorded.

HENRY R. SCHOOLCRAFT.

DETROIT, *October* 22, 1823.

On examination of the preceding claim of E. B. Allen, the commissioners confirm to him the tract claimed as described in the notice prefixed, substituting the word arpents for acre in relation to the depth.

NOTICE.—I, John Drew, hereby enter my claim, under the laws of Congress for ascertaining and deciding upon claims to land in the Territory of Michigan, to a certain parcel or tract of land lying and being on the river St. Mary's, below and near to the falls thereof, bounded as follows, to wit: on the upper side by land claimed by Lyman Warren, on the lower side by land claimed by the widow and heirs of J. B. Cadotte, deceased, being about fifty-one feet in width, and extending back from said river indefinitely, being a lot of land which I, the said Drew, previously purchased of G. B. Dubois for a valuable consideration in the year 1815.

JOHN DREW.

MICHILIMACKINAC, *September* 6, 1823.

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, Henry R. Schoolcraft, a justice of the peace in and for said county, John Johnston, of lawful age, who, having been duly sworn, doth depose and say that John Drew having purchased a certain parcel or tract of land lying and being on the river Ste. Marie, below and near to the falls thereof, bounded as follows, to wit: on the upper side by the land claimed by Lyman Warren, on the lower side by land claimed by the widow and heirs of Jean Bt. Cadotte, deceased, being about fifty-one feet in width, and extending back from said river indefinitely; that the said John Drew purchased said lot of a certain Jean Bt. Dubois for a valuable consideration by him, the said Drew, to him, the said Dubois, in hand paid, sometime in the month of July, 1815, said land having been, long previous to that time, improved, cultivated, and occupied by said Dubois; and also that on the 1st day of July, A. D. 1812, and previous thereto, he, the said Dubois, had the possession of and occupied and cultivated said piece of land, and at the time of sale delivered the possession of said land to said Drew; and that the said Dubois has at all times submitted to the authority of the United States from the time aforesaid to this time. And further this deponent saith not.

JOHN JOHNSTON.

Subscribed and sworn to the 11th day of August, A. D. 1823.

HENRY R. SCHOOLCRAFT, *J. P.*

TERRITORY OF MICHIGAN, *County of Michilimackinac, ss:*

Personally appeared before me, Henry R. Schoolcraft, a justice of the peace in and for said county, Francis Dufour, of lawful age, who, being duly sworn, doth depose and say that John Drew, having purchased a certain tract or parcel of land lying and being on the river St. Mary's, below and near to the falls of St. Mary's river, bounded as follows, to wit: on the upper side by land claimed by Lyman Warren, on the lower side by land claimed by the widow and heirs of J. B. Cadotte, deceased, being about fifty-one feet in width, and extending back from said river eighty arpents; that the said John Drew purchased said lot of a certain J. B. Dubois for a valuable consideration by him, the said Drew, to him, the said Dubois, in hand paid, sometime in the month of July, 1815, said land having been, long previous to that date, improved, cultivated, and occupied by the said Dubois; and also that on the 1st day of July, 1812, and previous thereto, he, the said Dubois, had the possession of, and occupied and cultivated said piece of land, and at the time of sale delivered the possession of said land to said Drew, and that the said Dubois has at all times submitted to the authority of the United States from the time aforesaid to this time. And further this deponent saith not.

his
FRANCIS + DUFOUR.
mark.

Taken and subscribed before me this 11th day of August, 1823.

HENRY R. SCHOOLCRAFT.

DETROIT, *October* 22, 1823.

Upon examination of the preceding claim, it appears to be embraced in that already confirmed to John Drew.

The undersigned, commissioners appointed under the act of Congress approved the 21st day of February, 1823, entitled "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," do certify that they have examined the foregoing transcript from their proceedings relative to claims at the Sault de Ste. Marie, and that the same is, in substance, a true and correct report thereof.

In testimony whereof, we have hereto affixed our signatures.

WM. WOODBRIDGE,
JOHN BIDDLE,
Land Commissioners.

I certify that the foregoing is a correct copy of the proceedings and decisions of a majority of the board of commissioners upon the claims referred to, but with whose decisions, unfortunately, I cannot concur, as will appear by the protest annexed.

J. KEARSLEY, *one of the Commissioners, &c.*

The commissioners of the land board are unanimously of the opinion that, as they are acting under the limitations of an act of Congress, they cannot withhold confirmation to claims upon the grounds taken by the Commissioner of the General Land Office, inasmuch as the facts alleged in the remonstrance of the officers at the Sault de Ste. Marie are not presented in such legal form as to enable this board to take notice of them in their decisions. One of the commissioners, it is true, has differed in opinion from the majority of the board, but his opinion was expressed prior to the receipt of the communication of the Commissioner of the General Land Office, and upon other grounds than those taken by him. As an expression, however, of their high consideration and respect for the Commissioner of the General Land Office, and the military gentlemen stationed at the Sault, and also in compliance with what may be considered their duty, this board have entered copies of the whole matter upon their journal of proceedings, and have subjoined hereto the originals transmitted by Mr. Graham.

PROTEST.

The undersigned, one of the commissioners for ascertaining and deciding upon claims to lands at the Sault de Ste. Marie and other places within the land district of Detroit, feels it a duty incumbent on him to protest against the confirmation adjudged by a majority of this board of title to all the land claimed by individuals situated at the said Sault, for the following and other reasons:

1st. The act of Congress of February 21, 1823, requires that the claimant should have submitted to the authority of the United States. This has not been positively shown in any case except in that of Madame Janette Cadotte. And it is a matter of notoriety that all or most of the inhabitants, in 1812, 1813, &c., of that district of country, were avowedly subjects of the kingdom of Great Britain, and most probably did bear arms against the United States.

2d. All acts of Congress giving donations of lands in this and other remote territories or settlements, to the early and first adventurers to such territories, contemplate, so far as I have been enabled to observe, a permanent residence for agricultural purposes. No such residence for such an object appears in the cases of the present claims. The original occupants were all, and still remain, British subjects, engaged in the northwest fur trade, and most of them about or soon after 1802, when our revenue laws came into operation in that district of country, removed to the British side of the strait, and there erected their buildings, to prosecute their trade and avoid our duties. This is emphatically the case as respects Nolin, Ermatinger, &c.

3d. A large proportion of the present claimants are adventurers of the last year, who have purchased claims on speculation, from their anticipated increase in value on account of the military post recently established there, and not with a view, as I believe, to agricultural objects, but to annoy the military, much to the injury of the troops, by furnishing the means of intoxication to the soldiery of the post; and it will be observed that private claims extend on either side to the very pickets of the post, and even include the ground within those pickets. Individuals of this class might without difficulty be named, but the invidious task is deemed unnecessary to the present object.

4th. It is a matter of fact that, although now, under the law of 1823, no less than *sixteen* claims are presented to this board, and testimony adduced in support of the same, yet of this number no more than two were presented, or pretended to, before any former board of commissioners; neither were these *confirmed*, nor was any single claim passed upon *affirmatively*, by any former board, although Congress has, by various laws from 1805 to 1823, given powers to commissioners therein appointed to hear and decide upon private claims to lands within the Territory. It is now only matter of surprise to every disinterested traveller who has visited the Sault de Ste. Marie no longer than three years since, when he could not discover a habitation except Mr. Johnston's, nor the evidence of a resident save that gentleman and family, how there could have been, so early as 1812, inhabitants, estimated by the claims now adduced, sufficient for the defence of that frontier. Of the two, Johnston and Nolin, who preferred their claims to a former board, the former, as it is said, commanded and led in person a company raised at the Sault in the descent upon Michilimackinac in 1812; and Mr. Nolin and sons were, as I am advised, of Captain Johnston's company. The original claimant, Mr. Nolin, sold to Mr. Ermatinger, and has removed to the colony of the late Earl of Selkirk, at Pembina, on the Red river. Mr. Ermatinger resides on the British side of the Sault, or perhaps at Drummond's Island, and, as I am informed, does not contemplate residing on his claim at the Sault, and looks for nothing beyond that compensation which the importance of the military site may induce him to demand from a government not his own.

That the matters alleged in the foregoing are susceptible of proof I have no doubt; and why they did not appear in such authentic shape as would enable the commissioners of this land board to spread them upon their proceedings is to me satisfactorily shown; and should Congress postpone their concurrence in the confirmations to lands at the Sault de Ste. Marie, and authorize the appointment of an agent to go there for the purpose of investigating strictly (under the law of 1823) the merits of these claims, I have little doubt that the allegation of General Brady, made in 1822 upon the spot, that he did not believe there was one good or valid claim at the Sault de Ste. Marie, will be found true.

J. KEARSLEY, *one of the Commissioners, &c.*

DETROIT, *October* 22, 1823.

GENERAL LAND OFFICE, *October* 9, 1823.

GENTLEMEN: I enclose copies of several papers relative to the claims of certain individuals for lands lying at the Falls of St. Mary's, in the Michigan Territory, which have been referred to this office by the Secretary of War, and are forwarded for your information, and with a request that these claims may be strictly investigated. It does not appear from the records of this office that any claim founded on a French or British grant has been filed by either of the claimants mentioned in these communications. Under the fifth section of the act of the last session of Congress you may have cognizance of these claims, with power to confirm them on account of occupancy; but, if the facts stated by the officers be correct, the claimants could not maintain their claim under that section of the act.

You will take care to confirm no claim to lands on account of occupancy which may interfere with the lands reserved by the United States for military and other purposes; and as the cession of the lands at the Falls of St. Mary's was obtained, by the treaty of 1820, with a view to the military occupation of the position, it would be advisable to make a special report on all the private claims within that cession which you might deem entitled to confirmation.

With great respect, your obedient servant,

GEORGE GRAHAM.

The COMMISSIONERS *for the settlement of claims to land in the Michigan Territory.*

SAULT STE. MARIE, *August* 8, 1823.

We, the undersigned, officers of the United States army, serving at the post at the Sault de Ste Marie, request once more permission to address the honorable the Secretary of War, and state to him some facts within our information on the subject of claims that citizens resident here and elsewhere have made to land within the limits of the four miles now belonging to government. The original occupants of these claims have, with a few exceptions only, removed from the United States, and sold their claims to others, who are now urging their rights to the land; and even these former possessors of the soil, without an exception, were active, during the last war, on the part of the English, and bore arms against the Americans.

We, therefore, are of opinion that they are not entitled to the land they claim by the fifth section of the law passed last session of Congress on the subject of land claims within the county of Mackinac, because the claimants have not one them submitted to the laws of the country, and the most of them have left the United States since the year 1812.

But as we are fearful a correct and impartial representation of these claims will never be made to the commissioners by those whose proper business it is to do it, we conceive it to be our duty to make known, as far as is in our power, the pretensions these persons have to the land they are claiming; and, to explain more clearly, we enclose herewith a draught of the several claims, together with the quantity each one demands.

In the first place, the ground on which our cantonment stands (No. 9) was occupied by Mr. Nolin, a warm and zealous friend of the English in the late war, who went with their troops as far as the island of St. Joseph's, on their way to Mackinac; but was compelled, by ill health, to return, though he had two sons who were at the capture of the latter place; since which Mr. Nolin has sold this claim to a British subject, and then removed into Canada, where he has been living from the year 1816.

Another of these claims, (No. 4,) on which are the gardens for the troops and ourselves, was purchased by a subject of Great Britain from this Mr. Nolin, and been sold by him, we are informed, to the *Indian agent* at this place, and Judge Doty, a short time since. As this claim is now used for public purposes, (as gardens,) we think the third section of the law before alluded to is so explicit that it will not be granted if the fact of its being so used is known, but we are doubtful if it would be known except through us.

The next claim (No. 5) is now in possession of Mr. Johnston; and he, like all other of these claimants, bore arms, with two of his sons, against the United States, during the last war, though since that time he has resided here, and submitted to our laws.

One other claim, (No. 10,) adjoining our cantonment, is said to be the property of the half-breed children of a Mr. Sarpes, deceased, who did not himself reside, nor have any of his children resided, we believe, within the limits of the United States since the year 1812. This land is now claimed, we are informed, by the Indian agent at this place, and a citizen by the name of Allen, and includes the site reserved by the government, in their instructions to Colonel Brady, for the erection of a permanent military work.

The next claim in order (No. 11) was purchased but a short time since by several citizens from a Canadian, who held his title from one who was equally active with others during the late war against the Americans; and this claim includes land now used for public purposes, and on which there is a saw-mill lately erected by the tooops.

In support of all these assertions we have now nothing else to offer but our opinion; but if measures can be taken to have a person sent here qualified to take a deposition, we pledge ourselves to prove what we have asserted by the oaths of several who now are, or have been, residents of this place.

We would wish further to state, besides the land on which are our gardens, the cantonment, and the saw-mill, that the ground on either side and in rear of our pickets is claimed; but we think it prudent that it should be retained for our own security, in case it should ever be necessary to defend ourselves from an attack.

If these claims are granted, there will be no end to impositions on government, not only for the price that will be demanded for the land on which we are now located, but for any other that it may be thought necessary to purchase; and in this cold and inclement country, if the government has to purchase wood, it will cost more in one year than the value of the land it grows on.

All this we most respectfully submit to the honorable the Secretary of War, in order that when a fair statement of the justice of these claims and the propriety of allowing them is made to him, it will then be in his power to prevent grants for land to which the claimants have no just title, and if granted to them will be of such serious injury to the public.

In addition to the foregoing remarks, we beg leave further to state, as an apology for our not giving more positive proof, that the persons who are competent witnesses to establish our assertions are unwilling

to come forward and give their evidence unless compelled to do so, as they are averse to making themselves odious to so many claimants unless legally required to testify under oath.

WILLIAM LAWRENCE, *Lieutenant Colonel 2d Infantry.*
N. R. CLARKE, *Captain 2d Infantry.*
T. J. BEALL, *Captain 2d Infantry.*
W. HOFFMAN, *Captain 2d Infantry.*
WALTER BICKER, *First Lieutenant 2d Infantry, A. C. S.*
J. JOHNSON, *Lieutenant 2d Infantry.*
E. KIRBY BARNUM, *Lieutenant 2d Infantry.*
E. V. SUMNER, *Lieutenant 2d Infantry.*
E. B. GRISWOLD, *Lieutenant 2d Infantry.*
S. L. RUSSELL, *Lieutenant 2d Infantry.*
C. A. WAITE, *Lieutenant United States Infantry.*
L. FOOT, *Assistant Surgeon United States Army.*

SAULT DE STE. MARIE, *July* 29, 1823.

The officers stationed at the post of the Sault de Ste. Marie unanimously beg leave to represent to the honorable the Secretary of War the evils and inconvenience resulting to the service from the number of citizens settled in the immediate vicinity of this cantonment.

When the detachment arrived here in the month of July last the number of persons resident at the place was three, exclusive of the former occupants of the land; and now, within the space of one year, there can be ten counted whose only apparent means of livelihood consists in the trade they improperly carry on with the soldiers of the garrison and Indians.

These citizens have been repeatedly told by us of the impropriety of furnishing the soldiers with liquor; but, contrary to our wishes, and in defiance of our orders, they still continue daily to supply it to them, and take in return the clothing of the soldier, or whatever else his intemperance may induce him to barter for the means of intoxication; and it is unnecessary for us to remind the honorable the Secretary of War of the evil consequences arising when men have an unrestrained indulgence in the use of ardent spirits.

This state of things we could submit to with the more patience if there was a prospect of its changing; but, on the contrary, each day increases the number of these houses, and adds to the facility which our men already possess of getting intoxicated.

We therefore request of the Secretary of War that measures may be taken to prevent a traffic so injurious to the service within the limits of the public land; and, as all those persons have settled on it without the least pretension to a title, that they may be ordered off, as it is, we believe, the most effectual means of getting rid of a practice so hurtful to the soldier and troublesome and annoying to us.

We would not thus intrude ourselves on the attention of the Secretary of War if there was a remedy for the evil in our power; but we know of none other, unless recourse be had to a court of justice, the distance of which from us, together with the expense and trouble that a legal process necessarily involves, renders all redress in that way impracticable.

WILLIAM LAWRENCE, *Lieutenant Colonel 2d Infantry.*
N. R. CLARKE, *Captain 2d Infantry.*
T. J. BEALL, *Captain United States Army.*
W. HOFFMAN, *Captain 2d Infantry.*
WALTER BICKER, *First Lieutenant 2d Infantry, A. C. S.*
J. JOHNSON, *First Lieutenant 2d United States Infantry.*
E. KIRBY BARNUM, *Lieutenant 2d Infantry.*
L. FOOT, *Assistant Surgeon United States Army.*
E. V. SUMNER, *Lieutenant 2d Infantry.*
E. B. GRISWOLD, *Lieutenant 2d Infantry.*
S. L. RUSSELL, *Lieutenant 2d Infantry.*
C. A. WAITE, *Lieutenant 2d Infantry.*

BOOK NO. 8.

CLAIMS AT PRAIRIE DU CHIEN

Claim of the heirs of James Aird and others.

COUNTY OF CRAWFORD, *ss:*

Be it remembered that on the 2d day of September, 1823, personally came before the undersigned judge Michael Brisbois, Pierre La Riviere, Jean Marie Guéré, and Jean Baptiste Lumerie, who, being duly sworn, severally depose and say that the following named persons, to wit: the heirs of James Aird, (or the person under whom they claim,) Francis Vertefeuille, Augustin Hebert, Pierre Janson, James McFarland, Antoine La Chapelle, Julian La Riviere, Joseph Simpson, Charles La Pointe, Pierre Lessard, Strange Pose, Francis La Pointe, sen., Francis La Pointe, jun., Michael La Pointe, Pierre Lessard, Theresa La Pointe, and Charles La Pointe, were in the occupation and cultivation of the several farm-lots at Prairie du Chien, marked and numbered on the plat of the commissioners, 18, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 38, 39, 40, and 41, respectively, before and on the 1st day of July, 1812, and still remain in the possession and cultivation of them; and that since said day said claimants have submitted to the authority of the United States. They further depose that farm lots, numbered on said plat 19 and 28, were occupied and cultivated before and on the 1st day of July, 1812, by Euphrosine

Antaya, late the wife of James Fraser, and she continued in the possession of the same until the year 1820; during which time she submitted to the authority of the United States.

his
M. + BRISBOIS.
mark.
his
PIERRE + LA RIVIERE.
mark.
his
JEAN + MARIE GUÉRÉ.
mark.
his
JEAN + BAPT. LUMERIE.
mark.

Taken and subscribed before me, at Prairie du Chien. J. D. DOTY.

DETROIT, *November* 1, 1823.

Upon consideration of the preceding claims the commissioners decide that the same be confirmed, reference being had for their extent and situation to the testimony and plat presented to a former board, provided that the present claims do not conflict with any confirmations heretofore made, and that the tracts claimed do not in any case contain more than six hundred and forty acres, or extend more than eighty arpents from front to rear.

Claim of the legal heirs of Claude Gagnier.

NOTICE.—The legal heirs of Claude Gagnier enter their claim with the register of the land office at Detroit to a tract of land situated at Prairie du Chien, bounded in front by the rear of a farm lot, No. 13 on the plat of the commissioners, being six acres in front by eighty in depth. This lot is situated in a valley formed by the bluffs or hills; none of it is upon the prairie. Some of these hills are entirely bleak, and can never be cultivated. Upon others there are few scattering trees. It is a very broken tract of land.

On the 2d day of September, 1823, came before the undersigned judge, at Prairie du Chien, Michael Brisbois and Pierre La Riviere, who, being duly sworn, say that the late Claude Gagnier was in the possession and cultivation of the tract described in the annexed notice before and during the year 1796, and until the time of his death in 1803; and that since the year 1803 his heirs have possessed and cultivated the same, and have at all times submitted to the authority of the United States. They occupied said tract on the 1st day of July, 1812. That the names of the legal heirs of said Gagnier are Helen Gagnier, Registe Gagnier, Claude Gagnier, Bazille Gagnier, Adelaide Gagnier, and Belone Gagnier.

his
MICHAEL + BRISBOIS.
mark.
his
PIERRE + LA RIVIERE.
mark.

Taken and subscribed before me. J. D. DOTY.

DETROIT, *November* 1, 1823.

In the preceding case the commissioners decide that the claim be confirmed, provided that the same do not conflict with any confirmations heretofore made.

Claim of Thomas McNair.

This claim was entered with the agent, Mr. Lee, and is numbered 43.

COUNTY OF CRAWFORD, *ss:*

Be it remembered that on the 2d day of September, 1823, personally came before the undersigned judge, at Prairie du Chien, Jean Marie Guéré, who, being duly sworn, saith that he was in possession of the lot numbered 43 on the map of the commissioners, claimed by Thomas McNair, thirteen years ago; that the said Guéré continued to occupy and cultivate said tract from said time until 1815, when he sold the same to Thomas McNair, the present claimant, who this deponent knows has been in the possession and cultivation of the same ever since; that this deponent had a considerable field of said tract enclosed; and that this deponent was in the cultivation and improvement of the same on the 1st day of July, 1812.

his
JEAN MARIE + GUÉRÉ.
mark.

Taken and subscribed before me.

J. D. DOTY.

On the same 2d day of September came also before me Pierre La Pointe, who, being duly sworn, saith that Jean Marie Guéré was in the possession and cultivation of the tract above mentioned from the year 1810 until the year 1815; and that since said year 1815 Thomas McNair has possessed and cultivated said tract; that said Guéré was in the possession and cultivation of the said tract on the 1st day of July, 1812; and that said Guéré and said McNair have always submitted to the authority of the United States during the period above mentioned.

his
PIERRE + LA POINTE.
mark.

Taken and subscribed before me.

J. D. DOTY.

DETROIT, *November* 1, 1823.

In the preceding claim of Thomas McNair the commissioners decide that the claim be confirmed, provided that the same do not conflict with any confirmation heretofore made.

The commissioners appointed under the act of Congress approved February 21, 1823, entitled "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," having examined and compared the preceding reports on claims to land at the Prairie du Chien with their original journal of proceedings had thereon, do certify that this is a true and correct copy thereof.

WILLIAM WOODBRIDGE.
J. KEARSLEY.
JOHN BIDDLE.

BOOK No. 9.

Supplement.

NOTICE.—Catharine Thibault hereby enters her claim to a donation of land in rear of her farm situate on the river Detroit, containing 153.12 acres, bounded and described as the accompanying patent of the President of the United States.

his
BAZIL + THIBAULT,
mark.
For CATHARINE THIBAULT.

Catharine Thibault, in support of her claim to a donation of land in rear of her farm, situate on the Detroit river, produces a patent from the President of the United States dated the 1st day of June, 1811, granting to her a tract of land situated on the river Detroit, containing 153.12 acres of land, bounded and described as follows: beginning at a post standing on the east line of a tract confirmed to Jean Baptiste La Pierre, being the southwest corner of a tract confirmed to Louis Boufait and Antoine Lason; thence north 29° west, 87 chains, to a beech tree; thence north 61° east, 17 chains 61 links, to a post, the southwest corner of a tract confirmed to John Little; thence south 29° east, 87 chains, to a post standing on the rear line of a tract confirmed to Louis Boufait and Antoine Lason; thence on said line south 61° west, 17 chains 60 links, to the place of beginning.

DETROIT, *November* 1, 1823.

Upon examination of the preceding claim, it appears to be embraced in the decisions of a former board.

DETROIT, *September* 30, 1823.

NOTICE.—I, Gabriel Chene, hereby enter my claim to a donation of land in rear of a piece of land owned by me, situated on the river Detroit, containing one arpent in front by forty in depth, more or less, bounded on the north by lands heretofore sold by Cicile Boyer to the claimant, and on the south by lands claimed by Louis Chapaton.

GABRIEL CHENE.

Gabriel Chene, in support of his claim to a donation of land in rear of a tract owned by him on the river Detroit, produces a patent from the President of the United States to the widow and heirs of Antoine Boyer, deceased, granting to them a tract of land situated on the Detroit river, containing 136.59 acres, bounded and described as follows: beginning at a post standing on the border of the river Detroit, between this tract and a tract confirmed to Louis Chapaton; thence north 29° west, 116 chains, to a post; thence north 61° east, 12 chains 2 links, to a post standing on the west line of a tract confirmed to Francis Paul Malcher; thence south 29° east, 111 chains 14 links, to a post standing on the border of Detroit river; thence, along the border of said river, south 29° west, 12 chains 97 links, to the place of beginning; also a deed from Cicile Boyer, widow of Antoine Boyer, deceased, and John M. Boyer, son and heir-at-law of said Antoine Boyer, deceased, conveying to said Gabriel Chene all their right and title to a tract of land described as follows: bounded in front by the river Detroit; on the north by lands sold by them to said Chene; on the south by lands claimed by Louis Chapaton; and in rear by unconceded lands, being one arpent in front by eighty in depth, including the back concession. The claimant heretofore purchased the remainder of the tract described in the patent above recited, and has obtained the back concession.

DETROIT, *November* 1, 1823.

In the preceding case it appears the back concession claimed has been confirmed by a previous board.

To the commissioners for investigating and deciding upon claims for lands within the district of Detroit:

NOTICE.—You will please to take notice that we claim as a donation, the right and second concession, so called, of so much land in the rear of and adjoining to the tract heretofore confirmed to us by the patent of the President of the United States of the date of July 3, 1812, bounded on one side by land adjoining to a tract confirmed to Jean Baptiste La Pierre, and on the other by a tract confirmed to John Little, so that our said tract may extend to the depth, in the whole, of eighty arpents; this entry being a renewal of the entry heretofore made by us for the same object.

WILLIAM WOODBRIDGE,
For LOUIS BOUFAIT and NICHOLAS LASON.

Louis Boufait and Nicholas Lason, in support of their claim to a donation of land, agreeably to notice filed, produced the following paper, a patent from the President of the United States, dated July 3, 1812, granting to them a tract of land situate on the border of the Detroit river, containing 207.3 acres, bounded and described as follows: beginning at a post standing on the border of the Detroit river, between this tract and a tract confirmed to Jean Baptiste La Pierre; thence north 29° west, 67 chains, to a post; thence north 61° east, 35 chains 50 links, to a post; thence south 29° east, 45 chains 23 links, to a post standing on the border of Detroit river, between this tract and a tract confirmed to Jean Little; thence, along the border of said river, south 2° west, 6 chains 7 links; thence south 10° west, 7 chains 22 links; thence south 25° west, 8 chains 25 links; thence south 82° 30′ west, 7 chains 87 links; thence south 28° west, 16 chains 50 links, to the place of beginning.

DETROIT, *November* 1, 1823.

On examination of the preceding claim, it appears to be embraced in the decisions of a former board.

DETROIT, *September* 30, 1823.

NOTICE.—I, William Brown, hereby give notice of my claim to a donation of land in rear of a farm owned by me, situate on Detroit river, containing one hundred and eighteen acres, being part of a tract of land situated on the river Rouge, confirmed to Alexis Descountis Labadie, bounded in front by the river Detroit, on the west by the river Au Vase, and on the east by lands claimed by the late François Chabert.

WILLIAM BROWN.

William Brown makes claim before the commissioners to a donation of land adjoining a tract belonging to him on the Detroit river, and produces the following document: a deed from Louis Leduc conveying to said Brown a tract of land described as follows: that certain tract of land containing 248.08 acres, it being part of a tract of land situate on the river Rouge, confirmed, by virtue of an act of Congress entitled "An act regulating the grants of land in the Territory of Michigan," to Alexis Descountis Labadie, and granted to him, the said Labadie, by patent, May 12, 1812, reference being had thereto. The above-bargained premises are bounded and described as follows: beginning at a post standing on the south border of the river Rouge, between this tract and a tract confirmed to Louis Leduc; thence south twenty-nine degrees west, one hundred and seventy-two chains twenty-five links, to a small white oak; thence south sixty-one degrees east, nine chains, to a post; thence south fifty-two and one-fourth degrees east, nine chains, to the river Au Vase; thence, along said river, down stream, south thirty-eight degrees west, fifteen chains; thence south eight and a half degrees east, five chains eighty-six links; thence south twenty-three degrees east, three chains fifty links; thence south seventeen degrees west, seven chains sixty-four links, to the mouth of the river Au Vase and border of Detroit river; thence, along the border of said river, up stream, north thirty-one degrees east, twelve chains and twenty-seven links; thence north seventy-four degrees east, fourteen chains four links; thence east, nine chains thirty-nine links; thence north seventeen and a half degrees east, three chains ninety-six links; thence north fifty-eight degrees east, seventeen chains sixty-two links, to a post standing on the border of Detroit river, between this tract and a tract claimed by the late Francis Chabert; thence north fifty-two degrees fifteen minutes west, thirty-nine chains, to a post; thence north twenty-nine degrees east, one hundred and fifty chains forty-two links, to a post; thence north sixty-one degrees west, eight chains seventy-three links, to the place of beginning. The claimant also produces a patent from the President of the United States to Alexis Descountis Labadie, granting to him a tract of land containing 360.5 acres, and described as follows: beginning at a post standing on the south border of the river Rouge, between this tract and a tract confirmed to Louis Leduc; thence south twenty-nine degrees west, two hundred and thirty-six chains forty-one links, to a post standing on the line of St. Cosme; thence, on said line, south seventy-five degrees east, seventeen chains sixty-nine links, to a post standing on the border of Detroit river; thence, along the border of said river, up stream, north forty-five degrees east, fourteen chains thirty-eight links; thence north thirty-one degrees east, twenty-eight chains seventy-nine links; thence north seventy-four degrees east, fourteen chains four links; thence east, nine chains thirty-nine links; thence north seventeen degrees thirty minutes east, three chains ninety-six links; thence north fifty-eight degrees east, seventeen chains sixty-two links, to a post standing between this tract and a tract claimed by Francis Chabert; thence north fifty-two degrees fifteen minutes west, thirty-nine chains, to a post; thence north twenty-nine degrees east, one hundred and sixty chains forty-two links, to a post; thence north fifty-one degrees west, eight chains seventy-three links, to the place of beginning.

DETROIT, *November* 1, 1823.

Confirmed in 360.5 acres, or in such other quantity as shall be equal to the contents of the original tract, as the same was confirmed and patented to Alexis Descountis Labadie, and to be located on that part of the lands assigned for the satisfaction of the private land claims which were claimed by Thomas Smith, so as that the said 360.5 acres be so located as that the lines thereof do not conflict with the lines of any tract or tracts of land which may have been confirmed heretofore, or by the present board, to said Thomas Smith, or to any other person; the said William Brown to hold the same in trust for himself and for the heirs or other assigns of said Alexis D. Labadie, according to their respective interests therein.

DETROIT, *July* 29, 1823.

GENTLEMEN: Independent of my notice of August 28, 1821, which I filed with the former commissioners in conformity to the then existing laws of Congress, as the proprietor of Hog island, being claim No. 256, to which I beg leave to refer, claiming the whole of said island, and the second concession thereof, in conformity to the acts of Congress then in such cases made and provided, I now take the liberty, in conformity with another act of Congress, approved on the 21st of February last, to renew my notice of said claim, and to state upon what grounds I, in justice and equity, expect, in consequence of former and present

notice, to have the whole of said island confirmed to me, my heirs and assigns, by this honorable board, as well as its appendages, being *Lestelle* au Sable et le *batture* qui va a Isle au Jonc, en approchant la dit Isle au Cochon; that is to say, as well as Sandy Isle and the sand-bar leading to and comprehending Rush Isle, near Hog island aforesaid; the whole of which appearing above water being considerably less than an acre in extent, lying and being about two thousand two hundred feet from Hog island aforesaid, as being appendages to the latter, and to which I am entitled, as the second concession to the same, viz: 1st. The old commissioners of the land office at Detroit confirm this claim to the heirs of Wm Macomb, deceased, their heirs and assigns, provided it did not exceed six hundred and forty acres of land, for which quantity your applicant, as assignee of said heirs, holds the President's patent. 2d. On actual survey, which your applicant has lately caused to be made of Hog island aforesaid, by J. Mullett, surveyor general of Michigan, he finds that the said island does not contain the six hundred and forty acres as patented, but, on the contrary, there is a considerable deficiency; therefore, should Sandy Isle, the said bar, and Rush Isle aforesaid, which I heretofore claimed and now claim, be added to Hog island, as appendages thereto, the whole would not complete the quantity patented. 3d. Your applicant, independent of the full quantity of six hundred and forty acres to which he is entitled as aforesaid, claims the second concession to the same as a donation, in conformity to the several acts of Congress above referred to. Hog island, bordering on the river Detroit, fronting to the south by the line dividing the British dominions in Upper Canada and this Territory, and in rear, towards the north, like the other farms on the Detroit river, eighty acres in depth, as a second concession, would certainly comprehend Sandy island, the said sand-bar, and Rush Isle aforesaid, and entitle him, by reason of lands in said river, and adjacent prior claims, to the residue from the United States lands unsold in the vicinity adjacent to and back of Hog island, so confirmed to him as aforesaid.

Your claimant therefore humbly prays this honorable board to grant him your subpœna, directed to J. Mullett, to testify in the premises aforesaid, and to cause justice and right to be administered to your claimant; and, as in duty bound, he will ever pray.

B. CAMPAU.

Hons. Wm. Woodbridge, Jonathan Kearsley, and John Biddle,
Commissioners for ascertaining and deciding on claims to land in the district of Detroit and Territory of Michigan.

Detroit, *August* 28, 1821.

Gentlemen: The undersigned, Barnaby Campau, a citizen of the United States of America, proprietor of No. 256, as assignee of David B. Macomb, one of the heirs of William Macomb, late of Detroit, deceased, to whom this tract of land, being Hog island, situate on the river Detroit, in the United States district of Detroit, was, by order and under the decree of Charles Larned, esq., register of the district of Erie, Huron, and Detroit, and by Lewis Cass, John R. Williams, and P. Lecuyer, esq., a committee appointed by said register, among other tracts, assigned to the said David B. Macomb, his heirs and assigns, January 7, 1817, as may be more fully seen, reference being had to said decree and partition, as recorded by Charles Larned in the records of said district, volume 3, pages 401 to 407; which said island was, by the said David B. Macomb, in consideration of the sum of $5,000, sold to the said Barnaby, his heirs and assigns, by deed dated March 3, 1817, as recorded by said Charles Larned, in said volume 3, page 454 and 455, as may more fully appear, reference being had to the original deed aforesaid, and the record thereof last above mentioned; the said Barnaby Campau claims the second concession of said six hundred and forty acres, in conformity to the act of Congress in such case made and provided. The said Barnaby Campau hereby also claims the whole of said Hog island by virtue of the treaty of amity, commerce, and navigation between his Britannic Majesty and the government of the United States, dated at London, November 19, 1794, where all the property, both real and personal, of the inhabitants of the now Territory of Michigan, as therein guaranteed to them, reference being hereby made to said treaty, which the said Barnaby nor his attorney cannot now have a sight of, but is claimed from memory; and reference is hereby further made to the records of the former United States commissioners for the district of Detroit, having been entered with them, December 2, 1805, as the third claim, volume 3, pages 354 and 355. The said Barnaby Campau also claims the aforesaid island by another deed from the said David B. Macomb, dated March 4, 1817, herewith, and by virtue of an order of his Britannic Majesty in council, dated at St. James, May 4, 1768, transmitted to the Hon. Thomas Gage, major general and commander-in-chief of all his said Majesty's forces then in North America, ordering him to put Lieut. George McDougall, late of the 60th or royal American regiment of foot, in possession of Hog island, which he, in consequence, purchased by deed from the Indians, executed in presence of George Turnbull, captain 2d battalion, 60th regiment, Commandant Daniel McAlpine, lieutenant 60th regiment, and James Amie, ensign 60th regiment, and assigned by the heirs of the said George McDougall to said William Macomb, his heirs and assigns, as recorded by the former commissioners in book A, folio 309 to 319.

I have the honor to be, with the greatest respect,

B. CAMPAU.

Hons. William Woodbridge, Jonathan Kearsley, and Henry B. Brevoort,
Commissioners for settling the private land claims within the Territory of Michigan.

Detroit, *November* 1, 1823.

On examination of the preceding claim of B. Campau, the commissioners decide as follows: that in consideration of the fact, which is made to appear, that the survey of the original grant to the claimant did not, through mistake, contain 640 acres; that the claimant has an equitable right to the benefit of the law granting additional donation or back concession on the Detroit river; that the whole of the island called Hog island was originally entered upon strong grounds of claim; and believing that said Hog island does not contain more than, or very little beyond, 640 acres, the commissioners recommend that said island be confirmed entire to said B. Campau.

Detroit, *August* 20, 1823.

Please take notice that I claim, under the act of Congress granting lands to actual settlers, a tract of land lying on the west side of Grosse Isle, in the river Detroit, bounded as follows, to wit: beginning at

the southwest angle of the tract of unconfirmed land on said island, and running thence east, on the north line of section No. 7, to a tract confirmed to Mr. Macomb; thence north, on the west line of said tract, so far as that a line drawn west to the river, running parallel with the north line of section No. 7, will include one section, or 640 acres of land, which I claim by virtue of the occupation and long-continued possession of my late father, whose sole heir I am, whose occupation commenced and continued from the year 1787 to the time of his decease, in the year 1794; and that the reason why I have not made application, or filed my claim before, is, that I lived at a distance from the place, and had been informed that the whole island had been confirmed to other persons.

JOSEPH MUNGER.

Hons. Wm. Woodbridge, Jonathan Kearsley, and John Biddle,
Commissioners of the Land Board.

Detroit, *November* 1, 1823.

On examination of the preceding claim, the commissioners decide that the claim be not confirmed, there appearing no unconfirmed land where the claim is located.

Detroit, *August* 20, 1823.

Please take notice, I claim, under the act of Congress granting lands to actual settlers, a tract of land lying on Frenchman's creek, on the south end of Grosse island, in the river Detroit, bounded on the north by the tract confirmed to Mr. Macomb, and on the west by the river Detroit, extending east along the line of Macomb's tract, so far as that a line drawn south to the end of the island will include (on the west side) one section of 640 acres of land, which I claim by virtue of the possession and long-continued occupation of my late father, whose heir I am, whose occupation commenced in the year 1791, and continued until the year 1795; and that the reason why I have not made application before is, I was ignorant of the provision made by law on this subject.

ISAAC TERRISS.

Hons. William Woodbridge, John Biddle, Jonathan Kearsley,
Commissioners of the Land Board.

Detroit, *November* 1, 1823.

Upon consideration of the preceding claim, the commissioners decide that the same be not confirmed, there appearing no unconfirmed land where the claim is located.

Detroit, *October* 28, 1823.

Pierre Bonhomme, who has heretofore given testimony in relation to a claim of Jean B. Racine, now adds that he has heard Louis or Alexander Bouvier say that he had conveyed to the said Racine his rights to the tract of land in question; and also that the only child and heir of said Racine was an infant at the time of her father's death, which may account for no notice having been heretofore given of this claim. This deponent also states that the tract claimed by the heirs of the said Racine was bounded on all sides (except in front) by public lands.

PIERRE BONHOMME.

Sworn and subscribed before me.

JOHN BIDDLE, *one of the Commissioners, &c.*

Detroit, *October* 27, 1823.

Pierre Bonhomme states as follows: That Jean B. Racine, about the year 1801 or 1802, occupied a tract or piece of land situate on the Black river, or river Delude of the river St. Clair; that the said tract had been previously occupied by Alexis Bouvier, previous to the period when the Americans took possession of the country; that said Bonhomme has good reason to believe that Jean B. Racine acquired all the right which the said Bouvier had to the said tract; that the said J. B. Racine continued to occupy the said tract until the spring of 1811 or 1812, when he was killed by the Indians; that the said J. B. Racine had at least six acres under cultivation in front on said river; that this deponent knows, of his own proper knowledge, Marie Germaine, late Racine, is the only child and heir of the said J. B. Racine.

his
PIERRE + BONHOMME.
mark.

Sworn to and subscribed before me by said Pierre Bonhomme, at Detroit, October 28, 1823.
GEORGE McDOUGALL, *J. P. C. W. T. M.*

Detroit, *November* 1, 1823.

In the preceding case the commissioners decide that a want of notice being filed in due time takes from them the power of absolute confirmation; but, as the claim appears to be in every other respect legal, they recommend for confirmation the tract claimed, containing six arpents by eighty; or, in the event of the land claimed being sold, that the claimant be allowed to locate the same number of acres in the vicinity; the claimant being, at the time the notice was required to be filed, an unprotected orphan.

Detroit, *June* 26, 1821.

Notice is hereby given that I, Henry Connor, of the district of Detroit, make claim to a tract of land containing 640 acres, situate, lying, and being in the county of Wayne and Territory of Michigan, and

within the land district of Detroit, and bounded as follows: on the northeast side by Joseph Tremble's land, on the southeast by land owned and claimed by Asquire Aldrich, and on the other side by the United States land; said tract of land being on the northeast side of Tremble's creek, and is known by the name of Baker's improvement. The said Henry Connor sets up claim and makes title to the above tract of land as assignee of Jacob Baker and Mary Flinn, late Mary Myers, the only children and heirs-at-law of Baker, their late father, now dead, who, whilst living, did claim said land to be granted and confirmed in him and his heirs and assigns, by virtue of occupancy, possession, and improvement by the deceased, had and made thereof prior to the year 1796, and continued thereafter: Wherefore, he prays he may be confirmed in and to said land as above described.

With respect, I am yours,

HENRY CONNOR.

The REGISTER and COMMISSIONERS *of the United States Land Office in and for the district of Detroit.*

TERRITORY OF MICHIGAN, *County of Wayne, ss:*

Be it remembered that on this 2d day of September, in the year 1823, personally appears before me, the undersigned, a justice of the peace duly commissioned and sworn in and for the county aforesaid, Gaget Marsac and Louis Grifford, both of the county aforesaid, who, being each severally and duly sworn, severally and each for himself, depose and say that they distinctly remember that long before Governor Wayne came into Michigan, and, as they each think, about six or seven years before that time, one John Baker was in the possession, use, and occupancy of a certain tract of land lying in the county of Wayne, on Tremble's creek, bounded on the northeast side by Joseph Tremble's land, on the southeast side by land occupied and claimed by Asquire Aldrich, and on the rear by the United States lands; said lands lying on the northeast side of Tremble's creek, and being known by the name of Baker's improvement; that the said Baker, prior to the time aforesaid, had built a house on said tract of land, had enclosed and fenced about twenty acres of land, and cleared and cultivated about ten acres; had built a house and small outhouses thereon, and planted an orchard, and continued to reside thereon until about a year before the time when General Wayne came to this country, when he was induced to move from it by fear of the Indians, who threatened him; but that he, the said Baker, continued to keep up the fences and to collect the fruit of the orchard till the time of his death, which happened in the year 1808 or 1809; that at his death he left two children, a son and a daughter, the son named Jacob Baker, the daughter named Mary Baker; that the said Mary afterwards married one Myers, and subsequently married a second husband, named John Flinn; that they, the deponents, each have resided in the neighborhood of the said tract from their infancy, and that they neither have known any person to have claim, possession, or occupancy of said tract of land, except the said children of the said John Baker, until the fall of the year 1822, when they understood one Joseph Cicord entered into and still resides on the said tract of land as a tenant of Henry Connor. And further the said deponents say not.

his
LOUIS + GRIFFORD.
mark.
his
GAGET + MARSAC.
mark.

Sworn and subscribed before me September 2, 1823.

JOHN McDOUGALL, *Justice of the Peace.*

Know all men by these presents that I, Mary Flinn, of the river St. Clair, in the Territory of Michigan, for and in consideration of the sum of fifty-five dollars to me in hand well and truly paid by Henry Connor, of Detroit, in the Territory aforesaid, the receipt whereof I do hereby acknowledge, have assigned and set over, and by these presents do assign and set over, unto the said Henry Connor, his heirs and assigns forever, all my legal and equitable right, title, and interest in and for a certain tract or parcel of land situate, lying, and being in the county of Wayne and Territory aforesaid, bounded by Joseph Tremble on the northwest side, and by Asquire Aldrich on the southeast side, and lying on the northeast side of Tremble's creek, and known by Baker's improvement.

In witness whereof, I have hereunto set my hand and seal, at the river St. Clair, this 8th day of June, in the year of our Lord 1821.

her
MARY + FLINN. [L. S.]
mark.

Signed, sealed, and delivered in the presence of—
JOSEPH SPENCER.
JOHN FLINN.

Know all men by these presents that I, Jacob Baker, of the river St. Clair, in the Territory of Michigan, for and in consideration of the sum of fifty dollars to me in hand well and truly paid by Henry Connor, of Detroit, in said Territory, the receipt whereof I do hereby acknowledge, have assigned and set over, and by these presents do assign and set over, unto the said Henry Connor, his heirs and assigns, forever, all my legal and equitable right and interest in and for a certain tract and parcel of land situate, lying, and being in the county of Wayne and Territory aforesaid, bounded as follows: bounded by Joseph Tremble on the northwest side, and by Asquire Aldrich on the southeast side, lying on the northeast side of Tremble's creek, and known by Baker's improvement.

In witness whereof, I have hereunto set my hand and seal, at Bell Dune, this 9th day of May, 1821.

his
JACOB + BAKER.
mark.

Delivered in presence of—
JOSEPH SPENCER.
EDWARD WILKINSON.

DETROIT, *November* 1, 1823.

On the preceding claim of Henry Connor the commissioners, upon examination of the proceedings of the land board in 1821, do find that the said board did then decide affirmatively upon this claim, and all proceedings of the present board are therefore suspended.

DETROIT, *September* 29, 1821.

GENTLEMEN: I have the honor of enclosing herewith, for your inspection, a deed from Jean B. Cicot, sen., to me, my heirs and assigns, for three hundred acres of land, being the same land or lot numbered by the former commissioners as No. 694, entered by the said Cicot with said commissioners October 31, 1805, situate on the south side of the river Raisin, in the now county of Monroe, bounded in front by said river, in rear by the United States lands, on the west by lot No. 208, (which has since been confirmed to Richard Patterson, his heirs and assigns,) and on the east by lands claimed by Jaques Godfroy, the natural son of Jaques Godfroy, deceased. The proofs taken by the former commissioners will show that the tract now claimed ought to have been confirmed to the said J. B. Cicot, and his said deed to me will, I trust, entitle me to a confirmation, to me, my heirs and assigns, as the assignee of the said J. B. Cicot, and a final certificate issued accordingly. I am now so feeble that I can scarcely hold my pen, but I trust that the commissioners will take pleasure in still doing me justice as to my claim, entered heretofore by me in due season, to the second concession of the southwest half of lot No. 120, being two arpents in front by eighty in depth from the Detroit river, the front of which was heretofore confirmed to Jean B. Allaire dit La Pierre by the former commissioners, but which was by the supreme court of the Territory decreed to belong to me. As the fact is in the personal knowledge of the Hon. William Woodbridge, I presume it may not be necessary to trouble you on the subject. And that the northeast half of the other two arpents in front, by eighty in depth from the Detroit river, will be confirmed to the heirs of the said Jean B. Allaire dit La Pierre, deceased. Should a certified copy of the said decree be thought, nevertheless, necessary, I can obtain it, although I can little afford the expense of paying for a transcript of said decree.

Very respectfully, gentlemen, your obedient servant,

GEORGE McDOUGALL.

Hon. COMMISSIONERS *of the United States Land Office for the district of Detroit.*

This indenture, made this 25th of June, in the year of our Lord 1821, between Jean B. Cicot, *alias* Baptist Cicot, of the county of Wayne and Territory of Michigan, of the one part, and George McDougall, of the city of Detroit and Territory of Michigan aforesaid, of the other part. Whereas the said Jean B. Cicot did, by a certain indenture of mortgage dated on the 17th day of March, A. D. 1797, for the consideration of one hundred and twenty-one dollars and fifty cents, lawful money of the United States, grant, bargain, sell, alien, release, and confirm unto the said George McDougall, and to his heirs and assigns forever, all that certain lot or tract of land containing 300 acres, situated on the south bank of river Raisin, being three acres in front by one hundred in depth; bounded in front by said river Raisin, in rear by unconceded lands, on the west by a lot or tract of land purchased by John Askin, jr., from Baptist Drouillard, per deed dated at the river Raisin December 18, 1794, who received the said lot or tract last mentioned in the exchange from Baptist Cicot, and on the east by lands granted by the chiefs of the Pottawatomie nation to Jaques Godfroy, the natural son of Jaques Godfroy, senior, late of the said county of Wayne, deceased; together with all and singular the hereditaments and appurtenances thereunto belonging; to have and to hold the said above-granted and bargained premises, with the appurtenances, unto the said George McDougall, his heirs and assigns, to the only proper use and behoof of the said George McDougall, his heirs and assigns forever; provided, nevertheless, and the said indenture of mortgage was thereby declared to be on condition, that if the said Jean B. Cicot, his heirs, executors, and administrators, did and should well and truly pay, or cause to be paid, to the said George McDougall, his executors, administrators, or assigns, the just and full sum of one hundred and twenty-one dollars and fifty cents, lawful money aforesaid, with lawful interest for the same, on or before the 1st day of May, in the year of our Lord 1797, according to the condition of a certain bond or writing obligatory, bearing even date with the said indenture of mortgage, that then, and in such case, the said indenture of mortgage and the said writing obligatory should be void and of no effect, or otherwise to be and remain in full force and virtue: and whereas the said Jean B. Cicot did not pay the said George McDougall the said sum of money, with interest, at the time limited for the payment, or at any time since, now, therefore, this indenture witnesseth: That the said Jean B. Cicot, for and in consideration of the money and interest now due by him, the said George McDougall, amounting to the sum of one hundred and twenty-seven dollars and ten cents, as above mentioned, and for and in consideration of the further sum of one dollar to him in hand paid by the said George McDougall, the receipt whereof he doth hereby acknowledge, and thereof and therefrom, and of every part and parcel thereof, doth acquit, release, exonerate, and discharge the said George McDougall, his heirs, executors, administrators, and assigns, and every of them, and by these presents hath granted, bargained, aliened, sold, assigned, and confirmed, and by these presents doth grant, bargain, alien, sell, assign, and confirm unto the said George McDougall, in his actual possession now being, and to his heirs and assigns forever, all that said lot or tract of land above mentioned and described, together with the hereditaments and appurtenances, as the same was conveyed to him by the said indenture of mortgage, and is now better known as lot No. 694, entered by said Jean B. Cicot with the commissioners of the United States land office at Detroit, on October 31, 1805, and is bounded on the west by lot No. 208, which has since been confirmed to Richard Patterson, his heirs and assigns, by the patent of the President of the United States of America, as assignee of the said John Askin, jr., and on the east by lands claimed by Gabriel Godfroy, and entered by him with the said commissioners of the United States land office for the district of Detroit, on the same 31st October, 1805; that the said Jean B. Cicot entered this lot as aforesaid, as his twenty-fourth claim, for the said Jaques Godfroy before mentioned, the natural son of Jaques Godfroy, the father of said Gabriel Godfroy, as may be more fully seen, reference being had to the said Gabriel Godfroy's entry, recorded by the register of the land office, vol. 3, page 299, of the proceedings of the United States commissioners for said land office at Detroit; to have and to hold the said lot No. 694, or tract of land, and all and singular other the premises hereinbefore mentioned, with the appurtenances, unto the said George McDougall, his heirs and assigns, to his and their only proper use and behoof. And the said Jean B. Cicot doth hereby authorize and empower the said George McDougall to apply to the present commissioners of the United States land office at Detroit, and obtain a confirmation from them of said lot No. 694, to him, the said George McDougall, his heirs and assigns, as assignees of the said Jean B. Cicot, in conformity to the diffierent acts of Congress in this behalf made and provided. And the said Jean B. Cicot doth hereby, for himself, his heirs, executors, and administrators, covenant, promise, and agree, to and with the said George McDougall, his heirs, executors, administrators, and assigns, in manner and form following, that is to say: that the said George McDougall, his heirs and assigns, shall

and may peaceably and quietly have, hold, and enjoy the said lands, tenements, hereditaments, and premises, before described as lot No. 694, and every part and parcel thereof, without let, suit, trouble, eviction, or disturbance of the said J. B. Cicot, his heirs or assigns, or of or by any other person or persons claiming, or to claim, from, by, or under, in trust for him, them, or any of them; and that the said J. B. Cicot, his heirs and assigns, all and singular the aforesaid lot No. 694, and premises, every part and parcel thereof, unto the said George McDougall, his heirs and assigns, against him, the said Jean B. Cicot, his heirs and assigns, shall and will warrant and forever defend by these presents.

[N. B.—The words "George McDougall" in the last page being first erased and the words "Jean B. Cicot" interlined above the same before the execution of these presents.]

In witness whereof, the said parties to these presents have hereunto set their hands and seals the day and year first above written. [N. B.—The words "amounting to the sum of one hundred and twenty-seven dollars and ten cents" being also first interlined in the eleventh line of the second page hereof before execution.]

JEAN B. CICOT, PERE. [L. S.]

Signed, sealed, and delivered in presence of—
FRANÇOIS CICOT.
ROBERT M. EBERTS.

TERRITORY OF MICHIGAN, *County of Wayne, ss:*

Before me, the undersigned justice of the peace in and for said county of Wayne, personally appeared Jean B. Cicot, commonly called Baptist Cicot, of said county of Wayne, who acknowledged that he did freely and voluntarily execute the foregoing deed for the purposes therein contained, and as such is willing the same may be recorded.

Given under my hand this 26th day of June, A. D. 1821.

JOHN McDOUGALL,
Justice of the Peace for the county of Wayne, T. M.

TERRITOIRES DES ETATS UNIS N. W. DE L'OHIO, *Detroit, Compté de Wayne, ss:*

Par devant les temoins soussigné fut presént Jean Bt. Cicot, de la cote du sud ouest de la paroisse dec. anne lequille reconoit devoir bien legeluncert au Sieur George McDougall demeurant encille villace présent et occupant un millá a tarine, legal et merchand a lier de loire au premiere de Mai pochain aussi de plus la somme de quatrevingt une piastres a demi argent courant des Etats Unis lequel somme il promet et s'oblige payer au dit Sr. George McDougall, au son oudre, la premiere jour de Mai de l'anne prochain, avec interest sur la dit somme compter depuis le premiere jour de Mai prochaine, et pour suret de la dit somme et interest le dit Jean B. Cicot de ce moment affecté et hypotheque au dit George McDougall, et par ces presents affect, oblige et hypotheque ces biens, meubles et immeables et speciallement un terre de trois arpent de front sur cent arpent profondeur et ant un parte de la terre, contenant huit arpent de front sur la riviere au Raisin a main gauch en montant la dit riviere Raisin, lequel porte sa profondeur jusque cent arpent selon le contracts de dons que les chiefs Pouwaytamies, out recordé au dit Jean B Cicot, le 28 Juin, 1786, tenant et un cote a une espace entre Godfroy et a lutre cote ou hunt par le terre de Makena, qui la vendie dernierement au Sr. John Askins, fils, avec tous les batiments sus construct s'il y'en as, et generalement toutes les circonstance et dependance de la dit terre voulant et entendant le dit J. B. Cicot que le tous reste chargé envers le dit Sieur George McDougall jusque par fait payment et autems dit et alois si la sus dit it somme n'est point paye somme dit este, le dit George McDougall seras le maitre de faire procede a la vente du dit bien ou terre jusqua la concurance de la dit somme et interet avec les fraix lui deun est convene let dit Jean B. Cicot qui dit avoire la tout pour agreeable: fait a passée au Detroit le dix septieme jour de Mars l'an mille sept cent quatre-vignt dix sept. Signé et sigillé apres lecture fait suivant la ordinneau.

JEAN B. CICOT. [L. S.]

En presence de—
PETER AUDRAIN, *Proth.*

Received, May 4, 1797, by the hand of G. Sharp, esq., 525 pounds of hard English cents, equal to 490 pence, 32*s.* makes £7 16*s.* 10*d.* New York; this is in part of the 100 lbs he ought to have delivered first by this agreement.

GEORGE McDOUGALL.

SEPTEMBER 21, 1798.

Fait une teré sur lui en favor de G. Godfroy pour vingt pounds argent Nouvelle York pour une batteau a otre veuse demande.

G. McDOUGALL.

En cas que le, je, Jean Bt. Cicot, soit dans le cus de ne point paya au Sr. George McDougall on a sonte ordre le somme mentionne dans cette hypotheque a tems dit je confesse par ce presents que jugement soit prononce contre moi par les honorable juges de la cour des playdoyers communs sans aucune autre forme de proces selon contention de la presenté. Faité et cais cote au Detroit le dix septieme jour de Mai, 1797. Signé et segilli apres lecture fait.

JEAN B. CICOT. [L. S.]

In presence de—
PETER AUDRAIN, *Proth.*

The matter of the above claim being before the commissioner, it appears the proceedings following were had in them before former commissioners, to wit:

John B. Cicot, No. 694.—On Wednesday, July 18, 1810, the board met at nine in the forenoon, pursuant to adjournment. The board took into consideration the claim of Jean B. Cicot to a tract of land situated on the south side of the river Raisin, which was entered with the former commissioners of the land office at Detroit, in vol. 3, page 98, under date of November 14, 1805. This claim contains 300 acres, it being three acres in front by 100 in depth; bounded in front by river Raisin, in rear by unconceded lands, on one side by lands of Gabriel Godfroy, and on the other side by lands of John Askins, jr. Whereupon Isreal Ruland was brought forward as a witness in behalf of the claimant, who, being duly

sworn, deposed and said that previous to July 1, 1796, the claimant was in possession of the premises, which he then caused to be cultivated, and has continued to do so ever since. The deponent further says that he was the agent of the claimant for several years, and kept people working on the premises. There are four acres under cultivation, and fences thereon erected and standing. "Postponed." Whereupon a full examination being had in the premises, and it being satisfactorily shown that the assignee of said claimant, George McDougall, was, by said claimant, duly authorized to obtain a confirmation of the said claim for his own benefit; and the decisions of the present commissioners being required in the case, they do decide that the said claim is well supported, and ought to have been confirmed to the said George; but it further appearing that the whole of the said tract was comprehended within the lines of the tract confirmed and patented to Gabriel Godfroy, although the said Gabriel did not comprehend the same in his original entry of claim, owing, most probably, to the circumstance that the claim of the said George was postponed by the then board of commissioners, and consequently that the then surveyor of private claims was not authorized to survey any part of said land for the said George, the commissioners do not consider themselves competent to confirm the same to said George, but respectfully recommend the case of said George for the favorable notice of Congress; and that the said George may be permitted to locate his aforesaid claim of 300 acres of land upon fractional section No. 30, in township No. 6 south, of range No. 10 east, of the public lands offered for sale at Detroit, and remaining unsold, or elsewhere in the vicinity; provided that the said fractional section shall have been sold at the time said George shall be allowed to make his location.

DETROIT, *September* 30, 1823.

I, William Brooks, in behalf of Edward Brooks, hereby give notice to the commissioners for ascertaining and deciding upon land claims of his claim to a back concession or donation of land, or an equivalent thereto, in rear of a farm owned by him, situate on the Detroit river, containing three arpents in front by forty in depth.

WILLIAM BROOKS.

DETROIT, *November* 1, 1823.

I, William Brooks, of the county of Wayne and Territory of Michigan, testify as follows: That the deponent knows, from the general notoriety of the fact, that, at the time prescribed by law for entering claims to back concessions or donations of land in rear of the farms on the Detroit river, the farm mentioned in the preceding notice was *owned* by absent and minor heirs, and that, consequently, no notice of this claim was filed with the commissioners; that, in consequence of this circumstance, together with the circumstance of a bend in the river not leaving sufficient lands immediately contiguous to give each farm a quantity equal to their respective fronts, the land in rear of the farm referred to in the notice prefixed was confirmed and patented to an adjoining claimant; the words "that" and "the" being interlined in the third line, and the words "was owned by" in the sixth, previous to signing.

WILLIAM BROOKS.

Signed and affirmed to before me November 1, 1823.

JOHN BIDDLE, *one of the Commissioners.*

In support of the preceding claim of Edward Brooks the following papers are produced, namely: a deed from Lewis Cass, attorney for J. Cross and Harriet Cross, his wife, conveying to said Edward an undivided moiety of a certain tract of land confirmed to Julien Hamtramck and Harriet Hamtramck, by the patent of the President of the United States, dated April 20, 1811, containing 72.79 acres, situate on Detroit river, and bounded and described as follows: beginning at a post standing on a border of Detroit river, between this tract and a tract confirmed to the widow and heirs of A. Morace; thence N. 31° W., 116 chains, to a post; thence N. 50° E., 6 chains 30 links, to a post; thence S. 31° E., 115 chains 67 links, to a post standing on the border of the river Detroit, between this tract and a tract confirmed to Jean B. Chapaton; thence, along the border of said river, S. 56° W., 6 chains 31 links, to the place of beginning; also a deed from Edward Roberts, attorney of Harriet Lain and Julia Ann Lain, conveying to said Edward Brooks an undivided moiety of the before-described premises.

DETROIT, *November* 1, 1823.

The commissioners, in considering of the foregoing claim of Edward Brooks, do decide that notice thereof was duly filed under the act of March 3, 1817; the board are therefore of opinion that confirmation ought, in justice and equity, to be adjudged to the said Edward Brooks; but they find that all the lands adjoining to the front or farm claimed by him, in virtue of the patent and title above noticed, is already confirmed to other claimants; they therefore do not feel authorized to confirm the same absolutely, but respectfully recommend to Congress a confirmation of the said claim; and that the said Edward Brooks be allowed to locate 72.97 acres of land, being a quantity equal to that contained in his front, on that part of fractional section No. 28, in township No. 1 south, of range No. 12 east, of the public land in the district of Detroit, reserved from public sale for the satisfaction of private claims, which may be nearest his said front, and adjoining to the private claims heretofore confirmed.

NOTICE.—Louis Brakeman enters his claim for confirmation before the commissioners appointed for that purposes for the Territory of Michigan, to the following tract of land, lying and being in the county of St. Clair, situate and lying at the head of Harson island, in the river St. Clair, bounded as follows, namely: beginning at the upper end of said island, running down stream to the north branch of said river, to a small branch of said north channel, which runs across said island, and intersects the middle channel of said river; thence across said island, by said small branch, to the middle channel of said river; from thence northwardly up said middle channel to the place of beginning, containing 150 acres; which tract he prays may be confirmed to him.

LOUIS T. BRAKEMAN,
By his attorneys, HUNT & LARNED.

TERRITORY OF MICHIGAN, *County of St. Clair, ss:*

Be it remembered that on the 13th day of October, in the year of our Lord 1823, personally came before me, the undersigned, one of the justices of the peace within and for the county aforesaid, William Thorn, sen., who, being duly sworn, deposeth and saith that the land on the head of Harson's island, in the river St. Clair, and within the county aforesaid, was improved for hay and pasturage previous to the year A. D. 1796, by the Harsons, who had possession of the whole island, and were supposed to have as good a claim to the head of the island as any other part of it; and the said farm has been improved and occupied by Hugh McCollum, who resided on said farm, which said farm is now occupied and improved by John Reynolds, who is now living in the same house that Hugh McCollum and others lived in on said farm; said farm is supposed to contain from 100 to 150 acres. The above is according to the best of this deponent's knowledge and recollection.

WILLIAM THORN.

Sworn and subscribed before me, at St. Clair Point office, the day and year first above written.
JOHN K. SMITH, *J. P.*

TERRITORY OF MICHIGAN, *County of St. Clair, ss:*

Be it remembered that on the 10th day of October, A. D. 1823, personally appeard before me, the undersigned, justice of the peace within and for the county aforesaid, James Cartwright, sen., who, after being duly sworn, deposeth and saith that the head of Harson's island, on the river St. Clair, and within the county of St. Clair, was improved for hay and pasturage previous to the year A. D. 1796, by the Harsons, who claimed it at that time, as they did the rest of said island; and the same farm has been since claimed and occupied by Hugh McCollum, who resided on the said farm, and is now occupied and improved by John Reynolds, who was living in the same house that Hugh McCollum and others occupied on said farm before mentioned. And further the deponent saith not.

JAMES CARTWRIGHT, SEN.

Sworn and subscribed before me, at St. Clair Point office, the day and year first above written.
JOHN K. SMITH, *J. P., St. Clair County, Michigan Territory.*

TERRITORY OF MICHIGAN, *County of St. Clair, ss:*

Be it remembered that on the 23d day of October, A. D. 1823, personally appeared before me, the undersigned, one of the justices of the peace within and for the county aforesaid, William Harson, who, after being duly sworn, deposeth and saith that previous to the year 1796 a man known by the name of Sergeant Jack, who had lived about this deponent's father's, was permitted by this deponent's father to go on to the head of Harson's island and improve the land; and said Sergeant Jack did live on the head of Harson's island, and got out timber to build a house, and raised a field of corn on the same farm which Louis J. Brakeman has purchased from John Reynolds; and this deponent further states, upon his oath, that the said farm, on the head of said Harson's island, has been conveyed from one person to another to the said L. J. Brakeman, who this deponent believes to have the only justifiable claim to said farm. Said farm lies on the head of Harson's island, and contains about 100 acres of land, which has been occupied by this deponent and father, for hay and pasturage, previous to Sergeant Jack's occupying it; said Sergeant lived in a cabin on said farm, something similar to the natives. Further this deponent saith not.

WILLIAM HARSON.

Sworn and subscribed before me, at St. Clair Point office, the day and year first above written.
JOHN K. SMITH, *Justice of the Peace.*

This indenture, made at Harson's island this 16th day of October, A. D. 1818, witnesseth: That William Harson, for and in consideration of the friendship that he hath and beareth unto Hugh McCollum, hath given, granted, aliened, and confirmed, and by these presents doth give, grant, alien and confirm, unto the said Hugh McCollum all the messuage or tenement situate, lying, and being on the head of Harson's island, with all and singular its appurtenances, and all houses, out-houses, being bounded as follows, viz: beginning at the uppermost point of said Harson's island, and running down the north branch of the river St. Clair to a small branch of said north branch; thence along said small branch or creek until it empties into the south branch of said river St. Clair; thence, up said south branch, to the beginning, containing 150 acres, be it more or less; and the remainder and remainders, rents and services of the said tract, and all the estate, right, title, interest, claim, and demand whatsoever of him, the said W. Harson, in and to the said messuage or tenement, lands and premises, and of and to every parcel thereof, with the appurtenances: to have and to hold the said messuage or tenement, land or premises, hereby given and granted, or mentioned, to the said H. McCollum his heirs and assigns forever; and the said W. Harson, for himself, his heirs and assigns, doth covenant, promise, and grant, by these presents, that the said Hugh McCollum, his heirs and assigns, shall lawfully, from henceforth, forever hereafter peacefully and quietly, have, hold, occupy, possess, and enjoy the said messuage or tenements, or lands, hereditaments ,and premises, hereby given and granted, or mentioned to be, with their and every of their appurtenances, free, clear, and discharged of and from all former and other gifts, grants, bargains and sales, jointures or drawers, and of all other titles, troubles, charges, or encumbrances whatsoever had, made, done, committed, or suffered by him, the said William Harson, his heirs or assigns, or any other person or persons lawfully claiming or to claim by, from, or under him, them, or any of them; and the said William Harson, for himself, his heirs and assigns, doth covenant and promise to warrant and defend the said messuage, tenements, lands, hereditaments, and premises, against his heirs or assigns, or every or any person whatsoever, the government into whose hands the island may fall excepted.

In witness whereof, the said William Harson hath hereunto set his hand and seal the day and year above written.

WILLIAM HARSON. [L. S.]

Signed, sealed, and delivered in the presence of—
HARVEY STEWART.
CHARLES STEWART.
GEORGE LITTLE.

This indenture, made at Camden, river Thames, this 25th of February, A. D. 1820, witnesseth: That Hugh McCollum, for and in consideration of the sum of $350 to him in hand paid by John Reynolds, hath given, granted, aliened, and confirmed, and by these presents doth give, grant, alien and confirm, unto the said John Reynolds all that messuage or tenements situate and lying on the head of Harson's island, with all and singular its appurtenances, and houses and out-houses, being bounded as follows: beginning at the uppermost point of Harson's island, and running down the north branch of the river St. Clair to a small branch of said north branch; thence along said small branch or creek until it empties into the south branch of said river St. Clair; thence, up said south branch, to the place of beginning, containing 150 acres, be it more or less; and the remainder and remainders, rents and services of the said tract, and all and singular the estate, right, title, interest, claim, and demand whatsoever of him, the said Hugh McCollum, in and to the said messuage and tenements, lands and premises, of and to every parcel thereof, with the appurtenances: to have and to hold the said messuage or tenements, lands and premises, hereby given and granted, or mentioned, to the said John Reynolds, his heirs and assigns, forever; and the said Hugh McCollum, for himself, his heirs and assigns, doth covenant, promise, and grant by these presents that the said John Reynolds, his heirs and assigns, shall, from henceforth, forever hereafter peaceably and quietly have, hold, occupy, possess, and enjoy the said messuage or tenements, land, hereditaments, and premises hereby given and granted, or mentioned to be, with their and every of their appurtenances, free, clear, and discharged of and from all former and other gifts, grants, bargains and sales, jointures and drawers, and of all other titles, troubles, charges, and encumbrances whatsoever had, made, done, committed, or suffered by him, the said Hugh McCollum, his heirs or assigns, or any other person or persons lawfully claiming, or to claim, by, from, or under him, them, or any or either of them; and the said Hugh McCollum, for himself, his heirs, and assigns, doth covenant and promise to warrant and defend the said messuage or tenements of land, hereditaments, and premises against his heirs or assigns, or any other person or persons, the government into whose hands the island may fall excepted.

In witness whereof, the said Hugh McCollum hath hereunto set his hand and seal the day and year above written.

HUGH McCOLLUM. [L. S.]

Signed, sealed, and delivered in the presence of—
MILO R. WEBSTER.
JESSE COLL.

This may certify to all whom it may concern that I, John Reynolds, have and hereby do transfer and sign over all my right, title, claim, and demand whatsoever, of the within-described premises, for and in consideration of $150 to me in hand paid by Louis J. Brakeman.

In witness whereof, I have signed my name this 18th day of September, A. D. 1823, at Harson's island.

JOHN REYNOLDS.

In presence of—
JOHN his + mark. ASKINS.

This indenture, made this 25th day of September, A. D. 1823, between John Reynolds, of Harson's island, county of St. Clair and Territory of Michigan, late of Upper Canada, of the first part, and Louis J. Brakeman, of Amersburg, Upper Canada, a late resident and citizen of the State of Ohio, of the second part, witnesseth: That the said John Reynolds, the party of the first part, for and in consideration of the sum of $150 to him in hand paid by the said Louis J. Brakeman, the party of the second part, the receipt whereof is hereby confessed and acknowledged, hath bargained, sold, remised, and quit-claimed, and by these presents doth bargain, sell, and remise, unto the said Louis J. Brakeman, the party of the second part, (in his actual possession now being,) and to his heirs and assigns forever, all of a certain piece or parcel of land, messuage, or tenements, situate and lying on the head of Harson's island, in the river St. Clair, and within the county of St. Clair and Territory of Michigan, bounded as follows, viz: beginning at the upper end of said Harson's island, and running down stream, and down the north branch of said river St. Clair, to a small branch of said north channel, which runs across said island, and intersects the middle channel of said river St. Clair; thence across said island, by said small branch, to the middle channel of said river St. Clair; from thence, northwardly, up said middle channel, to the place of beginning, containing 150 acres, be the same more or less, together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and also all the estate, right, title, interest, claim, or demand whatsoever of him, the said John Reynolds, the party of the first part, either in law or equity, of, in, and to the above-bargained premises, and of every part and parcel thereof, to the said Louis J. Brakeman, the party of the second part, his heirs and assigns, to the sole and only proper use, benefit, and behoof of the said Louis J. Brakeman, the party of the second part, his heirs and assigns, forever.

In witness whereof, the said John Reynolds, the party of the first part, hath hereunto signed his name and affixed his seal, at St. Clair Point office, this 25th day of September, A. D. 1823.

JOHN REYNOLDS. [L. S.]

In presence of us: J. K. SMITH.
IRA MARKS.

TERRITORY OF MICHIGAN, *County of St. Clair, ss:*

Be it remembered that on this 25th day of September, A. D. 1823, personally appeared before me, the undersigned, a justice of the peace within and for the county aforesaid, the above-named John Reynolds, who acknowledged to have signed and sealed the above bargain and sale for the purposes therein expressed, and that he did not wish to retract it, but desired the same to be recorded as such.

Given under my hand and seal, at St. Clair, the day and year first above written.

JOHN K. SMITH, [L. S.]
Justice of the Peace, Michigan Territory, St. Clair County.

DETROIT, *November* 1, 1823.

Upon examination of the preceding claim of Louis J. Brakeman the commissioners decide that, it appearing to be included in a notice of claim heretofore filed according to law, the same be confirmed to

the claimant, provided that the tract shall not contain more than the quantity claimed, and that the lines be so run as not to interfere with any confirmations heretofore made. The said Brakeman produces evidence satisfactory to the commissioners of his having derived title by successive conveyances from the heirs of William Harson, in whose name the original notice of claim was given.

FRENCHTOWN, *February* 13, 1823.

I, Jean Bpt. Bernard, farmer, formerly inhabitant of the river Raisin, district of Erie, in the Territory of Michigan, now residing at Amersburg, in the British province of Upper Canada, do solemnly attest and declare that I did reside and did work, in the years 1794 and 1795, with Joseph Lenfant, farmer, now deceased, on a certain tract of land situated north of Sandy creek, in the said Territory. I further attest and declare that it is within my perfect knowledge that said tract of land was afterwards occupied and possessed by Guy Joachim, Giroux, and Martin Nadaux, the now present possessor.

his
JEAN B. ⋈ BERNARD. [L. S.]
mark.

Witness: PIERRE P. FERRY.

TERRITORY OF MICHIGAN, *County of Monroe, ss:*

Before me, one of the justices of the peace within and for the county of Monroe aforesaid, personally appeared Jean Bpt. Bernard, and did solemnly swear that the above declaration contains the truth, and to be his voluntary act and deed.

In witness whereof, I have set my hand and seal this 13th day of February, A. D. 1822, and the forty-seventh year of the independence of the United States of America.

PETER P. FERRY, *Justice of the Peace.*

FRENCHTOWN, *October* 10, 1823.

I, Benjamin Lenfant, farmer, of Frenchtown, county of Monroe, in the Territory of Michigan, do solemnly attest and declare that in the year 1794 Joseph Lenfant, now deceased, then an inhabitant of the river Raisin, district of Erie, was occupying a certain tract of land situate north of Sandy creek; that in the year 1806 or 1807 said tract of land was entered by said Lenfant, and that a certificate was delivered to him by Christopher Tuttle, esq.; that I was in possession of that certificate; that it was lost, with all my other papers, during the troubles of the last war; that said tract of land was occupied by Guy Joachim, Giroux; and that after the death of Joseph, and as administrator on his estate, I gave possession of the said land to Martin Nadaux, farmer, of Frenchtown, the now present occupier.

his
BENJAMIN ⋈ LENFANT. [L. S.]
mark.

Witness: P. P. FERRY.

TERRITORY OF MICHIGAN, *County of Monroe, ss:*

Before me, the subscriber, one of the justices of the peace within and for the county of Monroe aforesaid, personally appeared Benjamin Lenfant, farmer, of Frenchtown, and did solemnly swear that the above declaration contains the truth, and to be his voluntary act and deed.

In witness whereof, I have hereunto set my hand and seal this 10th day of October, A. D. 1823, and the forty-eighth year of the independence of the United States of America.

P. P. FERRY, *Justice of the Peace.*

MONROE, *October* 13, 1823.

I, John Anderson, merchant, of Frenchtown, in the county of Monroe, in the Territory of Michigan, do solemnly attest and declare that in the year 1807 or 1808 Christopher Tuttle was appointed by the late Peter Audrain, register of the land office at Detroit, to receive entries to land, and grant certificates to them to remain on said land until called for by government.

JOHN ANDERSON.

TERRITORY OF MICHIGAN, *County of Monroe, ss:*

Before me, the subscriber, one of the justices of the peace within and for the county of Monroe aforesaid, personally appeared John Anderson, esq., of the town of Frenchtown, and solemnly swears that the above declaration contains the truth, and to be his voluntary act and deed.

In witness whereof, I have set my hand and seal this 13th day of October, A. D. 1823, and the forty-eighth year of the independence of the United States of America.

PETER P. FERRY, *Justice of the Peace.*

In the preceding case of Martin Nadaux, the commissioners are of opinion that there are reasonable grounds for the conclusion that the tract here claimed was continually occupied and cultivated by Joseph Lenfant, and by the other named intermediate occupants, until 1807 or 1808, when present claimant, Martin Nadaux, took possession by virtue of transfer from the administration of said Joseph Lenfant, and that said Nadaux has remained in possession since that time, and now occupies the same. The board do therefore recommend the said tract for confirmation, provided that the same shall not contain more than 160 acres, and shall not exceed four French arpents in front upon Sandy creek, and not to extend in depth beyond the river Aux Roches or Rocky river; and provided, also, that the lines of said tract shall be so run as to include the present improvements, and shall not interfere with the lines of any tract of land heretofore, or by this board, confirmed, or recommended for confirmation.

In explanation of the preceding report, the commissioners beg leave to observe that, under a strict construction of the laws of Congress by which they were empowered to adjust the private claims to lands in this Territory, they would have been justified in refusing to receive or act upon the foregoing claims, because they were not filed with the register in due time. This board, however, aware of the characteristic

negligence of the French population, and their ignorance of all legal matters, and especially of the liberal enactments of Congress relative to their land claims, were willing to receive, even at this late day, their claims, and to hear the testimony adduced in support of them. Under these circumstances, this board did not believe that they had authority unconditionally to confirm; but where claims appeared well substantiated, and rested upon strong equitable grounds, the commissioners have recommended them to Congress for confirmation.

No. 232.—*Claim of the heirs of John Askin, esq., deceased.*

The consideration of the board being called to the claim of John Askin, esq., No. 232, preferred before a former board on November 19, 1806, and again taken into consideration by the board on July 12, 1808, in volume 5, page 2, of their proceedings, and then postponed, but again further considered on December 11, 1809, in volume 7, page 103, and then finally not acted upon affirmatively, on the grounds that the commissioners believed the land claimed not to be within the land district of Detroit, and consequently not within their power for confirmation: thereupon the present board having considered the said claim, with all the circumstances attending the same, are of opinion that they have not power to confirm the claim, because they are advised that the said lands are included within a reservation made to the Ottawas or other Indian tribes, subsequent, however, to the original entry by said Askin of this claim. The board do therefore recommend this matter to the favorable notice of Congress.

The commissioners appointed under the act of Congress approved February 21, 1823, entitled "An act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan," do certify that they have compared the foregoing supplementary report with their original journal of proceedings upon these claims, and that this transcript is a true and correct copy thereof.

In testimony whereof, we have subscribed our signatures.

WILLIAM WOODBRIDGE.
J. KEARSLEY.
JOHN BIDDLE.

[The following reports were published, in addition, at the request of the land office.]

Report concerning the land titles at Green Bay, in the county of Brown, Territory of Michigan.

Except that this French settlement is older than that at the Prairie des Chiens, the claims of its present inhabitants rest upon the same basis.

As the same general observations will apply to each class of cases indiscriminately, the commissioners beg leave to refer to the views they have submitted in their report relative to the Prairie des Chiens titles.

Pere Allowez, an enterprising Catholic missionary, became located at Green Bay, superintending a religious establishment there in 1668; and from that period the settlement at "La Baye" does not seem to have been discontinued while the French remained masters in Canada. The Chevalier de Tonti, having under his command a military force, was stationed there in the winter of 1680. The Lieutenant de Luth, a few years afterwards, held military occupancy of the post under the superintendency of the commandant of Michilimackinac, of which it was a *dependency.*

During the whole period alluded to, the Fox Indians (by Charlevoix called the Outgamies) seem to have been deemed the proprietors of the country comprehending this settlement. (The Winnebagoes may rather be considered sojourners, their establishment there being of recent origin, *than proprietors of the soil.*) These (the Fox Indians) were attacked and signally defeated by the French troops under Captain Morand, with the aid of their allies, the Chippewas, in the winter of 1706, at a place called "La Butte des Morts." A great proportion of them were destroyed in this engagement, and many driven from the country. Upon this historical fact is probably founded the frequent assertion that the country of Green Bay accrued to the French by conquest.

It has been asserted, however, with more positiveness, that the French missionary, Pere Roquette, very many years ago, obtained the possession of several leagues square of this country, comprehending the fort and the whole French settlement. This fact it would have been desirable more fully to establish; but having had access to but few books which treat of the early history of this country, no further light could be obtained on the point, except the above insulated assertion.

But, however this fact may be, "La Baye" was continually occupied as a military post and a missionary establishment until the Canadas were by treaty surrendered to the British. It seems a fact equally well established that the latter continued for sometime after their acquisition of the country to keep a military force at Green Bay as a dependency of their more important one at Michilimackinac.

The same evidence which tends to establish the fact of the purchase by Lieut. Gov. Patrick Sinclair, by a treaty holden in 1781 at Michilimackinac, of the country at Prairie des Chiens, establishes also the further one of the purchase of the country of Green Bay.

The antiquity of this settlement being, in the view of the commissioners, sufficiently established, and they being also satisfied (especially when the subject is considered in connexion with the references and the matter contained in their report concerning the land titles of Prairie des Chiens) that the Indian title must be considered to have been extinguished, little further, on the part of the commissioners, seems requisite to elucidate the governing principles of their discussions; a repetition here of the matter of their report of the Prairie des Chiens claims can hardly be esteemed necessary.

It will be perceived that a few claims have been confirmed at a place called the Kakalin. Those claims are considered to have been comprehended within the settlement of Green Bay.—(See Schoolcraft, 368.) Those at the portage between the Wisconsin and Fox rivers have not been considered as comprehended within the limits either of the Green Bay or Prairie des Chiens settlements.

All which is respectfully submitted.

WM. WOODBRIDGE,
Secretary of Michigan,
HENRY B. BREVOORT,
Reg. of the Land Office, Detroit,
J. KEARSLEY,
Rec. of the Land Office, Detroit,
} *Commiss'rs.*

TERRITORY OF MICHIGAN, *County of Crawford, ss:*

Be it remembered that on this day personally appeared before me, Isaac Lee, a justice of the peace in and for said county, and agent duly appointed to ascertain the title to lands at Green Bay and Prairie du Chien, Dennis Courtois, of said county, who, after being sworn according to law, deposeth and saith that he is fifty-two years old; that he has been a resident of Prairie du Chien twenty-nine years; that, according to the best information he has been able to obtain from the tradition of the inhabitants at Prairie du Chien, the old French fort was burned during the second year of the revolutionary war; that he has no knowledge of any building or fence being erected on the same ground since that time, but that the land between the said fort and the hills or bluffs was occupied before and since the time that deponent arrived in this country; that Prairie du Chien has been formerly occupied much in the manner of an Indian village, the lands being alternately in common, and improved in detached parts as each should please, and this by the common consent of the villagers since deponent's arrival in the country; that he (deponent) has been uniformly told by the old French inhabitants of the prairie that it was bought and paid for by the French many years ago; that he has never heard any Indian make claim to said lands.

DENNIS COURTOIS.

Sworn and subscribed before me October 21, A. D. 1820.

ISAAC LEE, *Justice of the Peace for Crawford County, and Agent.*

TERRITORY OF MICHIGAN, *County of Crawford, ss:*

Be it remembered that on this day personally appeared before me, Isaac Lee, a justice of the peace in and for said county, and agent duly appointed to ascertain the title to lands at Green Bay and Prairie du Chien, Michael Brisbois, of said county, who, after being sworn according to law, deposeth and saith that he (this deponent) is sixty years of age; that he has been thirty-nine years in this country; that, from the best information he has been able to obtain, and from his own knowledge, Prairie du Chien, extending from the mouth of the river Wisconsin to the upper part of the prairie, has been occupied and cultivated in small improvements in virtue of sundry claims of French people, both before and since deponent's arrival in the country; that he (deponent) has never heard of any Indian claim to said tract, except that, about eighteen years ago, the French people became somewhat apprehensive as to their title, which fact being made known to the Indians, one of the first chiefs of the Fox nation, named Nanponis, ratified at Kahokia, near St. Louis, an ancient sale of said prairie to the French; that in the year seventeen hundred and eighty-one Governor St. Clair bought the island of Michilimackinac, Green Bay, and Prairie du Chien; that this deponent saw the papers relating to said purchase executed and folded up to be sent to Montreal or Quebec. Deponent was informed on his first arrival at this place that it derived its name from a large family called Les Chiens who formerly resided here; that the same family, or the descendants, were here at the time of deponent's arrival, and were called Les Chiens.

M. BRISBOIS.

Sworn and subscribed before me October 21, A. D. 1820.

ISAAC LEE, *Justice of the Peace for Crawford County, and Agent.*

TERRITORY OF MICHIGAN, *County of Crawford, ss:*

Be it remembered that on this day personally appeared before me, Isaac Lee, a justice of the peace in and for said county, and agent duly appointed to ascertain the title to lands at Green Bay and Prairie du Chien, Pierre La Pointe, of said county, who, after being sworn according to law, deposeth and saith that he is seventy years of age; that he has been forty-four years in this country, of which period he has resided thirty-eight years at Prairie du Chien; that in the year 1781 this deponent was at Michilimackinac, and acted in the capacity of interpreter at the treaty held by Governor Sinclair with the Indians for the purchase of the island of Michilimackinac, Green Bay, and Prairie du Chien; that during the time deponent has resided at the Prairie he has never known the Indians to make claim to said tract of land as their property; that deponent was present at Prairie du Chien and saw the goods delivered to the Indians, in payment for the said Prairie, by Bazil Gurd, Pierre Antya, and Augustus Ange, according to the stipulations of the treaty with Governor Sinclair above mentioned.

his
PIERRE + LA POINTE.
mark.

Sworn and subscribed before me October 23, 1820.

ISAAC LEE, *Justice of the Peace for Crawford County, and Agent.*

MICHILIMACKINAC, *April* 13, 1703.

I have of this date given permission to Messrs. Longlade, pere et fils, to live at the post of the La Baye, and do hereby order that no person may interrupt them in their voyage thither with their wives, children, servants, and baggage.

GEO. ETHRINGTON, *Commandant.*

ARBOR CROCH, *le* 28 *June*, 1763.

MONSIEUR: J'ai en le plaisir de recevoir quatre de vos lettres, mais comme je n'avoit vien de Nauvau à vous écriré, j'ai deffin de vous faire reponse jus qu'aujourdhuie.

Le connôt de la Baye est arrivé, qui nous annonce que les nations de la Baye sont actuelement en clumoire pour venire nous joindre et nous donne raison de ces attendre a tous moments, avec tout les Anglais qui étoient à la Baye. Le commandant de la Baye marque qui'ils sont fort bien disposé á notre egard.

Les Nouvelles que vous me marquez, de la part de Monsieur Ducharme ma été dit hier, mais ils sont si extraordinaire que je ne puis pas les croire: comme j'attends les quatre nations de la Baye de tous moment je vous prie d'envoyer un connôt avec 12 Sacs de Bled, 12 canots de Fabac, et s'il est possible de les avoire, quatre ou cinque collus de la porceline avec le Bled et le Fabac Domaine. S'il ne fait pas traux pour le connôt, envoyez un homme par terre avec les Nouvelles, domain dans m'avez ecrit quelque chose de mauvois discours de notre commer ecrits, je les ai interogé, et ils le nient, mais comme je suit persuadé que il n'avoit pas raison de tenir ce sort de discours vous me fenez le plaisir de m'instruire qué

là dit: et s'il est possible d'inconvainure quelqu'un, il sera punis severement. Sur le sujet des deux Outawas, vous les donnerez quelque petit present et les encourage travailler bien, et qu'ils ne seront point oublir quand les affairs seront accommodé.

Sur le sujet de suvan, si vous pensez que la risque de la garde dans le fort, est trop grande, vous poursez l'envoyer à la mission, mais pour Fitzpatrick, vous finez bien d' l'envoyer in par la premier occasion, et de faire courir un brevet que vous avez fait autant avec l'Anglaise; et apres cela de la tenir bien cachié ou de la faire etranger de logis.

Comme j'attends bien de monde de la Baye j'amais besoin pour six livres de vermillion. Commez il est encertain quel effect les Nouvelles de la Baye accront, sur les sauteurs je vous prie de vous tenir sur votre garde, Monsieur Leshy est moi present la tit prenons la liberté de saluter tout votre famile et tout nos amis dans le fort Jensuis.

Monsieur, votre tres humble et tres obeissant serviteur,

GEO. ETHRINGTON.

Je vous avoye des ordens de commandant, pour le Bled et autre chose que vous amez besoin. Monsieur La Combe vous fournira de monde pour envoyez ici.

Par l'honorable Patrice Sinclair ecuyer, capitaine dans le regiment 84me., lieuténant governeur surmetendant et commandant de la poste à Mackinac et dependencies, &c.

Madame Longlade à permission d'aller á la Baye, pour y entre en possession de ses maisons, jardins, fermes, et biens. Elle amene un engagé avec elle.

Donné sous ma main et sceau de poste ce 14 Sept. 1782.

PAT. SINCLAIR, [L. S.]
Lieutenant Governor.

Par order de Lieutenant Governeur: JOHN COATS.

C'est defendre aux commercans passants á la Baye, d'y outre l'eaude Nie aux sauvages.

PAT. SINCLAIR, *Lieutenant Governor.*

List of land claims at Green Bay, Territory of Michigan, confirmed by the commissioners, together with abstracts of the testimony in support of them, taken by Isaac Lee, esq., agent of the United States for ascertaining the titles and claims to land at the settlements of Green Bay and Prairie des Chiens, and justice of the peace duly commissioned for the counties of Crawford and Brown, Territory of Michigan. Taken between the fall and winter of one thousand eight hundred and twenty.—Farms east of Fox river.

Farm lot No. 1, east.—Demettille Longvine.

Entry of land made February 10, 1821, by Demettille Longvine, which is described as follows, viz: it being lot number one, east, at Green Bay, in the county of Brown, in the Territory of Michigan, commencing at the mouth of Devil river, and extending from thence down Fox river one mile; thence, turning at a right angle, southerly, one mile; thence to the place of beginning; bounded on the south by lands claimed by the heirs of Pierre Grignon, and on the north and east by unlocated lands.

TESTIMONY.

Laurent Fely, being duly sworn, deposeth and saith that the above-mentioned Demettille Longvine is the daughter of Charles Longlade, and the wife of Jean Bt. Longvine; that he, this deponent, knows that the descendants of said Longlade have occupied the above-described tract of land, for the purpose of cutting hay and wood, from about the year 1788, but is not certain that it was occupied every year since that time.

Farm lot No. 2, east.—Heirs of Pierre Grignon.

Entry of land made February 10, 1821, by the heirs of Pierre Grignon, deceased, which is described as follows: it being lot number two, east, at Green Bay, bounded as follows: commencing at the mouth of the river called the Devil's river; from thence extending up Fox river so as to make on a right line about twenty-two arpents; thence, turning easterly and running the general course of the fences, twenty-seven arpents; thence northerly, twenty-two arpents, to the lands claimed by Demettille Longvine; from thence, along said line, to Fox river; bounded on the south by lands claimed by Pierre Grignon; on the east by unlocated lands.

TESTIMONY.

Laurent Fely, being duly sworn, deposeth and saith that the above-described tract of land has been occupied from about the year one thousand seven hundred and eighty-eight to the present time by the said Pierre Grignon, deceased, and his heirs.

Farm lot No. 3, east.—Pierre Grignon.

Entry of land made this tenth day of February, one thousand eight hundred and twenty-one, by Pierre Grignon, which is described as follows: it being lot number three, at Green Bay, commencing on the border of Fox river, on the line between this tract and tract number two; thence, along the border of said river, up stream, four and one-half arpents, to a tract claimed by Augustus Grignon; thence northerly, four and one-half arpents, to lot number two; thence to the place of beginning.

TESTIMONY.

Laurent Fely, being duly sworn, deposeth and saith that the above-described tract of land, previous to and in the year one thousand seven hundred and eighty-eight, was occupied by Amable Roy, after

whose death it was sold to Pierre Grignon; and that, to the best of his knowledge and belief, it has been continually occupied from and before the year one thousand seven hundred and eighty-eight to the present time; and that Pierre Grignon is the legal owner.

Farm lot No. 4, east.—Augustus Grignon.

Entry of land made this tenth day of February, one thousand eight hundred and twenty-one, by Augustus Grignon, which is described as follows, viz: being lot number four, commencing on the border of Fox river, on the line between this tract and tract number three; thence, along the border of said river, up stream, four and one-half arpents, to a tract claimed by Pierre Grignon; thence easterly, on the line of said tract, one hundred and twenty arpents; thence northerly, four and one-half acres, to the line of lot number three; thence to the place of beginning, excepting therefrom one square arpent deeded by claimant to Joseph Jourdin on the southwest corner of said tract.

TESTIMONY.

Laurent Fely, being duly sworn, deposeth and saith that the above-described tract of land was occupied by George Meldrum, William Grant, and McBeth Grant & Co., and by them sold to Pierre Grignon, deceased, after whose death it fell to Augustus Grignon; and that it has been occupied from one thousand seven hundred and eighty-seven to the present time.

Farm lot No. 5, east.—Pierre Grignon.

Entry of land made this tenth day of February, one thousand eight hundred and twenty-one, by Pierre Grignon, which is described as follows, viz: it being lot number five, commencing on Fox river, on the line between this tract and the tract claimed by Augustus Grignon; thence, along the border of said river, up stream, four arpents and sixteen feet, to lands claimed by John Lawe; thence easterly, one hundred and twenty acres; thence northerly, to tract number four; thence to the place of beginning.

TESTIMONY.

Laurent Fely, being duly sworn, deposeth and saith that the above-described tract of land was occupied in the year one thousand eight hundred and seven by George Meldrum, Wm. Grant, McBeth Grant & Co., and by them sold to Pierre Grignon, deceased, on whose death it fell to the present Pierre Grignon; that it has been continually occupied from that time to the present, according to the best of his knowledge and belief.

Farm lot No. 6, east.—John Lawe.

Entry of land made this fifth day of April, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows, viz: it being lot number six, on the east side of Fox river, bounded on the north by land claimed by the said John Lawe; it being thirteen chains and fifty links in width, and extending eastwardly from Fox river one hundred and fifty arpents, it being the farm that Jacob Francks purchased of Dominique Ducharme.

TESTIMONY.

Pierre Charlefou, being duly sworn, deposeth and saith that the above-described tract of land was occupied in the year one thousand seven hundred and ninety by a man by the name of Barrine; afterwards, in one thousand seven hundred and ninety-four, by Dominique Ducharme; and after that by Jacob Francks; that it has been continually occupied from one thousand seven hundred and ninety to the present time.

Farm lot No. 7, east.—John Lawe.

Entry of land made this fifth day of April, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows, viz: it being lot number seven, on the east side of the river, bounded on the north and south by other lands claimed by the said John Lawe, and is thirteen chains and fifty links in width, and extends easterly from Fox river one hundred and fifty arpents, being the farm first occupied by Jacob Francks.

TESTIMONY.

Laurent Fely, being duly sworn, deposeth and saith that he, this deponent, planted pickets on the above-described tract of land in the year one thousand seven hundred and ninety-five, when it was claimed by Jacob Francks; that it has been continually occupied from that time to the present by the said Jacob Francks and the above-named John Lawe.

Farm lot No. 8, east.—John Lawe.

Entry of land made this fifth day of April, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows: it being lot number eight, on the east side of Fox river, bounded on the south by lands claimed by Louis Grignon; on the north by lot number seven, claimed by said John Lawe; it being nine chains and fifty links in width, and extending easterly from said Fox river one hundred and fifty arpents, it being the farm that Jacob Francks purchased from Bartolemi Chevallier.

TESTIMONY.

Laurent Fely and Pierre Charlefou, being duly sworn, depose and say that, to their knowledge, in the spring of one thousand seven hundred and ninety-five Bartholomew Chevallier occupied the above-

described tract of land; that it was afterwards the property of Jacob Francks; that, to the best of their knowledge, said farm has been continually occupied from one thousand seven hundred and ninety-five to the present time.

John Jacob, being duly sworn, deposeth and saith that the aforesaid described tract of land, number eight, was purchased by Jacob Francks from Bartholomew Chevallier in the year one thousand eight hundred and eight or nine; that said tract is at present the property of John Lawe.

Farm lot No. 8, *east.—Louis Grignon.*

Entry of land made this fifth day of April, one thousand eight hundred and twenty-one, by Louis Grignon, which is described as follows, viz: it being lot number nine, on the east side of Fox river, bounded on the north by land claimed by John Lawe; on the south by land claimed by Louis Rouse, it being fifteen chains and thirty links in width, and extending from Fox river easterly one hundred and thirty acres.

TESTIMONY.

Pierre Charlefou, being duly sworn, deposeth and saith that he, the deponent, commenced clearing said farm in the spring of one thousand seven hundred and ninety-four; that the next season he built a house upon the same, and continued until one thousand seven hundred and ninety-eight, when Louis Grignon came into possession of the improvements, and has continued there until the present time, and continually occupied and improved the farm.

Likewise, Louis Dequire, being duly sworn, deposeth and saith that the aforesaid described land, claimed by Louis Grignon, was first occupied by Pierre Charlefou, but does not recollect how many years since, but thinks it was twenty-six or seven years ago; that he, this deponent, has lived at Green Bay ever since Pierre Charlefou settled on the aforesaid land, and knows that it has been continually occupied to the present time by said Charlefou and Grignon.

Farm lot No. 10, *east.—Louis Rouse.*

Entry of land made this fifth day of April, one thousand eight hundred and twenty-one, by Louis Rouse, which is described as follows: it being lot No. 10 on the east side of Fox river, bounded on the north by land claimed by Louis Grignon, on the south by land claimed by Benjamin Smith, and is nine chains and fifty links in width, and extends from Fox river to the river Au Diable, supposed to be one mile and a quarter.

TESTIMONY.

Jean Bpt. Grignon, being duly sworn, deposeth and saith that the above-described tract of land was built upon fifteen years ago by Joseph Houlle, who sold to George Foster, who the same year sold to Redford Crawford, deceased; then this deponent was in possession for two years, after which it came into the possession of said George Foster, who sold it to the above-named Louis Rouse, who is now in possession; that it had been continually occupied for this last fifteen years.

ADDITIONAL TESTIMONY.

Louis Dequire, being duly sworn, deposeth and saith that the aforesaid tract of land, claimed by Louis Rouse, was occupied twenty-five or thirty years ago by Joseph Perrigord; that it has been occupied by several other persons, and, to the best of his knowledge, it has been continually occupied for twenty-five or six years last past; that he is positive that said tract has been occupied and improved almost the whole time.

Farm lot No. 11, *east.—Benjamin Smith.*

Entry of land made this fifth day of April, one thousand eight hundred and twenty, by Benjamin Smith, which is described as follows, viz: it being lot No. 11, on the east side of Fox river, bounded on the north by land claimed by Louis Rouse, on the south by land claimed by Michael Dousman, and is nine chains and fifty links in width, and extends from Fox river to the river Au Diable, supposed to be one mile and one-fourth.

TESTIMONY.

Joseph Pangor, being duly sworn, deposeth and saith that the above-described tract of land was occupied by this deponent twenty-three years ago; that said tract has not been continually occupied ever since that time, but it has been for the greatest part of the time, and, to the best of his knowledge, the above-named Benjamin Smith is the just claimant.

ADDITIONAL TESTIMONY.

Louis Dequire, being duly sworn, deposeth and saith that the aforesaid tract of land, claimed by Benjamin Smith, was occupied twenty-five or six years ago by Joseph Pangor, afterwards by one Jarceire, and passed through several other hands, and lastly to the aforesaid Benjamin Smith, who is the present owner; that he cannot say that it has not been occupied every year for the last twenty-six years; that Joseph Pangor is mistaken as to its being only twenty-three years.

Farm lot No. 44, *east.—Amable Durocher.*

Entry of land made this seventh day of April, one thousand eight hundred and twenty-one, by Amable Durocher, which is described as follows, viz: it being lot No. 14, on the east side of Fox river, bounded

on the north by land claimed by Louis Brasipre, on the south by land claimed by Jean Bpt. Grignon, and is eighteen chains and twenty links in width, and extends from Fox river to the river Au Diable, supposed to be one mile and a quarter.

TESTIMONY.

Presque Hyotte and Louis Gravelle, being duly sworn, depose and say that the above-described tract of land has been continually occupied by the mother and family of the above-named Amable Durocher for at least twenty years; that the father of the above-named claimant left this country about twenty years ago, and, to the best of their knowledge, Amable Durocher is the just claimant to the above-described tract of land.

Farm lot No. 15, *east.—Jean Bt. Grignon.*

Entry of land made this seventh day of April, one thousand eight hundred and twenty-one, by Jean Bt. Grignon, which is described as follows: being lot No. 15, on the east side of Fox river, and is bounded on the north by land claimed by Amable Durocher, on the south by land claimed by Jean Bt. Labord, and is eight chains and twenty links in width, and extends from Fox river on the west to the river Au Diable, supposed to be about one mile and a quarter.

TESTIMONY.

Presque Hyotte, being duly sworn, deposeth and saith that the above-described tract of land was occupied by Amable Durocher, sen., about twenty-three years ago; that said Amable Durocher's wife, who had been the wife of Joseph Gravelle, deceased, occupied the same twenty-eight years ago; that, from that family, said possession was transferred into the hand of Basile Laroche, who transferred the same to the above-named Jean Bt. Grignon; that the occupation had been continually kept up by the aforesaid person to the present time.

Farm lot No. 17, *east.—Joseph Ducharme.*

Entry of land made this nineteenth day of April, one thousand eight hundred and twenty-one, by Joseph Ducharme, which is described as follows, viz: it being lot No. 17, on the east side of Fox river, and is bounded on the north by land claimed by Jean Bt. Labord, jr., on the south by land claimed by Jaques Porlier, and is twenty-two chains and nineteen links in width, and extends from Fox river, on the west, running easterly seventy-five acres.

TESTIMONY.

Jaques Conchie, being duly sworn, deposeth and saith that twenty-five years ago a Canadian, whose name he has forgotten, resided in a little house on the above-described premises; that he knows that some white people have resided on said tract every year until the present time; that the above-named Joseph Ducharme has resided continually on said tract for twelve or thirteen years last past.

Farm lot No. 19, *east.—John Lawe.*

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows, viz: it being lot No. 19, on the east side of Fox river, bounded on the north by land claimed by Jaques Porlier, on the south by land claimed by Jean Bt. Labord, sen., and is forty-one chains and fifty links in width, and extending from Fox river, on the north, easterly far enough to contain one section of land.

TESTIMONY.

Jean Bt. Burnet, being duly sworn, deposeth and saith that he has been in this country more than forty years; that, to his certain knowledge, Jean Bt. Deguyer cultivated the above-described tract of land thirty years ago; that about five years after he had cultivated the land he built a house on the same; that the said Deguyer and the above-named John Lawe have continued the cultivation of the same to the present day.

ADDITIONAL TESTIMONY.

Pierre Charlefou, being duly sworn, deposeth and saith that he has been thirty-nine years in the country; that, to his knowledge, Jean Bt. Deguyer occupied and improved the aforesaid tract of land, claimed by John Lawe, at the least, twenty-eight years ago; that the occupation of the same has been continually kept up by the aforesaid Deguyer and John Lawe to the present time. Likewise, Louis Gravelle and Louis Dequire, being duly sworn, deposeth and saith that lot No. 19, on the east side of Fox river, claimed by John Lawe, was occupied twenty-seven or eight years ago by Jean Bt. Deguyer, *alias* La Rose; that when said Deguyer left the same Jacob Francks had possession; that after Jacob Francks left this country John Lawe has been in possession; that the occupation has been continually kept up for this last twenty-seven or twenty-eight years.

Farm lot No. 32, *east.—John Lawe.*

Entry of land made this tenth day of April, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows, viz: it being lot No. 32, on the east side of Fox river, bounded on the north by land claimed by Pierre Corbenaux, on the south by land claimed by John Jacobs, and is twenty-eight chains and fifty links in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Jean Bt. Brunet, being duly sworn, deposeth and saith that he arrived in this country the year after General Montgomery was slain at Quebec; that he saw the remains of old buildings on the above-described tract of land, said to have been built by a priest; that at the time of the English leaving this country it was occupied, but cannot tell how long; that it has been continually occupied by the above-named John Lawe since one thousand eight hundred and eight, in which year he built a saw and grist mill upon the premises.

ADDITIONAL TESTIMONY.

Pierre Charlefou, being duly sworn, deposeth and saith that, to his knowledge, said tract of land, claimed by John Lawe, No. 32, has been continually occupied by him for twelve or thirteen years last past; at the commencement of which period said Lawe erected a saw and grist mill on said premises; that said tract had been occupied many years before this deponent arrived in this country—by whom he cannot say; that the occupation has been continually kept up from the commencement.

Farm lot No. 1, west.—Jaques Porlier.

Entry of land made this fourteenth day of April, one thousand eight hundred and twenty-one, by Jaques Porlier, which is described as follows, viz: it being lot No. 1 on the west side of Fox river, bounded as follows: commencing on the west border of said Fox river, about two acres below the house now occupied by Samuel Irvine; from thence, up stream of said river, on a right line, about seventeen chains and fifty links, extending from said river westward far enough to contain one section of land.

TESTIMONY.

Joseph Roi, being duly sworn, deposeth and saith that this deponent's brother cleared off the brush and cut hay on the above-described tract of land about thirty-five years ago; this deponent assumed the right of cutting hay until about fourteen years ago the government assumed the right.

ADDITIONAL TESTIMONY.

Alexander Gardpee, being duly sworn, deposeth and saith that Pierre Charlefou told this deponent that he had sold the prairie in front of said tract, claimed by Jaques Porlier, to said Porlier about eight years ago; that he, Porlier, has continued to cut hay on the same.

Farm lot No. 2, west.—Louis Grignon.

Entry of land made this fourteenth day of April, one thousand eight hundred and twenty-one, by Louis Grignon, which is described as follows, viz: it being lot No. 2, on the west side of Fox river, and is bounded on the north by a strip of vacant land lying between this tract and tract No. 1, on the south by land claimed by Pierre Grignon, and is twenty-one chains and fifty links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Jaques Porlier, being duly sworn, deposeth and saith that Amable Roy cultivated a part of the above-described premises in the year one thousand eight hundred and five, and continued to cultivate the same by a half-breed Indian, who was considered as a slave, until about nineteen years ago, when said Roy died; that the administrator on said estate of Amable Roy left the above-described tract of land to the heirs; that the above-named Louis Grignon is a descendant of the wife of the said Amable Roy; that since the late war he has seen Louis Grignon cut hay on said premises; that Pierre and Louis Grignon claimed the right of cutting hay between the two maraises above and below the house of George Johnson, who now resides on said tract.

ADDITIONAL TESTIMONY.

Louis Graville and Louis Dequire, being duly sworn, depose and say that the above-described tract of land, claimed by Louis Grignon, was occupied [about] *more than* forty years ago by Amable Roy, whose wife was the aunt of Louis Grignon; that said Roy continually occupied the same until his death, which happened about twenty years ago; that since that time Louis Grignon has claimed the right to said lands, as heir to said Roy, and occupied the same, by cutting hay, until George Johnson took possession of it, which was two years ago.

Farm lot No. 3, west.—Pierre Grignon.

Entry of land made this fourteenth day of April, one thousand eight hundred and twenty-one, by the children of Pierre Grignon, which is described as follows, viz: it being lot No. 3, on the west side of Fox river, bounded on the north by land claimed by Louis Grignon, on the south by other land claimed by said Pierre Grignon, and is about eight chains sixty-two and one-half links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Bazil Larock, being duly sworn, deposeth and saith that about fifteen years ago Jean Bt. Brunet, father-in-law to this deponent, gave this deponent liberty to settle on the above-described premises; that he made a small field near the present dwelling of George Johnson; that he, this deponent, applied to an Indian chief to purchase the point of land which enclosed the tract and lot No. 2, claimed by Louis Grignon, but was told by the chief, whose name was Thomas, that he had given it to the heirs of Pierre Grignon.

Par devant le soussigne, juge de paix á la Baye Verte, sont companie les soussignes, Joseph Roy, Jean Baptiste Brunet, et Louis Dequire, les quels sont declareé etre residants en la Baye Verte, avr., de la part de Joseph Ray, des l'anne dix sept cent soixant et quinze de la part de Jean Baptiste Brunet des l'an dix sept cent quatre vingt un et de la part de Louis Dequire des l'an dix sept cent quatre vingt et quels ont un plaine et parfaite connoissance et cetifient que de ce temps le Sieur Amable Roy habitant de puis plusiers annes avant en la Baye Verte, jouissoit par succession et cultivoit un terre en la dite Baye Verte, situé entre deux marais dont l'un parte touche la terre d'Amable Norman, et l'autre au bas de la vennee touchoit au village sauvage, et touche presentement au lot adjacent au fort des Etats Unis de le les c'y dessus nommés donnors le present contrerant quels ont signés avec nous de leur marque a la Baye Verte a ce vingt deux du present mois de Juillet de l'anne de notre Seigneur mil huit cent dix cept. Ce que les dits soussigneés donnent et certifient a que est et est passe a leur connoissances, en foi de quoi, ont donnés leur serments, pardevant moi soussigné en mon office, et ne sachant signer ont donnes leur signatures par un croix, &c.

LOUIS ⋈ (sa marque.) DREKEN. [L. S.]
JEAN BT. ⋈ (sa marque.) BRUNET. [L. S.]
JOSEPH ⋈ (sa marque.) ROY. [L. S.]
CHLES. REAUME, *Juge Paix.* [L. S.]

Witness: JAQUES PORLIER.
PAUL DUCHARME.

Par devant le juge à paix de la Baye Verte, à comparon Louis Gravelle, me que dit, quien l'anne dix sept cent quatre vingt sept il a pleine et parfaite connoissance que feu Mrs. Amable Roy cultivoit un la lopin de terre, situé entre deux marais au nord de la riviere de la dite Baye, adjacent presentement au lot; ou est balli des Etats Unis, et par le haut à le terre occupie ci-devant par Mr. Brunet, pere, et presentement par Amable Normand.

LOUIS ⋈ (his mark.) GRAVELLE.

Witness: J. BT. LABORD.

Sworn and subscribed to before me, at Green Bay, June 24, 1820.

ROBERT IRWIN, JR., *J. P.*

Je, Jaques Porlier, certifie que la terre situe entre les deux marais à la Baye Verte, adjoinent au ci-devant village des folles avoine etoit en dix sept cent soixante et dix huit cultive par feu Mr. Amable Roy, et repute sa proprietie par les habitants de la Baye, la quelle terre est posse par droit de succession au Sieur Louis Grignon reconnu, heritier par la toie. Je certifie qui en 1814 resident à la Baye Verte, j'aille témoin de la destruction d'une maison constructed par M. Pierre Grignon, cy des fencibles Michigan, stationes en la point; cette maison etant situé entre la lopin de terre situe entre les 2 marais au haut du Fort Howard.

J. Q. PORLIER.

BAYE VERTE, *June* 11, 1821.

Farm lot No. 4, west.—Pierre Grignon.

Entry of land made this fourteenth day of April, one thousand eight hundred and twenty-one, by Pierre Grignon, which is described as follows, viz: it being lot No. 4, on the west side of Fox river, bounded on the north by other land claimed by said Pierre Grignon, on the south by lands claimed by John Lawe, and is about eight chains and fifty links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Bazil La Roche, being duly sworn, deposeth and saith that he arrived in this country twenty-one years ago; that at that time Jean Bt. Brunet was in possession of the above-described premises; that it

has been continually occupied, by fencing and cultivating the same to the present time, by said Jean Bt. Brunet, by this deponent and the above-named Pierre Grignon, to whom this deponent sold in one thousand eight hundred and six, according to the deed this day presented.

ADDITIONAL TESTIMONY.

Jean Bt. Brunet, being duly sworn, deposeth and saith that lot number four, on the west side of Fox river, claimed by Pierre Grignon, was owned and occupied by this deponent forty-three years ago; that he continued to occupy the same until he gave it to his daughter, who, with her husband, sold to Pierre Grignon; that the front of said tract has been continually occupied by the aforesaid persons for forty-three years last past.

Farm lot No. 5, west.—John Lawe.

Entry of land made this fourteenth day of April, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows: it being lot number five, on the west side of Fox river, bounded on the north by land claimed by Pierre Grignon, on the south by other lands claimed by said Lawe, and is five chains in width, and extends from Fox river, on the east, westward far enough to contain one section of land; it being the farm purchased from Amable Norman.

TESTIMONY.

Joseph Roi, being duly sworn, deposeth and saith that the above-described tract of land has been continually cultivated for forty-five years last past; that John Lawe has been several years in possession, and, to the best of his knowledge, is the just claimant.

Farm lot No. 6, west.—John Lawe.

Entry of land made this fourteenth day of April, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows, viz: it being lot number six, on the west side of Fox river, bounded on the north by other lands claimed by said John Lawe, on the south by lands claimed by Jaques Porlier, and is four chains and twenty-three links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Joseph Roi, being duly sworn, deposeth and saith that the above-described tract of land was occupied forty-five years ago; that the occupation has been continually kept up to the present time; that, to the best of his knowledge, John Lawe is the legal claimant.

Farm lot No. 7, west.—Jaques Porlier.

Entry of land made this fourteenth day of April, one thousand eight hundred and twenty-one, by Jaques Porlier, which is described as follows, viz: it being lot number seven, on the west side of Fox river, bounded on the north by land claimed by John Lawe, on the south by other land claimed by said Porlier, and is four chains twenty-three links in width. and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Joseph Roi, being duly sworn, deposeth and saith that he, this deponent, settled on the above-described tract of land forty-five years ago, and, to his certain knowledge, the occupation has been kept up to the present time; that the above-named Jaques Porlier has resided on the same these sixteen years last past, and is the just claimant.

Farm lot No. 8, west.—Jaques Porlier.

Entry of land made this fourteenth day of April, one thousand eight hundred and twenty-one, by Jaques Porlier, which is described as follows, viz: it being lot number eight, on the west side of Fox river, bounded on the north by other lands claimed by said Porlier, and on the south by lands claimed by Catharine Mackibee, and is four chains seventy-seven links in width, and extends from Fox river on the east far enough to contain one section of land.

TESTIMONY.

Joseph Roi, being duly sworn, deposeth and saith that he, this deponent, occupied the above-described tract of land forty-five years ago; that the occupation of said land has been continually kept up to the present time; that three years last past, Jaques Porlier purchased the same from Alexander Guardapee, and is now in possession of the same.

Farm lot No. 9, west.—Cadish, alias Catharine Mackibee.

Entry of land made this fifteenth day of April, one thousand eight hundred and twenty-one, by Catharine Mackibee, which is described as follows, viz: it being lot number nine, on the west side of Fox

river; bounded on the north by land claimed by Jaques Porlier, on the south by land claimed by Dominique Brunet, and is ten chains in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Joseph Roi, being duly sworn, deposeth and saith that about forty-two years ago a Canadian blacksmith occupied the above-described tract of land; that the occupation has been kept up to the present time; that the second claimant was Charles Longlade, the third François Boyont, who sold to Lambert Mackibee, deceased, who left seven half-breed children, of whom the above-named claimant is one.

Farm lot No. 10, *west.—Dominique Brunette.*

Entry of land made this fifteenth day of April, one thousand eight hundred and twenty-one, by Dominique Brunette, which is described as follows, viz: it being lot number ten, on the west side of Fox river, bounded on the north by land claimed by Catharine Mackibee, on the south by land claimed by Margaret Grignon, and is eleven chains eighteen links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

John Roi, being duly sworn, deposeth and saith that the above-described tract of land was occupied forty years ago; that the occupation has been continually kept up to the present time; that, to the best of this deponent's knowledge, the above-named Dominique Brunette is the just claimant.

Farm lot No. 11, *west.—Margarette Grignon.*

Entry of land made this fifteenth day of April, one thousand eight hundred and twenty-one, by Margarette Grignon, which is described as follows, viz: it being lot number eleven, on the west side of Fox river, bounded, viz: on the north by land claimed by Dominique Brunette, on the south by land claimed by Paul Grignon, and is nine chains forty-six links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Joseph Roi, being duly sworn, deposeth and saith that the above-described tract of land was occupied about thirty-seven years ago; that the occupation has been continued to the present time; that, to the best of this deponent's knowledge, the above-named Margarette Grignon is the just claimant.

Farm lot No. 12, *west.—Paul Grignon.*

Entry of land made this fifteenth day of April, one thousand eight hundred and twenty-one, by Paul Grignon, which is described as follows: it being lot number twelve, on the west side of Fox river, bounded on the north by land claimed by Margaret Grignon, on the south by land claimed by John Lawe, and is twelve chains thirty-four links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Joseph Roi, being duly sworn, deposeth and saith that the above-described tract of land has been continually occupied for about thirty-six years last past; that, to the best of his knowledge, the above-named Paul Grignon is the just claimant.

Farm lot No. 13, *west.—John Lawe.*

Entry of land made this sixteenth day of April, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows: it being lot number thirteen, on the west side of Fox river, bounded on the north by land claimed by Margaret Grignon, on the south by land claimed by James Veau, and is seventeen chains and twenty-one links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Louis Dequire, being duly sworn, deposeth and saith that twenty-six years ago Charles Longlade ploughed and sowed the above-described tract of land, who sold to Bartolomie Janness, who sold to Antoine Guillory, who sold to Louis Graville; that said farm has been continually occupied for the last twenty-six years, and was built upon soon after cultivation.

Farm lot No. 14, *west.—Jaques Veau.*

Entry of land made this sixteenth day of April, one thousand eight hundred and twenty-one, by Jaques Veau, which is described as follows, viz: it being lot number fourteen, on the west side of Fox river, bounded on the north by land claimed by John Lawe, on the south by land claimed by Alexander Guardapee, and is six chains twenty-nine links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Joseph Roi, being duly sworn, deposeth and saith that he, this deponent, purchased the above-described farm twenty-six years ago from Amable Larose, and gave the same to his son, who sold the same to

Jaques Veau; that it has been continually occupied ever since this deponent purchased it by the aforesaid person.

Farm lot No. 15, *west.—Alexander Guardapee.*

Entry of land made this sixteenth day of April, one thousand eight hundred and twenty-one, by Alexander Guardapee, which is described as follows, viz: it being lot number fifteen, on the west side of Fox river, which is bounded on the north by land claimed by Jaques Veau, on the south by land claimed by Catharine Cadish, and is eight chains and sixty-three links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Jean Bt. Grignon, being duly sworn, deposeth and saith that the above-described tract of land was cultivated twenty-five years ago this spring, and had been cultivated before that time, but cannot tell how long before; that the occupation has been continually kept up for the last twenty-five years; that the above-named Alexander Guardapee is, to the best of his knowledge, the just claimant.

Farm lot No. 16, *west.—Catharine Cadish.*

Entry of land made this sixteenth day of April, one thousand eight hundred and twenty-one, by Catharine Cadish, which is described as follows, viz: it being lot number sixteen, on the west side of Fox river, bounded on the north by land claimed by Alexander Guardapee, on the south by land claimed by Presque Hyotte, and is nine chains and seventeen links in width, and extends from Fox river on the east far enough to contain one section of land.

TESTIMONY.

Louis Dequire, being duly sworn, deposeth and saith that the above-described tract of land was occupied by François Louisignon twenty-five years ago; that several persons have been in possession of the same since that time, but cannot tell who they all were, but that said tract has been continually occupied, ever since François Louisignon first took possession of the same, by some white people.

I certify that, by common report, Louis Grignon had been many years in possession of the above-described tract of land, and it has a long time been called his farm; that said Louis Grignon, before me, relinquished his claim to the above-named Catharine Cadish, and desired that the same may be confirmed to the said Catharine Cadish.

ISAAC LEE, *Agent.*

Farm lot No. 17, *west.—Presque Hyotte.*

Entry of land made this sixteenth day of April, one thousand eight hundred and twenty-one, by Presque Hyotte, which is described as follows, viz: it being lot number seventeen, on the west side of Fox river, bounded on the north by land claimed by Catharine Cadish, on the south by land claimed by the heirs of John Ecuyer, and is eighteen chains and fifty links in width, and extends from Fox river, on the east, westward far enough to contain on section of land.

TESTIMONY.

Jean Bt. Brunet, being duly sworn, deposeth and saith that the above-named Presque Hyotte has resided on the above-described premises for the last twenty-two years, and has cultivated some part of the same every year; that he, the said Hyotte, made a garden on the same place for three years previous to his building a house; that François Brunet occupied the same for a garden one year before Hyotte had possession.

Farm lot No. 18, *west.—Jurard Benjamin Jaquez, Celeste and Simon Ecuyer, donees of John Ecuyer.*

Entry of land made this sixteenth day of April, one thousand eight hundred and twenty-one, by the above-named donees of John Ecuyer, deceased, which is described as follows, viz: it being lot number eighteen, on the west side of Fox river, bounded on the north by land claimed by Presque Hyotte, on the south by lands claimed by the heirs of John Bowyer, and is twenty-chains and seventeen links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Pierre Charlefou, being duly sworn, deposeth and saith that Jean Bt. Brunet occupied a part of the above-described tract of land in the year one thousand seven hundred and ninety-six; that he, this deponent, occupied another part of it in one thousand seven hundred and ninety-four; that said tract was occupied by several persons whom he cannot recollect; that about fifteen years ago John Ecuyer came into the possession of it; that this deponent has been several times absent from this place since ninety-four, and does not know that said tract has been continually occupied, but when he has been present he has seen some person occupying said tract.

Farm lot No. 19, *west.—The heirs of Colonel John Bowyer.*

Entry of land made this sixteenth day of April, one thousand eight hundred and twenty-one, by the heirs of Colonel John Bowyer, which is described as follows, viz: it being lot number nineteen, on the west side of Fox river, bounded on the north by land claimed by the donees of John Ecuyer, on the south by land claimed by Peter Ulrich, and is nineteen chains in width, and extends from Fox river westward far enough to contain one section of land.

TESTIMONY.

Peter Ulrich, being duly sworn, deposeth and saith that the above-described tract of land was occupied by Charles Reaume in the year one thousand seven hundred and ninety-four; that he resided on said tract, and continued to cultivate the same until he sold to Colonel John Bowyer, who resided on the same until his death, in one thousand eight hundred and twenty.

Farm lot No. 20, *west.—Peter Ulrich.*

Entry of land made this seventeenth day of April, one thousand eight hundred and twenty-one, by Peter Ulrich, which is described as follows, viz: being lot number twenty, on the west side of Fox river, bounded on the north by land claimed by the heirs of Colonel John Bowyer, on the south by land claimed by John Lawe, and is twenty-one chains and seventeen links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Jaques Cousie, being duly sworn, deposeth and saith that twenty-five years ago he, this deponent, lived with the above-named claimant on the above-described premises, and continued to reside there for ten years; that said Peter Ulrich has continued to reside there, and has cultivated the same to the present day, and had resided there previous to said term of twenty years.

Farm lot No. 21, *west.—John Lawe.*

Entry of land made this seventeenth day of April, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows, viz: it being lot number twenty-one, on the west side of Fox river, bounded on the north by land claimed by Peter Ulrich, on the south by land claimed by Jean Bt. Jeanvine, and is eight chains sixty-eight links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Jaques Cousie, after being duly sworn, deposeth and saith that the above-described tract of land has been continually occupied for the last twenty-five years, it being the time he has resided in the country.

Farm lot No. 22, *west.—Jean Bt. Jeanvine.*

Entry of land made this twenty-first day of April, one thousand eight hundred and twenty-one, by Jean Bt. Jeanvine, which is described as follows, viz: it being lot number twenty-two on the west side of Fox river, bounded on the north by land claimed by Richard Pricket, and is six chains twenty-three links in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Peter Ulrich, being duly sworn, deposeth and saith that the above-described tract of land has been continually occupied for about twenty-three years last past; that, to the best of his knowledge, the above-named Jean Bt. Jeanvine is the just claimant.

ADDITIONAL TESTIMONY.

Jaques Cousie, being duly sworn, deposeth and saith that lot number twenty-two, claimed by Jean Bt. Jeanvine, has been continually occupied for this last twenty-five years; and, to the best of his knowledge, said Jeanvine is the legal claimant.

Farm lot No. 23, *west.—Richard Pricket.*

Entry of land made this twenty-first day of April, one thousand eight hundred and twenty-one, by Richard Pricket, which is described as follows, viz: it being lot number twenty-three, on the west side of Fox river, bounded on the north by land claimed by John Bt. Jeanvine, on the south by land claimed by John Dousman, and is seventeen chains in width, and extends from Fox river, on the east, westward far enough to contain one section of land.

TESTIMONY.

Jaques Cousie, being duly sworn, deposeth and saith that the above-described tract of land has been continually occupied for the last twenty-five years; and, to the best of his knowledge, said Pricket is the just claimant.

List of land claims at Green Bay, Territory of Michigan, not confirmed by the commissioners, together with abstracts of the testimony in support of them, taken by Isaac Lee, esq., agent of the United States for ascertaining the titles and claims to land at the settlement of Green Bay and Prairie des Chiens, and justice of the peace duly commissioned for the counties of Crawford and Brown, Territory of Michigan. Taken during the fall and winter of one thousand eight hundred and twenty-one, (1820, 1821.)

Farm lot No. 12, *east.—Michael Dousman.*

Entry of land made this seventh day of April, one thousand eight hundred and twenty-one, by Michael Dousman, which is described as follows, viz: it being lot number twelve, on the east side of Fox river, and is bounded on the north by land claimed by Benjamin Smith, and on the south by land claimed by Louis Beaupre, and is twelve chains in width, and extends from Fox river to the river Au Diable, supposed to be about one mile and a quarter.

TESTIMONY.

Jean Bt. Grignon, being duly sworn, deposeth and saith that about fourteen years ago Jean Bt. Bertrand built a house on the above-described premises, and it was occupied for one year, when said Bertrand sold to Michael Dousman; that said tract has remained unoccupied ever since.

Farm lot No. 13, *east.—Louis Beaupre.*

Entry of land made this seventh day of April, one thousand eight hundred and twenty, by Louis Beaupre, which is described as follows, viz: it being lot number thirteen, on the east side of Fox river, bounded on the north by land claimed by Michael Dousman, on the south by land claimed by Amable Durocher, and is nine chains in width, and extends from Fox river to the river Au Diable, supposed to be about one mile and a quarter.

TESTIMONY.

Jean Bt. Grignon, being duly sworn, deposeth and saith that the above-named Louis Beaupre built upon the above-described premises twenty-two years ago, when said Beaupre took possession again; that after that it remained unoccupied for five years; then it was taken possession of by Joseph Boisont, who has continued to the present time.

Farm lot No. 16, *east.—Jean Bt. Laborde, jr.*

Entry of land made this seventh day of April, one thousand eight hundred and twenty-one, by Jean Bt. Laborde, jr., which is described as follows, viz: it being lot number sixteen on the east side of Fox river, bounded on the north by land claimed by Jean Bt. Grignon, on the south by land claimed by Joseph Ducharme, and is eight chains in width, and extends from Fox river to the river Au Diable, supposed to be one mile and a quarter.

TESTIMONY.

Joseph Jourdin, being duly sworn, deposeth and saith that he, this deponent, took possession of the above-described tract of land in the year one thousand eight hundred and three; that it has been continually occupied from that time to the present; that the above-named Jean Bt. Laborde, jr., is in possession, but does not know that he is the real owner.

Farm lot No. 18, *east.—Jaques Porlier.*

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by Jaques Porlier, which is described as follows, viz: it being lot No. 18, on the east side of Fox river, and bounded on the north by land claimed by John Lawe, and is six chains in width, and extends from Fox river on the west to the river Au Diable on the east. No testimony.

Farm lot No. 20, *east.—Jean Bt. Laborde, sen.*

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by Jean Bt. Laborde, sen., which is described as follows, viz: it being lot No. 20, on the east side of Fox river, bounded on the north by land claimed by John Lawe, on the south by land claimed by Jaques Porlier, and is nineteen chains and fifty links in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Bazil Le Roi, being duly sworn, deposeth and saith that he, this deponent, occupied the above-described tract of land fourteen years ago; that afterwards it was occupied by one Breedley, but does not know that it has been continually occupied, as he has been absent from the country some part of the time.

Farm lot No. 21, *east.—Jaques Porlier.*

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by Jaques Porlier, which is described as follows, viz: it being lot No. 21, on the east side of Fox river, bounded on the north by land claimed by Jean Bt. Laborde, sen., on the south by land claimed by Louis Bourdon, and is ten chains and fifty links in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

François St. La Roi, being duly sworn, deposeth and saith that about eighteen years ago he, this deponent, purchased the above-described tract of land, together with four tracts of land next above, from an Indian chief, and sold out the same in the course of the same year; that this, as well as the others, has been continually occupied from that time to the present.

Farm lot No. 22, east.—Louis Bourdon.

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by Louis Bourdon, which is described as follows, viz: it being lot No. 22, bounded on the north by land claimed by Jaques Porlier, on the south by land claimed by Moses Hardwick, and is eight chains in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

François St. La Roi, being duly sworn, deposeth and saith that the above-described tract of land has been occupied a little more than seventeen years; he has always seen some one in possession of it; and that it is at present the property of the above-named Louis Bourdon.

Farm lot No. 23, east.—Moses Hardwick.

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by Moses Hardwick, which is described as follows, viz: it being lot No. 23, on the east side of Fox river, bounded on the north by land claimed by Louis Bourdon, on the south by land claimed by Jean Bt. Brunette, and is four chains and fifty links in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

François St. La Roi, being duly sworn, deposeth and saith that this is the eighteenth year since the above-described tract of land has been continually occupied, and that the above-named Moses Hardwick is the present owner, to the best of his knowledge.

Farm lot No. 24, east.—Jean Bt. Brunette.

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by Jean Bt. Brunette, which is described as follows, viz: it being lot No. 24, on the east side of Fox river, bounded on the north by land claimed by Moses Hardwick, on the south by land claimed by Bazil Laroche, and is eleven chains and fifty links in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

François St. La Roi, being duly sworn, deposeth and saith that the above-described tract of land has been continually occupied for about seventeen years, and that the above-named Jean Bt. Brunette is the legal owner.

Farm lot No. 25, east.—Bazil Laroche.

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by Bazil Laroche, which is described as follows, viz: it being lot No. 25, on the east side of Fox river, bounded on the north by land claimed by Jean Bt. Brunette, on the south by land claimed by John Dousman, and is twenty chains and fifty links in width, and extending from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

François St. La Roi, being duly sworn, deposeth and saith that he, this deponent, was the first white man that occupied the above-described tract of land; that this is the eighteenth year since the occupation was commenced; that the occupation has been continued to the present time; that said possession has been owned by five or six Canadians, and at present is the property of the above-named Bazil Laroche.

Farm lot No. 26, east.—John Dousman.

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by John Dousman, which is described as follows, viz: it being lot No. 26, on the east side of Fox river, bounded on the north by land claimed by Bazil Laroche, on the south by land claimed by Pierre Carbeneau, sen., and is eight chains in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Jean Bt. Grignon, being duly sworn, deposeth and saith that the above-described tract of land was occupied fifteen years ago by Jean Bt. Bertrand, who remained one year, and sold the same to John Dousman, who cultivated the same two years, since which time it has been abandoned, except by cutting hay.

Farm lot No. 27, east.—Pierre Carbeneau.

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by Pierre Carbeneau, which is described as follows, viz: it being lot No. 27, on the east side of Fox river, bounded on the north by land claimed by John Dousman, on the south by land claimed by John Lawe, and is nine chains and twenty links in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Joseph Houlle, being duly sworn, deposeth and saith that he, this deponent, first occupied the above farm thirteen years ago; that it has been continually occupied ever since; that it at present belongs to the above-named Pierre Carbeneau.

Farm lot No. 28, east.—John Lawe.

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows, viz: it being lot No. 28, on the east side of Fox river, bounded on the north by land claimed by Pierre Carbeneau, on the south by land claimed by John Lawe, and is fifteen chains in width, and extends far enough to contain one section of land.

TESTIMONY.

Peter Carbeneau, being duly sworn, deposeth and saith that Joseph Houlle built upon and occupied the above-described premises seven years ago; that it was cultivated thirteen years ago, first by Paul Ducharme, and secondly by said Joseph Houlle; that they have continued the occupation to the present time, or the last seven years.

Farm lot No. 29, east.—John Lawe.

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows, viz: it being lot No. 29, on the east side of Fox river, bounded on the north by land claimed by said Lawe, on the south by land claimed by Augustus Bonneture, and is twelve chains and eighty links in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Pierre Carbeneau, being duly sworn, deposeth and saith that the above-described tract of land belonged formerly to lot No. 28, and was sold by Joseph Houlle to Prudence Longoise, who has resided there one year; that about the commencement of the late war Louis Petell built upon said tract.

Farm lot No. 30, east.—Augustus Bonneture.

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by Augustus Bonneture, which is described as follows, viz: it being lot No. 30, on the east side of Fox river, bounded on the north by land claimed by John Lawe, on the south by land claimed by Pierre Carbeneau, and is eight chains and thirty links in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Pierre Carbeneau, being duly sworn, deposeth and saith that the above-named Augustus Bonneture marked out and took possession of the above tract of land six years ago, but it had not been cultivated only the three years last past.

Farm lot No. 31, east.—Pierre Carbeneau.

Entry of land made this ninth day of April, one thousand eight hundred and twenty-one, by Pierre Carbeneau, which is described as follows, viz: it being lot No. 31, on the east side of Fox river, bounded on the north by land claimed by Augustus Bonneture, on the south by land claimed by John Lawe, and is sixteen chains and fifty links in width in front, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Joseph Houlle, being duly sworn, deposeth and saith that he, this deponent, occupied the above-described tract of land thirteen years ago; that it has been continually occupied for thirteen years last past, and that the above-named is the legal claimant.

Farm lot No. 33, east.—John Jacobs.

Entry of land made this tenth day of April, one thousand eight hundred and twenty-one, by John Jacobs, which is described as follows, viz: it being lot No. 33, on the east side of Fox river, bounded on the north by land claimed by John Lawe, on the south by land claimed by Bartelemi Chevallier, and is five chains in front, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Jean Bpt. La Bord, senior, being duly sworn, deposeth and saith that the above-described tract of land was first occupied in the year one thousand eight hundred and ten by the above-named Jean Bpt. Jacobs; that he has continued the said occupation to the present time.

Farm lot No. 34, east.—Bartelemi Chevallier.

Entry of land made this tenth day of April, one thousand eight hundred and twenty-one, by Bartelemi Chevallier, which is described as follows, viz: it being lot No. 34, on the east side of Fox river, bounded on the north by land claimed by John Jacobs, on the south by lands claimed by John Dousman, and is five chains in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Jean Bpt. S. Jacobs, being duly sworn, deposeth and saith that the above-described tract of land was occupied in the year one thousand eight hundred and ten, and the occupation has been continued to the present time by the above-named Bartelemi Chevallier.

Farm lot No. 35, east.—John Dousman.

Entry of land made this tenth day of April, one thousand eight hundred and twenty-one, by John Dousman, which is described as follows, viz: it being lot No. 35, on the east side of Fox river, bounded on the north by lands claimed by Bartelemi Chevallier, on the south by lands claimed by Jean Bpt. Labord, senr., and is twenty chains in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Jean Bpt. S. Jacobs, being duly sworn, deposeth and saith that the above-described tract of land was occupied by the above-named John Dousman in the year one thousand eight hundred and ten, and continued for three years.

Farm lot No. 36, east.—Jean Bpt. Labord, sen.

Entry of land made this tenth day of April, one thousand eight hundred and twenty-one, by Jean Bpt. Labord, sen., which is described as follows, viz: it being lot No. 36, on the east side of Fox river, bounded on the north by land claimed by John Dousman, on the south by land claimed by Jean Bpt. Labord, sen., and is twenty chains in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Jean Bpt. S. Jacobs, being duly sworn, deposeth and saith that the above-named Jean Bpt. Labord, sen., erected the frame of a house on the above-described tract of land, and took the same away the next year after.

Farm lot No. 37, east.—Jean Bpt. Labord, jun.

Entry of land made this tenth day of April, one thousand eight hundred and twenty-one, by Jean Bpt. Labord, jun., which is described as follows, viz: it being lot No. 37, on the east side of Fox river, bounded on the north by land claimed by Jean Bpt. Labord, sen., on the south by unlocated lands, and is fifteen chains in width, and extends from Fox river, on the west, easterly far enough to contain one section of land.

TESTIMONY.

Jean Bpt. S. Jacobs, being duly sworn, deposeth and saith that he has no knowledge of the occupation of the above-described tract of land, other than wood was cut and taken from said tract.

Farm lot No. 38, east.—John Lawe.

Entry of land made this first day of May, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows, viz: situated in the county of Brown, in the Territory of Michigan, on a river known by the name of river Au Diable, where Jacob Franks built a saw-mill and grist-mill, containing four hundred acres, according to the deed from Jacob Franks to John Lawe, said tract not having been actually surveyed on any lands located adjoining it; centre of said mill-dam is considered the centre of said tract, which is about one mile and a half from the upper part of the settlement on Fox river.

TESTIMONY.

Joseph Jourdin, being duly sworn, deposeth and saith that sixteen years ago he, this deponent, arrived in this country; that Jacob Franks was building a saw-mill on the above-described tract of land; that the next year said Franks built a grist-mill, two houses, and a large quantity of fence; that said mills remained there five years, after which they were taken down and removed; that during that period the land was cultivated on each side of the river.

Farm lot No. 39.—Joseph Jourdin.

Entry of land made this twenty-sixth day of April, one thousand eight hundred and twenty-one, by Joseph Jourdin, which is described as follows, viz: it being a part of lot No. 5, on the east side of Fox river, claimed by Pierre Grignon, which is described as follows, viz: commencing at a stake on the east border of Fox river, on the line between this tract and tract No. 4, claimed by Augustus Grignon; from thence easterly, in said line, one arpent and one-half from the east side of the highway; from thence, turning at right angles, southerly, one arpent; from thence, turning at right angles, westward, to said Fox river; from thence to the place of beginning.

Farm lot No. 40, east.—Jean Bpt. Longvine, sen.

Entry of land made this eighth day of May, one thousand eight hundred and twenty-one, by Jean Bpt. Longvine, sen., which is described as follows, viz: situated on the river called the river Au Diable, nearly opposite the land claimed by Amable Durocher, and is three arpents in front on said river, and extends eastward far enough to contain one section of land, bounded on the northeast and south by unlocated lands; it being the improvement made by Jean Bpt. Longvine, jun.

TESTIMONY.

Jean Bpt. Longvine, jun, being duly sworn, deposeth and saith that he, this deponent, has fenced and cultivated the front of the above-described premises for three years last past; that it is at present the property of the above-named claimant, who is the father of this deponent.

Farm lot No. 41, east.—Jean Bpt. Longvine, sen.

Entry of land made this twenty-first day of May, one thousand eight hundred and twenty-one, by Jean Bpt. Longvine, sen., which is described as follows, viz: situated on the east side of river Au Diable, nearly opposite the claim of Jean Bpt. Labord, jun., on Fox river, and is nine arpents in width, bounded on the west by said river Au Diable, on all other parts by unlocated lands, and extends easterly far enough to contain one section of land.

TESTIMONY.

George Fortier, being duly sworn, deposeth and saith that the above-named claimant cultivated a part of the above-described premises fifteen years ago; that he continued the cultivation for three years.

Farm lot No. 1, west.—Jean Bpt. Longvine, sen.

Entry of land made this twenty-fifth day of May, one thousand eight hundred and twenty-one, by Jean Bpt. Longvine, sen., which is described as follows, viz: it being lot No. 1, on the west side of Fox river, claimed by Jaques Porlier, and is twelve arpents in width on Fox river, and extends westward far enough to contain one section of land.

TESTIMONY.

Louis Graville, being duly sworn, deposeth and saith that the Longlade Grignon and Longvine Januhis have cut hay on the front part of the above-described tract for forty years last past, or until Colonel Smith prevented them; that he had no knowledge of the above-named claimants having any other right claim to said tract than having married the widow of Grignon.

Farm lot No. 20, west.—Pierre Grignon.

Entry of land made this ninth day of May, one thousand eight hundred and twenty-one, by Pierre Grignon, which is described as follows, viz: it being situated on the west side of Fox river, and is a part of lot number nineteen, claimed by the heirs of Colonel John Boyer, deceased, and number twenty, claimed by Peter Ulrich, commencing at an old lime-kiln, &c., of the tract claimed by Colonel John Boyer, and extending up stream on said Fox river twenty-eight rods, which includes or crosses the mouth of the river Au Lalais, and extending up said last-mentioned river the same width as in front, forty acres.

TESTIMONY.

Charles Reaume, being duly sworn, deposeth and saith that he, this deponent, cleared out the creek above mentioned twenty-eight years ago, and navigated the same with canoes and rafts; that ten years ago Pierre Grignon commenced building mills on this creek, with this deponent's consent; that said mills have continued to do business ever since; that this deponent has no knowledge that Peter Ulrich had any claim to said tract at the time the mills were built.

Entry of George Johnson of a tract comprehending Nos. 2 and 3.

DETROIT, *August* 17, 1821.

SIR: Please to take notice that we now enter the following described tract of land for confirmation, by virtue of a deed from George Johnson, a copy of which is herewith enclosed, the original being filed in the office of the commissioners at Detroit; said tract is described as follows, viz: said tract or lot of land lying and being in the village of Green Bay, bounded in front by Fox river, on the northeast by lands occupied by the United States troops, on the southwest by a lot of land owned and occupied by Pierre Grignon, and in rear by unconceded lands; being six acres in front by one hundred acres in depth, equal to six hundred acres of land, more or less; to which tract we pray a confirmation, and request that the

same may be reported to the board of commissioners for the district of Detroit, appointed to settle and adjust the title to lands within this Territory; and oblige, &c.

CONRAD TEN EYCK,
JEREMIAH V. R. TEN EYCK,
By their attorneys, HUNT & LARNED.

ISAAC LEE, Esq.,
Commissioner appointed to receive claims to lands at Green Bay and Prairie du Chien.

Je, Joseph Houl, sons ma marque ordinaire en plaine est bonne connoissance que l'année mil huit cent des sept que jetois emploigé par M. Louis Grignon pour *heamagre* des perelus et les placer sur un lopin de terre situe au nord de la Prairie de la Baye, entre aux marais adjacent par en Basau fort des Etat Unis, savoir: Je dutine et certifie sous serment quand de premiere de cette moine anné cy haut mentionne qu'il en pouvois pour tout improuvement sur ce lopin de terre que le bois du dit Louis Grignon et lopin à lui et à d'autres personnes fauche sur ce reviere lot

JOSEPH OLL.

Witness: J. BT. LA BORD.

Sworn and subscribed to before me, at Green Bay, this 24th of June, 1820.

ROBERT IRWIN, JR., *J. P.*

The undersigned certifies upon oath that in the last spring (1819) he was living at a house that Mr. George Johnson was building, and saw a man of the name of Denny Bell demolish, take down, and undo a building made of pine logs, and haul it to the water-side, the property of Louis Grignon. He supposes that is was Mr. George Johnson had ordered him to take it down, as Mr. George Johnson had told the undersigned that Denny Bell was hired to him by the year. Witness my hand, at Green Bay, this 6th day of August, 1819.

JOHN SMITH.

Sworn to and subscribed before me this 7th day of August, 1819.

ROBERT IRWIN, JR., *J. P.*

GREEN BAY, *County of Brown, ss:*

Denny Bell, being duly sworn, saith that he was hired and served George Johnson in the employ of a laborer during the fall and summer of eighteen hundred and eighteen.

And this deponent further saith that during the fall of eighteen hundred and eighteen, and while in the employ of the said Johnson, he did, by the special direction and request of the said Johnson, pull or take down, demolish, and take away a certain dwelling-house or building belonging to Louis Grignon, as this deponent hath been informed. And this deponent further saith that the house or building taken down and demolished by him was standing on or near the same ground where the said Johnson's dwelling-house stands, and in which the said Johnson now dwells.

Green Bay, county of Brown, Territory of Michigan, this 18th day of September, A. D. 1819.

his
DENNIS ⋈ BELL.
mark.

Witness: ROBERT IRWIN, Jr.

TERRITORY OF MICHIGAN, *County of Brown, ss:*

Personally appeared before me, the undersigned, a justice of the peace in and for the county of Brown and Territory of Michigan, Dennis Bell, and made oath to the above instrument of writing.

Witness my hand, at the county and Territory aforesaid, this 18th day of September, A. D. 1819.

ROBERT IRWIN, *Justice of the Peace.*

NOTE.—The above entry comprehends Nos. 2 and 3, west, confirmed to Louis Grignon and the children of Pierre Grignon, deceased.

The above claim was made after the agent was at Green Bay, and the testimony above written transmitted, and constitutes the second entry of the same persons for the same act.

SAME ENTRY.

The following entry of George Johnson for a tract of land at Green Bay, comprehending lots numbers two and three, was made at Green Bay, and the testimony taken by the agent there:

Entry of land made this fourteenth day of April, one thousand eight hundred and twenty-one, by George Johnson, is described as follows, viz: situated on the west side of Fox river, commencing at the mouth of the creek or marais, a little below the dwelling-house of said Johnson, over which he is erecting a new bridge; thence, in a right line, up said Fox river to a creek or marais, it being about twenty-six chains and fifty links, and extending from Fox river, on the east, westward far enough to contain one section of land; it being the principal part of lots numbers two and three, claimed by Louis and Pierre Grignon.

TESTIMONY.

Jean Bt. Brunette, sen., being duly sworn, deposeth and saith that he, this deponent, commenced an improvement on the above-described tract of land forty-three years ago; that he resided there thirty-two years; that about three years ago he, this deponent, sold the same to George Johnson, who has continued to reside on and improve the same to the present time; that Amable Roi never resided on any part of said tract; that a part was cultivated by a half-breed Indian.

N. B.—After signing the above the deponent stated that he did not reside on the above-described tract of land, but that he resided on lots numbers six and seven, on the west side of Fox river, now claimed by John Lawe, to which claim the aforesaid claim of George Johnson then belonged, or a part of it; that he sold the other parts of his claim previous to selling the aforesaid to Johnson; that this deponent's claim

did not extend further down the river than the elm tree now standing before Johnson's present dwelling-house; that he sold this part of his former tract principally to cut hay.

NOTE.—The above tract, designated by numbers two and three, was confirmed to Louis Grignon and the children of Pierre Grignon, deceased, the claim of George Johnson being disallowed by the commissioners. See testimony subjoined to entries Nos. 2 and 3, west, pages ——.

Farm lot No. 24, west.—John Dousman.

Entry of land made this seventeenth day of April, one thousand eight hundred and twenty-one, by John Dousman, which is described as follows, viz: it being thirteen chains in width, and extends from Fox river, on the east, westward far enough to contain one section of land, bounded on the north by land claimed by Richard Pricket, on the south by *Chewabina* creek, or by a line running west from the mouth of said creek, it being lot number twenty-four, on the west side of Fox river.

TESTIMONY.

Peter Ulrich, being duly sworn, deposeth and saith that the above-described tract of land was occupied sixteen years ago; that the occupation was continued for four years; that it was, in one thousand eight hundred and twelve, occupied, and was the property of John Dousman, but has not been occupied since.

Farm lot No. 25, west.—Therese Rankins.

Entry of land made this twenty-fourth day of May, one thousand eight hundred and twenty-one, by Therese Rankins, which is described as follows, viz: it being lot number twenty-five, on the west side of Fox river, commencing at the mouth of Chewabina creek, bounded on the south by land claimed by Therese Larose, and is forty-seven chains in width, and extends westward far enough to contain one section of land.

TESTIMONY.

Jaques Cousie, being duly sworn, deposeth and saith that the above-described tract, number twenty-five, and lots numbers twenty-six and twenty-seven, were formerly claimed by an Indian named Shawabinay; that at his death said land was given to Therese Rankins, Therese Larose, and Susan Larose, who are of the half-breed and nearly related to the aforesaid Shawabinay.

Farm lot No. 26, west.—Therese Larose.

Entry of land made this twenty-fourth day of May, one thousand eight hundred and twenty-one, by Therese Larose, which is described as follows, viz: it being lot number twenty-six, on the west side of Fox river, bounded on the north by land claimed by Therese Rankin, on the south by land claimed by Susan Larose, and is forty-seven chains in width on the Fox river, and extends westward far enough to contain one section of land.

[See testimony to lot number twenty-five, on the west side of Fox river, claimed by Therese Rankins.]

Farm lot No. 27, west.—Susan Larose.

Entry of land made this twenty-fourth day of April, one thousand eight hundred and twenty-one, by Susan Larose, which is described as follows, viz: it being lot number twenty-seven, on the west side of Fox river, bounded on the north by land claimed by Therese Larose, on the south by land claimed by Parish Grignon, and is forty-seven chains in width on the Fox river, and extends westward far enough to contain one section of land.

[See testimony to lot number twenty-four, on the west side of Fox river, claimed by Therese Rankins.]

Farm lot No. 28, west.—Parish Grignon.

Entry of land made this twenty-fourth day of April, one thousand eight hundred and twenty-one, by Parish Grignon, which is described as follows, viz: it being lot number twenty-eight, on the west side of Fox river, bounded on the north by land claimed by Susan Larose, and extends along the border of said Fox river, up stream, to a marked tract which stands a little below the old mill-dam, the front of said tract being very irregular. The width is not known, but supposed to be five acres, and extending westward far enough to contain one section of land.

TESTIMONY.

Jean Bt. Bradan, being duly sworn, deposeth and saith that the above-named Parish Grignon has continually occupied the above-described premises for fourteen or fifteen years last past.

Farm lot No. 29, west.—John Lawe.

Entry of land made this twenty-fourth day of May, one thousand eight hundred and twenty-one, by John Lawe, which is described as follows, viz: it being lot number twenty-nine, situated at the rapids of the Reverend Father, on the west side of Fox river, bounded on the north by land claimed by Parish Grignon, on the east by Fox river, on the south by unlocated lands, and is twelve chains in width, and extends westward far enough to contain one section of land. No testimony.

Claims at the Kakalin.—Farm No. 1.—Paul Ducharme.

Entry of land made this first day of May, one thousand eight hundred and twenty-one, by Paul Ducharme, which is described as follows, viz: beginning on the border of Fox river, at the point of the hill at the upper end of the prairie, at the Grand Kakalin, or the Great Rapids of Fox river, from thence down stream on the border of said river to the land sold by the above-named claimant to Augustus Grignon, supposed to be about three-fourths of a mile, and extending westward far enough to contain one section of land, bounded on the north by land claimed or belonging to Augustus Grignon, on the east by Fox river, and on the south and west by unlocated land.

TESTIMONY.

Jaques Porlier, being duly sworn, deposeth and saith that in the year one thousand seven hundred and ninety-five Dominique Ducharme, brother to the above-named Paul Ducharme, had a house and field on the above-described premises; that the same man had a log-house and resided there two or three years previous to that time; that it was continually occupied until the late war, in the year one thousand eight hundred and twelve, by the above-named Dominique and Paul Ducharme.

Farm No. 2, west.—Augustus Grignon.

Entry of land made this eighth day of May, one thousand eight hundred and twenty-one, by Augustus Grignon, which is described as follows, viz: situated at the rapids on Fox river, called the Grand Kakalin, commencing on the border of said river, on the line between this tract and a tract claimed by Paul Ducharme, from thence along the border of said river, down stream, four arpents to the lower tract claimed by Paul Ducharme, and extending westward far enough to contain one section of land.

TESTIMONY.

Joseph Jourdin, being duly sworn, deposeth and saith that in the year one thousand eight hundred and thirteen he, this deponent, acted as attorney for Paul Ducharme, and sold four arpents in width, it being the above-described premises, to Augustus Grignon; that no rear line was mentioned in said contract; that he does not know the exact boundary, only that the present buildings of said Grignon are upon the tract; that he has continued the occupation by building and cultivating small pieces of said land to the present day.

Farm No. 3.—Paul Ducharme.

Entry of land made this first day of May, one thousand eight hundred and twenty-one, by Paul Ducharme, which is described as follows, viz: situated at the Grand Kakalin, or Great Rapids, on Fox river, beginning on the border of the river, at the point of the hill at the one end of the prairie, and extending up said river to the land which the above-named claimant sold to Augustus Grignon, supposed to be about one-half of a mile, and extending westward far enough to contain one section of land, bounded on the south by land claimed by Augustus Grignon, on the east by Fox river, and on the north and west by unlocated lands.

TESTIMONY.

John Lawe, being duly sworn, deposeth and saith that he has often passed the portage at the above-named Grand Kakalin for the last twenty-two years; that, to his knowledge, the same place of embarking and debarking goods to cross said portage has been at the lower part of the above-described tract, but has no knowledge of its having been cultivated otherwise than as a portage and cutting hay; that it has been continually occupied as a portage since his arrival in the country twenty-two years ago.

Claims of the Kakalin not confirmed.—Farm No. 1.—Pierre Grignon.

Entry of land made this eighth day of May, one thousand eight hundred and twenty-one, by Pierre Grignon, which is described as follows, viz: situated at the rapids on the Fox river, called the Grand Kakalin, beginning on the border of said river, at the upper part of the present mill-dam, and extending from thence down stream on said river to the land claimed by Augustus Grignon, extending westward far enough to contain one section of land.

TESTIMONY.

Pierre Charlefou, being duly sworn, deposeth and saith that thirteen years ago this deponent worked for the above-named claimant, and fenced and cultivated a part of the above-described premises; that he continued to cultivate the same by Indians, who planted small pieces until the commencement of the late war, in the year of our Lord one thousand eight hundred and twelve; that last year said Grignon commenced building mills on the same tract.

Farm No. 3.—Augustus Grignon.

Entry of land made this eighth day of May, one thousand eight hundred and twenty-one, by Augustus Grignon, which is described as follows, viz: situated at the Grand Kakalin, or Great Rapids, on Fox river, commencing on the border of said river, on the line between this tract and the other tract claimed by the said Augustus Grignon; from thence along the border of said river, down stream, sixty-six rods, and extending westward far enough to contain one section of land.

N. B.—The same place is claimed by Paul Ducharme.

TESTIMONY.

Laurent Fely, being duly sworn, deposeth and saith that a small piece of the above-described tract has been cultivated by the above-named Augustus Grignon for about nine years last past, and that he also cut hay on other tracts for the same length of time.

Farm No. 4.—Paul Ducharme.

Entry of land made this first day of May, one thousand eight hundred and twenty-one, by Paul Ducharme, which is described as follows, viz: situated on the east side of Fox river, at the Grand Kakalin or Great Rapids, bounded on the west by said river, and includes a small prairie in front, which is about four arpents in width, and extends westerly far enough to contain one section of land, bounded on the north, south, and east by unlocated lands; it being the same tract mentioned in the Indian deed of the date of seventeen hundred and ninety-three.

TESTIMONY.

John Lawe, being duly sworn, deposeth and saith that he has often seen stacks of hay, and sometimes corn, on the above-described tract of land, in passing there this last twenty-two years.

☞ An extract of a letter from Jacob Chukhaneous and others, sent to the General Land Office from the department of Indian affairs of War Department, states that this claim has been reported *favorably* by the commissioners. If so, it must be in a subsequent report. The Menomonees claim the land. See the extract filed with Col. McKenny's letter of March 1, 1825, answered March 31, 1825.

J. M. MOORE.

Report concerning the land titles at Prairie des Chiens, in the county of Crawford, and Territory of Michigan.

Few difficulties have been met with by the commissioners in their investigation of these titles; they are not individually intricate. The determination of a few principles of general applicability has furnished a rule by which they have all been decided, for they rest upon long-continued possession.

Notwithstanding the high antiquity which may be claimed for the settlement of Prairie des Chiens, and the very considerable numbers of which it has so long consisted, no one perfect title, founded upon French or British grant, legally authenticated, has been successfully made out; comparatively but few deeds of any sort have been exhibited to us. To an American, unacquainted with the astonishing carelessness of the Canadians in respect to whatsoever concerns their land titles, this fact must seem unaccountable. It nevertheless accords with whatever is known in this regard of the French population throughout this country.

It became manifest, therefore, immediately after the commissioners were possessed of the report of the agent, that whatever claim the people of Prairie des Chiens might have for a confirmation of their land titles must be founded upon proof of continued possession since 1796; a basis sufficiently broad to have comprehended perhaps all their claims, but for the changes which have occurred within a few years among them, and the interruptions and occasional evictions from their possessions, consequent upon the establishment there, since the late war, of bodies of American troops.

Such interruptions and evictions, though frequent since the period last alluded to, seem never, among the French population, to have excited a spirit of resistance, but to have been submitted to in silence. Since their ancestors were cut off by the treaty which gave the Canadas to the English from all intercourse with their parent country, the people, both of Green Bay and Prairie des Chiens, have been left, until within a few years, quite isolated, almost without any government but their own. And although the present population of these settlements are natives of the countries which they inhabit, and consequently are by birth citizens of the United States, yet, until within a few years, they have had, apparently, as little political connexion with its government as their ancestors had with that of the British. Ignorance of their civil rights, carelessness of their land titles, docility, habitual hospitality, cheerful submission to the requisitions of any government which may be set over them, are their universal characteristics. With those who know them, their quiet surrender of their fields and houses upon the demand of those who come ostensibly clothed with authority, would constitute no evidence of the illegality of their titles, or of the weakness of their claims.

A few additional remarks, in conclusion, might seem sufficient to satisfy the requisition of the law, and to explain adequately the grounds of the decisions the commissioners have made. A circumstance has occurred, however, which seems to call for a more detailed exposition of their views. After the agent had returned from Green Bay and Prairie des Chiens, and when it seemed too late to obtain rebutting or further testimony, a caveat was filed with the commissioners, at the instance of the superintendent of Indian trade, by John W. Johnson, esq., Indian factor, against the claim to village lot No. 14, preferred by the American Fur Company. The principles upon which that caveat is founded, and by which it is endeavored to be supported, apply with equal force to all the other land claims at Prairie des Chiens. The objections against the claim, and the documents adduced in its support, consist in this: that the settlement at Prairie des Chiens is of recent origin; that its residents have intruded upon the public lands in violation of the laws of the United States, and that, in truth, the Indian title to the country in question has not been extinguished, objections which, if sustained in one case, must conclude all cases there. Upon a critical examination of this matter, so unexpectedly and so recently presented to them, the commissioners have not been able to discover anything in the protest of the United States Indian factor, in the documents he has adduced, or in his own fair and candid statement, which could sanction a doubt as to the propriety of confirming the claim set up by the American Fur Company.

It appears to have been in the spring of 1673 that Pierre Marquette and Mons. Joliet took their departure from the French establishment at Green Bay, on a voyage of discovery up the Fox river, and

down the Wisconsin, to the Mississippi. This channel of communication between the great lakes and the Mississippi, from about that period, had attracted a considerable portion of public attention. The French voyagers continued afterwards generally to take that route; their Indian traders most usually did; and it is the same channel through which Carver also penetrated into the Mississippi country in 1766.

Although the commissioners have not, on this head, been able, in so short a time, to procure that ample and certain information which is desirable, yet it is believed that not very many years after its first discovery in 1673 by the French a permanent establishment was made by them at the Prairie des Chiens. Vestiges of an old and a strong *French* fort are still discernible there, although it is stated to have been destroyed so early as in the first years of the revolutionary war.

When, in 1805, the late General Pike was on his voyage up the Mississippi, he computed the fixed white population of the place, in the absence of the traders and those connected with them, at 370; and the total number at from 500 to 600. Mr. Schoolcraft, in 1820, estimates the population of the place at 500. No evidence can be obtained from the traditionary history of the country that, at any *one* period, that settlement has received, by emigration, any sudden and large augmentation in the number of its inhabitants. It has never been characteristic of the French Canadian settlements to increase rapidly; and it is considered a fair inference, from all that can be learned on the subject, that for a long and indefinite time, its numbers have been considerable, and increasing only at a tardy pace. This consideration is supposed to be eminently corroborative of the position the commissioners have assumed, of the antiquity of this settlement.

With what propriety the inhabitants of Prairie des Chiens, who were born there and whose ancestors have for more than a century resided there, may be said to have "taken possession of the public lands in violation of the laws;" how *they* may be said to be "intruders" who, and whose ancestors through so many political changes, have, with the assent, express or implied, of each successive sovereignty, continued to inhabit the country which gave them birth, it is hard to imagine.

It has been urged against them that their only right in the soil which they occupy consists in the *permission accorded them by the Indians to remain there.* Surrounded, as that settlement always has been, by numerous hordes of ferocious savages, quite well disposed at all times to cause their power to be felt, it may, perhaps, be emphatically said (especially since the power of the French government here was overthrown) that its inhabitants have occupied their lands "*by permission of the Indians.*" Left with none to defend them, they must have accommodated themselves to their humors; it has from *necessity* resulted that they have been compelled to submit to their commands, and, however reluctantly, to subserve, perhaps often, their vindictive views. But it is not considered that anything in their history, in such respects, detracts from the force of their present claims.

The commissioners have not had access to any public archives by which to ascertain, with positive certainty, whether either the French or English government ever effected a formal extinguishment of Indian title at the mouth of the Wisconsin; yet the same observation, with the same truth, may be made in relation to the land now covered by the city of Detroit. It is believed that the French government, particularly, was not accustomed to hold formal treaties for such purposes with the Indians. And when lands have been anciently procured from them, either in virtue of the assumed right of conquest or by purchase, evidence of such acquisition is rather to be sought for in the traditionary history of the country, or in the casual and scanty relations of travellers, than among collections of State papers. Tradition *does* recognize the fact of the extinguishment of the Indian title at Prairie des Chiens by the old French government before its surrender to the English. And by the same species of testimony, more positive because more recent, it is established also that, in the year 1781, Patrick Sinclair, lieutenant governor of the province of Upper Canada, while the English government obtained over this country, made a formal purchase from the Indians of the lands comprehending the settlement of Prairie des Chiens.

In Pike's Journal allusion is made to the last-mentioned purchase.—(Pike's Journal, appendix to part 1, page 47.) The agent also took down some testimony concerning the same facts, which may be found in the subjoined abstracts.

Whatever purchases may thus have been made by the French or British authorities have since been sanctioned by the treaty of St. Louis, holden June 3, 1816; and by another treaty, (see acts of 2d session of the 14th Congress, pp. 307—309,) concluded also at St. Louis on the 24th of August of the same year. It is provided (Art. 2) that the United States relinquish to the tribes with whom that treaty was holden a certain tract of country lying north of a west line from the south bend of Lake Michigan, "*excepting* out of said relinquishment a tract of *three leagues square at the mouth of the Wisconsin*, including both banks," &c.; thus giving additional sanction to the allegation of a previous acquisition of the country comprehending the Prairie des Chiens settlement. For it will not escape observation, upon a reference to the treaty of November 3, 1804, (U. S. Laws, vol. 1, p. 428,) that the last-mentioned treaty *does not contain a cession* of the tract thus excepted by the United States from their relinquishment. The real object of the clause alluded in the treaty of the 3d November, it is apprehended, was to enable the United States, in its election, to erect a fort on the west bank of the Mississippi, where the Indian title had not yet been extinguished, and where a more eligible site, it was supposed, could be selected.

If further evidence were necessary on this head, it might be found perhaps in the provisions of the fourth article of the treaty of Greenville. The settlement of Prairie des Chiens lies "*east* of the Mississippi;" it is "*west*" from Detroit. It was certainly "*in the possession of the French people*," who, or whose children, still inhabit it. It is believed to be comprehended within both the words and the spirit of the provisions of the third and fourth articles of that treaty.

After all, it is not deemed important (except so far as it may seem to strengthen the equity of the claimants) to establish the proposition of an early extinguishment of the Indian title. There can be no doubt but that the Indian title is *now* extinguished. It would be hardly admissible to suppose that the American government have been themselves guilty of an act of oppressive usurpation and violence; and yet it cannot otherwise be if the Indian title be not extinguished—for they have erected forts and established garrisons there. It would equally violate every principle of decorum for the commissioners to suppose that they had no power, and that the people of Prairie des Chiens had no right in relation to this matter, when the law of May 11, 1820, under which they act, expressly extends to that people all the benefits and all the rights which, in virtue of former acts of Congress, the people residing within the Detroit land district heretofore possessed in relation to their land titles; and also imperatively requires of the commissioners that they give effect to that act.

The act of March 3, 1807, vested in those for whose benefit it was passed a right to be confirmed in their claims upon the exhibition of proof of continued possession from July 1, 1796, to March 3, 1807,

inclusive. The extension to the people of Green Bay and Prairie des Chiens of the provisions of that act, it is presumed, conferred upon them, upon the exhibition of like proof, a like right. Proof of this tenor has been adduced by John Jacob Astor, Ramsay Crooks, and Robert Stewart, co-partners under the firm of "The American Fur Company," (formerly styled "The Southwest Company,") as well as by others whose claims they have confirmed; and the commissioners have not felt themselves justified in adopting any course of reasoning which would frustrate the object of that law from which they derive all the power they have possessed.

A majority of the commissioners have felt obliged, nevertheless, to withhold from many of the claims the sanction of their confirmation; not because those claims were less equitable, but because the proof adduced of occupancy, possession, and improvement did not reach far enough back; they considered that the possession, &c., contemplated by the law was an *individual* and *exclusive* possession from July, 1796, to March, 1807. The fact in relation to the claims not confirmed seems to have been that the lands so claimed had been immemorially occupied by the villagers in common, or as a common; and that they had not been individually and exclusively appropriated until after July, 1796.

As no dissent on the part of the villagers was at any time expressed, or rather as none was *proved* or attempted to be proved, one of the commissioners was willing to deduce from circumstances appearing a presumption of assent, equivalent to a formal conveyance. Upon such hypothesis the present claimants, combining their own exclusive possession with the antecedent occupancy of the villagers in common, "under whom" they might be considered to claim, would be respectively entitled, under the law, to confirmations; but a majority of the commissioners, believing that such construction was at least obnoxious to much doubt, felt obliged reluctantly to reject it, and, without further difference of opinion, they all resolved to present with these cases to the revising power their respectful and most earnest petition in behalf of the unsuccessful claimants, that their claims may be confirmed. Although some of these claimants have been in the exclusive occupancy of their possessions but for a very short space of time, yet their claims are considered not the less meritorious; for those who have thus remained in possession for the shortest period would seem to have been removed from their former and older possessions, because those possessions were deemed necessary for the convenience of the troops by *whose* permission they have located themselves on the tracts now claimed.

Few cases have occurred at Prairie des Chiens in which different claimants have applied for the same tract. In regard to other districts of country, much perplexity has been experienced in the selection, among many, of that claimant in whose favor the title of right should be confirmed. The commissioners have uniformly acted upon the principle that their power was intended to be exercised only as between the government and claimants, and not as between several conflicting claimants. Doubts having been expressed, however, by members of the Supreme Court, as to the power of that tribunal to interfere after the emanation of patents, the commissioners have become sensible that, without intending it, they might effect injustice by confirming the title in one whose claim, when exhibited before a court having chancery powers, might prove to be much less meritorious than the conflicting claim of some other person. It is most manifest, nevertheless, that a board of commissioners constituted as this board is are not competent to the undertaking of deciding, in the last resort, between contending individuals. Their proceedings are, of necessity, summary. They cannot administer suppletory oaths to the contending parties, and they have no control over their consciences. Their forms of proceeding are utterly unlike those which obtain in regularly constituted courts: *forms* which, however slow and troublesome in their operations, are yet the surest guarantee of justice.

They therefore respectfully submit to the revising power, in order to obviate all doubt, the propriety of causing to be inserted in the patents which may issue clauses saving by express words the rights of all individual claimants; such saving clauses will be in conformity with every decision which has been made.

It only remains for the commissioners further to remark that, in making abstracts from the testimony adduced, they have felt disposed, in order that their report may be less encumbered with useless matter, to exclude as well copies of all deeds of individuals in cases where they have been satisfied that *bona fide* transfers have been intended, as also irrelevant matter contained in depositions taken.

All which is respectfully submitted.

WILLIAM WOODBRIDGE,
Secretary of Michigan.
HENRY B. BREVOORT,
Register of Land Office, Detroit.
J. KEARSLEY,
Receiver of Land Office, Detroit.

DETROIT, *Michigan Territory, November* 9, 1821.

TERRITORY OF MICHIGAN, *District of Detroit:*

We, William Woodbridge, secretary of the Territory of Michigan, Peter Audrain, register, and Jonathan Kearsley, receiver of the land office for the land district of Detroit, do, and each of us doth solemnly swear, that we will impartially exercise and discharge the duties imposed upon us by an act of Congress entitled "An act regulating the grants of land in the Territory of Michigan," passed March 3, 1807; and also "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie des Chiens, in the Territory of Michigan," passed May 11, 1820. So help us God.

WILLIAM WOODBRIDGE.
PETER AUDRAIN.
J. KEARSLEY.

TERRITORY OF MICHIGAN, *County of Wayne, to wit:*

Personally appeared before me, John McDonell, one of the associate justices of the court of the county of Wayne, and Territory aforesaid, William Woodbridge, Peter Audrain, and Jonathan Kearsley, esquires, who took and subscribed the foregoing oath in my presence.

Given under my hand at the city of Detroit, August 8, 1820.

JOHN McDONELL,
Associate Justice of the Court of the County of Wayne, Territory of Michigan.

TERRITORY OF MICHIGAN, *District of Detroit, to wit:*

I, Henry B. Brevoort, register of the land office for the district of Detroit, do solemnly swear that I will impartially exercise and discharge the duties imposed on me by an act of Congress entitled "An act regulating the grants of land in the Territory of Michigan," passed March 3, 1807; and also "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie des Chiens, in the Territory of Michigan," passed May 11, 1820. So help me God.

HENRY B. BREVOORT, *Register.*

TERRITORY OF MICHIGAN, *Land District of Detroit:*

Personally appeared before me, this 14th day of May, A. D. 1821, the above-named Henry B. Brevoort, esquire, register of the land district of Detroit, who took and subscribed the above-written affidavit in my presence.

Given under my hand the day and year above written.

GEORGE McDOUGALL,
Justice of the Peace, County of Wayne, Michigan Territory.

Extract from the letter of instructions to the agent appointed to receive claims and take evidence concerning land claims at Green Bay and Prairie des Chiens.

TERRITORY OF MICHIGAN, *Land District of Detroit, August* 8, 1821.

SIR: You are hereby notified of your appointment, (with the approbation of the Secretary of the Treasury,) and in conformity with the provisions of the act entitled "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie des Chiens, in the Territory of Michigan," passed May 11, 1820, as agent for the purpose of ascertaining the titles and claims to land at the settlements of Green Bay and Prairie des Chiens.

The Secretary of the Treasury has given general directions that you proceed with as little delay as possible, taking the various laws which relate to your duties as your guide in the execution of the trust reposed.

The evidence of titles and claims which it is presumed you will receive are such as are founded upon legal grant made or authorized prior to the treaty of Paris (February 10, 1763,) by the French government, or subsequent to that period, and prior to the treaty of peace between the United States and Great Britain, (September 3, 1783,) or such as may be deducible from some act of Congress.

The whole system heretofore applicable to the land district of Detroit is presumed to have been reinstated in its full extent, except so far as controlled by the late law, and made specially applicable to the settlements of Green Bay and Prairie des Chiens. You will therefore not fail to notice that *occupancy* and *possession* of tracts within either of those settlements, between July 1, 1796, and March 3, 1807, by the present claimants, or those under whom they may successively make claim, are, by the act of March 3, 1807, recognized as conferring just claims for confirmation. And you will also see, by reference to the fourth section of the act of April 25, 1808, that so much of the act of March 3, 1807, as limited the claim to one tract is repealed.

These references are given you that your records may not be needlessly burdened. It is nevertheless believed that you cannot of right refuse to receive and record any evidence of title, of whatsoever nature, that may be offered; for the law clearly contemplates that the power of rejecting as well as of confirming all claims resides, in the first instance, in the commissioners, and not in the agent.

It is presumed to be the intention of the law that all the evidence of title and claims shall be recorded in the English language; yet it is recommended, in all cases of doubtful or technical expressions, that you preserve the original expressions used; also, in all cases where it is desired by the claimants, that you record also true copies of entire documents in their original language. After being recorded with every proof of authentication which is offered, it is considered that the claimants will be entitled to receive again of you their deeds or other documents. The originals, it is believed, are not required to be brought here, unless by the consent and desire of the claimants.

A doubt occurs how far it may be competent for you, as agent, to administer oaths; that power is not expressly given you by the law; it is there given only to those who have the right to examine and decide. Such implied powers can only be supposed to have been given you as are really necessary to enable you conveniently to receive the notices and record the evidences of the titles and claims adduced. The commissioners do not deem it necessary, at this time, to express an opinion on that point, as they are advised that you will receive commissions as justice of the peace for each of the two counties of Crawford and Brown before your departure, in virtue of which, under the territorial laws, you will be qualified to administer all necessary oaths and take all proper affidavits.

As it is feared (from the characteristic want of caution of the Canadian French as it regards the presentation of their title deeds) that most of their claims will be attempted to be supported by proving continued possession, (this proof will, of course, consist principally of affidavits to be taken at the time of preferring their claims,) it is specially recommended to you that you attend, whenever practicable, personally, to the taking of such affidavits; that you have special regard to the prevention of all attempts at deception; and that you certify them in both your capacities of agent and justice of the peace. This form of authentication must remove all doubt as to your competency to administer oaths, and will be particularly convenient also, as it will enable you to draw the affidavits in the English language.

It is not practicable for the commissioners to prescribe the period of time which, by your notices, you will assign at Green Bay and Prairie des Chiens, respectively, for receiving the evidences of claims and titles. The law requires *reasonable* notice; what may be deemed *reasonable* notice must depend upon the number of claimants and the remoteness of their relative situations. You must judge of it.

Though the settlement of Green Bay is spoken of by Charlevoix as early as 1720, yet it is believed the whole number of claimants there cannot exceed one hundred and fifty. The settlement of Prairie des

Chiens is supposed to have been some thirty years later, though the number of claimants is believed to be considerably greater; but, in respect to both, it is said the settlements are quite compact. All the traditionary or other information which can be procured by you concerning the origin and history of these settlements would be very desirable, and may be of much use in the ultimate investigation of their land claims.

It is expected that from the time of your arrival at Green Bay, and entering upon the duties devolving upon you, you will keep accurate minutes of all your official proceedings.

WM. WOODBRIDGE, *Secretary of Michigan,*
PETER AUDRAIN, *Register,*
J. KEARSLEY, *Receiver,*
} *Commissioners.*

ISAAC LEE, Esq., *Agent, &c.*

OATH OF AGENT.

TERRITORY OF MICHIGAN, *Land District of Detroit:*

I, Isaac Lee, of the said Territory, having been appointed agent for the purpose of ascertaining the titles and claims to land at the settlements of Green Bay and Prairie des Chiens, do solemnly swear that I will faithfully and impartially discharge the duties imposed upon me by the act entitled "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie des Chiens, in the Territory of Michigan," according to the best of my ability and understanding. So help me God.

ISAAC LEE.

Sworn to and subscribed before us this 8th day of August, 1820.

WM. WOODBRIDGE, *Secretary of Michigan,*
PETER AUDRAIN, *Register,*
J. KEARSLEY, *Receiver,*
} *Commissioners.*

Extract from official report of agent.

GENTLEMEN: On my arrival at Green Bay, on the 24th of August, A. D. 1820, I found that the principal land claimants were absent. I gave personal notice at every house of my arrival and business, and embraced the first opportunity of a passage to Prairie des Chiens, stating to the inhabitants of Green Bay that I should return and attend to their land claims in October.

On my arrival at Prairie des Chiens, October 2, I gave personal notice at each house of my arrival and business there, and immediately commenced to take testimony, which I completed, and took my departure for Green Bay October 24, at which place I arrived November 16, and found myself obliged to remain there during the winter season. The principal part of my report is contained in the records already before you. As to the traditionary account of the first settlement of that country, and the purchase of the lands from the natives, I refer you to the depositions before you, and a letter from Matthew Irwin, esq., factor at Green Bay, to Governor Cass. I was requested by the inhabitants of both Green Bay and Prairie des Chiens to represent to you the situation of those whose claims would not come within the present law, with a request that you would officially represent to the general government their situation, and endeavor to procure the passage of a law more favorable than the existing law, as they find it difficult to prove a continual occupation for twenty-five years. The records before you contain an account of every kind of claim that came to my knowledge in the country.

With respect, yours, &c.,

ISAAC LEE, *Agent.*

The COMMISSIONERS *of the Land District of Detroit.*

Extinguishment of Indian title.

TERRITORY OF MICHIGAN, *County of Crawford, ss:*

Be it remembered that on this day personally appeared before me, Isaac Lee, a justice of the peace in and for said county, and agent duly appointed to ascertain the title to lands at Green Bay and Prairie des Chiens, Dennis Courtois, of said county, who, after being sworn according to law, deposeth and saith that he is fifty-two years old; that he has been a resident of Prairie des Chiens twenty-nine years; that, according to the best information he has been able to obtain from the tradition of the inhabitants at Prairie des Chiens, the old French fort was burned during the second year of the revolutionary war; that he has no knowledge of any building or fence being erected on the same ground since that time, but that the land between the said fort and the hills or bluffs was occupied before and since the time that deponent arrived in this country; that Prairie des Chiens has been formerly occupied much in the manner of an Indian village, the lands being alternately in common, and improved in detached parts as each should please, and this by the common consent of the villagers, since deponent's arrival in the country; that he (deponent) has been uniformly told by the old French inhabitants of the prairie that it was bought and paid for by the French many years ago; that he has never heard any Indian make claim to said lands.

DENNIS COURTOIS.

Sworn and subscribed before me this 21st of October, A. D. 1820.

ISAAC LEE, *J. P. C. C., and Agent.*

TERRITORY OF MICHIGAN, *County of Crawford, ss:*

Be it remembered that on this day personally appeared before me, Isaac Lee, a justice of the peace in and for said county, and agent duly appointed to ascertain the title to lands at Green Bay and Prairie des Chiens, Michael Brisbois, of said county, who, after being sworn according to law, deposeth and saith that he, this deponent, is sixty years of age; that he has been thirty-nine years in this country; that, from the best information he has been able to obtain, and from his own knowledge, Prairie du Chien, extending from the mouth of the river Wisconsin to the upper part of the prairie, has been occupied and cultivated in small improvements, in virtue of sundry claims of French people, both before and since deponent's arrival in the country; that he (deponent) has never heard of any Indian claim to said tract, except that

about eighteen years ago the French people became somewhat apprehensive as to their title, which fact being made known to the Indians, one of the first chiefs of the Fox nation, named Nanpouis, ratified at Cahokia, near St. Louis, an ancient sale of said prairie to the French; that in the year seventeen hundred and eighty-one Governor Sinclair bought the island of Michilimackinac, Green Bay, and Prairie du Chien; that this deponent saw the papers relating to said purchase executed and folded up, to be sent to Montreal or Quebec; deponent was informed on his first arrival at this place that it derived its name from a large family called Des Chiens, who formerly resided here; that the same family or their descendants were here at the time of deponent's arrival, and were called "Des Chiens."

M. BRISBOIS.

Sworn and subscribed before me this 21st day of October, A. D. 1820.

ISAAC LEE, *J. P. C. C., and Agent.*

TERRITORY OF MICHIGAN, *County of Crawford, ss:*

Be it remembered that on this day personally appeared before me, Isaac Lee, a justice of the peace in and for said county, and agent duly appointed to ascertain the title to lands at Green Bay and Prairie des Chiens, Pierre Lapointe, of said county, who, after being sworn according to law, deposeth and saith that he is seventy years of age; that he has been forty-four years in this country, of which period he has resided thirty-eight years at Prairie des Chiens; that in the year 1781 this deponent was at Michilimackinac, and acted in the capacity of interpreter at the treaty held by Governor Sinclair with the Indians for the purchase of the island of Michilimackinac, Green Bay, and Prairie des Chiens; that during the time deponent has resided at the prairie he has never known the Indians to make claim to said tract of land as their property; that deponent was present at Prairie des Chiens, and saw the goods delivered to the Indians in payment for the said prairie by Bazil Guird, Pierre Antya, and Augustin Angé, according to the stipulations of the treaty with Governor Sinclair above mentioned.

PIERRE his + mark. LAPOINTE.

Sworn and subscribed before me this 23d day of October, 1820.

ISAAC LEE, *J. P. C. C., and Agent.*

Claim for village common.

TERRITORY OF MICHIGAN, *to wit:*

I, Isaac Lee, agent appointed to receive claims to land at the settlements of Green Bay and Prairie des Chiens, and to take down and receive testimony concerning them, do certify that the whole extent of the prairie on which is situated the village of Prairie des Chiens, excepting so much of it as is fenced and in the exclusive possession of individuals, is claimed by the villagers and inhabitants of that settlement as a common appurtenant to the village, and that many objections were urged against some of the claims preferred, lest they should ultimately be found to encroach upon that common. I further certify that no testimony was tendered to me to establish the said claim, as all the inhabitants residing there felt equal interest in establishing the claim, and might not, therefore, be considered competent witnesses; but that, as an individual, and in my official capacity, I made diligent inquiry in relation to this matter, especially among the oldest and most intelligent of the inhabitants, the result of which was the most entire conviction in my own mind that, in truth, from the earliest periods in the history of this settlement, all that part of the said prairie not enclosed and in the exclusive occupancy of individuals was, and continually has been, and is used as a common appurtenant to said village and settlement, in which all the inhabitants are acknowledged to have an equal interest. I further certify, that among the most aged of the inhabitants of the prairie none could be found who could recollect, or who had any knowledge of the first establishment of the French there, nor could any satisfactory account be obtained by any traditions among them touching this point. The remains of what is commonly called the old French fort are yet very distinguishable. Though capacious and apparently strong, it was probably calculated for defence against musketry and small arms only. None can recollect the time of the erection of this fort; it was far beyond the memory of the oldest; nor can the time of its erection be determined by any evidence to be obtained. Some difference of opinion seems to exist there as to the question whether it was originally built by the French or by the Spanish government. It is evidently very ancient.

ISAAC LEE, *Agent.*

List of land claims at Prairie des Chiens, Territory of Michigan, confirmed by the commissioners, together with abstracts of the testimony in support of them, taken by Isaac Lee, esq., agent of the United States for ascertaining the titles and claims to land at the settlements of Green Bay and Prairie des Chiens, and justice of the peace, duly commissioned, for the counties of Crawford and Brown, Territory of Michigan; taken between the first and twentieth days of October, one thousand eight hundred and twenty.

Farm lot No. 1.—The heirs of James Aird.

Entry of land made this tenth day of October, one thousand eight hundred and twenty, by the heirs of James Aird, which is described as follows, viz: situated in the Prairie des Chiens, in the county of Crawford and Territory of Michigan, it being farm lot number one, bounded on the east by Madame Leafantesa's garden fence, on the south side by a creek, following all its meanderings to a stone set on the bank of the creek, being the boundary between this tract and Charles Menard; thence in range of the big rock under the hill, and the point of the peak, to a stone set by the side of the road, as it now runs; thence to the Mississippi, and following it until it reaches a line in range of a tree, marked C. D., near the second hollow or run from Fisher's creek.

TESTIMONY.

Dennis Courtois, of said county of Crawford, being duly sworn, deposeth and saith that the above-described tract of land was occupied in one thousand seven hundred and ninety-one by Joseph Creely,

who sold to Jean Marie Cardinal, who sold to Stephen Hempstead, who sold to Joseph Rolette, who sold to James Aird, deceased; that the above-described tract of land, called the Grand farm, has been continually occupied by the aforesaid persons from one thousand seven hundred and ninety-one to the present time.

Farm lot No. 2.—Charles Menard, for Mariame Labuche Menard, his wife.

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by Charles Menard, which is described as follows, viz: it being farm lot number two, bounded on the north by Fisher's creek, on the south by the present highway, on the west by the marais leading to the Mississippi, on the east by the present highway leading across Fisher's creek.

TESTIMONY.

Dennis Courtois and Pierre Lariviere, being duly sworn, depose and say that the above-described tract of land was first occupied in the year one thousand seven hundred and ninety-two by Claude Gagnier, who sold the same to Mariame Labuche, now the wife of said Charles Menard; that the occupation has been continually kept up to the present time. *October* 11, 1820.

Farm lot No. 3.—Joseph Rolette, in behalf of Jean F. Rolette.

Entry of land made by Jean Rolette, now the wife of Joseph Rolette, it being farm lot number three, this tenth day of October, one thousand eight hundred and twenty, which is described as follows, viz: bounded in front by the public road where it crosses Fisher's creek, in the Prairie des Chiens, in the county of Crawford, in the Territory of Michigan. It is supposed to be three arpents in front, extending from one side of the top of the ravine to the other, and extending two hundred acres up said ravine or creek, bounded on each side by the bluffs of said creek.

TESTIMONY.

Michael Brisbois, Antoine Brisbois, and Marie Souligne, all of said county, being duly sworn, depose and say that the above-described tract of land was occupied by Jean Bt. Cardinal thirty-two years ago, who sold the same to Henry Monroe Fisher, who sold the same, by deed, to Jean Fisher, now the wife of Joseph Rolette; and that said land has been occupied by the aforesaid persons during the whole term of thirty-two years.

Farm lot No. 4.—Joseph Rolette.

Entry of land made by Joseph Rolette this tenth day of October, one thousand eight hundred and twenty, it being farm lot number four, and described as follows: being five and one-third arpents in width, and extending from the bluffs to the river Mississippi, bounded on the north by the public highway, on the south by land claimed by Felix Mercier.

TESTIMONY.

Michael Brisbois, Antoine Brisbois, and Marie Souligne, all of said county, after being duly sworn, depose and say that the above-described tract of land was occupied thirty years ago by Pierre Antya, and sold at auction to Nicholas Boilvin, who transferred it to Pierre Lariviere, who sold the same to Jean Bt. Ferrebeaux, who sold the same to Joseph Rolette, by deed dated the twenty-seventh of September, one thousand eight hundred and nineteen; and that said tract of land has been occupied by the aforesaid persons every year during the aforesaid term of thirty years.

Farm lot No. 5.—The heirs of Felix Mercier.

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by the heirs of Felix Mercier, which is described as follows, viz: it being farm lot number five, situated in the Prairie des Chiens, it being five and one-third arpents in width, bounded on the north by land claimed by Joseph Rolette, on the south by land claimed by Jean Fisher, extending from the bluffs to the marais leading to the Mississippi.

TESTIMONY.

Joseph Crélé, being duly sworn, deposeth and saith that he, this deponent, occupied the above-described tract of land twenty-nine years ago; that he sold the same to John Marie Cardinal, who, some years after, sold it back to this deponent, who transferred the same to Felix Mercier; that the occupation has been continually kept up to the present time.

Farm lot No. 6.—Jean Fisher Rolette.

Entry of land made by Jean Fisher, now the wife of Joseph Rolette, made the tenth day of October, one thousand eight hundred and twenty, it being farm lot number six, which is described as follows, viz: being five arpents in width, extending from the bluff to the river Mississippi, bounded on the north by land claimed by the heirs of Felix Mercier, on the south by land claimed by Magdeline Gauthier.

TESTIMONY.

Michael Brisbois, Antoine Brisbois, and Marie Souligne, being duly sworn, depose and say that the above-described tract of land was occupied thirty years ago by Jean Bt. Cardinal, who sold to Henry Monroe Fisher, who deeded said tract to Jean Fisher, now the wife of Joseph Rolette; that said tract of land has been continually occupied by said persons for thirty years past.

Farm lot No. 7.—Magdeline Gauthier.

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by Magdeline Gauthier, which is described as follows, viz: it being farm lot number seven, bounded on the north by land claimed by Jean Rolette, on the south by land claimed by Dennis Courtois, it being four and three-fourths arpents in front on the upper marais, and extending back to the bluffs.

TESTIMONY.

Dennis Courtois, being duly sworn, deposeth and saith that the above-described tract of land was fenced in the year one thousand seven hundred and ninety-three or four for the purpose of cutting hay, but was not otherwise occupied until the year one thousand seven hundred and ninety-eight, and has been occupied from that to the present time.

Farm lot No. 8.—Dennis Courtois.

Entry of land made this tenth day of October, one thousand eight hundred and twenty, by Dennis Courtois, which is described as follows, viz: it being farm lot number eight, being eleven arpents in width, and extending from the bluffs to the marais of the Mississippi, bounded on the north by land claimed by Magdeline Gauthier, on the south by land claimed by John Simpson.

TESTIMONY.

Pierre Lariviere, being duly sworn, deposeth and saith that the above-named Dennis Courtois has occupied the above-described tract of land for eighteen years past; that it is twenty-eight years that this deponent has knowledge that hay has been cut on the above-described land every year until it was enclosed by Dennis Courtois, who has occupied it to the present time.

Another deposition concerning the aforesaid tract of land.

Michael Brisbois, being duly sworn, deposeth and saith that the aforesaid tract of land was occupied and claimed by Joseph Crélé twenty-eight years ago; that this deponent has no knowledge of any fence on the tract, except a stack yard of said Crélé, who sold to Dennis Courtois; that when other people cut hay on said tract of land, said Crélé was accustomed to take possession of it; and that Crélé and Courtois have continued the occupation as aforesaid to the present time. *October* 11, 1820.

Farm lot No. 9.—John Simpson.

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by John Simpson, which is described as follows, viz: it being farm lot number nine, bounded on the north by land claimed by Dennis Courtois, on the south by land claimed by Joseph Rolette; it being three and one-fourth arpents in front on the upper marais, and extending back to the bluffs.

TESTIMONY.

Dennis Courtois, being duly sworn, deposeth and saith that the above-described land was fenced, for the purpose of cutting hay, in the year one thousand seven hundred and ninety-three, but was not otherwise cultivated until the year one thousand seven hundred and ninety-seven; that Jean Marie Courville was the first occupant, and sold the same to John Simpson, who has kept up the occupation until the present time. *October* 11, 1820.

Farm lot No. 10.—Joseph Rolette.

Entry of land made this tenth day of October, one thousand eight hundred and twenty, which is described as follows, viz: it being farm lot number ten, it being two and one-half arpents in width, extending from the bluffs to the Mississippi, bounded on the north by land claimed by John Simpson, and on the south by land claimed by Benjamin Cadotte.

TESTIMONY.

Dennis Courtois, after being duly sworn, deposeth and saith that he, this deponent, knows that the above-described tract of land was occupied in the year one thousand seven hundred and ninety-four by Pierre Courville, who sold to Patagé Lapierre, who sold the same to Joseph Rolette; that it has been occupied continually by the aforesaid persons since one thousand seven hundred and ninety-four to the present time.

Farm lot No. 11.—Benjamin Cadotte.

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by Benjamin Cadotte, which is described as follows, viz: it being farm lot number eleven, bounded on the north by land claimed by Joseph Rolette, on the south by land claimed by Michael Brisbois, and is three and two-thirds arpents in front on the upper marais, and extending back to the bluffs.

TESTIMONY.

Dennis Courtois and Michael Brisbois, after being duly sworn, depose and say that Jean Marie Cardinal claimed the above-described tract of land in the year one thousand seven hundred and ninety-four, who made no other use of it for several years than to cut hay; the said Cardinal died, and Nicholas Colas

came into possession by marrying the widow; after which it was sold at auction, and purchased by Joseph Rolette, who sold the same to Benjamin Cadotte; that it has been fenced from the year one thousand seven hundred and ninety-five, and occupied as a meadow until fifteen years ago, when it was ploughed and occupied as a farm to the present time. *October* 11, 1820.

Farm lot No. 12.—*Michael Brisbois.*

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by Michael Brisbois, which is described as follows, viz: it being farm lot number twelve, and bounded on the north by land claimed by Benjamin Cadotte, and on the south by land claimed by Claude Gagnier; it being three and one-half arpents in front on the upper marais, and extending back to the bluffs.

TESTIMONY.

Dennis Courtois, after being duly sworn, deposeth and saith that Claude Gagnier occupied the above-described tract in the year seventeen hundred and ninety-four; that it was transferred to Pierre Lafleur, from him to François Laroche, and sold at auction, and purchased by Michael Brisbois, the present claimant. *October* 11, 1820.

Farm lot No. 13.—*The heirs of Claude Gagnier.*

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by the heirs of Claude Gagnier, which is described as follows, viz: it being farm lot number thirteen, bounded on the north by land claimed by Michael Brisbois, on the south by land claimed by François Chenneviere, and is six arpents in front on the upper marais, and extending back to the bluffs.

TESTIMONY.

Dennis Courtois, being duly sworn, deposeth and saith that the above-described tract of land was cultivated and occupied by Claude Gagnier in the year one thousand seven hundred and ninety-four, and has been always occupied by him and his heirs to the present time.

Farm lot No. 14.—*François Chenneviere.*

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by François Chenneviere, which is described as follows, viz: it being farm lot number fourteen, bounded on the north by land claimed by Claude Gagnier, on the south by land claimed by the heirs of James Aird, and is four and two-thirds arpents in front on the present highway, and extending back to the bluffs.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that he, this deponent, purchased the above-described lot of land eighteen years ago from François Bellard, who had cultivated it ten years previous to that time; that this deponent sold to John Campbell, who sold it to Jean Bt. Gird, who sold it to François Chenneviere, and that the occupation of the said tract of land has been kept up by the above-named persons twenty-eight years.

Farm lot No. 15.—*The heirs of James Aird*

Entry of land made this tenth day of October, one thousand eight hundred and twenty, by the heirs of James Aird, which is described as follows, viz: it being farm lot number fifteen, in the Prairie des Chiens, bounded in front by the present highway, on the north by land claimed by François Chenneviere, on the south by land claimed by Augustus Hebert, on the east by land unlocated; it being five arpents in width, and extending back one hundred and twenty-eight arpents.

TESTIMONY.

Augustus Hebert, being duly sworn, deposeth and saith that Marie Souligne built the house which now stands on the above-described tract of land about twenty-one years ago; that said tract was occupied and a small house built four or five years before that time; that the said Marie sold said tract of land to Joseph Rolette, who sold to James Aird, deceased; that the occupation has been kept up to the present time. *October* 11, 1820.

Farm lot No. 16.—*Augustus Hebert.*

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by Augustus Hebert, which is described as follows, viz: it being bounded on the north by land claimed by the heirs of James Aird, on the south by land claimed by Jean Bt. Albert, being two and one-half arpents in front on the highway, and extending back to the bluffs.

TESTIMONY.

Dennis Courtois and Pierre Lariviere, being duly sworn, depose and say that François Bellard occupied the said tract of land in the year one thousand seven hundred and ninety-five, and transferred it to Augustus Hebert, and said land has been occupied to the present time.

Farm lot No. 17.—*Jean Bt. Albert.*

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by Jean Bt. Albert, which is described as follows, viz: it being farm lot number seventeen, bounded on the north

by land claimed by Augustus Hebert, on the south by land claimed by the heirs of James Aird, and is two and two-thirds arpents in front, bounded on the west by the highway, and extending to the bluffs on the east.

TESTIMONY.

Dennis Courtois, being duly sworn, deposeth and saith that the above-described tract of land was occupied by François Billard in the year one thousand seven hundred and ninety-five, who transferred it to Augustus Hebert, who transferred it to Jean Bt. Albert; that said tract had been occupied from the year one thousand seven hundred and ninety-five, by the aforesaid persons, to the present time.

Farm lot No. 20.—The heirs of John Campbell.

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by the heirs of John Campbell, which is described as follows, viz: it being seven arpents in width, bounded in front by lands claimed by the heirs of James Aird, and by lands claimed by Joseph Rolette, it being farm lot number twenty, commonly known by the name of Campbell coulée, and extending from the point of the bluffs on each side of said coulée up ninety arpents, bounded on each side by enclosed lands.

TESTIMONY.

Dennis Courtois and Pierre Lariviere, being duly sworn, depose and say that the aforesaid farm, called Campbell's coulée, was occupied in the year one thousand seven hundred and ninety-three by the aforesaid Dennis Courtois, Jean Marie Gueré, and the aforesaid Pierre Lariviere, from one thousand seven hundred and ninety-three to one thousand eight hundred and five, when they sold to John Campbell, who occupied the same until one thousand eight hundred and nine.

Entry of Jarrot, for the heirs of John Campbell, for the same farm, with different boundaries.

CAHOKIA, *August* 28, 1820.

SIR: As administrator of all the rights, and credits, and effects of the late John Campbell, of Prairie des Chiens, I take the liberty to claim for his estate the following lands, viz: a tract of land, nine arpents in front, beginning on the Mississippi and running back on the hill the designated length, at the place called Coulée's de Campbell, near the village of Prairie des Chiens, of which be pleased to take notice.

JARROT.

To the agent of the United States for receiving claims to land at Green Bay and Prairie des Chien: Counter-claim in behalf of Nicholas Boilvin.

Personally came before the commissioners for adjusting titles to land, &c, John W. Johnson, who, being duly sworn, says that for five years last past, during the period of his residence at Prairie des Chiens, the tract of land entered by Nicholas Jarrot, for and in behalf of the heirs of John Campbell, has been claimed and possessed by Nicholas Boilvin; that he has known persons wishing to cut hay on said land obtain permission from said Boilvin; that he considered him alone as authorized to grant permission, and has himself obtained permission to cut hay thereon for public purposes; that he has understood from general report, and from some persons who attended the sale, that the improvement right on said tract of land was sold at public auction by Nicholas Jarrot, administrator on the estate of John Campbell, declaring at the same time that he could not sell the land, as it belonged to the United States; and that at said public sale Nicholas Boilvin purchased the same; that he has seen a paper written in French, and read to him by Mr. Boilvin, purporting to be a transfer from said Jarrot to said Boilvin, at what is generally called Campbell's coulée; that he does not know what was the extent of said Campbell's claim. Deponent further states that at the time Mr. Lee, the agent sent to Prairie des Chiens, was there, Mr. Nicholas Boilvin was not there, but wrote a letter to the deponent requesting him to attend to the entry of his claim for said Campbell's coulée, and all other lands to which he might have claim. Witness states that the declaration of Mr. Jarrot, that he did not sell the said land, as it belonged to the United States, he understood to be only an expression of unwillingness to guarantee any land for which the heirs of Campbell had never acquired a legal title, or any confirmation from the government of the United States. Witness further states that such has been the remote situation of the old inhabitants of Prairie des Chiens from the government of the United States that they have no distinct and perfect ideas of their rights and privileges as American citizens.

JNO. W. JOHNSON.

This claim was by the survey only extended back twenty arpents, on account of the land in the rear being occupied for military purposes.

L. LYON, *Deputy Surveyor.*

Farm lot No. 25.—Antoine Lachapelle, for his wife, Pelise Lachapelle.

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by Antoine Lachapelle, which is described as follows, viz: it being farm lot number twenty-five, bounded in front, on the west, by the present highway, on the north by land claimed by James McFarlane, on the south by land claimed by Julian Lariviere, and on the east by the bluffs, being four and one-half arpents in width.

TESTIMONY.

Pierre Lariviere, being duly sworn, deposeth and saith that the above-described tract of land was occupied and improved twenty-eight years ago by Antoine Sicoer, who sold the same to Adam Wilmot, who sold to the Michilimackinac Company, who sold to François Bouthellier, who sold to Pelise Lapointe, now the wife of said Antoine Lachapelle; that the occupation has been kept up by the aforesaid persons during the whole period of twenty-eight or twenty-nine years.

Farm lot No. 29.—*Andrew Basin.*

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by Andrew Basin, which is described as follows, viz: it being farm lot number twenty-nine, bounded on the west by the present highway, on the north by land claimed by Joseph Rolette, on the south by land claimed by Pierre Lariviere, on the east by the bluffs, it being two and one-half arpents in width.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that Augustus Mason claimed the right of cutting hay on the above-described tract of land twenty-six years ago, and enclosed and occupied the same twenty-two years ago, and sold said possession to Joseph Laplante, who sold to the Michilimackinac Company, who sold to John Finley, who deeded the same to Andrew Basin; that the aforesaid persons have kept up the occupation as aforesaid to the present time.

Farm lot No. 30.—*Pierre Lariviere.*

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by Pierre Lariviere, which is described as follows, viz: it being farm lot number thirty, bounded on the east by the bluffs, on the north by land claimed by Andrew Basin, on the south by land claimed by Julian Lariviere, and on the west by a line running three acres east of the present highway, on the east side of the marais; said tract being seven arpents in width.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that he, this deponent, purchased the above-described tract of land at auction in the year one thousand seven hundred and ninety-seven; it was sold as the property of François Lavigne, who had occupied it two years, to this deponent's knowledge; that this deponent made a present of it to Peter Antega, who sold the same to Pierre Lariviere, the present claimant; that the occupation has been kept up by the aforesaid persons from the year one thousand seven hundred and ninety-five to the present time. *October* 21, 1820.

Farm lot No. 31.—*Julian Lariviere.*

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by Julian Lariviere, which is described as follows, viz: it being farm lot number thirty-one, bounded on the east by the bluffs, on the south by land claimed by Jean Marie Quéré, on the north by land claimed by Pierre Lariviere, on the west by a line three acres east of the present highway, on the east side of the morass, being three and two-thirds arpents in width.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that he, this deponent, purchased the above-described tract of land at auction in the year one thousand seven hundred and ninety-seven; that it was sold as the property of François Lavigne, who, to this deponent's knowledge, had occupied the same two years; that this deponent made a present of the same to Peter Antega, who sold the same to Pierre Lariviere, who, it appears, has given or sold the same to his son, Julian Lariviere; that the occupation has been kept up by the aforesaid persons from the year one thousand seven hundred and ninety-five to the present time.

CLAIMS NOT CONFIRMED.

Farm lot No. 18.—*The heirs of James Aird.*

Entry of land made this tenth day of October, in the year one thousand eight hundred and twenty, by the heirs of James Aird, which is described as follows, viz: it being farm lot number eighteen, bounded on the north by land claimed by Jean Bt. Albert, on the south by land claimed by Joseph Rolette, on the west by the Mississippi, on the east by land claimed by the heirs of John Campbell, it being five arpents in width.

TESTIMONY.

Dennis Courtois, Augustus Hebert, Benjamin Cadotte, and François Vertefeuille, being duly sworn, depose and say that the above-described tract of land was occupied as a common until one thousand eight hundred and ten, when it was enclosed and improved by Joseph Rolette, and sold to James Aird, deceased; that John Campbell occupied land in the rear of this tract, in the coulée, but never occupied any part of this tract, or claimed it, to their knowledge.

Farm lot No. 19.—*Joseph Rolette.*

Entry of land made this tenth day of October, one thousand eight hundred and twenty, by Joseph Rolette, which is described as follows, viz: it being farm lot number nineteen, being five arpents in width, bounded on the west by the river Mississippi, on the east by land claimed by John Campbell, on the north by the heirs of James Aird, on the south by land claimed by François Vertefeuille.

TESTIMONY.

Dennis Courtois, Augustus Hebert, Benjamin Cadotte, and François Vertefeuille, being duly sworn, depose and say that the above-described tract of land was occupied as a common, and for cutting hay, until one thousand eight hundred and ten, when James Frazier enclosed the same and sold it to Joseph Rolette, who has occupied it until the present time; that John Campbell occupied land in the coulée, in the rear of this tract, but never occupied any part of this tract, or claimed it, to their knowledge.

Farm lot No. 21.—François Vertefeuille.

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by François Vertefeuille, which is described as follows, viz: it being farm lot number twenty-one, in the Prairie du Chien, bounded on the west by the Roman Catholic burying-ground, on a line parallel with the east line of said burying-ground, it being three and one-fourth arpents in width, bounded on the north by land claimed by Joseph Rolette, on the south by land claimed by Augustus Hebert, on the east by the bluffs.

TESTIMONY.

Augustus Hebert, being duly sworn, deposeth and saith that the people of the prairie have cut hay on the above-described tract of land for twenty-five or thirty years past; that François Vertefeuille enclosed and improved the same from one thousand eight hundred and nine to the present time.

Farm lot No 22.—Augustus Hebert.

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by Augustus Hebert, which is described as follows, viz: it being farm lot number twenty-two, bounded on the north by land claimed by François Vertefeuille, on the south by land claimed by the heirs of Pierre Jaudron, on the west by the Roman Catholic burying-ground, or on a line running parallel with the east line of said burying-ground, and on the east by the bluffs, being four and three-fourths arpents in width.

TESTIMONY.

François Vertefeuille, being duly sworn, deposeth and saith that the above-described tract of land has been occupied by the people of the prairie, for the purpose of cutting hay, for twenty-five or thirty years; that Augustus Hebert enclosed and occupied the same since one thousand eight hundred and nine.

Farm lot No. 23.—The heirs of Pierre Jaudron.

Entry of land made this eleventh day of October, one thousand eight hundred and twenty, by the heirs of Pierre Jaudron, which is described as follows, viz: it being farm lot number twenty-three, in the Prairie du Chien, and bounded on the west and front by the Roman Catholic burying-ground, or on a line running parallel with the east line thereof, on the north by land claimed by Augustus Hebert, on the south by land claimed by James McFarlane, on the east by the bluffs, it being two and one-half arpents in width.

TESTIMONY.

Augustus Hebert and François Vertefeuille, being duly sworn, deposeth and say that the above-described tract of land has been occupied as a common, by the people of the prairie, for twenty-five or thirty years, but was not enclosed and cultivated until one thousand eight hundred and nine, at which time said Pierre Jaudron took possession, which has been kept up to the present time.

Farm lot No. 24.—James McFarlane.

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by James McFarlane, which is described as follows, viz: it being farm lot number twenty-four, bounded on the west by the present highway, on the north by land claimed by Pierre Jaudron, on the south by land claimed by Antoine Lachappelle, on the east by the bluffs, said tract being three and three-fourths arpents in width.

TESTIMONY.

Jean Marie Quéré and Pierre Lapointe, senior, being duly sworn, depose and say that the said Quéré saith that she has been thirty-three years in this country, and the said Lapointe saith he has been forty-four; that they have knowledge that the above-described tract of land has been occupied and cultivated about twenty-one years; that it was occupied as a common four or five years previous to that time; that the occupation has been kept up to the present time.

Farm lot No. 26.—Julian Lariviere.

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by Julian Lariviere, which is described as follows, viz: it being farm lot number twenty-six, bounded on the west by the present highway, on the north by land claimed by Antoine Lachappelle, on the south by land claimed by John Simpson, on the east by the bluffs, it being one and two-thirds arpent in width.

TESTIMONY.

Jean Marie Quéré, being duly sworn, deposeth and saith that hay was cut on the above-described tract of land twenty-one years ago; that John Simpson enclosed and cultivated said tract eighteen years

ago, who sold the possession to Pierre Lariviere, who gave it to his son, Julian Lariviere; that it has been regularly cultivated for eighteen years.

Farm lot No. 27.—John Simpson.

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by John Simpson, which is described as follows, viz: it being farm lot number twenty-seven, bounded on the west by the present highway, on the north by land claimed by Julian Lariviere, on the south by land claimed by Joseph Rolette, on the east by the bluffs, being three and two-thirds arpents in width.

TESTIMONY.

Pierre Lariviere, being duly sworn, deposeth and saith that he has knowledge that hay was cut on the above-described tract of land twenty-seven years ago, but does not know that it was fenced and cultivated until about twenty-one years ago, when John Simpson cultivated it, and has to the present time.

Farm lot No. 28.—Joseph Rolette.

Entry of land made this tenth day of October, one thousand eight hundred and twenty, by Joseph Rolette, which is described as follows, viz: it being farm lot number twenty-eight, being three arpents in width, and extending from the bluffs to the marais in the rear of the village, bounded on the north by land claimed by John Simpson, on the south by land claimed by Andrew Basin.

TESTIMONY.

Pierre Lariviere, being duly sworn, deposeth and saith that he has been in this country thirty-five years, and knows that hay was cut on the above-described tract of land from that time, but has not been enclosed but twenty-one years; that St. Coudoné first occupied and sold to Robert Dixon, who sold the same to François Provost, who sold to Joseph Rolette; that the aforesaid occupancy has been kept up continually by the aforesaid persons to the present time.

Farm lot No. 32.—Jean Marie Quéré.

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by Jean Marie Quéré, which is described as follows, viz: it being farm lot number thirty-two, bounded on the east by the bluffs, on the north by land claimed by Julian Lariviere, on the south by land claimed by Charles Lapointe, on the west by a line three arpents east of the present highway on the east side of the marais, being seven arpents in width.

TESTIMONY.

Joseph Senie, being duly sworn, deposeth and saith that he, this deponent, cut hay on the above-described tract of land as a laborer for Basile Giard, in the year seventeen hundred and ninety-five; that other people cut hay on said land about the same time; that Jean Marie Quéré occupied the same tract in the year one thousand seven hundred and ninety-seven, and from that to the present time.

Farm lot No. 33.—Charles Lapointe.

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by Charles Lapointe, which is described as follows, viz: it being farm lot number thirty-three, situated in the Prairie des Chiens, bounded on the east by the bluffs, on the north by land claimed by Jean Marie Quéré, on the west by a line running parallel with the east line of the old French fort, being three and one-fourth arpents in width.

TESTIMONY.

Pierre Lapointe, sen., and Jean Marie Quéré, being duly sworn, depose and say the said Lapointe has been forty-four years in this country, and said Quéré thirty-three; that they have knowledge that the above-described tract or parcel of land has been cultivated every year for about twenty-one years past; that hay had been cut on the same some years before the year one thousand seven hundred and ninety-six, by the people of the prairie.

Farm lot No. 34.—Pierre Lessard.

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by Pierre Lessard, which is described as follows, to wit: it being farm lot number thirty-four, bounded on the east by the bluffs, on the north by land claimed by Charles Lapointe, on the south by land claimed by Strange Poze, on the west by a line running parallel with the old French fort, being six and one-half arpents in width.

TESTIMONY.

Pierre Lapointe, sen., and Jean Marie Quéré, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been occupied and improved for about twenty-one years; that it was occupied as a common to cut hay from sometime previous to the year one thousand seven hundred and ninety-six.

Farm lot No. 35.—Strange Poze.

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by Strange Poze, which is described as follows, viz: it being farm lot number thirty-five, bounded on the east by the bluffs, on the north by land claimed by Pierre Lessard, on the south by land claimed by François Lapointe, and on the west by a line running parallel with the east line of the old French fort, being eight arpents in width.

TESTIMONY.

Pierre Lapointe, sr., and Jean Marie Quéré, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been continually cultivated and improved for about twenty-one years; that it was used as a common to cut hay from before the year one thousand seven hundred and ninety-six.

Farm lot No. 36.—François Lapointe, sen.

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by François Lapointe, sen., which is described as follows, viz: it being farm lot number thirty-six, bounded on the east by the bluffs, on the north by land claimed by Strange Poze, and on the south by land claimed by François Lapointe, jr., and on the west by a line running parallel with the east line of the old French fort, being four arpents in width.

TESTIMONY.

Pierre Lapointe, jr., and Jean Marie Quéré, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been continually cultivated for about twenty-one years; that it was used for the purpose of cutting hay from previous to the year one thousand seven hundred and ninety-six.

Farm lot No. 37.—François Lapointe, jr.

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by François Lapointe, jr., which is described as follows, viz: it being farm lot number thirty-seven, bounded on the east by the bluffs, on the north by land claimed by François Lapointe, sen., on the south by land claimed by Michael Lapointe, on the west by a line running parallel with the east line of the old French fort, it being five and one-half arpents in width.

TESTIMONY.

Pierre Lapointe, sen., and Jean Marie Quéré, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been continually occupied for about twenty-one years; that it has been occupied as a common to cut hay from previous to the year one thousand seven hundred and ninety-six.

Farm lot No. 38.—Michael Lapointe.

Entry of land made this twelfth day of October, one thousand eight hundred and twenty, by Michael Lapointe, which is described as follows, viz: it being farm lot number thirty-eight, bounded on the east by the bluffs, on the north by land claimed by François Lapointe, jr., on the south by land claimed by Pierre Lessard, it being four arpents in width on the east, and extending the same width westwardly to the old French fort.

TESTIMONY.

Pierre Lapointe, sen., and Charles Duquette, and Charles Lapointe, being duly sworn, depose and say that the above-described tract of land was occupied forty-four years ago, but was abandoned, until fourteen years ago it was taken possession of by Charles Duquette, who sold to John Simpson, who has entered it in the name of Michael Lapointe, a boy that he is raising; that the occupation has been kept up for the last fourteen years.

Farm lot No. 39.—Pierre Lessard.

Entry of land made this thirteenth day of October, one thousand eight hundred and twenty, by Pierre Lessard, which is described as follows, viz: it being farm lot No. 39, being five and one-fourth arpents in width, and extending from the bluffs to a line running parallel with the east line of the old French fort, bounded on the north by land claimed by Michael Lapointe, on the south by land claimed by Therese Lapointe.

TESTIMONY.

Pierre Lapointe, sen., and Jean Marie Quéré, being duly sworn, depose and say that, to their knowledge, the above-described tract of land has been occupied and continually cultivated for fourteen years; that it was occupied for a common for the purpose of cutting hay from previous to the year one thousand seven hundred and ninety-six.

Farm lot No. 40.—Therese Lapointe.

Entry of land made this thirteenth day of October, one thousand eight hundred and twenty, by Therese Lapointe, which is described as follows, viz: it being farm lot No. 40, and four arpents in width,

extending from the bluffs to a line running parallel with the east line of the old French fort, bounded on the north by land claimed by Pierre Lessard, on the south by land claimed by Charles Lapointe.

TESTIMONY.

Pierre Lapointe, sen., and Jean Marie Quéré, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been continually occupied for the last fourteen years; that it was occupied as a common to cut hay from previous to the year one thousand seven hundred and ninety-six.

Farm lot No. 41.—Charles Lapointe.

Entry of land made this thirteenth day of October, one thousand eight hundred and twenty, by Charles Lapointe, which is described as follows, viz: it being farm lot No. 41, and is four and two-thirds arpents in width, and extending from the bluffs to a line running parallel with the east line of the old French fort, bounded on the north by land claimed by Therese Lapointe, on the south by land claimed by Joseph Lemrie.

TESTIMONY.

Pierre Lapointe, sen., and Jean Marie Quéré, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been occupied for fourteen years past.

Farm lot No. 42.—Joseph Lemrie.

Entry of land made this thirteenth day of October, one thousand eight hundred and twenty, by Joseph Lemrie, which is described as follows, viz: it being farm lot No. 42, being three and one-fourth arpents in width, and extending from the bluffs to a line running parallel with the east line of the old French fort, bounded on the north by land claimed by Charles Lapointe, on the south by land claimed by Thomas McNair.

TESTIMONY.

Pierre Lapointe and Jean Marie Quéré, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been occupied and cultivated for two years past; that said occupation was sanctioned by Major Morgan.

Farm lot No. 43.—Thomas McNair.

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Thomas McNair, which is described as follows, viz: it being farm lot No 43, and is ten arpents in width, extending from the bluffs to a line running parallel with the east line of the old French fort, bounded on the north by land claimed by Joseph Lemrie, on the south by unlocated lands.

TESTIMONY.

Pierre Lapointe, sen., and Jean Marie Quéré, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been occupied continually for two years last past; that said occupation was sanctioned by Major Morgan.

Village lot No. 1.—Michael Brisbois.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Michael Brisbois, which is described as follows, viz: it being village lot number one, bounded in front by Water street, on the north by land unlocated, on the south by lot number two, claimed by said Brisbois, on the east by the lower marais; it being one hundred feet in width.

TESTIMONY.

Pierre Lapointe, being duly sworn, deposeth and saith that the above-described tract of land was occupied twenty-five years ago; that the occupation was kept up until after the year one thousand eight hundred and seven; that, to the best of his knowledge, Michael Brisbois is the just claimant.

Village lot No. 2.—Michael Brisbois.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Michael Brisbois, which is described as follows, viz: it being village lot number two, bounded in front by Water street, on the north by lot number one, claimed by said Brisbois, on the south by village lot number three, claimed by Nicholas Boilvin, on the east by the lower marais, it being one hundred feet in width.

TESTIMONY.

Pierre Lapointe, being duly sworn, deposeth and saith that the above-described tract of land has been continually occupied for thirty years last past, or until the year one thousand eight hundred and eight; that, to the best of his knowledge, Michael Brisbois is the just claimant.

Village lot No. 3.—Nicholas Boilvin.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Nicholas Boilvin, which is described as follows, viz: it being village lot number three, bounded in front by Water

street, on the north by lot number two, claimed by Michael Brisbois, on the south by village lot number four, on the east by the lower marais, it being one hundred feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land was occupied in the year one thousand seven hundred and eighty-eight; that said occupation has been continually kept up until about four years ago; and, to the best of their knowledge, Nicholas Boilvin is the just claimant.

Village lot No. 4.—Laframboise.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by —— Laframboise, which is described as follows, viz: it being village lot number four, bounded on the north by village lot number three, claimed by Nicholas Boilvin, on the south by village lot number five, claimed by Wilfred Owen, on the west by Water street, on the east by the lower marais, it being one hundred and twenty-seven feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land was occupied thirty years ago; that the occupation was kept up until about four years ago; and, to the best of their knowledge, said Laframboise is the legal owner.

Village lot No. 5.—Wilfred Owen.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Wilfred Owen, which is described as follows, viz: it being village lot number five, bounded in front by Water street, on the north by lot number four, on the south by lot number six, on the east by the lower marais, it being one hundred and fifty-two feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been continually occupied for thirty-five years last past; and, to the best of their knowledge, Wilfred Owen is the just claimant.

Village lot No. 7.—Jean Bt. Coran.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Jean Bt. Coran, which is described as follows, viz: it being village lot number seven, bounded in front by Water street, on the north by lot number six, on the south by lot number eight, claimed by Jean Fisher, wife of Joseph Rolette, on the east by the lower marais, it being one hundred and sixteen feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been continually occupied from about the year one thousand seven hundred and ninety until about four years ago; and, to the best of their knowledge, Jean Bt. Coran is the legal claimant.

Village lot No. 8.—Jean F. Rolette.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Jean F. Rolette, which is described as follows, viz: it being village lot number eight, in the Prairie des Chiens, bounded in front by Water street, on the north by lot number seven, on the south by lot number nine, on the east by the lower marais, it being one hundred feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been continually occupied from about the year one thousand seven hundred and eighty-six until about four years ago; and, to the best of their knowledge, the above-named Jean F. Rolette is the just claimant.

Village lot No. 12.—Wilfred Owen.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Wilfred Owen, which is described as follows, viz: it being village lot number twelve, in the Prairie des Chiens, bounded on the north by lot number eleven, or Fort Crawford, on the south by lot number thirteen, claimed by Nicholas Boilvin, on the west by Water street, on the east by the lower marais, it being one hundred and thirty-five feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been continually occupied from one thousand seven hundred and eighty-five to the present time; and, to the best of their knowledge, Wilfred Owen is the just claimant.

Village lot No. 13.—Nicholas Boilvin.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Nicholas Boilvin, which is described as follows, viz: it being village lot number thirteen, in the Prairie des Chiens, bounded in front by Water street, on the north by lot number twelve, claimed by Wilfred Owen, on the south by lot number fourteen, claimed by the American Fur Company, and on the east by the lower marais; it being one hundred and ninety-four feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been continually occupied from the year one thousand seven hundred and eighty-five to the present time; and, to the best of their knowledge, Nicholas Boilvin is the just claimant.

Village lot No. 14.—American Fur Company.

Entry of land made this tenth day of October, one thousand eight hundred and twenty, by John Jacob Astor, Ramsey Crooks, and Robert Stewart, merchants, known by the firm of the American Fur Company, which is described as follows, viz: it being village lot number fourteen, bounded in front by Water street, on the east by the lower marais, on the north by lot number thirteen, claimed by Nicholas Boilvin, on the south by lot number fifteen, claimed by Michael Brisbois, and is ten rods in width, and about one hundred and fifty rods in depth.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that the above-described tract or lot of land was occupied thirty-one years ago by John Stork, who sold to André Todd, who sold to John Campbell, who sold to Lewis Crawford, who sold to the Michilimackinac Company, who sold to the Southwest Company, and is now claimed by the American Fur Company; that the occupation has been kept up by the aforesaid individuals and companies for said period of thirty-one years, or until it was taken possession of by John W. Johnson.

ANOTHER DEPOSITION CONCERNING THE SAME TRACT.

Dennis Courtois, being duly sworn, deposeth and saith that the aforesaid tract of land was occupied in the year one thousand seven hundred and ninety-three by John Stork, who sold said possession to André Todd, who sold to John Campbell, who sold to Lewis Crawford, who sold to the Michilimackinac Company, who sold to the Southwest Company, and is now claimed by the American Fur Company; and that said lot has been occupied by the above-named individuals and companies, from one thousand seven hundred and ninety-three to one thousand eight hundred and sixteen, when it was taken possession of by John W. Johnson.

Protest and documents filed with the commissioners by John W. Johnson, esq., United States factor at Prairie des Chiens.

PROTEST.

John W. Johnson, United States factor at Prairie des Chiens, enters, on behalf of the United States, a protest against the granting of a final certificate, by the commissioners, to the American Fur Company on their claim to a certain lot of land situated in the village of Prairie des Chiens, numbered by Judge Lee, the United States agent, lot No. 14, and bounded in front by Water street, in the rear by the marais, on the south by a lot claimed by Michael Brisbois, said lot being ten rods in front by about one hundred and fifty in depth; and on the behalf of the United States, and for the information of the said commissioners, he further states that, on the twenty-sixth day of May, one thousand eight hundred and sixteen, he, the said Johnson, arrived at Prairie des Chiens; and, on the twenty-seventh of said month, entered into an agreement with François Bouthellier, agent for the Southwest Fur Company, to rent the building belonging to said company, and erected on said lot, as Indian factor, on behalf of the United States; that, on the twenty-first day of June following, and shortly after the departure of the said Bouthellier from the prairie, Brigadier General Smith informed the said Johnson that he should no longer pay rent to the said Southwest Company for the said buildings, as he said he felt authorized in taking possession of the said buildings for the use of the United States; in consequence of which the said Johnson, as factor as aforesaid, ceased to pay rent from that time, and still continues in the occupancy of the said buildings as public property; and the said Johnson further states that he has since erected other buildings, and made various repairs and improvements on said lot, at the expense of the United States, and under the sanction of the United States superintendent of Indian trade; the items of which said buildings, repairs, and improvements, will probably amount to about three thousand dollars, as will appear from the schedule hereto annexed, or as will more accurately appear by reference to the accounts rendered by said Johnson, in the office of the said superintendent of Indian trade, at Georgetown, District of Columbia.

JOHN W. JOHNSON, *United States Factor.*

DOCUMENTS WHICH ACCOMPANY THE ABOVE WRITTEN PROTEST.

Article of agreement between John W. Johnson and F. Bouthellier.

Agreed with François Bouthellier to rent the houses that he occupies, the property of the Southwest Company, from this day until the last of August next, unless he thinks proper to leave them before that time, at the rate of twenty-seven dollars per month; provided, nevertheless, that John W. Johnson, United States factor, should refuse to leave the said house, after giving him fifteen days' notice, from the thirty-

first day of July next, to pay the sum of three hundred dollars damages, if he refuses to deliver the premises without proceeding to law; in case that the said houses should be sold at Michilimackinac, to be delivered before the end of August.

Made between both parties, duplicate, *bona fide*, at Prairie des Chiens, the twenty-seventh day of May, one thousand eight hundred and sixteen.

JOHN W. JOHNSON.
F. BOUTHELLIER.

Witness: ROBERT B. BELT.

Deposition of John W. Johnson, esq., United States factor, at Prairie des Chiens.

I, John W. Johnson, United States factor, of lawful age, do testify and say that on the twenty-sixth day of May, in the year one thousand eight hundred and sixteen, I arrived at Prairie des Chiens, in the Territory of Michigan, and, on the twenty-seventh of said month, entered into an agreement with François Bouthellier, agent for the Southwest Fur Company, to rent the buildings belonging to said company at said Prairie des Chiens. On the twenty-first day of June following, Brigadier General Thomas A. Smith called on me shortly after the departure of said Bouthellier, and informed me that I would no longer pay rent, as he felt himself warranted in taking possession of said buildings for the United States. I accordingly, from that time, stopped paying rent, and have occupied, and still continue to occupy, said premises as public property. I have also erected additional buildings, and made various improvements on them, at the expense of the United States, and under the sanction of the superintendent of the Indian trade.

JOHN W. JOHNSON, *United States Factor.*

Sworn and subscribed before me this twenty-first day of October, one thousand eight hundred and twenty.

ISAAC LEE, *J. P. C. C., and Agent.*

Extract from a letter from T. A. Smith to Mr. Calhoun.

"FRANKLIN, M. T., *September* 2, 1819.

"SIR: I have the honor to acknowledge the receipt of your communication of the twenty-first of July, and the several enclosures. The buildings at Prairie des Chiens, for which a man by the name of Astor claims rent, was occupied by the factor, in conformity with my instructions while in command of the ninth military department. These instructions were given after my having ascertained from the intruders at that place that the only claim they had to the soil was the permission of the Indians to reside there for the purposes of trade. These persons having, in violation of the laws, taken possession of public lands, were subject to fine and imprisonment. I would have destroyed the settlement, and delivered the male part of the inhabitants to the civil authority to be prosecuted for the intrusion, but for the impression that they could be made useful in provisioning a post so remote. The officer left in command was authorized to carry this view of the subject into effect whenever he should deem it expedient."

Village lot No. 15.—*Michael Brisbois.*

Entry of land made this ninth day of October, one thousand eight hundred and twenty, by Michael Brisbois, which is described as follows, viz: it being village lot No. 15, situated in the Prairie des Chiens; it being six rods and five feet in width, and extending back to the marais, supposed to be one hundred and forty rods, bounded on the north by land claimed by the American Fur Company, on the south by land claimed by François Bouthellier.

TESTIMONY.

Dennis Courtois, Pierre Lapointe, sen., and Antoine Brisbois, being duly sworn, depose and say that about the year one thousand seven hundred and ninety the above-described tract of land was occupied by Louis Henry, who sold the same to Michael Brisbois, the present claimant, and that it has been occupied from one thousand seven hundred and ninety to the present time.

Village lot No. 16.—*François Bouthellier.*

Entry of land made this ninth day of October, one thousand eight hundred and twenty, by François Bouthiellier, which is described as follows, viz: it being village lot No. 16, situated in the Prairie des Chiens; it being one hundred and seventy-nine feet in width on Water street, and extending back to the marais, bounded on the north by land claimed by Michael Brisbois, and on the south by an alley in said village.

TESTIMONY.

Michael Brisbois and Dennis Courtois, being duly sworn, depose and say that the above-described tract of land was occupied in the year one thousand seven hundred and ninety-two by Michael La Bothe; that after his death the said François Bouthellier purchased said lot at auction, and that the occupation of said lot has been kept up by the said Michael La Bothe and François Bouthellier from the year one thousand seven hundred and ninety-two to the present time.

Village lot No. 17.—*Joseph Rolette.*

Entry of land made this ninth day of October, one thousand eight hundred and twenty, by Joseph Rolette, which is described as follows, viz: it being village lot No. 17, situated in the village of Prairie des Chiens, being one hundred and thirty feet in width on Water street, and extending back to the marais, bounded on the north by land claimed by François Bouthellier, on the south by land claimed by the heirs of James Aird; it being the lot that said Joseph Rolette purchased from Jean Bpt. Ferrebeaux and conveyed to Joseph Rolette by deed dated the twenty-seventh day of September, one thousand eight hundred and nineteen.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that he, this deponent, occupied the above-described tract of land about the year one thousand seven hundred and ninety; that he gave it to Jean Bt. Ferrebeaux, who occupied it until he sold to Joseph Rolette on the twenty-seventh day of September, one thousand eight hundred and nineteen; to which deed he signed as a witness, and has no knowledge of any other claimant to said lot.

Village lot No. 18.—*The heirs of James Aird.*

Entry of land made this tenth day of October, one thousand eight hundred and twenty, by the heirs of James Aird, which is described as follows, viz: it being village lot number eighteen, bounded in front by Water street, in the Prairie des Chiens, on the north by a lot claimed by Joseph Rolette, on the south by a lot claimed by Marshal Mann, and on the east by the marais, it being one hundred and twenty-eight feet in width.

TESTIMONY.

Dennis Courtois and Augustus Hebert, being duly sworn, depose and say that François Rocker resided, in the year one thousand seven hundred and ninety-three, on the above-described tract of land, but cannot tell the time he first occupied the same; but that he was the first occupant, and sold to Jean Bt. Barthelette, who sold to Joseph Rolette, who sold to James Aird, deceased; that, from their first knowledge of said lot being occupied, the occupancy has been kept up to the present time.

Jaques Venier, being duly sworn, saith that the aforesaid tract of land was occupied by François Rocker previous to the year 1796, but cannot tell how many years before; that he, this deponent, has been forty-five years in this country; that said lot has been occupied ever since 1796, and previous to that time.

Village lot No. 19.—*Marshal Mann.*

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Marshal Mann, which is described as follows, viz: it being village lot number nineteen, bounded in front by Water street, on the north by lot claimed by the heirs of James Aird, (No. 18,) on the south by lot number twenty, claimed by Charles Lapointe, on the east by the lower marais, it being one hundred and thirty-five feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been continually occupied for twenty-five years last past, and, to the best of their knowledge, Marshal Mann is the just claimant.

Village lot No. 20.—*Charles Lapointe.*

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Charles Lapointe, which is described as follows, viz: it being village lot number twenty, in the Prairie des Chiens, bounded in front by Water street, on the north by a lot claimed by Michael Mann, on the south by lot number twenty-one, claimed by Joseph Rolette, on the east by the lower marais, it being ninety-five feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been continually occupied for twenty-five years last past, and, to the best of their knowledge, Charles Lapointe is the legal claimant.

Village lot No. 21.—*Joseph Rolette.*

Entry of land made this ninth day of October, one thousand eight hundred and twenty, by Joseph Rolette, which is described as follows, viz: situated in the village of Prairie des Chiens, being village lot number twenty-one, being one hundred and seventy-four feet in width on Water street, and extending back to the marais, bounded on the north by land claimed by Josette Antega, late wife of Charles Lapointe, on the south by land claimed by James McFarlane, it being the lot that Joseph Rolette purchased of Basile Guiard the thirteenth of April, one thousand eight hundred and sixteen.

TESTIMONY.

Michael Brisbois and Pierre Lapointe, sr., being duly sworn, depose and say that the above-described tract of land was occupied by Basile Guiard thirty-two years ago; that he lived and died on said land; and that said Joseph Rolette purchased the same three years ago of Basile Guiard, and has kept up the occupation until this day.

Main village lots—Claims not confirmed.—Village lot No. 22.—*James McFarlane.*

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by James McFarlane, which is described as follows, viz: it being village lot number twenty-two, in Prairie des Chiens, claimed in the place of one which he was driven from by Colonel Chambers, bounded in front by Water street, on the north by land claimed by Joseph Rolette, on the south by a lot claimed by Antoine Lachapelle, on the east by the lower marais, it being one hundred and twelve feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied by the above-named claimant for four years last past; that it was a lot given by Colonel Chambers in lieu of one taken by him for public use, which had been occupied for thirty years.

Village lot No. 23.—Antoine Lachapelle.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Antoine Lachapelle, which is described as follows, viz: it being village lot number twenty-three, in Prairie des Chiens, bounded in front by Water street, on the north by land claimed by James McFarlane, on the south by land claimed by François Galorneau, on the east by the lower marais, it being seventy-two feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described lot of land has been occupied for four years by the above-named claimant; that it was given by Colonel Chambers in lieu of one which he took for public use, which had been occupied for thirty years.

Village lot No. 24.—François Galorneau.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by François Galorneau, which is described as follows, viz: it being village lot number twenty-four, in Prairie des Chiens, bounded in front by Water street, on the north by land claimed by Antoine Lachapelle, and on the south by land claimed by Joseph Crélé, on the east by the lower marais, it being fifty feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years; that it was given by Colonel Chambers in lieu of one which he took for public use, which had been occupied for thirty years.

Village lot No. 25.—Joseph Crélé.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Joseph Crélé, which is described as follows, viz: it being village lot number twenty-five, in Prairie des Chiens, bounded in front by Water street, on the east by the lower marais, on the north by land claimed by François Galorneau, on the south by land claimed or occupied by Jane Fisher Rolette, it being sixty-two feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years; that it was given by Colonel Chambers in lieu of one which he took for public use, which had been occupied for thirty years.

Village lot No. 27.—Wilfred Owen.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Wilfred Owen, which is described as follows, viz: it being village lot number twenty-seven, in Prairie des Chiens, bounded on the north by land claimed or occupied by Jane Fisher Rolette, now the wife of Joseph Rolette, on the south by land claimed by Oliver Cherrier, on the west by Water street, on the east by the lower marais, it being one hundred feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years; that it was given by Colonel Chambers for one taken by him for public use, which had been occupied for thirty years.

Village lot No. 28.—Oliver Cherrier.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Oliver Cherrier, which is described as follows, viz: it being village lot number twenty-eight, in Prairie des Chiens, bounded on the west by Water street, on the north by land claimed by Wilfred Owen, on the south by land claimed by Augustus Roe, and on the east by the lower marais, it being ninety-one feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years; that it was given by Colonel Chambers for one taken by him for public use, which had been occupied for thirty years.

Village lot No. 29.—Augustus Roe.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Augustus Roe, which is described as follows, viz: it being village lot number twenty-nine, in Prairie des Chiens,

bounded in front by Water street, on the north by land claimed by Oliver Cherrier, on the south by land claimed by Duncan Campbell, on the west by the lower marais, it being ninety-nine feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years; that it was given by Colonel Chambers for one taken by him for public use, which had been occupied for thirty years.

Village lot No. 30.—*Duncan Campbell.*

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Duncan Campbell, which is described as follows, viz: it being village lot number thirty, in Prairie des Chiens, bounded in front by Water street, on the north by land claimed by Augustus Roe, on the south by land claimed by Pierre Lessard, and on the east by the lower marais, it being fifty feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years; that the above-named claimant settled on it by the permission of Colonel Chambers.

Village lot No. 31.—*Pierre Lessard.*

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Pierre Lessard, which is described as follows, viz: it being village lot number thirty-one, bounded in front by Water street, on the north by land claimed by Duncan Campbell, on the south by land claimed by Thomas McNair, on the east by the lower marais, it being fifty feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years; that it was settled by the permission of Col. Chambers.

Village lot No. 32.—*Thomas McNair.*

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Thomas McNair, which is described as follows, viz: it being village lot number thirty-two, in Prairie des Chiens, bounded in the front by Water street, on the north by land claimed by Pierre Lessard, on the south by land claimed by Etienne Dyanne, on the east by the lower marais, it being one hundred feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years; that it was settled by the permission of Col. Chambers.

Village lot No. 33.—*Etienne Dyanne.*

Entry of land made this seventeeth day of October, one thousand eight hundred and twenty, by Etienne Dyanne, which is described as follows, viz: it being village lot number thirty-three, bounded in front by Water street, on the north by land claimed by Thomas McNair, on the south by land claimed and occupied by Joseph Rolette, and on the east by the lower marai, sit being fifty feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years; that it was settled by the permission of Col. Chambers.

Village lot No. 34.—*Joseph Rolette.*

Entry of land made this seventeenth day of October, one thousand eight hundred and twenty, by Joseph Rolette, which is described as follows, viz: it being village lot number thirty-four, in the village of Prairie des Chiens, bounded in front by Water street, on the north by land claimed by Etienne Dyanne, on the south by land claimed by John W. Johnson, on the east by the lower marais, it being one hundred feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years; that it was settled by the permission of Col. Chambers.

Village lot No. 35.—*John W. Johnson.*

Entry of land made this seventh day of October, one thousand eight hundred and twenty, by John W. Johnson, which is described as follows, viz: it being village lot number thirty-five, in Prairie des Chiens, bounded in front by Water street, on the north by land claimed by Joseph Royette, on the south by land claimed by Theodore Lupin, on the east by the lower marais, it being four hundred and fourteen feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years.

Village lot No. 36.—Theodore Lupin.

Entry of land made this seventeenth day of October, one thousand eight hundred and twenty, by Theodore Lupin, which is described as follows, viz: it being village lot number thirty-six, in the Prairie des Chiens, bounded in front by Water street, on the north by land claimed by John W. Johnson, on the south by land claimed by Pierre Courville, on the east by the lower marais, it being fifty feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years.

Village lot No. 37.—Pierre Courville.

Entry of land made this seventeenth day of October, one thousand eight hundred and twenty, by Pierre Courville, which is described as follows, viz: it being village lot number thirty-seven, in Prairie des Chiens, bounded in front by Water street, on the north by land claimed by Theodore Lupin, on the south by unlocated lands, and on the east by the lower marais, it being fifty feet in width.

TESTIMONY.

Pierre Lapointe and Michael Brisbois, being duly sworn, depose and say that the above-described tract of land has been occupied for four years; that it was settled by the permission of Col. Chambers.

Upper village lot No. 1.—Michael Brisbois.

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Michael Brisbois, which is described as follows, viz: it being upper village lot No. 1, bounded on the east by the present highway, on the north by land claimed by Francis Chennevierre, or the heirs of Claude Gagnier, on the west by the upper marais, on the south by land claimed by Benjamin Cadotte, it being about four arpents in width and about five in depth.

TESTIMONY.

François Vertefeuille, being duly sworn, deposeth and saith that, to his knowledge, the above-described tract of land has been continually occupied for about fifteen years last past; that it formerly belonged to the farm of François Chennevierre, who, it appears, has relinquished his claim to the above claimant, Michael Brisbois.

This village lot appears formerly to have composed a part of farm lot No. 14, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, and of those under whom he claims, since prior to the first of July, one thousand seven hundred and ninety-six.—(See abstract of testimony to farm lot No. 14.)

Upper village lot No. 2.—Benjamin Cadotte.

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Benjamin Cadotte, which is described as follows, viz: it being upper village lot No. 2, bounded on the east by the present highway, on the north by land claimed by Michael Brisbois, on the west by the upper marais, on the south by land claimed by Pierre Charlefou, it being about four arpents in length and one and one-half in width.

TESTIMONY.

Michael Brisbois and François Vertefeuille, being duly sworn, depose and say that, to their knowledge, the above-described tract of land has been continually occupied for about fifteen years last past; that it formerly belonged to land claimed by Marie Levigné, now claimed by the heirs of James Aird, who quit-claimed to the above-named Benjamin Cadotte.

This village lot appears formerly to have composed a part of farm lot No. 15, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, and of those under whom he claims, since prior to the first of July, one thousand seven hundred and ninety-six.—(See abstracts of testimony to farm lot No. 15.)

Upper village lot No. 3.—Pierre Charlefou.

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Pierre Charlefou, which is described as follows, viz: it being upper village lot No 3, bounded on the east by the present highway, on the north by land claimed by Benjamin Cadotte, on the west by the upper marais, on the south by land claimed by François Vertefeuille, and is about four arpents in length and one and one-half arpent in width.

TESTIMONY.

François Vertefeuille and Michael Brisbois, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been occupied continually for about fifteen years last past; that

it formerly belonged to the farm now claimed by the heirs of the late James Aird, deceased, who, it appears, quit-claimed to the above-named Pierre Charlefou.

This village lot appears formerly to have composed a part of farm lot No. 15, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, and of those under whom he claims, since prior to the first of July, one thousand seven hundred and ninety-six.—(See abstracts of testimony to farm lot No. 15.)

Upper village lot No. 4.—François Vertefeuille.

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by Françcis Vertefeuille, which is described as follows, viz: it being upper village lot No. 4, bounded on the east by the present highway, on the north by land claimed by Pierre Charlefou, on the west by the upper marais, on the south by land claimed by Alexander Dumont, it being about four arpents in length and one and one-half arpent in width.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that, to his knowledge, the above-described tract of land has been continually occupied for about fifteen years last past; that it formerly belonged to the estate of James Aird or Augustin Hebert, who, it appears, quit-claimed to said Vertefeuille.

This village lot appears to have formerly composed a part of farm lots Nos. 15 and 16, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, or of those under whom he claims, since prior to the first of July, one thousand seven hundred and ninety-six.—(See abstracts of testimony to farm lots Nos. 15 and 16.)

Upper village lot No. 5.—Alexander Dumont.

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Alexander Dumont, which is described as follows, viz: it being upper village lot No. 5, bounded on the east by the present highway, on the north by land claimed by François Vertefeuille, on the west by the upper marais, and on the south by land claimed by Augustus Hebert, it being four arpents in length and one arpent and thirty-six feet in width.

TESTIMONY.

Michael Brisbois and François Vertefeuille, being duly sworn, depose and say that, to their knowledge, the above-described tract of land has been continually occupied for the fifteen years last past, or about that time; that it formerly belonged to the farm claimed by Augustus Hebert.

This village lot appears formerly to have composed a part of farm lot No. 16, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, or of those under whom he claims, since prior to the first of July, one thousand seven hundred and ninety-six.—(See testimony to farm lot No. 16.)

Upper village lot No. 6.—Augustus Hebert.

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Augustus Hebert, which is described as follows, viz: it being upper village lot No. 6, bounded on the north by land claimed by Alexander Dumont, on the west by the upper marais, on the south by land claimed by Joseph Rivard, and on the east by the present highway, and is about four arpents in length and two and one-half arpents in width.

TESTIMONY.

Michael Brisbois and François Vertefeuille, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been continually occupied for about fifteen years last past; that it formerly belonged to the farm claimed by Jean Bt. Albert, who, it appears, quit-claimed to the above-named Augustus Hebert.

This village lot appears formerly to have composed a part of farm lot No. 17, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, and of those under whom he claims, since prior to the first day of July, one thousand seven hundred and ninety-six.—(See testimony to farm lot No. 17.)

Upper village lot No. 7.—Joseph Rivard.

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Joseph Rivard, which is described as follows, viz: it being upper village lot No. 7, bounded on the east by the present highway, on the north by land claimed by Augustus Hebert, on the west by the upper marais, on the south by land claimed by Jean Bt. Albert; it being about four arpents in length and three and one-fourth arpents in width.

TESTIMONY.

Michael Brisbois and François Vertefeuille, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been continually occupied for about fifteen years last past; that it formerly belonged to the farm claimed by Jean Bt. Albert, who, it appears, quit-claimed to said Joseph Rivard.

This village lot appears to have formerly composed a part of farm lot No. 17, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, or of those under whom he claims, since prior to the first day of July, one thousand seven hundred and ninety-six.—(See abstracts of testimony to farm lot No. 17.)

Upper village lot No. 13.—*André Basin.*

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by André Basin, which is described as follows, viz: it being upper village lot number thirteen, bounded on the east by a line three arpents east of the present highway, on the north by land claimed by Pierre Lariviere, on the west by the lower marais, on the south by land claimed by Strange Poze, it being about three arpents in width and six arpents in depth.

TESTIMONY.

Pierre Lariviere and Jean Marie Quéré, being duly sworn, depose and say that the above-described tract of land has been occupied for one year; that it formerly belonged to the farm claimed by Pierre Lariviere, one of these deponents, who has quit-claimed to the above-named claimant.

This village lot appears formerly to have composed a part of farm lot number thirty, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, and of those under whom he claims, since prior to the first day of July, one thousand seven hundred and ninety-six.—(See abstracts of testimony to farm lot No. 30.)

Upper village lot No. 14.—*Strange Poze.*

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Strange Poze, which is described as follows, viz: it being upper village lot number fourteen, bounded on the east by a line three arpents east of the present highway, on the north by land claimed by André Basin, on the west by the lower marais, on the south by land claimed by François Provost, it being about two arpents in front and six arpents in depth.

TESTIMONY.

Pierre Lariviere and Jean Marie Quéré, being duly sworn, depose and say that the above-described tract of land has been occupied for two years; that it formerly belonged to the farm of Pierre Lariviere, one of these deponents, who has quit-claimed to the above-named Strange Poze.

This village lot appears formerly to have composed a part of farm lot number thirty, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, and of those under whom he claims, since prior to the first day of July, one thousand seven hundred and ninety-six.—(See abstracts of testimony to farm lot No. 30.)

Upper village lot No. 15.—*François Provost.*

Entry of land made this fifteenth day of October, one thousand eight hundred and twenty, by François Prôvost, which is described as follows, viz: it being upper village lot number fifteen, bounded on the east by land claimed by Pierre Lariviere, on the north by land claimed by Strange Poze, on the west by the lower marais, and on the south by land claimed by Jean Marie Quéré, it being about two arpents in width and five arpents in depth.

TESTIMONY.

Pierre Lariviere and Jean Marie Quéré, being duly sworn, depose and say that the above-described tract of land has been occupied for three years last past; that it formerly belonged to the farm of Pierre Lariviere, one of the deponents, who has no claim to the above-described lot at present.

This village lot appears formerly to have composed a part of farm lot number thirty, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, and of those under whom he claims, since prior to the first day of July, one thousand seven hundred and ninety-six.—(See abstracts of testimony to farm lot No. 30.)

Upper village lot No. 16.—*Jean Marie Quéré.*

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Jean Marie Quéré, which is described as follows, viz: it being upper village lot number sixteen, bounded in front by land claimed by Pierre Lariviere, on the north by land claimed by François Provost, on the west by the lower marais, on the south by land claimed by Pierre Lessard, it being one and three-fourths arpent in width and about six arpents in depth.

TESTIMONY.

Pierre Lariviere, being duly sworn, deposeth and saith that, to his knowledge, the above-described tract of land has been continually occupied for twenty-one years last past; that it formerly belonged to farm lot number thirty, claimed by this deponent, who has relinquished all claim to the above-described lot.

This village lot appears formerly to have composed a part of farm lot number thirty; also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, and of those under whom he claims, since prior to the first day of July, one thousand seven hundred and ninety-six.—(See abstracts of testimony to farm lot No. 30.)

Upper village lot No. 17.—*Pierre Lessard.*

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Pierre Lessard, which is described as follows, viz: it being upper village lot number seventeen, bounded on the east by land claimed by Pierre Lariviere, on the north by land claimed by Jean Marie Quéré, on the west by the lower marais, on the south by land claimed by François Lapointe, it being about one and one-half arpent in width and about six arpents in length.

TESTIMONY.

Pierre Lariviere and Jean Marie Quéré, being duly sworn, depose and say that, to their knowledge, the above-described tract of land has been occupied for the last three years; that it formerly belonged to farm lot number thirty of the above-named Pierre Lariviere, who quit-claimed to the above-named claimant.

This village lot appears formerly to have composed a part of farm lot number thirty, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, and of those whom he claims, since prior to the first day of July, one thousand seven hundred and ninety-six.—(See abstracts of testimony to farm lot No. 30.)

N. B.—It appears that this and the preceding claims formerly belonged to the farm entered in the name of Julian instead of Pierre Lariviere.

Upper village lot No. 18.—*François Lapointe.*

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by François Lapointe, which is described as follows, viz: it being upper village lot number eighteen, bounded on the east by land claimed by Jean Marie Quéré, on the north by land claimed by Pierre Lessard, on the west by the lower marais, on the south by land claimed by Charles Lapointe, it being two and one-fourth arpents in width and about seven arpents in depth.

TESTIMONY.

Pierre Lariviere and Jean Marie Quéré, being duly sworn, depose and say that they have knowledge that the above-described tract of land has been occupied for nineteen years last past, continually, to the present time; that it formerly belonged to the farm claimed by the above-named Jean Marie Quéré, who quit-claimed to the above-named Lapointe.

This village lot appears formerly to have composed a part of farm lot number thirty-two, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimant of it, and of those under whom he claims, since prior to the first day of July, one thousand seven hundred and ninety-six.—(See abstract of testimony to farm lot No. 32.)

Upper village lot No. 19.—*Charles Lapointe.*

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Charles Lapointe, which is described as follows, viz: it being upper village lot number nineteen, bounded on the north by land claimed by François Lapointe, on the west by the lower marais, on the south by land claimed by Bartolome Monplaisir, and on the east by land claimed by Jean Marie Quéré, it being about one and one-fourth arpent in width and six arpents in length.

TESTIMONY.

Pierre Lariviere and Jean Marie Quéré, being duly sworn, depose and say that, to their knowledge, the above-described tract of land has been occupied for this eighteen years last past; that it formerly belonged to farm lot number thirty-two, claimed by the above-named Jean Marie Quéré, who claims no right to the above-described tract of land at present.

This village lot appears formerly to have composed a part of farm lot number thirty-two, which farm lot also, by the testimony adduced, appears to have been in the exclusive possession of the claimants of it, and of those under whom he claims, since prior to the first day of July, one thousand seven hundred and ninety-six.—(See abstracts of testimony to farm lot No. 32.)

Upper village lot No. 20.—*Bartolome Monplaisir.*

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Bartolome Monplaisir, which is described as follows, viz: it being upper village lot number twenty, bounded on the east by land claimed by Jean Marie Quéré, on the north by land claimed by Charles Lapointe, on the west by the lower marais, and on the south by lands unlocated, it being three arpents in width and about six arpents in depth.

TESTIMONY.

Pierre Lariviere and Jean Marie Quéré, being duly sworn, depose and say that the above-described tract of land has been occupied for three years. It formerly belonged to land claimed by the above Jean Marie Quéré, who has no claim to the above-described tract at present.

This village lot appears formerly to have composed a part of farm lot number thirty-two, which farm lot also, by testimony adduced, appears to have been in the exclusive possession of the claimant of it, and of those under whom he claims, since prior to the first of July, one thousand seven hundred and ninety-six.—(See abstracts of testimony to farm lot No. 32.)

Claims not confirmed.—Upper village lot No. 8.—*Jean Marie Cardinal.*

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Jean Marie Cardinal, which is described as follows, viz: it being upper village lot number eight, bounded on the east by the present highway; on the north by land contemplated for a Roman Catholic church and burying-ground, on the west by the lower marais, and on the south by land claimed by Michael Perillard, it being about two arpents in width, and supposed to be about three arpents in depth.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that the above-described tract of land has been occupied for two years.

Upper village lot No. 9.—Michael Perillard.

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Michael Perillard, which is described as follows, viz: it being upper village lot number nine, bounded in front by the present highway, on the north by land claimed by Jean Marie Cardinal, on the west by the lower marais, and on the south by land claimed by Pierre Lapointe, it being about one and three-fourths arpent in width and three arpents in depth.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that, to his knowledge, the above-described tract of land has been occupied for two years last past.

Upper village lot No. 10.—Pierre Lapointe.

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Pierre Lapointe, which is described as follows, viz: it being upper village lot number ten, bounded on the east by the present highway, on the north by land claimed by Michael Perillard, on the west by the lower marais, and on the south by land claimed by Benjamin Roy, it being about one and three-fourths arpent in width and about three arpents in depth.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that the above-described tract of land has been occupied for seven years last past.

Upper village lot No. 11.—Benjamin Roy.

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by Benjamin Roy, which is described as follows, viz: it being upper village lot number eleven, bounded on the east by the present highway, on the north by land claimed by Pierre Lapointe, on the west by the lower marais, and on the south by land claimed by John Simpson, it being about three arpents in width.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that the above-described tract of land has been occupied for four years last past.

Upper village lot No. 12.—John Simpson.

Entry of land made this fourteenth day of October, one thousand eight hundred and twenty, by John Simpson, which is described as follows, viz: it being upper village lot number twelve, bounded on the east by the present highway, on the north by land claimed by Benjanim Roy, on the west by the lower marais, and on the south by vacant lands, it being about three arpents in width.

TESTIMONY.

Michael Brisbois, being duly sworn, deposeth and saith that the above-described tract of land has been continually occupied for eighteen years last past.

INDIAN OFFICE, *Georgetown, February* 27, 1823.

SIR: Mr. John W. Johnson, the late factor at Prairie du Chien, has informed me that when he established the factory at that place he rented from one of the settlers a house for the accommodation of the factory until he could put up buildings for the purpose; that in the meantime General Smith having taken the command at that place, considering himself authorized by his instructions to dispossess some of the settlers, and, among others, the person from whom he rented, and put him in possession of the property as public property, with directions not to pay rent. In consequence of this, Mr. Johnson proceeded to put up buildings for the factory, which, it appears from the last returns, are estimated at upwards of six thousand dollars. In 1820 the American Fur Company (Mr. Astor) presented a claim to the commissioners sitting at Detroit for this property.

The commissioners made a partial decision, referring the final decision to the government. On this decision the American Fur Company brought suit against Mr. Johnson for all the back rents, amounting to several thousand dollars. The court at Detroit has continued the suit until a final decision on the claim is made by competent authority.

Observing that an act has lately passed for the adjustment of the land claims in the Territory of Michigan, I have deemed it proper to make this communication, in order that you may give such instructions to the persons authorized to carry the law into effect as you may think necessary to protect the interest of the United States in this property.

I am not advised of the nature of the decision of the commissioners at Detroit on this particular claim. I called at the land office, but was informed that the report of the commissioners had been sent to the Senate. It is presumed that the property will be protected by the provision in the third section of the late act.

With very great respect, your most obedient servant,

GEORGE GRAHAM, *Agent.*

Hon. WM. H. CRAWFORD, *Secretary of the Treasury.*

20TH CONGRESS.] No. 599. [1ST SESSION.

LAND CLAIM IN FLORIDA, KNOWN AS "FORBES' PURCHASE."

COMMUNICATED TO THE SENATE JANUARY 3, 1828.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of Robert Mitchel, on behalf of himself and others, respectfully showeth: That your memorialists are proprietors of a large tract of land in Florida, commonly known by the name of "Forbes' Purchase," the titles to which were originally made to the said Forbes & Co. by the aboriginal Indians, with the consent and concurrence of the Spanish government.

That the nature of the said titles is shown in the printed exposition thereof, which your memorialists ask leave to annex hereto, and that it may be considered as an exhibit herewith.

That the original title deeds of the said lands have been submitted by your memorialists, according to law, to the investigation of the land commissioners appointed for this purpose by act of Congress. They have been by the said commissioners examined, and their regularity and genuineness by them admitted; and the said commissioners referred to Congress the question whether the said titles ought or ought not to be considered valid as against the United States.

That the said question of validity has for a long time laid over undetermined; and that the delay thereof has occasioned to your memorialists serious injury, and to some of them absolute distress, whilst the lands themselves, being on the coast of the Gulf of Mexico, a frontier situation, and requiring population, lay uncultivated, uninhabited, and useless to the proprietors, to the Territory of Florida, and to the United States.

Your memorialists therefore pray that the said titles may be taken into consideration, and that Congress may grant to them such relief as in its wisdom may be thought fit.

And your memorialists will ever pray.

ROBERT MITCHEL,
On behalf of himself and the other proprietors,
By his agent, PETER MITCHEL.

DECEMBER 31, 1827.

EXPOSITION OF THE TITLES TO THE LANDS IN FLORIDA, COMMONLY KNOWN BY THE NAME OF FORBES' PURCHASE.

The tract of land near Tallahassee, in Florida, commonly known by the name of *Forbes' Purchase*, was conveyed to the mercantile house of which Mr. Forbes was principal partner,* by concurrent deeds of the aboriginal Indians and Spanish government; and the nature of these titles having become a subject of public inquiry, the proprietors adopt this mode of exhibiting them.

The conveyance of this property having resulted from relations subsisting between the three parties to the deeds for a period of twenty-seven years, commencing in 1784, the records of the transactions incident to these relations have so accumulated in the Spanish archives, that in an exposition of this sort an abbreviation and abridgment of exhibits are rendered necessarily unavoidable.

To begin with the deeds of conveyance: This property was conveyed to the house of Forbes in two separate cessions: the one concluded in 1806 and the other in 1811. The cession of 1806 comprehended the greatest portion of this body of land, extending from the river Apalachicola to Wakulla, and the title deeds and formalities attending this cession are shown in the annexed documentary evidence, from No. 1 to 10.

The second cession of 1811 embraced two tracts of land: the one on the east and the other to the west of the main body, ceded in 1806, and extended the boundary line from St. Vincent's island on the west, to the natural bridge of the river St. Mark's on the east, by which this tract assumed its present form and dimensions; and the formalities of this cession are presented for inspection in the annexed evidence, from No. 11 to 15.

Such were the deeds by which, in two cessions, the lands of Forbes' Purchase became vested in that house by the concurrent acts of the Seminoles and Lower Creek Indians and the Spanish government; but the tenure was, nevertheless, subject to a condition imposed by the latter, (2 and 13,) "*that the lands should not be disposed of by Forbes & Co. without the knowledge and consent of the Spanish government.*"

This injunction, however, was removed by the captain general of Cuba, (Cienfuegos,) who, on the petition of John Forbes, (16) and after consulting and obtaining the opinion of the assessor general, (Leonarde de Monte,) (17) decreed that the lands might be sold to Colin Mitchel (18) without condition.

The lands in question, of Forbes' Purchase, were accordingly conveyed to Colin Mitchel, and have, through his medium, the greater part of them, descended into the possession of various persons in the United States, the present proprietors.

Such is the statement of the recorded transactions attending the conveyance of this property from its original proprietors, the Indians; and it is hoped that this attempt at abridgment may have rendered no part of them obscure. The originals of the exhibits referred to have undergone the scrutiny of the land commissioners of the United States, and their genuineness is by them unimpeached. They show a plain transaction between three parties—the Indians, the Spanish government, and Forbes & Co., and which the proprietors of this property are well persuaded would, on ordinary occasions, require no further proof of its validity than the evidence here furnished of the mutual consent of the parties themselves, and the many years of deliberation by which that consent was accompanied. The proprietors, however, feel it due to themselves, without comment, to spread further evidence of the situation and rights of

* The firm of the house of Forbes was John Forbes & Co. after 1804; previously to that time, Panton, Leslie & Co.

the respective parties to this transaction, under a hope that its legality, its equity, and justice may be fully understood.

The right of the Seminole Indians to sell the lands in question to Forbes & Co. is believed to have been completely sustained by their aboriginal tenure of possession, and by the confirmation of that tenure by the formal acts of the Spanish and British governments, who alternately claimed dominion over them. Spain, in her treaty with these Indians, (19) made at Pensacola June 1, 1784, pledged herself to them to be "security and guarantee in their possession" of their lands. And in her treaty again made at New Orleans in 1792 (20) the same pledge is repeated, that she "guarantees all the lands which belonged to them and were in their possession in 1784." And again, in 1765, the boundaries of these possessions requiring to be defined, Great Britain, the then sovereign of Florida, in a treaty held with them at Pensacola, and again at Picolata, in East Florida, (21) defined the boundary lines between them and the government lands. And the boundaries thus defined, and the Indian right of property adverted to, have been uniformly and distinctly and repeatedly recognized by the Spanish government, by reports of the surveyor general up to November, 1817, and a mass of correspondence between him and the intendants of Florida and Cuba.

But it was not by treaty alone that the Indians were secured in their property in their lands; the Spanish laws abounded in provisions for this purpose, and by referring to the brief extracts and references in No. 22 it will be seen that not only a design of protection in their lands, but also a spirit of paternal regard pervaded them. A practical evidence of this protection occurred in the cases of Mary Weaver and others, in which Indian lands, under the auspices of Governor Massot, were granted away without their consent; when the intendant of Cuba, Ramirez, on learning the facts, on November 17, 1817, annulled the whole proceedings. And it may also be added, that if, contrary to the tenor and spirit of these laws and treaties securing to the Indians their property in their lands, Spain had had the inclination to make encroachments on them, the great inferiority of her physical force in Florida was a powerful dissuasive from such an attempt.

The practice of selling their lands, the Indians to the whites, has not only been recognized by the Spanish government, but also by that of the United States and England. The cases are before us of Joseph Gillaird, William Miller, and A. Fulton, which were confirmed by Congress; and the land commissioners of the United States in reporting on this practice, in reference to the Opelousas claims, (21) state distinctly that "the right of the Indians to sell their lands was always admitted by the Spanish government." Indeed, the instances are so numerous of the Indians selling lands in payment of their debts, under the direct sanction of these governments, and the policy itself is so just and equitable, that it seems scarcely possible to oppose to its existence or practice a plausible doubt or objection.

With regard to the part taken by the governors of Florida, Louisiana, and Havana, in this affair of Forbes' Purchase, in consenting to and confirming the sale, it was in conformity with the legitimate and general practice of the intendancy to confirm sales made by Indians of their own lands *"It is only a form,* (say the land commissioners who investigated this subject in Louisana,) *as the governor in all cases approved, and never refused."* And in the case before us, the voluntary offers on the part of the Indians, their own declaration of their acts and of their motives, the property sold and the consideration received, showed a transaction against which the governors could have had no motive for interposing an objection. It was conducted by all the parties with great publicity and notoriety, and accompanied with the consent of the intendancies of Louisiana and Cuba, and with the privity also, if not the concurrence, of the government of the United States, as is shown in the annexed correspondence between Mr. Forbes and General Dearborn, (24) then Secretary of War; also with the intendancy of Louisiana. And for a period of seventeen years antecedently to the cession of Florida to the United States the prescriptive rights of ownership and possession of the lands thus purchased stood utterly unimpeached and unassailed.

Lest, however, a doubt should remain as to the actual ownership of the Indians in the property conveyed, and that it might be supposed that the Spanish government had a beneficial interest in it, or that in any point of view these lands could have been considered as government property, we will advert very briefly to the heavy claims of Forbes & Co. upon that government, and to its constitutional law, to show that in such a point of view the governors, in sanctioning this purchase, did not transcend, but that they acted within the scope of the powers, and in conformity with the duties imposed on them by royal authority, and that the validity of this purchase is, on this ground, unassailable.

The constant practice of the intendancy of Louisiana (of which West Florida was a branch) of disposing of public lands for settlements, and as a remuneration for public services, can scarcely require to be proved here. It is admitted and shown by all the boards of land commissioners that have been charged with the investigation of this subject; but the royal authority from whence this practice is derived having been less generally promulgated, we will, as a familiar introduction to it, quote the proclamation of 1799, of Governor Morales.(25)

He declares that the intendancy, of which he is the head, was, by royal order, and to the exclusion of all other authority, vested with the privilege of distributing and granting every description of lands belonging to the crown. He proclaims further that, "in the discharge of this important trust, he will follow not only the laws, but local circumstances; and as far as he can, without injury to the King, he will contribute to the encouragement and welfare of the inhabitants; and that to assist him in his duty, he has examined, with the greatest attention, the regulations of his predecessor." But to proceed from the practice of Morales to the laws themselves,(26) it will be seen that in 1754, by royal ordinances, the exclusive power of granting, selling, and compromising for public lands, was absolutely deputed from the King; and for the declared object of "sparing his subjects the expense and inconvenience of applying for lands to his royal person," this power was committed to delegates, to be appointed by the viceroys and presidents of audience, which delegates had the power of sub-delegation; and in the hands of these delegates and sub-delegates the power has been vested and by them exercised ever since.

That the power exercised by Governor Folch over these lands in Middle Florida was within his appropriate jurisdiction is shown by the fact that this portion of country was, by royal order of August 14, 1778,(27) confirmed to be appended to the intendancy of Louisiana, of which West Florida was a portion, and the governor of Pensacola the sub-delegate; and so it continued until the cession, of 1803, of Louisiana to the United States, after which West Florida was assigned to the intendancy of Cuba.

The claims to which we have adverted, of Forbes & Co. on the Spanish government, arose from a connexion subsisting between them, the object of which was, on the part of Forbes & Co., to benefit themselves by the Indian trade; and on the part of the government, to secure the attachment of the Indians. This connexion began in 1784, after the retrocession of Florida from England to Spain, and continued for

a period of upwards of twenty years. In the course of this connexion, and on various occasions, the government granted to Forbes & Co. exclusive privileges of importing goods free of duty, and of trading with the Indians on specified conditions and under restrictions, of which a material one was a tariff of prices to be charged the Indians by Forbes & Co.

The multiplied transactions of such a connexion for so long a period, the representations and answers, orders and official correspondence, have so swelled the archives of Pensacola, New Orleans, and Havana, that a distinct and intelligible abstract showing its merits would be difficult to be made, were it not for the prominent feature of this connexion, that in the course of its existence two events, unforeseen by either party, occurred: first, the war between France and England, which tended much to increase the expenses and losses of Forbes & Co. in the importation of their goods; and, secondly, the activity and rivalship of the adjoining American traders, which diminished the contemplated opportunities of Forbes & Co. of sale. The unforeseen losses sustained by these events constituted the chief basis of the claim (exclusive of the Indian depredations) of this house on the Spanish government; and for a just estimation of its nature and extent, and of the obligation of that government to make indemnity, we submit the high authority of its own constituted officers in the annexed communication of the intendancy of Louisiana for the use of the cabinet of Madrid. (28)

Here the obligation of Spain to Forbes & Co. is acknowledged to exist, and to a large amount, and distinct suggestions are made as to the mode of indemnifying them.

Situated, then, as Forbes & Co. were at the time of this purchase of land, they were creditors to the Spanish government not only to an enormous amount on its treasury, but they had high and acknowledged claims on its gratitude. They had claims, besides, on the Seminole Indians for $86,000, and on the Choctaws and Chickasaws to a large amount. Amongst this host of debtors to Forbes & Co. the Seminoles alone stepped forward to discharge the amount due by them; and if a payment thus made by them of the lands in question—their own acknowledged property—could also be considered as a payment made by the crown of Spain, as would follow from the supposition assumed, then, and admitting it to its fullest extent, we think it is clearly shown by the evidence adduced that the Spanish government has received an equivalent far exceeding the object conveyed, and that on this ground neither the equity, justice, nor legality of this conveyance of land can be assailed. The supposition, however, that the Spanish governors, whilst performing an habitual duty in confirming this Indian sale, were bartering for the King, bears with it such a manifest impugnment of national dignity and national magnanimity that few, we should suppose, could be inclined to entertain it.

Our object, however, precludes disquisition; it is to show, in a form as condensed as possible, the true nature of the titles to the lands in question; and the exhibits we have spread open from the mass before us we trust are sufficient for this purpose, and that they afford ample justification for a concluding remark, that the Forbes purchase was made, not with a view to speculation, but as a resort to obtain payment of a heavy claim against the Indians; it was made for a large, valuable, and equitable consideration; it was conducted with frankness, deliberation, and publicity; the parties were competent, and the government consummated it with a "complete ultimate" title; and we are aware of no characteristic of an upright and *bona fide* contract that is deficient in this one, which we have attempted to expose.

DOCUMENTARY EVIDENCE.

EXHIBIT No. 1.

PETITION.

To his excellency the governor general:

James Innerarity, inhabitant of this place, and empowered by the house of Panton, Leslie & Co., established in it, with the respect due to your excellency, appeareth and showeth that, in consequence of offers made at a general meeting of the Indians in the month of June last, by various chiefs of the Seminole tribe, to Mr. John Forbes, principal partner and director of the house, to cede to it a portion of the lands occupied by the said Indians in the districts of Apalachie and Apalachicola in payment of the debts which they have contracted and the robberies they have committed on the stores of the houses established in the vicinity of St. Mark's, your petitioner has the intention of directing an agent of said house to visit the said tribe and procure to be verified the cession of a portion of lands which shall be equivalent to the aforesaid effect.

If that object shall be accomplished, the result will be beneficial to the house by the retrieving of the debts which, for so long a time, have been due to it by these Indians, as also to the colony in general, by placing in the hands of industrious people, whose interest it will be to render it valuable, a district of land capable of supplying with provisions all the troops of his Majesty in the province, for whose daily subsistence, as well as that of the inhabitants of Pensacola and Mobile, there is a necessity of having recourse to the territories of the United States, from the want of cultivable lands in the colony, as almost all the good lands belong to the Indians: Therefore, petitioner submissively beseeches your excellency to take into your consideration that which he has exposed; and if you find it good, that you will grant him permission to establish a talk upon this business with the Indians, and, upon a cession being effected, that there may be confirmed and secured to the house the possession of the lands ceded, that it may dispose of them according to its pleasure; which is the favor which the petitioner hopes to receive from the known justice of your excellency.

JAMES INNERARITY.

PENSACOLA, *January* 5, 1804.

EXHIBIT No. 2.

DECREE.

PENSACOLA, *January* 7, 1804.

The petition is granted with the understanding that the lands which the petitioner shall obtain from the Indians shall not be disposed of without the knowledge and consent of this government.

FOLCH.

EXHIBIT No. 3.

DEED OF CESSION.

Be it known to every one by this writing that we, the undersigned chiefs of the Seminole tribe assembled together, having maturely weighed the enormous debts which we owe to the house of Panton, Leslie & Co., residing lately in Apalachie, for goods and merchandise supplied and sold to us, ourselves, and to our people; and being likewise responsible for the robberies and depredations which, on two occasions, we have perpetrated on the stores of the aforesaid house in Apalachie, headed by William Augustus Bowles, having committed the first of said robberies in the month of January, 1792, and the second in May, 1800; and having no means from which we can satisfy the said debts which we owe and injuries which we have done to the said house, from which serious detriments have resulted; and neither ourselves nor our people having property or money to pay or indemnify the said house, except by ceding to the said Panton, Leslie & Co. a portion of the lands which we occupy, we have determined, and by these presents we determine, to make a donation, to sell and to cede, to the said Panton, Leslie & Co., by way of compensation and indemnity for the said injuries and debts which we owe, a district of land which we hold as actual owners and proprietors, and which is contained within the following limits: [*the limits here specified are omitted because the line designated is circumscribed and included within the line run in virtue of the subsequent deed* (*No.* 11) *of cession of April*, 1810;] and by this deed of writing we cede, concede, give, sell, and transfer, to the said Panton, Leslie & Co., their heirs, executors, assigns, and administrators, in our own names and in those of all our people, the said district of land contained within the described limits, to be for them, their heirs, executors, consigns, and administrators, to hold and possess in full right and entire property; and we, the undersigned chiefs, in our own names and in those of our people of the said Seminole nation, in our names and those of our heirs and descendants, renounce and abandon all and whatever right we have hitherto had or possessed in the said district of land to the said Panton, Leslie & Co., their heirs, executors, consigns, and administrators; and we will defend and maintain to the said Panton, Leslie & Co., their heirs, administrators, and consigns, the full and complete dominion and possession of the said district of lands contained within the said limits, in the reality by us ceded, given, granted, sold, and transferred, against all and whatever person or persons, from henceforth and forever.

In faith of which, we sign this deed, in the village of Cheskatalafa, this twenty-fifth day of May, in the year eighteen hundred and four.

Yahulla Emathly.	Wm. Perryman.	Fasikaia Mico.
Tustanaga Chupco.	Hapayak Mico.	Cosa Mico.
Thomas Perryman.	Fotka Tasnagy.	Hopay Hacho.
Parras Mico.	John Meally.	Cacho Tustanagy.
O'Kelis Enyha.	Parras Hacho.	Yniha Mico.
Musquito Jack.	James Perryman.	Yfa Tustinagy.
Falaysa Emathla.	Tustanagy Mico.	Yahulla Mico.
Ufala Tustanaga Mico.	Efaw Fuskima.	Hulleechee.

Signed, sealed, and delivered in presence of—

WILLIAM HAMBLY, *Interpreter*.

EXHIBIT No. 4.

VERIFICATION.

I, Don Vicente Folch, colonel of the royal army, political and military governor of West Florida, sub-delegate judge of the general superintendency, &c., &c., &c., do hereby certify that the foregoing chiefs of the Seminole nation appeared before me on the 20th June of the current year, and, having given the hand in proof of friendship, amongst other things, said to me that one of the motives which caused their journey to this place was to declare to me that having ceded to the house of Panton, Leslie & Co., in consequence of great debts which they had contracted in their store lately established at Apalachie, and the robberies which they had there committed, a tract of land whose limits were designated in the preceding deed of cession and sale; that having done so with the full knowledge of their nation, and in the name of it having ratified it, they declare the same to me.

In faith of which, I subscribe these presents, and place the seal of my arms, in Pensacola, this 22d June, 1804.

VICENTE FOLCH.

By order of his excellency:

FRANCISCO MOREGON.

EXHIBIT No. 5.

CONFIRMATION.

This deed commences by a recitation of the preceding deed and verification, (3 and 4,) and proceeds: "And whereas James Innerarity, one of the partners of the said house of Panton, Leslie & Co., residing generally in Pensacola, has come, in virtue of the foregoing cession and grant, personally to this place, in the name of and representing the said house, to take possession of the said lands; and, in order to do so with the more notoriety and solemnity, and that the said concession may be the more completely confirmed, and finally relieved from all altercation or dispute, and the chiefs of the Indians of the Lower Creeks and Seminole nations having convened together to meet him on the said subject, be it now known to all whom

it may concern that we, the undersigned chiefs and headmen of the Lower Creek and Seminole nations, finding ourselves united in junta in this place, have unanimously agreed, and by this writing solemnly confirm, in every manner and sense, and in all its parts, the aforesaid donation and cession of the aforerecited extension of lands, with this only exception. [Here follows an unimportant alteration in the boundary line.] And that the said donation and cession by us made to the said Panton, Leslie & Co. may be and remain valid, henceforth and forever, we have this day, on executing this deed, solemnly ceded and granted possession of it to their partner, James Innerarity, deputed for this purpose; and we promise and obligate ourselves and our descendants to maintain and defend to them, in full and quiet possession, the said described lands, against all persons whatsoever, hereafter and forever.

"In testimony of which, we hereunto set our marks, at Chackeoheithlee, on the river Apalachicola, this 22d day of August, 1804.

"HOPAY HACHO, *of Totolosee Talosa, Grand Orator of the Seminoles.*
"HOTHLEPIRO TUSTANAGUE, *of Totolosee Talosa.*
"HOPAY MICO, *of Ockmulguchee.*
"TUSTANAGUE MICO, *of Ockmulguchee.*
"KEWEEHA THLUCCO, *of Cheeyaha.*
"EMATHLEE THLUCCO, *of Cheeyaha.*
"MICCO NAPAMICO, *of Cussita.*
"YAHULLA EMATHLA, *of Chisca Talofa.*
"TASIKAIA MICO, *of Osoo-telne.*
"UCHEE TUSTANAGUE, *of Uchee.*
"YAHOLLA MICO, *of Ufallees.*
And twenty-two other signatures.

"The foregoing names were signed and granted this 22d day of August, 1804, in presence of—
"WILLIAM HAMBLY,
"THOMAS MILLER,
"*Interpreters.*"

EXHIBIT No. 6.

VERIFICATION.

I, Don Vicente Folch, governor, &c., &c., &c., hereby certify that at a large assembly of the principal chiefs of the Talapuses and Seminole nations of Indians in this palce the 3d December of the current year, King Manso or Hopoethle Mico, being chief orator, declared to me, "That, with the general consent of their nations, they had confirmed the cession of lands made in the month of May last to the house of Panton, Leslie & Co., &c., and that they had done it in payment of the robberies committed by them, and the debts they had contracted at the store of St. Mark's of Apalachie, and that they had put in possession of the land James Innerarity, in the name of the said house of Panton, Leslie & Co., to whom they had sold it forever," &c., &c.

VICENTE FOLCH.

PENSACOLA, *December* 5, 1804.

By order of the governor:
FRANCISCO MOREGON, *Secretary.*

EXHIBIT No. 7.

This deed commences by a recitation of the deed of cession of 25th May, (Exhibit No. 3,) and of the confirmation of 22d August, (Exhibit No. 5,) and of the meeting of 3d December, certified in Exhibit No. 6, and proceeds thus: "And whereas it resulted that a certain number of chiefs should go with the said James Innerarity, or his agent, the better to identify and mark the boundary lines of said cession, that they may be seen by and known to every one, be it known that we, the undersigned kings, chiefs, and warriors, named by the aforesaid nations, have, at the citation of the said James Innerarity, accompanied him in the said lines, and that we have recognized and certified them well, and we have marked them in a manner so visible that they can be easily recognized by every one, and they are as follows: [here follows a designation of the lines.] And the said lines are very distinct, the trees being all marked; and the lines marked and here described we declare, in the names of our nations, to be the true boundaries of the lands ceded in the said deeds to Panton, Leslie & Co., and consequently the limit between our nations and the white people of that part, and, as such, we order that it shall be known and respected by our people henceforth, forever.

"HOPAY HADJO, *Grand Orator of the Seminoles.*"
And eleven other signatures.

Given at St. Mark's of Apalachie, in presence of the commandant of that post, Don Ignacio Balderas, and the witnesses subscribing, August 2, 1806.

IGNACIO BALDERAS.

Witnesses, August 2, 1804:
JUAN MILLER, } *Assistant Interpreters.*
JUAN SANDOVAL, }
THOMAS MILLER, *Interpreter.*
ANTONIO SANDOVAL.
PHILIPE PRIETA.
DIEGO DE BARRIO.
LORENZO VITRIAN.

With the foregoing there are three other deeds:

1st. The certificate of Don Ignacio Balderas, commandant of Fort St. Mark's, "that at the meeting held this day the chiefs and warriors contained in it executed the deed in my presence, as also Juan Miller and Juan Sandoval, who were interpreters for them, at which assisted the witnesses who sign below.

"APALACHIE, *August* 2, 1806."

2d. The acknowledgment of Copixtsi Mico, Chocolaky Tastanake, first warrior, Catcha Tastonague, and Taskiniha, all of Micasuky, that "although we have not been present at the marking of this limit we know it, and consent to its justice, and that it is well done, and so we sign this deed in presence of the commandant of this fort."

3d. The certificate of the commandant, Ignacio Balderas, to the acknowledgment and signatures of these four chiefs, August 2, 1806.

EXHIBIT No. 8.

It is not thought material to set out the petition of Mr. Forbes, although its place is preserved in the documentary evidence, its substance being in continuation of that of the petition of Mr. Innerarity, (1,) setting forth that the whole proceedings have been regular, and praying for a confirmation of them.

EXHIBIT No. 9.

The decree of confirmation recites that Panton, Leslie & Co. were established with royal approbation, since 1785, to trade with the Indians; that it was one of the terms and conditions of the establishment that "the government should facilitate, as much as it possibly could, the recovery of the debts pending between the Indians and said house, which, *it recites*, is also proven by the original letters presented to me by the said James Innerarity, written by the Brigadier Don Manuel Gayaso de Lemos and the Marquis de Casa Calvo, governors general that were of the ceded province of Louisiana, (Nos. 1 and 3 of these pieces,) and from which it is to be gathered that their excellencies were willing and gave their consent to the purchase of any lands that the said house might make of the said Indians, with the intent of receiving its outstanding debts and losses occasioned by the robberies committed by the adventurer, W. Bowles." *And it recites generally the deeds of cession by the Indians, and proceeds:* "Therefore, making use of the powers which the King our lord, whom God preserve, has conferred on me in his royal name, I confirm and ratify to the said house of Panton, Leslie & Co. the cession of the said lands by the Seminole nation of Indians, in the form and with the boundaries explained and manifested in the diagram attached to the original deed and copy of this title, which will remain recorded in the office of the secretary of government of this province; and, consequently, I declare and impart entire and direct dominion to the said house of Panton, Leslie & Co. of the land mentioned, so that the said house may, as its property, enjoy, possess, sell, and alienate it, agreeably to the terms expressed in my decree of January 7, 1804, antecedently inserted; and I empower it to take possession, and will defend and maintain it therein, without prejudice to a third party.

"In witness whereof, I order the present to be delivered, signed by my hand, sealed with my arms, and countersigned by the underwritten secretary of government.

"Given in Mobile, December 3, 1806. "VICENTE FOLCH.

"By order of his excellency:

"FRANCISCO MOREGON."

EXHIBIT No. 10.

This record is twenty-four pages of details and exhibits of debts due by the Indians, and losses for which they were responsible to Panton, Leslie & Co., amounting to $66,533 05, and it is omitted here owing to its length.

EXHIBIT No. 11.

This second deed of cession was agreed to at Cuskataloofa, on the Chatahoochie, in April, 1810, and concluded at Pensacola January 22, 1811, by Tuskanucky Hopax, Coweta Mico, Coweta Tuskama, Hothlepoi Mico, Taha Hadjo, Mico Nuppa, Tuskanucky Chahuckany, Ufala Mico, Hopoi Mico, Tohalla Emathla, Efa Mico, and Toothla Tuskanuky, who were deputed for this purpose.

This deed recounts the names of the chiefs at the meeting of April, 1810, and the agreement then made. It completes that agreement by ceding, giving, granting, selling, and transferring to Forbes & Co., for the consideration of $19,387 04½, due by them, the tract of land occupied by them, whose boundaries are described, and appoints a commission to accompany the surveyor of Forbes & Co., to mark the trees and place such stakes as they may deem necessary.

This deed is accompanied with the verification of Governor Folch, (Exhibit 12.) And connected with it, also, is the deed dated at St. Mark's, May 25, 1811, which acknowledges the marks of the boundary lines; it is executed before Daniel Blue, William Hambly, and Edmund Doyle, and describes the marks in detail. This description is so minute and diffuse as to preclude it from insertion here. To describe it generally from these details, the boundary line runs from the west end of St. Vincent's island, by Lake Wumico and Apalachicola, to Sweet Water creek, up said creek, and striking northeast to the old line, following the

same across the Oclockny, and striking off to the river St. Mark's, to an oak marked with a cross, on the west bank of said river a little above the place where it flows under ground, and following the line through the woods immediately to where the said river begins to emerge again, and thence down the middle of said river to the sea. *The map of these lands, made by McKinnon, describes this boundary pretty accurately.*

This last deed at St. Mark's is accompanied with the certificate of Don Marcos Devillers, the then commandant, that the chiefs who signed it acknowledged it in his presence. This certificate is countersigned by José Urcullo and Lorenzo Vitrian.

And Don Vicente Sebastian certifies in the same manner and to the same effect.

EXHIBIT No. 12.

Governor Folch certifies that in a full assembly of chiefs of the Lower Creek and Seminole nations, held in the government this day, the undersigned chiefs declared, by the medium of their interpreters, James Durosseau, resident in the nation, Thomas Miller, on the part of the chiefs, and Manuel Gonzales, of this place, that they had ceded, in the name and with the consent of their nations, to the house of John Forbes & Co., in payment of the debts due to said house by the Indian dealers of the several towns of the aforesaid Lower Creeks on the river Chattahoochie, the piece of land of which the limits are specified in the act of cession, which act and limits were read to them and translated in my presence by the said interpreters; and they, agreeing to the propriety of the same, signed, of their own accord, the foregoing instrument.

In witness whereof, I give the present, signed by my hand, sealed with my arms, and countersigned by the underwritten secretary of this government.

VICENTE FOLCH. [L. S.]

By order of his excellency:

PABLO LARIN.

PENSACOLA, *January* 22, 1811.

EXHIBIT No. 13.

This petition is dated June 7, 1811, and it is thought unnecessary to set it forth, as it is of the same tenor with the petition (Exhibit 8) in the case of the first cession. But when it was acceded to, (June 8, 1811,) a similar condition was attached as to the first petition, viz: "that John Forbes & Co. do not dispose of nor alienate the land in question without the express consent of this government, and for which a title was granted December 3, 1806."

EXHIBIT No. 14.

This record is an act of confirmation of Governor Folch of this last described cession of land. It recites the previous acts of the Indians, &c., (Exhibit 11,) and concludes thus: "Wherefore, making use of the faculties conferred on me by our lord the King, and in his royal name, I confirm and ratify to the said John Forbes & Co. the cession of two pieces of land, above designated, made by the nation of Seminole Indians and Lower Creeks, represented by their principal chiefs, leaders, and headmen, amply empowered. And I give them power to enter into possession of the said land according to the directions, dimensions, and distances contained in the diagram and certificate of survey, the original documents of which, with a copy of said plat, shall remain in the office of the secretary of this government, the said surveyor recording not only this title, but that also delivered in the year 1806, from the same motives, and that of the island ceded to John Forbes individually, in order that the archives may contain everything concerning these cessions, and the motives from whence they originate. And I declare and impart to the said house of John Forbes & Co. entire and direct property, that as such they may the said land enjoy, possess, cultivate, sell or alienate on the conditions expressed in my decree inserted in this title. In witness, &c., &c.

"VICINTE FOLCH.

"By order of his excellency:

"PABLO DE LARIN.

"PENSACOLA, *June* 5, 1811."

EXHIBIT No. 15.

This record being altogether matter of detail, showing the items of the debt due by the Indians to Forbes & Co., amounting to $19,387 04½, which formed the consideration of this second cession, it is deemed unnecessary to set it out.

EXHIBIT No. 16.

The petition of John Forbes is dated in Havana, October 9, 1817, and is addressed to the captain general (Cienfuegos) of the Island of Cuba. It sets forth that the house of Forbes & Co. is possessed in full property of the lands which were occupied by, and which belonged to, the Seminole Indians, situated in the districts of Apalachie and Apalachicola, and the manner in which said house came into the possession of the same. "That being determined to alienate the greater part of the same in favor of Don Colin

Mitchel, he solicits your excellency, as captain general of the two Floridas, and intrusted with the high powers of your station, to permit him to alienate the said lands upon the terms he has agreed upon with the said Colin Mitchel, and that he may agree upon hereafter with other persons.

"JOHN FORBES."

DECREE.

This petition to be shown to the assessor general, that he may advise me.

CIENFUEGOS.

HAVANNA, *October* 9, 1817.

EXHIBIT No. 17.

THE ASSESSOR GENERAL'S OPINION.

MAY IT PLEASE YOUR EXCELLENCY: The lands which were occupied by the Indians of the Seminole tribe, lying in the districts of Apalachie and Apalachicola, and the island belonging to the Lower Creeks and Seminoles, together with two pieces of neighboring land, having been transmitted as they actually and lawfully are in full property with a conditional title to the house of John Forbes & Co., established in the Floridas by royal permission, for which acquisition, competent permission was given by Don Vicente Folch, who was then political and military governor of West Florida, and who delivered, subsequently, titles of confirmation in favor of the purchasers, there is no obstacle to your excellency's making use of the powers intrusted to you, and permitting the alienations proposed, among which is designated Don Colin Mitchel, merchant of this city, a person uniting all the qualifications necessary for obtaining them.

LEONARDE DE MONTE.

HAVANA, *October* 13, 1817.

EXHIBIT No. 18.

DECREE.

Agreeably to the preceding opinion of the assessor general, I permit the alienation of the lands solicited by John Forbes & Co., in which Don Colin Mitchel is designated as having the greater part, drawing out the writings and insertions mentioned in the said opinion.

CIENFUEGOS.

HAVANA, *October* 13, 1817.

EXHIBIT No. 19.

Extract from the treaty of June 1, 1784, *made at Pensacola, between Spain and the Talapuche and Seminole Indians.*

"ARTICLE 13. As the generous mind of his Catholic Majesty does not exact from the nations of Indians any lands to form establishments to the prejudice of the right of those who enjoy them, in consequence and with a knowledge of his paternal love towards his beloved nations, we promise, in his royal name, the security and guarantee of those which they actually hold, according to the right of property with which they possess them, on condition that they are comprehended within the lines and limits of his Catholic Majesty."

EXHIBIT No. 20.

Extract from the treaty of 1792, *made at New Orleans, between Spain and the Creek and Talapuche Indians.*

"ARTICLE 2. His Catholic Majesty will be guarantee of all the lands which belong to, and those which the Creek nation had in possession at the time of the solemnization and conclusion of the treaty of Pensacola in 1784."

EXHIBIT No. 21.

Extract from the treaty of May 28, 1765, *made at Pensacola, between England and the Upper and Lower Creek Indians.*

"ARTICLE 5. That for the future the boundary be at the dividing paths going to the nation and Mobile, where is a creek; that it shall run along the side of the said creek until its confluence with the river which falls into the bay; thence to run round the bay and take in all the plantations which formerly belonged to the Yamasee Indians.

"That from the said dividing paths towards the west the boundary is to run along the path leading to Mobile to the creek called Cassawba, and from thence still in a straight line," &c., &c., &c.

Extract from the treaty of November 18, 1765, *made at Picolata, East Florida, between England and the Upper and Lower Creek Indians.*

"ARTICLE 5. To prevent all disputes on account of encroachments, or supposed encroachments, made by the English inhabitants on the lands and hunting grounds reserved and claimed by the Indians, &c., &c., we have agreed, and we do hereby agree, that for the future the boundary line of his Majesty's said province of East Florida shall be all the seacoast as far as the tide flows, in the manner settled with the English by the Great Tomacheches, with all the country to the eastward of St. John's river, forming nearly an island, from its source to its entrance into the sea, and to the westward of St. John's river, by a line drawn from the entrance of creek ——— Achlawaugh in the said river, above the great lake, and near to Spalding's upper trading storehouse, to the forks of Black creek, at Colvill's plantation, and from thence to that part of St. Mary's river which shall be intersected by the continuation of the line to the entrance of Turkey creek into the river Altamaha."

OPELOUSAS CLAIMS.

Extract from the report of April 6, 1815, *of the land commissioners to Congress, which was acted upon.*

"The other subjects who wanted land must demand and have a written title; it was not necessary for the Indians, because they already held a title to the land they claimed." "The laws made it necessary when the Indians sold their lands to have the deeds presented to the governor for approbation. This was only a form, as the governor, in all cases, approved and never refused."

EXHIBIT No. 22.

SPANISH ROYAL REGULATIONS.—BOOK IV.—TITLE XII.

LAW VII. We command that the distribution of lands, both in the new settlements and in the places and districts already settled, be made with equity, and without any distinction or preference of persons, or injury to the Indians.

LAW IX. We command that the lands which may be granted to Spaniards shall be without prejudice to the Indians, and that those granted to their injury shall be restored to their rightful owners.

LAW XVII. To favor and protect the Indians in their rights, we order that no compositions of lands shall be allowed where they may have been acquired by the Spaniards of the Indians against our royal ordinances, or may have been held by false titles.

EXHIBIT No. 23.

Extract of the treaty made at Natchez May 14, 1792, *between Spain and the Chickasaw and Choctaw Indians.*

"ARTICLE 4. The Spanish nation declares and recognizes that all the lands east of the said division line in article two belong legitimately and indisputably to the Chickasaw and Choctaw nations, offering to sustain them in them with all its power."

EXHIBIT No. 24.

Pending the treaty between the United States and the Choctaw Indians, a correspondence took place between Forbes & Co. and the Secretary of War, the object of which, on the part of the United States, was, through Forbes & Co., to facilitate the negotiation then pending, and on the part of Forbes & Co., to receive payment for their claims against the Choctaws through these negotiations. The correspondence is generally irrelevant to our present exposition, and the following extracts only are therefore set out:

Extract of a letter from John Forbes to the Hon. H. Dearborn, dated Pensacola, September 5, 1806.

"But it is not alone the Choctaw treaty that gives rise to my fears, (for which I hope there is no foundation;) after a most expensive, troublesome, and disagreeable application to the Creek nation, a promise was obtained from them in 1803 that they would pay their debts so soon as they sold their Okmulgee lands; to this promise the agent, Colonel Hawkins, was privy, and I may say a party, as it was at his suggestion that the demand was urged and pressed upon them in that form, as being connected with the favorite wish of your government. The land has at length been sold, but our debts have been left out of the calculation. When the Indians met to ratify this treaty, in May last, one of my partners attended to claim the fulfilment of their promise; but after much shuffling they rejected my claim on the ground alluded to in the enclosed letter from Colonel Hawkins. The fact is shortly this: finding the Upper and Lower Creeks unwilling to admit as a part of my claims on them the robberies committed by Bowles and Seminoles on our stores, and being duly authorized by the Spanish government, I treated for and obtained from the Seminoles, as an indemnification, a tract of land laying within the Spanish limits, for the cession of which, according to the Indian laws, they were fully competent, by which means my general claims against the nation were reduced within $40,000. This bargain, I do assert, was as fair a purchase as ever was made from the red men since the treaty of William Penn, and has been formally ratified in presence of the King of Spain's representative by all the chief men of the Seminoles, &c. Had

we been so base as to allow cupidity to influence us in our operations, the rejection of our remaining claims would have been a just punishment on us; but so far from this being the case, my agent and partner was instructed, and accordingly offered to give up the lands to the nation, on their agreeing to admit and pay our claim as originally presented to them; this they refused in a very unexpected and, I may say, unprincipled manner."

General Dearborn to John Forbes in reply.

"WAR DEPARTMENT, *November* 12, 1806.

"SIR: Your letter of 5th September has been duly received and considered. In answer, I can only remark, that the Creeks absolutely refused to accede to my request, to have provision made in the convention for the balance due from them to your house; and observed that a great part of your debt had been paid by lands sold to your house in Florida, and that they should take proper measures for paying the balance.

"The Chickasaws will, I presume, pay their debts as soon as the appropriation is made by Congress."

That the intendancy of Louisiana was privy and consented to this negotiation of Forbes with the Indians is proved by the direct correspondence between them. The acknowledged debts due to Forbes were from the various tribes of Chickasaws, Choctaws, Creeks, and Seminoles, part of whom were within the sovereign jurisdiction of the United States and part within that of Spain; and in negotiating for lands in payment of that portion of their debts within the Spanish jurisdiction, there were no obstacles to encounter except such as were connected with the disposition of the Indians themselves. The reverse, however, was the case within the jurisdiction of the United States, where such negotiations were inhibited by law and by treaty. And the only difficulty to be encountered by Forbes, in negotiating for Indian lands for the recovery of his claims, was that of purchasing from them lands lying within these limits. He accordingly consulted the intendancy of Louisiana about this difficulty, with a view to obtain its influence, if possible, to have it removed.

The Intendant writes him this in reply.

"NEW ORLEANS, *February* 21, 1799.

"SIR: I have received your letter of the 16th, in which you represent the great losses your house has sustained and the quantity of credits it has pending in the Talapuche nation, as also the small hopes you have of recovering them without resorting to extraordinary means, of which the most probable seems to be the purchase of lands of said Indians situated within the limits of the United States. This being an operation of moment and of political importance, you wish to be informed by me if I have influence in the views of that government." "I cannot object to whatever purchase your house, or the agents in its behalf, may make in the Talapuche nation to the north of the limits between his Catholic Majesty and the United States, considering, as I do, this to be the only means of recovering considerable funds which would be otherwise lost. When you have formed this purchase, you can inform me of the locality of the land and its extent; and be assured, sir, it will afford me much satisfaction to contribute whatever may be interesting to your house.

"MANUEL GAYOSO DE LEMOS.

"Mr. JOHN FORBES."

This correspondence about payment from the Indians within the limits of the United States was subsequently continued with the cabinet at Washington. And when the Apalachicola negotiation was begun, Mr. Forbes informed the intendancy of it, and the reply of that department is this:

"NEW ORLEANS, *February* 4, 1801.

"SIR: I have received your esteemed favor of 19th ultimo, and I learn by it that the Seminole tribes have just decided to offer to your house lands on the river Apalachicola, as what they formerly offered is not convenient, which I hope will result well. [The letter is continued and concluded in other subjects.]

"MARQUIS OF CASA CALVO.

"Mr. JOHN FORBES."

EXHIBIT No. 25.

Extract from the proclamation of Governor Morales, dated New Orleans, July 17, 1799.

The King, whom God preserve, having deigned to declare and order, by his royal order made at San Lorenzo, October 22, 1798, that the intendancy of these provinces, to the exclusion of all other authorities, shall be vested with the privilege of distributing and granting every kind of land belonging to the crown, which privilege was, by his order of August 24, 1770, vested in the civil and military government, and desiring to fulfil this important charge, not only according to the article 81 of the ordonnance of the intendants of New Spain, the royal instruction of 1754 cited in the said article, and the laws relating thereto; but also with regard to local circumstances, and as far as he can, without injury to the rights of the King, he will contribute towards the encouragement and welfare of the inhabitants, or those who may establish themselves in his possessions; having examined with the greatest attention the rules made by his excellency the Count d'O'Reylly, February 18, 1790, those that were promulgated by Governor Manuel Gayaso de Lemos January 1, 1798, and the advice given me in this regard by Don Manuel Serrano, assessor of the intendancy, and others acquainted in this vicinity. In order that those who desire to obtain lands may know how they ought to solicit them, and the conditions upon which they will be granted or sold to them; that those who possess them without the necessary titles may know the steps they ought to take to come to an arrangement; that the commandants and sub-delegates of intendancy may be informed of what they ought to do, the surveyors and clerks of the revenue, &c. Under the

reserve of augmenting, changing, or revoking whatever time and circumstances may show to be more proper to conduct to the end to which the beneficent intentions of his Majesty are directed, I have resolved that the rules explained in the following articles be observed. [Here follows thirty-eight articles.]

NEW ORLEANS, *July* 17, 1799.

EXHIBIT No. 26.

Spanish laws in relation to granting lands.—Royal ordinance of October 15, 1774.

I, THE KING, ETC.

Experience having proved the inconveniences that arise to my subjects of the kingdoms of the Indies from the decree issued by royal order of November 24, 1735, that those who would enter upon the royal possessions of those dominions should necessarily apply to my royal person to obtain their confirmation within the time assigned, under the penalty of losing them in case of their failure to do so; and many persons having failed to avail themselves of this benefit, from their inability to sustain the expense of an application to this court, to obtain the confirmation of what they compromised for or purchased, it being of small amount, or some few caballerias, (lots,) and those who may apply from their purchases being of greater value, are at great expense on account of the testimony they must present, the transmission of money, the appointment of agents, and other necessary expenses that usually exceed the principal sum paid for the composition or purchase of these royal lands before the sub-delegates; and, as a consequence of this, much land is left uncultivated, which might support the provinces in which they are, by being cultivated and in grazing cattle, and it is another result that persons occupy lands illegally, through defect of title, without properly cultivating them, for fear of being denounced and prosecuted for it, and my royal treasury also suffering both in the amount of sales of these lands and in the consequent neglect of agriculture and tending of cattle; I have therefore resolved that in the grants, sales, and compromises of royal cultivated and uncultivated lands now made, or which shall hereafter be made, the provisions of this regulation shall be faithfully observed and executed.

1st. That from the date of this my royal order the power of appointing sub-delegate judges to sell and compromise for the lands and uncultivated parts of the said dominions shall belong thereafter, exclusively, to the viceroys and presidents of my royal audiences of those kingdoms who shall send them their appointment or commission, with an authentic copy of this regulation. These and those whom the said viceroys and presidents shall hereafter appoint may sub-delegate their commissions to others for the distant parts and provinces of their stations, as was previously done by virtue of this law. My council of the Indies and its ministers are excluded from the superintendence and management of this branch of the royal treasury, (hacienda.)

2d. The judges and officers to whom jurisdiction for the sale and composition for the lands may be sub-delegated shall proceed with mildness, gentleness, and moderation, with verbal and not judicial proceedings, in the case of those lands which the Indians shall have possessed, and of others when required, especially for their labor, tillage, and tending of cattle. Nor shall severe strictness be used towards those already in possession of Spaniards or persons of other nations, and in regard to all the requirements of laws XIV, XV, XVII, XVIII, and XIX, title XII, book IV, of the Recopilation of the Indies shall be observed.

Of the laws here referred to, No. XVII being already cited in our Exhibit No. 22, the following captions of the remainder are quoted to show their subject-matter:

Law XIV. Possessors of lands, grounds, chacras, and caballerias, under legal titles, shall be maintained therein, and the rest returned to the King.

Law XV. Lands to be admitted to composition.

Law XVIII. Lands to be left to the Indians.

Law XIX. No composition of lands shall be allowed where they have not been held ten years.

The following royal ordinance is quoted to show the continuity of the land laws from 1754 to 1818:

ROYAL ORDINANCE OF FERDINAND VII.

I, the King, etc., influenced by the paternal love which all my subjects, even the most distant, merit of me, and by that sincere desire which I have felt, ever since my elevation to the throne, to render uniform the government of the vast empires that God has intrusted to me, and to place my extensive dominions of the two Americas in proper order and defence and to render them prosperous, have resolved, from the best information and mature reflection, to establish in the kingdom of New Spain intendants of army and province, that, being provided with competent authority and salaries, they may govern the towns and inhabitants in peace and with justice as to what is confided to them by these regulations, may preserve the police, and secure the lawful claims of my royal treasury with the integrity, zeal, and vigilance prescribed by the wise laws of the Indies, and the two royal ordinances published by my august father and lord, Don Philip V, and my beloved brother, Don Ferdinand VI, on July 4, 1718, and October 13, 1749, whose wise and just laws I wish to be faithfully observed by the intendants of said kingdom, with the extensions and restrictions to be expressed in this ordinance and regulation.

EXHIBIT No. 27.

MADRID, *January* 23, 1784.

Notwithstanding that, according to the decree of the King of 3d November last, in which he granted to your lordship the government and captain-generalship of St. Augustine and province of Florida, the title for the same was issued from the chamber of the Indies agreeable to those of the governors, your predecessors, and as directed by the law 1, book 5, chap. 2 of the Recopilation, with the quality of the said

captain-general, his Majesty commands me to inform and advise your lordship that the Conde de Galvy is head of both Floridas, east and west, as separate captain-general of these, together with the province of Louisiana.

Certified from the office of the secretary of state, Madrid, December 13, 1825.

Gov. CESPIDES, *of St. Augustine.*

MADRID, *November* 30, 1787.

By the letter of your lordship, No. 500, of 7th June last, and relation which accompanies, the King is informed of your having agreed with the governor to carry into effect the establishment of St. Mark's of Apalachie, and of the steps taken for this purpose; upon which subject, by the royal order of 14th August last, all the measures were approved of which your lordship adopted.

God preserve your excellency.

VALDEZ.

The INTENDANT *of Louisiana.*

EXHIBIT No. 28.

This letter is from the Marquis of Casa Calvo, governor of Louisiana, to the intendant of Cuba, Don Mariano Louis de Urguis; it is dated New Orleans, October 8, 1800, and as it occupies twenty-seven pages of closely written foolscap paper, the following extracts only are deemed of sufficient interest to be exhibited:

"MOST EXCELLENT SIR: The first point of the order resolves itself into the question, whether the house of Panton is entitled to an indemnity? What I have already said is a proof that the house of Panton is entitled to an indemnity; so thought my predecessors, and I am of the same opinion. Since the beginning of 1789 they remained solely charged with the general trade of the Tallapuses, Alabama, Choctaw, Chickasaw, and Cherokees, and thus were removed in a great measure the obstacles and embarrassments which occurred at every step to secure the Indian commerce; and we cannot calculate the precarious and the provisional dispositions which they had taken since 1784 to content them and to consolidate a durable peace with them. Already the Marshal Baron de Carondelet, in his representation to this department, July 1, 1798, (No. 78,) includes a memorial of William Panton, making palpable the necessity of a quick decision, with the assurance that upon that depended the peace of these dominions of the King, determining the indemnity that ought to be made to enable the house to continue its commerce with the same fidelity and the constant success which it had the twelve years since its establishment to that time, or well admitting the proposition made by the same house, which is in his former representation, (No. 41,) July 27, 1794, directed to the minister, in which is a statement to his Majesty of the effects of the house in pursuing its trade for two or three years, and showing (in the case cited) the shield from its total ruin, and showing the equity of its good services. Both representations throw as much light as is necessary, and manifest, with the greatest evidence, how unjust it was to adopt one of the propositions to indemnify them. The governor and intendant, confiding in the generosity and justice of the nation, estimating the importance of these subjects, and inspired with conceptions advantageous and rational, they continued to excite Panton to follow his commerce with the Indian nations, notwithstanding the losses which he had suffered, and notwithstanding the inevitable ones which they foresaw. In truth, it is not to be supposed that the individuals of the house, after a continual experience of many years, well instructed as they were in the management of their commerce with the Indian nations, foreseeing the ruin which threatened them if they persisted in it, that they should have blindly followed it.

"The losses are immense which the house has already suffered, by the vessels which the French and English have taken already, by the excessive premiums of insurance they have been forced to pay, from the irregular situation in which its commerce is placed; they cannot raise the price of the goods which they sell to the Indians, nor diminish the price of skins; and to this is to be added the losses in its remittances and the depredations of Bowles, which are notorious, and it is no exaggeration to say they amount to $400,000, more or less.

"The second point which his Majesty wishes to know is, what can be the indemnity which he has to give to the house of Panton, supposing that it is never permitted that any but a Spanish vessel shall enter our ports? This is a more delicate disquisition, especially when his Majesty has not determined on the proposition made by Baron Carondelet in the aforesaid representation (No. 41) about the two things to be done for the house of Panton, to attract entirely the nations, explaining the advantages which ought to result, and showing the immense urgency with which Spain should frustrate the ambitious designs of these dangerous neighbors.

"Just, nevertheless, is the necessity of choosing a medium to preserve that commerce, since, if it be lost a moment, the friendship of the exasperated Indians will place itself in the hands of the Americans, and if the occasion presents itself the Tallapuses will call upon the English to the coast of Apalachie.

"The third proposition for their indemnity seems to reduce itself to this, that it permits the house of Panton, Leslie & Co. to introduce into the ports of Havana and Campeachy, during the war and two years afterwards, common bale goods, provisions, and implements of agriculture and engines; exporting, in return, products of these countries to Providence, or any of the ports of the United States.

"The fourth proposition to indemnify Panton is a privilege, in the first place, to introduce from the coast of Africa into this river four thousand negro slaves, free of duty, as also the exportation of the product of the same slaves; and they having the exclusive privilege for six years, to count from the time of the first importation, which never could take place until a general peace. This project is supposed to compensate their losses, with a grant besides of twenty leagues (sixty miles) square of river lands on the west bank of the Mississippi, in one, two, or three divisions, without incommoding those who are already established, the government always taking care to watch its conduct, and obliging it to dispose of and establish the said lands according to the prescriptions of his Majesty on that subject.

"These are the four propositions which present themselves for indemnifying Panton for his losses, and preserving the Indian trade which is so interesting for maintaining the preponderance recommended, and rendered expedient by so many reasons. It does appear to me that of all these the least burdensome

and most proper is the second, viz: to grant to the house a loan for six years, without interest, of $400,000 to pursue its commerce, assuring it that in cases of necessity the prices of goods to the Indians may be moderated, in order to rival the trade of Congress and its agents, his Majesty keeping in view their losses by indemnifying generously, (*bien intendido,*) under the rules and precautions which they explain in the memorial included in the cited representation, (No. 41,) taking from them securities which shall appear most corresponding and suitable to the house, under its proper responsibility that it shall not swell the losses under the pretext of rivalling the dispositions of Congress. It seems to me that his Majesty could facilitate this sum at the end of two years for the moiety.

"What consequences might follow the withholding the succor to Panton, and leaving the house to its own speculations, is the third question which it is my duty to satisfy.

"When I come to speak of this, information is necessarily diffuse, answers abundant, and easy of solution—if nothing prevents it, the entire ruin of the house. Yes, excellent sir, the indubitable effect will be the total ruin of the house, if it is always to be denied assistance or compensation in some of the four ways already proposed; it will have no choice but to abandon its commerce with the sad remains of destroyed fortunes, when all or most of its creditors will be injured the moment this notice is divulged; the Indians, and the greater part of the white and colored people, who know no law but that of necessity, nor other enemies than the most free, (*mas franco,*) will profit themselves of this situation of the house to mock the partners of it, vaunt themselves on what is owing, and lend themselves to the Americans; they will sacrifice for less than half their value the houses and stores which are only fit for the Indian trade and these dominions of his Majesty; in the act they will begin to experience the terrible consequences of robberies, assassinations, and depredations of these barbarians, instigated by our neighbors and by the same dealers, whilst, at the same time, Bowles and his despicable associates, availing themselves of so favorable a conjuncture, will not only effect their designs, but extend them to a greater distance.

"Such might be the effect, without exaggeration, of abandoning the house of Panton; already the partners have determined to desist and to resign themselves to the sacrifices which they clearly see, if in the approaching year his Majesty does not deign to adopt some of the propositions which have been made, or some other equivalent that may suggest itself.

"The actual credits of the house amount to $120,000, more or less; in time of peace they amounted, as I have shown, to $180,000; their dwelling-houses, buildings, and utensils for the trade, to the sum of $40,000, a little more or less; these sums form a capital amounting to $220,000; the debts of the Indians and traders they seldom diminish, and if this succeeds the other increases in proportion.

"To this capital, dead to the company, I ought to add the work of sixty laborers, negroes, and hired people to shake, supply, and press the skins; to this is to be added the value of two ships of 220 and 250 tons each, for the houses of Pensacola and Mobile, and a brig of 120 for St. Augustine, with three smaller vessels of 50 and 90, absolutely necessary for the trade and communication between the said factories, which ought always to exist, in their respective stores, and those which are going and returning from Europe, whose import may be estimated, without exaggeration, at $150,000, which forms, in all, $370,000. To this exorbitant sum there are to be added other annual and irremediable losses, but necessary to preserve the friendship of the Indians; one of them is that which they spend in free and open table which they keep (a thing indispensably and absolutely necessary) for the chiefs and traders, and factors employed in the commerce; and, treating the other Indians besides, who go and come, &c., we have already $388,000, a sum capable of imposing silence in those who, without foundation, place and attribute profits and benefits of this commerce.

"From all this exposition you will infer how few, if there is one, in the province who would risk his property in a trade which has caused the ruin of various living and irrefragable witnesses of this.

"I am unable, from what I have read, seen, and observed, to extend my ideas further; in order to complete, if possible, a deliberate and dispassionate report, I have endeavored to fulfil the confidence with which you have honored me, without any other desire than the service of his Majesty, promoting his royal interests, and those of his dear subjects according to the duty of those who are under his sovereign protection, those who contribute and conspire to the accomplishment of his beneficent intentions; with these views I have accomplished the duty of a faithful subject of his Majesty. I have demonstrated that the house of Panton is entitled to an indemnity; bringing to mind the different instances which, in various times, the said house has directed to his Majesty and the government a solicitude of a just compensation for its constant services, and for its notorious losses. I have examined, discussed, and observed the convenience or injury which seemed to have the power of resulting according to the spirit of the royal order, inclining my ideas in favor of the second proposition, which I meet (*encuentro*) as most conforming and analogous to the best service of his Majesty, and the defence and quietude of these provinces. I have touched the effects that may result from not giving succor to that house. I have proved the impossibility of accomplishing this without adopting the means proposed by the Baron de Carondelet in the cited representation, (No. 41,) that which, nevertheless, has in its principles great inconveniences. And I have explained in a separate communication the will with which we can draw to us the esteem of the Indians with the object which his Majesty indicates.

"God preserve you many years.

"MARQUIS OF CASA CALVO."

20TH CONGRESS.] No. 600. [1ST SESSION.

ON APPOINTMENT OF A SURVEYOR FOR THE VIRGINIA MILITARY DISTRICT IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 4, 1828.

Mr. VINTON, from the Committee on Public Lands, to whom was referred the resolution directing them to inquire into the expediency of appointing a surveyor for the Virginia military district, within the State of Ohio, reported:

That the Commonwealth of Virginia, during the war of the Revolution, promised certain bounties in land to her troops, on the continental establishment, for the satisfaction of which a district of country was set apart within the limits of the now State of Kentucky.

Afterwards, by an act of assembly of that State, passed in October, 1783, a board of officers therein named, or any five of them, were authorized to appoint a principal surveyor, whose duty it was, by himself, or his deputies, to make surveys for all warrants that should be issued; to keep a record or book of entries of such surveys; and upon his certificate the titles were perfected by the emanation of patents.

The board of officers for the continental establishment appointed Colonel Richard C. Anderson their principal surveyor, who established his office in Kentucky, where it remained during his life; subsequently, upon the cession to the United States by the State of Virginia of the country northwest of the river Ohio, the district of country lying between the Little Miami and the Scioto rivers, in the now State of Ohio, was reserved to make up any deficiency that might be found to exist in the quantity of land theretofore reserved for bounties in the State of Kentucky. Shortly afterwards a deficiency was admitted by the United States to exist. From that time locations of warrants were made, indiscriminately, in Kentucky and Ohio; but all surveys were returned to the office in Kentucky, and entries or records of them there made and kept, thus transferring to Kentucky the original evidence of title to a large district of country in Ohio, two hundred miles from the office. Things stood in this situation until the year A. D. 1826, when Colonel Anderson died. The committee are informed that all the individuals composing the above-mentioned board are also deceased, who might, if living, fill the vacancy. They are also informed that at the time of the death of Colonel Anderson many warrants had been issued that remained unlocated, or, in other words, for which no survey had been made; that in many cases where surveys had been made the certificate of Colonel Anderson, upon which a patent issued from the General Land Office, had not been obtained; and that since his death, a large number of warrants have been issued that have not been, and cannot be, located until a surveyor is appointed. The right to make locations in Kentucky has ceased to exist many years since; so that all future entries must of necessity be made in Ohio.

From the foregoing statement of facts the committee are of opinion that in all cases of lands in Ohio, where the evidences of title in the surveyor's office exist in such form that the originals can be transferred to Ohio, such transfer ought to be made; and in those cases where they are so interwoven with evidences of title to lands in Kentucky as not to admit of separation, duly authenticated transcripts ought to be transmitted. The reasons for such a transfer are, in the opinion of the committee, too obvious to require to be set forth. It is also equally obvious that the means necessary for perfecting their titles ought to be provided for those who hold imperfect evidences of their rights. This is to be effected by the appointment of a surveyor.

It will be seen also that those whose titles have been carried into grant are likewise deeply interested, when it is considered that the titles to a large and valuable district of country in Ohio are without the jurisdiction of the State, and in the hands of individuals, who are under no official responsibility whatever for their safety. The committee therefore report a bill to embrace the above-mentioned objects.

20TH CONGRESS.] No 601. [1ST SESSION.

LAND CLAIM AT VINCENNES, INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 4, 1828.

Mr. SHEPPERD, from the Committee on Private Land Claims, to whom were referred the petition and documents of Mary Loveless and Mary Ann Bond, reported:

This case was submitted the last year to the same committee, who then made a report, which was in these words:

"The petitioners state that they are the daughters and heirs of Hugh Smith; that their father resided at Vincennes, Indiana, as the head of a family; that he served as a soldier under General George Rogers Clark, and died at that place in the year 1779, leaving a widow and two children, the petitioners. They say that, by a law of Virginia, they are entitled to four hundred acres of land, which they nor their father have ever received; and that their claim is barred by lapse of time; that, by the neglect or omission of their agent at Vincennes, their claim was not presented to the board of commissioners. Wherefore they pray that a law should be passed for their benefit.

"It is proven that said Smith resided at Vincennes, as the head of a family, during the revolutionary

war, and that he died at that place sometime previous to the peace of 1783, leaving a widow and two daughters, the present petitioners. The affidavit of Mary Ann Loveless is exhibited, who swears that she never parted with her claim for said land, and that she believes her sister has not done so. There is no proof that Smith marched as a soldier under General Clark when the posts of Kaskaskia and St. Vincennes were reduced; nor is there any proof that the heirs attempted to present their claim before any board of commissioners, or other tribunal, for confirmation; or that they appointed an agent to do it.

"By a resolution of Congress of August 29, 1788, it was declared that four hundred acres of land should be reserved for, and given to, every head of a family who, professing himself to be a citizen of the United States, should have settled at Post St. Vincent's on or before the year 1783. The same is provided for in the act of March 3, 1791.—(See Land Laws, page 232.) The time for presenting those claims was prolonged by several acts. Finally, by an act of April 30, 1810, time was given until the 1st of November of that year to all who were entitled to a donation of land in the district of Vincennes by any former resolution or act of Congress, and who were minors, or who did not reside within the Indiana district during the time allowed by law for registering claims at Vincennes and Kaskaskia. But by that act those who neglected to present their claims are declared to be forever barred.—(See same laws, pages 243-'4.) There is no proof to show that Smith settled at Vincennes as a citizen of the United States, or that the petitioners, at the time named in said act, did not reside within the Indiana district; and it is evident from their own declarations that they were not minors. The committee are therefore of opinion that, on the proof now exhibited, they ought not to be relieved."

Since the above report was made the affidavits of two individuals have been laid before the committee, by which it is proved that the petitioners, who were small children at the date of their father's death, shortly after that period removed with their mother from Vincennes, and that they have never been in what is now the State of Indiana or in Illinois since. The proof is not positive that their father, Hugh Smith, settled at Vincennes as a citizen of the United States; but from the period at which he did reside there, and the declarations of the family after his death, which happened, as is proven by the witnesses, sometime before the peace of 1783, the committee are of opinion that the prayer of the petitioners ought to be granted, and have therefore reported a bill in their favor.

20TH CONGRESS.] No. 602. [1ST SESSION.

LAND CLAIMS IN MISSOURI.

COMMUNICATED TO THE SENATE JANUARY 4, 1828.

To the honorable Senate and the honorable House of Representatives of the United States in Congress assembled:

The memorial of the underwritten inhabitants of the State of Missouri humbly showeth: That after a large number of claims which had originated under the French and Spanish governments, in the former province of Louisiana, had been confirmed by the board of commissioners sitting at St. Louis under the authority of an act of Congress; after another class of claims, reported by the recorder of land titles under the authority of an act of Congress approved April 12, 1814, had been confirmed by another act, a large balance of claims remained unconfirmed, which were reported, with the opinions of the commissioners on the same. Ever since that time, until the passage of the act of May 26, 1824, no means had been provided to enable the land claimants to try the validity of their claims before a competent tribunal to decide finally on the same. In the meantime many parts of the State remained intersected by large tracts of the best land, whose title or right was uncertain, and could not be disposed of safely by the persons claiming them, nor by the United States. These left large interstices of wilderness, which prevented settlements from being connected, roads from being opened, mills from being erected, &c., whilst it left the means to the Indians to commit depredations, particularly in the event of a war.

Your memorialists had confidently expected that so soon as the part of the country they inhabit became a State, the senators and representatives from Missouri would be willing and able to satisfy Congress that your memorialists labored under a great evil, and nothing could relieve them from it but the passage of an act enabling the land claimants to try the validity of their claims by due process of law. But in this they have been long disappointed. At length the evil became so intolerable, and the remedy so unaccountably procrastinated, that the general assembly thought it absolutely necessary to take the subject under their consideration, and passed a resolution December 3, 1822, from which the following is an extract: "The unconfirmed claims in this State, and a want of a definite tribunal where rights of this kind may be contested and settled, are subjects of much anxiety and solicitude amongst us. We wish this difficulty obviated, and competent tribunals constituted to decide definitively these unsettled claims, so that the lands belonging to the United States and those belonging to individuals may be known and set apart; that every inducement may be offered, and every obstacle removed, as far as practicable, to emigrants who may be disposed to locate themselves amongst us," &c. This resolution was presented to the Senate by one of the senators from Missouri; it was referred to a committee of which the same senator was chairman. It is proper to observe that there was at that time a bill on the files of the Senate embracing precisely the demand, and all the views of the memorial or resolution. Instead of the committee taking any notice of that bill in their report to the Senate, they reported a new one, embracing principles in direct opposition to the demand of the resolution, although the report was made by reference to the same resolution. This bill provided that the land claims should be referred once more to the recorder of land titles, which, if it had passed, would have been a third reference of the same subject to authorities incompetent to decide, but made competent only to report opinions to Congress. It does not appear that this bill progressed further.

After much delay, Congress has at last passed the act long wished for by the general assembly of

Missouri and by your memorialists, entitled "An act enabling the claimants to land within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," approved May 26, 1824. Long before that time many land claimants and their agents had repeatedly made loud complaints in the State of Missouri and at Washington, on the score of the hardships they experienced in consequence of the long protraction of the decision of their claims, in consequence of the official opinions which the land commissioners have reported against the legality of almost all those claims, and also in consequence of the hard reflections which many had made against the same claims. There was every reason to expect, from these circumstances, that the land claimants would seize promptly the opportunity which that act afforded them to bring their claims into court, establish their fairness and legality, and put their detractors to shame. But so far from this, they have evidently shunned the court; but three or four suits out of several hundred claims have been instituted in the district court of the United States sitting at St. Louis, for the first eighteen months out of two years allowed to the claimants to commence their actions; it is only at the last term, within two years, that they have brought a considerable number of suits, yet almost all those land claimants reside in or near St. Louis. These claims amount to about one million of arpents of choice land.

The repugnance of the land claimants to bring their claims before the court has been still more strongly manifested at St. Genevieve, where the court sits also for the convenience of the land claimants. Very few suits have been instituted at that place. The heirs and representatives of François Vallée, the original claimant of Mine a la Motte, and a large tract of land circumjacent to the said mine, have, so far, shunned the opportunity afforded at their doors of a trial at law. They have preferred to present their claim to Congress during the last session, and prayed for confirmation by a special act. Your memorialists are informed that a bill was passed in favor of their claim in the House of Representatives, and was rejected in the Senate. They also are informed that a petition has been lately circulated among the land claimants in and about St. Louis, stating that the powers of the former land commissioners were too limited, in consequence of which they could not obtain full justice from their board, and praying the President of the United States to suggest to Congress the hardships to which they (the land claimants) are subject in establishing their claims in a court of law, and to recommend the reference of the same to some special commission, which is the most irrefragable proof that they have no confidence in the legality of their claims, and dread nothing so much as a trial in the due course of law. Any tribunal that might be substituted to a court of law would be made competent only to recommend their claims for confirmation, but could not be made constitutionally competent to make final decisions against any of those claims.

Your memorialists beg leave to remark that the land commissioners had a sufficient latitude of power to form and report opinions on the respective claims agreeably to the laws under which they originated. Of course, there is no lack of justice on that score; those opinions may be erroneous; they may be just; at any rate, they are official, and clearly intended to inform the conscience of the members of Congress. They would be of no use whatever, if they were not operating as an inducement to Congress to refer to a court of laws all claims against which the opinions of the commissioners stand.

Your memorialists beg leave to suggest further, that, as citizens of the United States, they have a general interest that the rights of the Union to the public land be guarded in the safest manner. They have a still greater interest as citizens of Missouri that that right be not surrendered or relaxed, as it would be more beneficial to themselves, and to the other inhabitants of Missouri generally; that if the lands claimed are, of right, public property, they should remain so; for in that case they would be offered for sale without any reserve or encumbrance. There would be, also, a fair competition for purchasers, and the evils arising from a great disparity of wealth among citizens would likewise be avoided. There are many persons, in various parts of this State, who have settled themselves, though ignorantly, within the bounds of some of the tracts covered with claims. They have made their settlements in due time to be entitled to the right of pre-emption, in case these claims should be adjudicated against; the act enabling the land claimants to institute proceedings to try the validity of their claims provides that any claimant who shall petition the court under that act shall serve a copy of such petition, with a citation, to any adverse possessor or claimant. Of course, the means of making a defence are secured to adverse claimants under settlement rights, or any other interfering rights. If such defendant can make out that any French or Spanish claim is illegal, and, of course, that the land claimed is public property, the contingency on which the right of pre-emption depends remains unimpaired.

It is obvious that the right of adverse claimants to make a defence in a court of law is all-important; that the person to whom it is secured could not be deprived of it by a subsequent legislative provision without receiving an irreparable injury. Yet this would certainly be the case if Congress should confirm any of these claims, for the proceedings before that body would be extra-judiciary and *ex parte;* no opportunity would be left to adverse claimants to make a defence; and any confirmation, by way of enlargement or departure from the French or Spanish laws, under which they respectively originated, no matter how small, would be nothing else but a donation in disguise.

It is to be observed that any legislation of a dubious character, or producing such effects as not to be fully seen or apprehended by the people in general, is uncongenial with the genuine spirit of a representative legislature, and virtually destructive of the responsibility of representatives to their constituents.

The exertions which the heirs and representatives of François Vallée have made to obtain the confirmation, by Congress, of the large and valuable tract of land before alluded to, and the repugnance which the land claimants have generally evinced against going into a court of law for the trial of their claims, ought to raise suspicions against the fairness or legality of the same, and be a very strong reason to induce Congress to be more guarded than ever against introducing any change in the present legislation on that subject.

Your memorialists believe that all the French or Spanish claims, even those that had the most remote equity, have been confirmed. They will, however, abstain to prejudicate the unconfirmed claims. They beg leave only to submit that, as the law now enables the claimants to have the merit of their claims tried before a safe tribunal, constitutionally competent to do them justice, they ought to be left there, and Congress ought not to take any further notice of them.

Unfortunately, two years more have been allowed by an act entitled "An act for the relief of Phineas Underwood, and for other purposes," approved May 22, 1826, to the claimants to bring in their claims before the court. The two years allowed by the first act were, in the opinion of your memorialists, amply sufficient. This extension of times operate injuriously to the people of this State, under various respects: First, it gives an opportunity to the land claimants to delay the institution of suits, and, of course, pro-

crastinates the decisions on which the sales and settlement of large tracts of wild land depends. Second, it gives them a new opportunity, through their watchful and persevering agent at Washington, to pursue the same course that the heirs of François Vallée did last year, and obtain, if possible, the confirmation of their claims at some unguarded time which might happen towards the end of the session.

STEPHEN GLASCOCK & OTHERS.

20TH CONGRESS.] No. 603. [1ST SESSION.

LAND CLAIM IN MISSISSIPPI AND LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 4, 1828.

Mr. MOORE, of Alabama, from the Committee on Private Land Claims, to whom were referred the petition and documents of J. F Carmichael, of Wilkinson county, Mississippi, reported:

That the petitioner claims title to two tracts of land situated partly in the States of Louisiana and Mississippi, divided by the line of demarcation, by virtue of complete *Spanish grants* in favor of Claudio Bougard; that having presented them to the board of commissioners west of Pearl river for confirmation, they were rejected upon the ground alone of want of jurisdiction, presuming that all of said land was below the line of demarcation; wherefore he now asks their confirmation by Congress.

The committee think it due to the petitioner that his title papers should be fairly examined and reported upon by some tribunal similar in its character to that originally appointed for that purpose, and therefore report a resolution for his benefit.

20TH CONGRESS.] No. 604. [1ST SESSION.

APPLICATION OF LOUISIANA FOR THE FINAL ADJUSTMENT OF LAND CLAIMS AND TITLES IN THAT STATE, INCLUDING THE DE BASTROP AND MAISON ROUGE GRANTS, AND FOR GRANTS TO THE STATE FOR CERTAIN PURPOSES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1828.

To the honorable the members of the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the senate and house of representatives of the State of Louisiana, in general assembly convened, with respect represents: That before the admission of the State of Louisiana into the Union the representatives of the people of the Territory of Orleans, in convention assembled, relinquished to the United States, in the name of said people, all rights or title to the waste or unappropriated lands lying within the limits of the said Territory. Without contesting the validity of that act of the convention, your memorialists are satisfied that under the stipulations of the treaty between France and the United States, by which Louisiana was ceded to them, the sovereignty over those lands could not have been and was not vested in the general government for a longer time than was necessary to effect the sale of such part of them as could be sold. Fifteen years have since elapsed, and more than one-half of those lands have not been surveyed.

Owing to the peculiar situation of Louisiana, this delay of bringing into market the lands that might have been disposed of has subjected its inhabitants to great losses and inconveniences. In order to protect their own plantations from inundation, they have had to raise and keep in repair embankments in front of the public lands that lie on the margins of water-courses. To procure the necessary intercourse between the different parts of the State, and to communicate with their home markets, they have been obliged to build bridges and open public roads on those lands, and more than one-half of the whole male population of Louisiana, from sixteen to forty-five years, have for the last ten years and at this time do work at least five days in the year to the making and repairing of those roads, bridges, and embankments on the public lands alone. Emigration, which, by increasing our numbers, would have diminished that vexatious tax, has been checked by the course of policy which the general government has pursued; and those whom necessity has compelled to settle on the public lands hold under too frail a tenure to consider themselves as permanent residents, or to lend a willing hand to the erection of public works.

Congress, by granting, time after time, rights of pre-emption to *bona fide* persons settled on the public lands, have raised in those who now stand in that situation expectations which they will find it their interest to realize. The settlers of Louisiana at this time have stronger claims to that favor than any of those on whom it has been bestowed by former laws; most of them have been driven from the settlements they had made in the Territory of Arkansas, and to which they expected to obtain titles, in compliance with the treaties by which the lands they occupied were given to various tribes of Indians.

Your honorable bodies, on account of the losses and hardships these settlers have sustained, might

perhaps deem it just to diminish the price of the lands, or to grant a delay for the payment of it. The difficulty experienced in selling the lands that have been brought into market shows, perhaps, sufficiently that the present prices are too high.

A large extent of country within the limits of our State is covered by inchoate Spanish titles. The grants to Bastrop and to Maison Rouge, all those issued within the jurisdiction of Nacogdoches for lands situated between the Rio Hondo and the Sabine, and all others in the same situation west of the Mississippi, ought to be finally adjusted, or at least placed in a situation in which their validity might be adjudicated upon by courts of justice.

In the other States where public lands have been sold, your honorable bodies have given to them the proceeds of one section in every township for the advancement of public education, besides other grants they have made to literary institutions. Public lands have been sold in Louisiana, and this State has not, so far, participated in that liberality.

Your honorable bodies must be convinced, by the information they have at various times received from their registers and surveyors, that the proceeds of the lands which remain unsurveyed in this State will never pay the expenses of the survey. The salable lands lie almost exclusively on the margins of water-courses. The high lands between those water-courses are, with a few exceptions, equally unfit for cultivation and for grazing. Using the base lines already run in every part of the State, and the partial surveys that have been made, your memorialists are of opinion that lines of demarcation might easily be drawn between the lands that are salable and those that are not. This might be done by the United States surveyors, under the inspection of commissioners appointed for that purpose by the general government; and those lines once ascertained, a proper sense of the justice of your honorable bodies induces your memorialists to believe that you would without hesitation relinquish in favor of the State of Louisiana so much of those lands as would be unfit for the use to which alone they had been placed in the hands of your predecessors.

Our increasing prosperity, the distance between our different settlements, caused by the uncultivated lands that separate them, and the difficulties experienced in the navigation of all our rivers except the Mississippi, require many works of internal improvement to be made. The State of Louisiana, not the last in war, will not be the last in peace to raise those monuments of public utility. But, to be enabled to do so, we must be the masters of the soil through which our roads and canals are to pass.

The premises considered, your memorialists would recommend that rights of pre-emption may be given to actual settlers.

That the present price of public lands may be reduced, or a delay given for the payment of it.

That the Spanish grants above referred to may finally be adjusted or referred to courts of justice.

That out of the public lands that have or may hereafter be sold within our limits the proceeds of one section for every township may be given to the State of Louisiana for the promotion of public education, and that grants similar to those made in other States may be made to literary institutions.

That commissioners may be appointed who, with the United States surveyors, shall be instructed to ascertain the lines of demarcation between the lands that are salable and those that are not, within our limits.

That when this is ascertained the lands adjudged to be unsalable may be given to the State of Louisiana on its paying to the United States the actual expenses incurred in ascertaining and running those lines.

That the remaining lands may be brought into market as soon as practicable, and, if not sold when offered, that they may be entered at the different land offices on payment of such reduced prices as will insure a speedy disposal of them.

All of which is respectfully submitted by your memorialists.

OCT. LA BRANCHE, *Speaker of the House of Representatives.*
AD. BEAUVAIS, *President of the Senate.*

NEW ORLEANS, *December* 13, 1827.

GENTLEMEN: I have the honor to enclose you herewith a copy of a memorial to Congress from both branches of the legislature of this State.

I am, with great respect, your obedient servant,

H. JOHNSON.

Honorable REPRESENTATIVES *in Congress from Louisiana.*

20TH CONGRESS.] No. 605. [1ST SESSION.

OPERATIONS OF THE PUBLIC LEAD MINES AND THEIR CONDITION IN 1827.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1828.

DEPARTMENT OF WAR, *January* 4, 1828.

SIR: In obedience to a resolution of the House of Representatives of the 2d instant, I have the honor of presenting the enclosed report, which contains all the information received by this department on the subject of the lead mines which has not been heretofore communicated.

I have the honor to be your obedient servant,

JAMES BARBOUR.

Hon. ANDREW STEVENSON, *Speaker of the House of Representatives.*

ORDNANCE DEPARTMENT, *Washington, January* 4, 1828.

SIR: In answer to the resolution of the House of Representatives of the 2d instant, which has been referred to this department, I have the honor to transmit to you herewith a copy of a report from the superintendent of the United States lead mines (Lieutenant M. Thomas) of the 30th of September last, containing all the information on the subject of the lead mines which has been received by this department and which has not been heretofore communicated.

I have the the honor to be, sir, your most obedient servant,

G. BOMFORD, *Brevet Colonel on Ordnance Service.*

Hon. JAMES BARBOUR, *Secretary of War.*

ST. LOUIS, *Missouri, September* 30, 1827.

SIR: At this period, which closes the official year, it may be proper to accompany the quarterly returns now due with some general remarks as to the present condition and future prospects of the public lead mines.

During the past year it will be observed from the returns that the products of the mines under lease in Missouri have not increased. This is accounted for by the superior richness and extent of the mines on the upper Mississippi, which has attracted many of the regular miners from Missouri, and prevents, in a great measure, any increase of their number from emigrations—all being alike drawn to the upper mines, where a more profitable return for the labor of the miner is to be found. Very few late discoveries have, therefore, been made in Missouri, and the upper leads or floats of ore having generally been dug out at the old mines, they have been required to sink deeper in order to obtain the mineral, and consequently more labor has been requisite to obtain the same quantity of lead than heretofore. In the course of these operations the existence of veins of ore in the strata of rock below the usual depth of mining in Missouri is fully proven in several instances, and there is now no doubt that this is the case generally. Another reason why the product of the public mines in Missouri has not increased is the difficulty of preventing unauthorized mining at the public mines, whether leased or not. They are so interspersed with private property as almost to render it impracticable to detect an offender under the present system of leasing small quantities.

The amount of rent obtained from the Missouri mines (91,038 pounds) is, however, considerably more than sufficient to defray the whole expense attending the superintendence and management of all the public lead mines, which leaves the large amount obtained on the upper Mississippi (518,218 pounds) clear revenue. The tabular statements will show a very great increase in the product of the mines on the upper Mississippi during the present year, and it is still progressing.

The average number of miners at the *upper* mines—

During the year 1825 was	100
During the year 1826 was	400
During the year 1827 was	1,600

The amount of mineral obtained—

In 1825 was	1,278,528 pounds.
In 1826 was	1,848,164 pounds.
In 1827 was	11,248,366 pounds.

The amount of lead made—

In 1825 was	864,530 pounds.
In 1826 was	958,842 pounds.
In 1827 was	5,182,180 pounds.

Leaving on hand at this date mineral and *ashes* (or fine mineral) sufficient to make 2,116,000 pounds of lead more.

The value of the lead made in 1827, as above stated, is $220,242 64, exclusive of the amount which will be obtained from the ore, &c., now unsmelted, which is $85,493, making a total of $305,735 64, one-tenth of which is paid as a rent to the United States. And there is no part of the public revenue, it is believed, more cheerfully paid or more easily collected; for individuals are amassing fortunes at the mines, and do not consider it a hardship to pay for the privilege. The government is also benefited by a more extensive sale of the public lands now in the market, as very many of the miners and laborers are farmers from the States of Illinois and Missouri who resort to the mines as a certain source from whence to obtain money, much of which is expended in the purchase of land; in addition to which the market for produce is very good at the mines, and large shipments take place from the towns on the upper Mississippi. St. Louis also enjoys a profitable trade in merchandise, transportation, &c., &c., from the increased business at the upper mines. From an examination of the mineral region on the east bank of the upper Mississippi, I am fully convinced of the richness of it. It extends at least one hundred miles from south to north, and from thirty to fifty east and west. Much of the soil is very fertile, some parts of it exceedingly rich; it lies high, is well watered, containing fine springs, but is not well timbered in general; there are districts of it, however, covered with groves of thriving timber well adapted to smelting the ore; and the mines are of easy access to the Mississippi, where fuel is abundant.

I am anxious to introduce the European method of smelting lead ore, which I requested permission to do in my last annual report. The saving in fuel, and superior product, would very shortly repay the expense of erecting and placing the furnace in operation.

In my last annual report I drew the attention of the department to the clearing out of a boat channel in the rapids of the upper Mississippi. There has recently been adopted a method of navigating the river, including the rapids, by steamboats of light draught, with powerful engines, and towing *two* keel boats, each of forty tons, which will no doubt fully succeed, if the rapids are improved as suggested, and the intercourse with the mines and military posts on the upper Mississippi will be much facilitated. The importance of a safe and rapid communication with the military posts is sufficiently evident. Had the recent attack of the Indians upon the boats transporting provisions to Fort Snelling taken place whilst on their way *up* the river, they would have inevitably fallen into the hands of the Indians, and a general massacre taken place. I would,

therefore, respectfully urge an examination to be made of these rapids at the proper time, with a view to improving the channel.

The subject of running the north boundary line of the State of Illinois has heretofore been brought to view in my reports. The upper mines are in the vicinity of that boundary; whether in the State or not is at present uncertain. It is a matter of importance to ascertain the fact, which, it appears, has been taken for granted, as a county has been organized at the mines by the State of Illinois. Connected with this subject is the boundary between the lands of the Chippewa, Ottawa, and Pottawatomie Indians, and those of the Winnebagoes. This boundary, as defined by the ninth article of the treaty of Prairie des Chiens, (of August, 1825,) will be found very difficult to ascertain; and should further negotiations take place with the Winnebagoes, it would be well to have the boundary altered, as "the small streams emptying into the Mississippi," the heads of which are partly the boundary in question, interlock with the tributaries of Rock river, which has its course in the Winnebago country. Another cause for desiring a change of the boundary in question is, that near the Winnebago village mentioned in the ninth article of the treaty of August, 1825, there is a ford in Rock river at which the road from Peoria, principally travelled by emigrants from below, crosses that stream. At this village is a small predatory band of Indians, said to consist partly of Winnebagoes and partly of outlaws from other tribes, who are exceedingly troublesome to travellers; and it would conduce much to the peace and safety of the miners and travellers were the point of beginning the boundary removed from the village to a point higher up Rock river. The east boundary, as provided for in the ninth article of the treaty of 1825, before referred to, will be found difficult to ascertain, and, if run as now required, will, from its extreme sinuosity, be a constant source of dispute between the miners and Indians. Boundaries with the Indians should be plain and not liable to be misunderstood; those in countries where agriculture is the principal object of the inhabitants are of much less importance; for here a very small quantity of land may contain great wealth, of easy access, and consequently presenting strong temptations to the stronger to infringe upon the rights of the weaker party, for the slightest pretext whatever. I am not fully acquainted with the locality of the country in which Rock river has its source; but as the portage between the Fox river of Green Bay and the Wisconsin is a point of importance, it would seem that from them to Rock river, at some well-known point above the Winnebago village, so often referred to, and with that river to its mouth, would be a preferable boundary to the present one.

These suggestions may not come within my proper sphere of duty, but it will be kept in view that the increase of population at the mines has been beyond expectation, and there is no doubt of a still greater increase. It is therefore desirable, as far as possible, to obviate all chance of difficulties hereafter, both to enlarge the space for the operations of the miners and to define it more distinctly than at present.

The district in which the mines at present wrought are located belongs to the Chippewa, Ottowa, and Pottawatomie Indians, with the exception of the reservations provided for in the second article of the treaty of 1816. These reservations are about one twenty-fifth part of the district as defined by the treaty of 1825. The reservations being for mining purposes, they are necessarily made in detached parcels. This presents a difficulty as respects the jurisdiction of Illinois or Michigan. The intermediate land between the reservations is still the property of the Indians; a purchase of which would seem to be the only way of removing the embarrassments produced by this state of things. It is not a game country, and the Indians to whom it belongs, in part, do not frequent it; and it is believed that their right to it could now be purchased on as good if not on better terms than at any future period.

There has been much misapprehension, and consequent misrepresentation, as respects the location of the reservations provided for in the treaty of 1816. The language of the proviso in the second article is clear and explicit, viz: "*Provided*, That such other tracts shall not, in the whole, exceed the quantity that would be contained in five leagues square," and admits of but one construction. It should be borne in mind that it was a cession *to* the Ottowas, Chippewas, and Pottawatomies, of land which the United States had purchased from the Sac and Fox Indians, and that the United States had a perfect right to define the terms on which the cession should be made. The recollection of this fact will doubtless relieve the morbid sensibility of those persons who have lamented the supposed imposition upon the Indians from the government's locating the reservations for mining purposes in detached parcels, and upon the richest spots. As the leasing of the public lead mines is considered never to have been the permanent policy of the goverment, and as the prevention of a monopoly of the mines by capitalists or others was a principal object when reserving them from sale, I would suggest that the attainment of it is now within the reach of the government. The discovery of such rich and extensive mines on the upper Mississippi admits of a commencement of the sale of the public mines in Missouri; for if those mines are now brought into market, and those on the Mississippi reserved for some years longer, they will naturally fall into the hands of many persons, and no monopoly can be effected. The mineral lands in Missouri are all surveyed, and can be brought into market at any time by advertising those which have not before been in market. After the public sales, the land remaining unsold might then be disposed of as other lands are. Those which are leased should be sold subject to the lease. But whether the mineral lands are sold or not, it is requisite that some further provision should be made to prevent trespassing upon them, which is daily lessening their value. The laws on the subject may now be sufficient for the public lands generally, but it is thought some better provision could be made for the protection of the mineral lands. It is not to be expected that all the mineral lands would meet with purchasers immediately, and until they do they should be protected from trespassers. The whole district is a mineral one, and the restrictions upon the completion of titles of various kinds, merely because the land contains mineral, should be removed. These restrictions appear to have been imposed from the supposition that but a limited number of mines were in the country, and that the claimants under Spanish and French grants, &c., would seek to monopolize the mines. This, with some exceptions, has not been the case. The object of most of the inhabitants was to secure the best land for cultivation, as during the period the country belonged to Spain no restrictions as to mining on the King's domain existed. The several acts of Congress upon the subject prevent the completion of titles when the land contains lead ore; and the laws of Missouri do not afford protection against trespassers upon land held under incipient titles. The United States permit the claimant to occupy the land, and consequently do not interfere when trespassing takes place; the claimant being debarred the right to recover damages, has the mortification to behold the property to which he has an equitable and just title daily depredated upon by persons who have not, *nor do not pretend to have*, the shadow of a claim to it. This state of things is detrimental in many respects; at many of the mines the loss is considerable, and the trespassers keep forcible possession. It may readily be supposed that a population of the worst kind will naturally be drawn to the mines thus

situated, which, by a character for violence, is calculated to check the emigration to the mine country of the better and more useful sort.

The subject of making a road from Potosi to the river Mississippi, a distance of only thirty miles, has been brought to view in my reports for two years past. The amount of one or two years' rent of the mines in Missouri will be amply sufficient for the effectuation of this object; and I would earnestly repeat the recommendation. It will no doubt enhance the value of the public lands far more than the cost of the operation, and might be embraced in the same act which provides for the examination of the rapids of the Mississippi, should that proposition meet with a favorable reception.

I remain, sir, respectfully, your obedient servant,

M. THOMAS, *Lieut. U. S. A., Supt. U. S. Lead Mines.*

Colonel GEORGE BOMFORD, *on Ordnance Service, Washington*

20TH CONGRESS.] No. 606. [1ST SESSION.

LAND CLAIM IN EAST FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 8, 1828.

Mr. SHEPPERD, from the Committee on Private Land Claims, to whom was referred the petition of Dr. John Love, reported:

The petitioner represents himself as entitled to a tract of three hundred acres of land situate in East Florida, and for which he alleges he obtained a grant derived from the British government shortly after the year 1774, at which time he states that he came to Florida as one of the suits of the governor sent over to that province. That upon its evacuation by the British he was unable to make sale of his land, and that he preferred removing to the United States rather than returning to England, and consequently was deprived of that compensation offered by the British government to the subjects or inhabitants of East Florida affected by the transfer of that Territory. Without waiting to inquire into the character of the claim presented by the petitioner's own case, your committee feel compelled to recommend its rejection from the absence of all sort of proof to sustain the allegations of the petitioner, for neither a grant nor the evidence of its ever having existed has been offered to their consideration. They therefore recommend the adoption of the following resolution:

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

20TH CONGRESS.] No. 607. [1ST SESSION.

INVALIDITY OF SECOND WARRANT FOR LAND, THE FIRST HAVING BEEN SOLD, LOCATED, AND PATENTED.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 8, 1828.

Mr. EARLL, from the Committee on Private Land Claims, who were instructed by a resolution of this House "to inquire into the expediency and justice of allowing Minor Thomas, of Indiana, to locate four hundred and eighty acres of land in the State of Indiana, under a military land warrant issued to Lieutenant Abraham Cutler July 17, 1820, by Josiah Meigs, Commissioner of the General Land Office, and assigned to said Thomas by said Cutler, the said warrant being a second one issued for the same land, and the said Thomas having been induced to pay for the land, and received an assignment of the warrant, by the representations of the proper officers that the land could be located under the warrant," reported:

That from the documents referred to said committee by said resolution the following facts appear: That on July 17, 1820, a certificate or land warrant was issued by Josiah Meigs, then Commissioner of the General Land Office, as follows: "I certify that satisfactory proof has been exhibited in this office that a warrant, No. 93, issued in favor of Abraham Cutler, late a second lieutenant in the corps of Canadian volunteers, for 480 acres of land, and that the said warrant is illegally withheld from him by his agent: Therefore he may, on presentation of this certificate to a register of a land office, locate his claim upon lands in the State of Indiana according to law." "To the registers at Vincennes, Jeffersonville, Cincinnati, Terre Haute, and Brookville."

It further appears that on July 16, 1825, the said certificate was assigned by the said Abraham Cutler to the said Minor Thomas for the consideration of six hundred dollars. It further appears, by the affidavit of the said Minor Thomas, and by the affidavit of one William W. Thomas, that in April or May, 1825, said Minor Thomas applied to Robert Hanna, junior, the register of public lands at Brookville, to ascertain whether said certificate was authentic, and whether the land specified in said certificate could be located by said Thomas if he should purchase said certificate of said Cutler; and that the said Hanna stated

to said Minor Thomas that the land could be obtained on the certificate; and that the information so obtained induced said Thomas to purchase said certificate of said Cutler. It also appears, from an endorsement on the back of said certificate, that said Minor Thomas did, on November 23, 1825, at the land office in Indianapolis, in Indiana, locate on lands in pursuance of said warrant, and that the land located by said Thomas was refused a patent at the General Land Office, because the assignees of Abraham Cutler had previously obtained a patent for the amount of land therein named. And it further appears, from a letter written by the Commissioner of the General Land Office to Robert Hanna, junior, register at Indianapolis, Indiana, dated December 19, 1825, that "the original warrant granted to Cutler, with the following chain of title, viz: 1st, a deed from Abraham Cutler, dated October 9, 1817, conveying to James Hair, of Columbiana county, Ohio, in consideration of $4,800, warrant No. 93, for 480 acres; 2d, a power of attorney from Cutler to Hair, authorizing him to locate the land, dated October 9, 1817; 3d, a deed from James Hair to Abraham McColloch, of Ohio county, Virginia, dated June 29, 1818; 4th, a deed from Abraham McColloch to his two sons, Ebenezer McColloch and Abraham McColloch, dated May 22, 1821; and 5th, a power of attorney from Abraham McColloch, junior, authorizing Ebenezer McColloch to locate the warrant, was forwarded to his office from the land office at Terre Haute, for the purpose of procuring a patent in favor of Abraham McColloch, junior, and Ebenezer McColloch, as assignees of Cutler; and that a patent was issued on October 6, 1823, in their favor, and sent to the register at Terre Haute."

From which facts it appears to the committee that, instead of the first land warrant being withheld illegally from Cutler by his agent, as he represented on July 17, 1820, when he obtained the second warrant from the General Land Office, he had, nearly three years before that time, assigned the same for a valuable consideration. Your committee are of opinion that the said Minor Thomas, the assignee from Cutler of the second land warrant, is not entitled to relief; and they are also of opinion that he ought to have leave to withdraw his papers.

20TH CONGRESS.] No. 608. [1ST SESSION.

APPLICATION OF ILLINOIS FOR REDUCTION AND GRADUATION OF THE PRICE OF THE PUBLIC LANDS, AND CESSION OF THE REFUSE LANDS TO THE STATES.

COMMUNICATED TO THE SENATE JANUARY 9, 1828.

PREAMBLE AND RESOLUTION of the legislature of Illinois, instructing their senators, and requesting their representative, to support and advocate the passage of the bill to graduate and reduce the price of public lands, and to cede the refuse lands to the States in which they lie, &c.

Whereas it is understood that a bill has been introduced into the Congress of the United States by Thomas H. Benton, of Missouri, for an act to reduce and graduate the price of the public lands, and to cede the refuse to the States in which they lie; and whereas it is the opinion of this general assembly that any law the object of which is to facilitate to the citizens of the new States of the west the means of acquiring homes and freeholds, or to render the terms of the sale of the public lands more equitable by making their price bear some just proportion to their value, would be of great and general benefit to the citizens of such States, and to the whole Union: Therefore—

Resolved by the senate and house of representatives of the State of Illinois, That our senators in Congress be instructed, and our representative requested, to support and advocate the passage of the bill above referred to, and any other bill or law contemplating a reduction or graduation of the price of public lands.

J. McLEAN, *Speaker of the House of Representatives.*
WILLIAM KINNEY, *Speaker of the Senate.*

I, George Forquer, secretary of state of Illinois, do hereby certify that the above is a true copy of the original enrolled resolution.

In testimony whereof, I have hereunto set my hand and affixed the seal of said State, at Vandalia, this 17th day of January, 1827.

GEORGE FORQUER.

20TH CONGRESS.] No. 609. [1ST SESSION.

PROVISION FOR THE TRIAL AND DECISION OF CLAIMS TO LAND IN THE SEVERAL STATES AND TERRITORIES, DERIVED OTHERWISE THAN FROM THE UNITED STATES.

COMMUNICATED TO THE SENATE JANUARY 9, 1828.

Mr. BERRIEN, from the Committee on Private Land Claims, to whom was referred the resolution of the Senate instructing them to inquire into the expediency of providing by law for the trial and decision of claims to lands derived, or alleged to be derived, otherwise than from the United States, in the several States or Territories thereof, reported:

That the subject which they have been thus directed to present to the consideration of the Senate has appeared to them, in the course of their inquiries, to be one of much importance to the government

and at the same time deeply interesting to many of its citizens That the prompt decision of the claims referred to is essential to the speedy settlement of an interesting portion of the Union; an object, of which the importance is enhanced by the peculiar adaptation of its soil and climate to the growth of certain valuable products, the home cultivation of which is becoming a matter of increasing necessity; and by its locality, constituting, as it does, a considerable part of the exterior line of the American empire. That this subject is connected with the consideration of the protective duty of the government to its citizens who are interested in its decision, and involves, moreover, a question of the public faith, as that has been pledged in the various compacts by which these portions of the territory of the Union have been acquired. Finally, that individuals having just claims to lands within the limits referred to, if any such exist, of which the committee do not permit themselves to doubt, have a deep and pressing interest in the prompt decision of those claims, in which, from their peculiar character, delay of justice is to them most emphatically a denial of it.

Claims to lands by individuals, derived otherwise than from the United States, and of which notice has been given to this government by presenting them before some one of the various tribunals of inquest or of judgment, which have at different times been constituted by acts of Congress, are to be found in the State of Missouri and Territory of Arkansas, in the States of Louisiana, Illinois, Mississippi, and Alabama, and in the Territories of Florida and Michigan.

Treaties with foreign nations under which the territory including these lands has been acquired, or which may be supposed to affect them, are those of 1783 and 1794 with Great Britain; of 1795 with Spain; of 1803 with France; and, finally, that of 1819 with Spain.

In these instruments, especially in the last, besides the ordinary provision for the protection of the property of the inhabitants of the ceded territory, there is an express stipulation for ratifying and confirming existing grants, to the same extent in which they would have been valid if the territories had remained under the dominion of the former sovereign, and for allowing to claimants, under grants which are conditional, time for fulfilling the conditions on which they were to become perfect.

In the performance of these and similar stipulations, or in the discharge of the general obligation of protection which every government owes to the rights of its own citizens, or of others having just claims upon it, Congress has, from time to time, provided for the audit and decision of the claims of individuals to proportions of its domain thus acquired. The tribunals constituted for this purpose have been of various character; being sometimes authorized merely to examine and report; at others invested with the power of final decision. In general, full power to decide finally has been limited to cases where the amount claimed was comparatively small; while in those of greater magnitude the authority given has been merely to examine and report, subject to a final decision, in each case by Congress, or in contemplation of revision by some special tribunal to be constituted by the national legislature, with a full view of the matters to be subjected to its determination. Acts of confirmation have in some instances been passed, and the claimants have been admitted to the enjoyment of their rights; but a vast mass of cases which have undergone examination before these commissions remain unacted upon by Congress. To this class of claimants, therefore, the avenue to the further prosecution of their claims is closed, while the United States has so far respected their pretensions as to abstain from bringing into the market the lands covered by these claims; thus withholding equally from the community and the individual the enjoyment of their respective rights, while in many instances time is thus afforded to intrusive individuals, without color of title, by a long continued possession, to acquire the means if not of defeating at least of embarrassing, by future vexatious litigation, the fair claimant whose title shall be hereafter affirmed in such mode as Congress shall prescribe.

In some instances Congress has authorized a resort, under certain circumstances, to the ordinary judicial tribunals; but whether from the technical strictness which characterizes the proceedings of these tribunals, or from whatever other cause, this mode of adjustment has not been found satisfactory to those entitled to its benefits, and in the result has not contributed to the settlement of these claims.

That a paternal regard to the rights of its own citizens, a just fulfilment of its obligations to others who, although not standing in this relation to the government of the United States, are, nevertheless, objects of its protection by force of treaty stipulations; that these considerations, combining with those which belong to the peculiar interests of the United States, consisting in the advantageous sale of the national domain, and in the speedy settlement of a portion of its territory, for the double purpose of culture and of strengthening its exterior boundary, unite to recommend the adoption of some mode for the prompt adjustment of the claims of individuals, derived otherwise than from the government of the United States, to lands within its limits, is a proposition which, in the view of the committee, is too clear to require an argument in its support. What they propose is merely to state some few additional considerations, and then to suggest that mode of adjustment which will, in their view, most effectually subserve the purposes of justice both to the government and to the individual claimant.

The committee have not hesitated to avail themselves of such information as they could derive from the representatives of those States and Territories within which the lands claimed are situated. They have particularly availed themselves of the communications of the delegate from Florida, whose active and laborious discharge of the duties of a land commissioner, and continued residence in that Territory, have given him peculiar facilities for acquiring information on this subject, of which his intelligence has qualified him to profit, while his character affords a guarantee for the accuracy with which it is communicated. Through him they have received the suggestions of the Commissioner of the General Land Office, whose communication is herewith submitted.

The committee are induced to believe that a quantity which may be stated to amount to twelve millions of acres of land, and which belong to the United States, unless the claims preferred to them by individuals can be substantiated, are kept in a condition in which they are wholly useless to the public, in consequence of the existence and of the non-adjustment of those claims. They believe that many of them will not bear the scrutiny of an intelligent and properly constituted tribunal, while some, it is not to be doubted, are superior to any just exception, and a numerous class may be entitled to the equitable indulgence of government. Meanwhile, in the absence of such a tribunal, or of their determination by Congress, the rights of all are kept in suspense, the government is deprived of its revenue, these States and Territories of their culture, population, and consequent political rights, and individuals who have claims which are entitled to allowance, are wearing out their lives in unavailing efforts to be admitted to the enjoyment of their just rights. The government has an existence which is undefined, and which we may be permitted to hope will be indefinitely prolonged. As compared with these claimants it is immortal; their existence is but a span. Many of them have passed the best years of their lives; some of them

under the rigors of poverty, which would be removed or mitigated, and in some instances would be changed into affluence, if they could obtain from the government an allowance of their rightful claims. Such a state of things is revolting to the principles on which a just government should be, and on which this government is administered.

It is a minor, but nevertheless an interesting, consideration that while this vast domain is thus useless to the public, as well as to the individual and rightful claimants of portions of it, it is constantly sustaining deterioration from the trespasses of intrusive occupants. The live-oak timber, so valuable for naval purposes, is not now to be found in any considerable quantity elsewhere than in the Territory of Florida; it abounds in a great part of those lands where the claim of the government is met by those of individuals, and is rapidly disappearing by the agency of trespassers, who find impunity in the unwillingness of the local judicial tribunals thus collaterally to decide between these conflicting claims.

If the view which the committee have taken of this subject be correct, the continuance of that state of things which has been thus briefly sketched ought not, it is believed, to be permitted. It remains only to consider the remedy.

In a general view of the subject two modes are suggested:

1st. A sale by the United States, subject to the encumbrance of individual claims, leaving the claimants to litigate their title with the purchasers from the government.

2d The establishment of a competent tribunal for the trial and decision of individual claims.

It is believed to be unnecessary to examine the question of the competency of Congress to accomplish this object.

The first mode seems liable, among others, to the following objections:

The sale of a *pretended title*, which would be criminal in an individual, cannot be consistent with the dignity of a government. In many instances it is not to be doubted that the claims of individuals to these lands are just, and in every such instance it is equally certain that a sale by the United States would convey to the purchaser nothing more than a pretended title to the subject of his purchase. Such a measure would be inconsistent with the faith of this government, as that is pledged in the treaties under which these portions of its Territory were acquired, since it would embarrass the claimants in the assertion of their rights, by multiplying the number of those who would have direct interest in defeating them, by adding to the labor and expense of prosecuting them; it would increase litigation, overwhelming the local judicial tribunals with innumerable law suits, to the injury of suitors, and all concerned in the administration of public justice, and would amount to an instant and absolute denial of right to many of those claimants who would be unable to encounter the increased labor and expense of prosecuting their claims against multiplied adversaries. It would sacrifice the revenue of the United States. The land sales of the government have heretofore commanded purchasers, because of the certainty of the title which they conveyed. The purchaser of a law suit would make a liberal estimate of the cost and hazard to which he would subject himself. The diminution in value would extend to the whole of the lands claimed, even to those to which the title of the United States or its vendor should be ultimately sustained; and if it is thought that loss from this source might be compensated by the receipts on the residue, it is scarcely a subject for inquiry whether the government would consent to profit by a sale of that to which it had no title, to the injury of its citizens, or of others having just claims to its protection. Other considerations, in opposition to a sale under the circumstances in which these lands are placed, will suggest themselves to the Senate. The committee content themselves, in this brief view of the subject, with the statement of those which have been enumerated.

It only remains to state that, in the opinion of the committee, a special tribunal for the audit and decision of claims of the character referred to in the resolution, liberally compensated and judiciously selected, so as to insure the requisite integrity, talents, and industry, for the faithful, intelligent, and prompt discharge of its duties, holding its sessions in the city of Washington, where access can be had to the public records, and where competent agents can be most easily obtained to represent the rights of the respective claimants, and limited to a short yet sufficient period for the termination of its labors, will most effectually advance the purposes of justice, and will best promote the interests of the public, while it will effectually protect the just rights of the claimants.

The committee accordingly report a bill.

20TH CONGRESS.] No. 610. [1ST SESSION.

PROPOSITION TO INCREASE THE PAY FOR SURVEYING SWAMP LANDS

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1828.

GENERAL LAND OFFICE, *January* 7, 1828.

SIR: In reply to your letter of the 4th instant, I have to state that, understanding there was a very valuable body of land lying along the margin of Lake Washington, (a large lake in the Mississippi swamp,) and free from inundation for nearly a mile back from the lake, instructions were given to Mr. Davis, in January, 1826, (see No. 1,) to extend his meridian and parallel lines to that lake, and to have the lands fronting on it surveyed, agreeably to the provisions of the act passed May 24, 1824; in pursuance of which instructions he entered into contract with Mr. Babbitt to survey the lands in the neighborhood of that lake, which contract never has been completed, as appears from the enclosed copy of a letter addressed by Mr. Davis to you, and forwarded to this office, (No. 2;) and also from the extract of a letter from Mr. Davis to this office, (marked No. 3,) dated June 29, 1827. Mr. Babbit is since dead. In consequence of a recommendation from this office, a bill was reported to the House, authorizing an increase of the price for surveying this description of lands, but was not acted upon.

Very respectfully, sir, your obedient servant, GEORGE GRAHAM.

Hon. WM. HAILE, *House of Representatives.*

No. 1.

Extract of a letter from the Commissioner of the General Land Office to G. Davis, dated January, 21, 1826.

"I am pleased to find that you are getting offers for surveying the lands in the Choctaw district for $3 50 per mile, which I think they can generally be surveyed for. I had, previous to your communication, heard of the lake between the Yazoo and the Mississippi rivers, and that the lands adjacent were free from inundation, and of good quality. It is desirable that these lands should be surveyed; and if you have not reached this body of land in your regular surveying, you may extend your meridianal and parallel lines, to enable you to connect them with the surveying executed.

"It will probably be advisable to survey the lots adjacent to the lake, agreeably to the provisions of the act of May 24, 1824.

"P. S.—I do not feel authorized to give instructions for surveying the lands, under the act of May 24, 1824, different from those heretofore given."

No. 2.

SURVEYOR'S OFFICE, *Washington, Miss., January* 31, 1827.

The enclosed correspondence, on the subject of obtaining papers from the office of the registers at Washita and Opelousas, is sent to Mr. Haile, as an act of justice to those concerned, in consequence of my having, in my communication of the 12th instant, given it as my opinion that I had no other way of obtaining them than by paying the fees affixed to the duties of issuing them by law. The perusal of them is well worthy the attention of such of our law-makers as are disposed to cast censure, or to countenance censure cast, upon executive officers of the government for the non-execution of laws which carry the most conclusive evidence upon the face of them that they never were intended to be executed. Let any candid man look at the act of May 24, 1824, and compare it with the Treasury construction of the law, and with my letters to the Commissioner of the General Land Office, and to Mr. Cook, of the House of Representatives, upon that subject, and if he does not agree with me that the same law ought to have raised the price of surveying to seven or eight dollars per mile, and to have allowed this office one extra clerk for every deputy employed in its execution, I shall conclude, and shall be able to demonstrate, that he is incapable of understanding the subject. I have understood that two surveyors who had taken contracts for surveying, to be executed upon that plan, in the vicinity of Lake Washington, in the Choctaw district, have abandoned them to avoid ruin.

All surveying executed under the authority of the government ought to be liberally paid for by the government; and in cases where the claimants are now required to pay, they should make the payments to the land offices on receiving their patents.

If Mr. Haile will have the goodness to leave the enclosed papers at the General Land Office, it will probably be the only favor that I shall ever ask of him.

G. DAVIS.

Hon. WM. HAILE, *House of Representatives.*

The enclosed papers are numbered from 1 to 4.

NOTE.—One of the clerks in this office has just now completed the examination of a small fractional township, recently surveyed, according to the act of May 24, 1824, consisting of not more than what is equal to ten complete square sections, the tabling of which, with the assistance of the deputy surveyor himself, has occupied two entire days of close application; and the front on the river, consisting of only six sections and about a half, has filled nineteen pages of foolscap paper. It will occupy the same clerk, who is a very expert calculator, two days more, or perhaps three, to complete the calculation of areas and the subdivisions of the fractional square sections; and four days afterwards to make thence neat maps and descriptions of this small fraction, but little more than quarter of a township. Let this be taken as a sample of the work required to be done in a given time in the two States of Louisiana and Mississippi.

No. 3.

Extract of a letter from G. Davis, esq., to G. Graham, esq., Commissioner, &c., dated June 29, 1827.

"I will take this occasion to report to you, formally and officially, as I have several times done incidentally heretofore, that the law of May 24, 1824, cannot be executed in conformity with your instructions on the subject—the *execution* of a surveying contract being a very different business from that of *entering into one through a mistake*, produced by a want of experience. The experiment being now made, to the ruin of those who have embarked in the business, no further contracts are or can be expected, nor could they be executed if obtained."

20TH CONGRESS.] No. 611. [1ST SESSION.

RESERVED LANDS FOR SEATS OF JUSTICE AND EXCHANGE OF SCHOOL LANDS IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 11, 1828.

Mr. W. R. DAVIS, from the Committee on Public Lands, to whom were referred the communication of the Commissioner of the General Land Office, on the subject of the reserves for the seat of government in the Territory of Florida, and the petition of the people of Jackson county, in the said Territory, praying that a quarter of the sixteenth section reserved for the use of schools might be granted to them in *lieu* of the one to which they are entitled by law, reported:

The committee refer to the following statement (marked A) from the Commissioner of the General Land Office:

A.

George Walton, as acting governor of Florida, by virtue of an act passed on May 24, 1824, selected the three following quarter sections of land adjoining that selected for the seat of government, viz: northeast quarter of section 36, township 1, range 1, north and west; southwest quarter of section 31, township 1, range 1, north and east; and the northeast quarter of section 1, township 1, range 1, south and west, and advised this office of the same on February 16, 1825; at which time no surveys had been received of those lands, and no entry or approval of those selections was made on the books of this office. The surveys were subsequently received, and the lands proclaimed for sale in the month of May, 1825. On March 16, 1825, a letter was addressed to the register and receiver from this office, instructing them "to reserve from sale a section of land adjacent to the lands which have been selected by the lieutenant governor of Florida for the seat of government—the reserve to be made in quarter sections contiguous to the above-mentioned lands." "You will avoid making the above reservation in any township which may be selected for General Lafayette, should such selection be made adjacent to the seat of government."

Previous to the public sale in May, 1825, the selection of a township was made by the President for General Lafayette, which adjoined the town of Tallahassee, and included the southwest quarter of section 31, township 1, range 1, north and east, and a patent issued to him on July 4, 1825, for the whole township.

The letter from the register and receiver, dated May 16, 1827, will show that the reservation of the southwest quarter of section 31, township 1, range 1, north and east, was withdrawn by the consent of the lieutenant governor, and the diagram accompanying it exhibits the present state of the reservations.

There is a mistake in this letter from the register and receiver in designating the northwest quarter of section 36, township 1, range 1, west and north, as one of the original sections reserved by Mr. Walton.

GEO. GRAHAM.

It appears from the above statement that one of the quarter sections directed to be located by the acting governor was within the township subsequently selected for General Lafayette, and the local authorities in Florida, not being willing to interfere in any manner with the munificent grant of Congress to that illustrious patriot, consented to withdraw their claim to that reserve which, being previously appropriated, might have been held by them. In the selections afterwards made for the same object one of them included the quarter section on which Governor Duval settled in 1824, and to which it was adjudged he had a right of pre-emption by the judge of the district, under an act of Congress passed in 1826, giving the right of preference in the purchase of lands to settlers prior to January 1, 1825. Whether this decision was correct or not the committee do not deem it their province to inquire. To obviate any difficulty, however, the committee have received satisfactory information that Governor Duval offered to the legislative council the quarter section in question, after it was adjudged to him, upon their paying for the improvements actually made by him.

The Territory of Florida will have, by the bill now reported, the quantity usually granted in other places for this object, with the exception of this quarter, which they can acquire upon such just and reasonable terms that, if they do not accept them, the committee conceive no further grant ought to be made by the United States. They do not doubt, however, that this claim will be arranged between the governor and the Territory, in a way satisfactory to both, without any legislation on the subject.

Upon the subject of the third section of the bill the committee refer to the petition marked B, and made a part of this report.

B.

To the Senate and House of Representatives of the United States in Congress assembled:

Your petitioners having encountered insuperable difficulties in the location of the seat of justice in Jackson county, in the western district of the Territory of Florida, whereby the greatest inconvenience has arisen, and still exists, would pray your honorable bodies to pass a law authorizing them to locate their county site upon the sixteenth section, township five, range eleven, north and west; and in support of this memorial would respectfully offer the following reasons:

That the said sixteenth section is the only place suitable for said location, on account of water, prospects of health, and general convenience, which is any way central to the population of said county; that other situations, which would be suitable, are so remote from the centre that the inhabitants cannot agree to a location upon any of them, and that every effort which has been made for two years past to effect a location has failed; that a location upon the aforesaid sixteenth section will meet with the approbation of a large majority of the citizens of the said Jackson county, and will effectually reconcile the jarring opinions and conflicting interests; that two successive applications have been made to the legislative council, which have proved abortive. That the two last sessions of the superior and county courts of said county have been held on said sixteenth section by universal consent, and to the general

satisfaction of the citizens; that there is already a village on said sixteenth section, consisting of four stores, the offices of legal and medical men, clerks, sheriff, and marshal, and several private dwelling-houses; that it will greatly enhance the value of the school lands, and produce a larger fund than by any other application of said lands.

And your petitioners, as in duty bound, will ever pray, &c.

The laws of the United States give to each county in the Territory the right of pre-emption to a quarter section of land; the reasons for a change are fully set forth in the foregoing representation.

The county will be enabled to select the quarter they desire by a transfer of the same quantity for the same use for which that was reserved, whilst the interests of the inhabitants are carefully protected. It is a question in which the United States have no direct interest. No land is asked for or granted. A commutation, which can only be effected by our law, is afforded for the convenience, and at the application, of a large number of inhabitants.

The sixteenth section of each township, it may be necessary to remark, is reserved for the use of schools; one quarter of this is to be exchanged for another quarter to which the county is entitled; and the committee do not doubt that the remaining three quarters, by the location of the county seat, would be more valuable than the whole, even if another was not transferred for the same object.

All which is submitted.

20TH CONGRESS.] No. 612. [1ST SESSION.

LAND CLAIM IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 11, 1828.

Mr. ARMSTRONG, from the Committee on Private Land Claims, to whom was referred the petition of James Winter, of the State of Louisiana, reported:

The petitioner states that in the year 1808 he emigrated from the State of South Carolina to the district of country now comprising the parish of East Feliciana, included in the Louisiana purchase, but over which, at that time, the Spanish government exercised exclusive jurisdiction; that on November 24, 1808, he purchased of John Lynd, of New Orleans, a tract of land containing one thousand acres, in the parish aforesaid, for which he paid the sum of three thousand dollars; that the tract of land so purchased was part of a large grant made by the Spanish government, commonly called a big survey, which has not been confirmed by the United States; that he purchased the same, not knowing the United States or any other government set up any claim to it; that after the United States asserted their claim to jurisdiction over that country, he became alarmed for his title, and as soon as a land office was opened east of the island of Orleans, in order to secure his improvement he entered it as a settlement claim, which has been confirmed, for six hundred and forty acres, leaving a deficiency of three hundred and sixty acres from the purchase from Lynd, to which he prays Congress to confirm his title. No title papers are produced, except a copy of a deed from Lynd. The committee cannot perceive any claim the petitioner has on the United States for confirmation of his title to the three hundred and sixty acres of land, and therefore recommend that the prayer of the petitioner be rejected.

20TH CONGRESS.] No. 613. [1ST SESSION.

CORRECTION OF AN ERROR IN BIDDING FOR LAND AT A PUBLIC SALE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 14, 1828.

Mr. ISACKS, from the Committee on the Public Lands, to whom was referred the petition of Benjamin Freeland, of Indiana, reported:

That the petitioner represents that in 1820 he attended a public land sale held at Terre Haute, in that State, for the purpose of buying three quarters of section No. 5, in township No. 11, range No. 2 west of the second principal basis meridian; that while the sales were going on he was accidentally absent a few moments from the crier's table; when he returned he was informed that the land he wished to buy was then offering for sale; he therefore bid for and purchased three quarter sections, to wit: the northeast, northwest, and southwest quarters of section No. 5, in township No. 11, *but in range No. 1 west;* by which mistake of the range the lands purchased were six miles east from those selected by him and intended to be bought, and in a district of country altogether uninhabitable, on account of cliffs or ravines running through it in every direction; that in a short time after he had bid off the land, and before any other lands were bid for, he discovered his mistake, and applied to the register and receiver to have it corrected, who admitted the mistake, but, as the purchase money had been paid, doubted whether

they could legally make the correction; that the said northwest quarter was purchased for and in the name of his father-in-law, Thomas Jenkins, who being dissatisfied with it, the petitioner refunded the money to him, and sustains the loss himself. He asks to be allowed to relinquish, and enter the same quantity of land elsewhere.

The deposition of Jesse Evans proves that he attended the same sale with Freeland; that they showed to each other the numbers of the lands they intended to bid for; that Freeland's numbers were in range *two* west; that he had no numbers in range *one* west, as he saw or believes; that when the sale was going on he was much surprised to see Freeland bidding for land in range one, and, as soon as an opportunity offered, he inquired of him into the cause, and was satisfied that he (Freeland) had been mistaken, owing to the same numbers of section and township being called for in range *one* that he intended to buy out in range *two;* that, from all the circumstances, he has no doubt that Freeland was mistaken in his purchase. The respectability and good character of Evans is certified by John R. Potter, presiding judge of the first judicial circuit in Indiana. The register and receiver of that office certify that, at the time of the sale, Freeland stated he had committed an error in buying three quarter sections, having mistook the range in which he intended to purchase; that it was then their impression that he had made a mistake, but as the land was paid for, and receipts given, they concluded that they had no authority to alter the entries.

The committee are of opinion that the facts showing an error to have been committed by the petitioner are sufficiently proven; and they can well suppose that he might the more readily have been misled on account of the numbers of the section and township corresponding with those in which he intended to purchase, without adverting to the number of the range in which they actually were. And although the rule requiring the buyer to take care may properly be applied to the purchasers of public land, yet this case, under its circumstances, is deemed a fit exception from the operations of that rule, especially as the error was made known at the time of the sale.

The acts of March 3, 1819, and of May 24, 1824, providing for the correction of errors in making entries of public land at the land offices, relate only to *private sales*, and will not apply to the case of this petitioner, whose purchase was at *public sale;* neither will his case fall within the provisions of the bill of this session for the refunding of money forfeited to the United States by the purchasers of public lands, by the issuance of certificates, because no forfeiture appears to have taken place. And, thinking this a proper case for special relief, they report a bill.

20TH CONGRESS.] No. 614. [1ST SESSION.

REASONS FOR GRADUATING THE PRICE OF PUBLIC LANDS IN FLORIDA.

COMMUNICATED TO THE SENATE JANUARY 14, 1828.

WASHINGTON, *January* 12, 1828.

SIR: The subject of the graduation of the prices of the public lands having been introduced and supported by you with so much zeal and ability, I am induced to believe that any local information in aid of such a system cannot be unacceptable to you. I have witnessed your exertions with much solicitude, and with a strong hope that a measure recommended by so many considerations of justice and national policy would be adopted. Under a conviction that the causes which induce us, in Florida, to desire a change in the manner of disposing of public lands were more numerous and powerful than in any other section of the United States, I introduced at the first session of the late Congress the subject, with a hope that, whatever might be the fate of your general bill, some local legislation might be resorted to for an object so important to us. I am induced to make this communication, at the present moment, from having learned that all the petitions, resolutions, and representations from the States and Territories interested had been ordered to be printed in the Senate. I wish it distinctly understood that if there is not to be found among those documents any memorial from Florida, it is not because the local government or people there feel less interest on the subject. Whoever will devote to it a moderate share of attention must readily see that there is, in every section of the Union where there is a public domain, a considerable portion of territory which never can be sold at a dollar and a quarter per acre. At the first sales the best lands are brought into market, and those of inferior quality are purchased as real estate becomes enhanced in value from the advanced state of population and improvement. But after these causes have produced all their effects, there will still remain thousands of acres which never can be available to the government under the present system of disposing of the public domain. Although these lands might be desirable to a certain extent for agricultural purposes and for grazing, yet no one would feel warranted in paying for them the price fixed by the act of Congress. The result of this state of things is, that most of the land of that description becomes an unavailable fund to the government, and, in consequence of its remaining public, operates as an injury to the population of the country. Were its price graduated, and the land, from time to time, sold at its intrinsic value, a considerable portion of it would be entered and settled by a valuable description of inhabitants, who would employ it for the purposes of agriculture or grazing, if not for both. Under existing circumstances, no prudent man would become a squatter upon it for fear his improvements might induce some one to enter it over his head, and speculate upon his necessities. Individuals of a different character will, in many instances, become squatters upon these lands, and the government will thus far be the victim of numerous impositions. From this view of the case, although the present arrangement may favor this squatting, erratic race of settlers, yet it is injurious to the government and unfriendly to a dense population of such a description as gives any country wealth, strength, and efficiency.

The reasons which recommend the graduation of the prices of the public lands in Florida, I think,

are particularly urgent and conclusive. I have visited a considerable portion of Middle Florida, and, as far as my own observations have extended, I can speak with some degree of confidence. The reasons in this case, I conceive, derive their force and effect from the fact that Florida, even where there are bodies of good land, is one of the most *spotted* countries in the world. Within almost any given limits you are presented with great varieties of both soil and timber, and frequently very sterile spots in close proximity with lands esteemed the most rich and productive. Sometimes upon the same quarter or eighth you will find one-fourth of good land, and the balance of very poor, or the reverse. In other cases, a quarter, eighth, or half section, would be entirely or partially cut, or covered, by swamps, ponds, or lakes. In such cases the surveyors have not made fractions, (unless the lake has proved to be much beyond the common size,) and so disposed of it at the sales; but if you desire part of an eighth, quarter, half, or whole section, which is cut up by ponds, swamps, or lakes, you are compelled to purchase the whole, and that at a dollar and a quarter per acre. This would not be done unless the case was an urgent one and the land calculated to answer an important purpose. Were the prices graduated as proposed, a purchaser might, in many instances, be warranted in paying for the whole eighth, quarter, half, or whole section, where he secured a small portion of good land. This is the only mode of bringing such lands into market, unless the government would, in the cases above stated, make fractions of the desirable spots of good land, and permit purchasers to pay for only so many acres as they may want, excluding swamps, sterile acres, lakes, and ponds. To this I presume they would never consent. The plan you propose is much more desirable, and should, I think, be adopted. By that plan the government would obtain equally as good a price for the lands sold, and would sell many that must, under the present system, always remain unproductive property. By graduating the prices you not only bring into market many lands which would otherwise be always excluded, but they are brought in at such periods as they may be in demand, and thus augment the means of securing a dense population.

Without a personal observation of the peculiar character of the region which stretches along our southern seaboard, and for at least a hundred miles in the interior, it is impossible to form any just idea of its intrinsic value. The gentlemen who represent those portions of the southern States I can safely appeal to for the correctness of what I state. Those from the northern and western parts of the Union, where the lands are clothed with a growth of oak and hickory, or beach, with an occasional tract of pines or firs, or of rocky or gravelly soil, can have no conception of the continuous bodies of land covered with no other growth than pine, of a sterile district, unfitted for any species of agriculture, and not even capable of being benefited by manure, excepting where the incumbent bed of sand rests upon a base of clay. There are thousands of acres, perhaps millions, throughout the most populous of the southern States, of this kind of land, which would not bring the government's minimum price, and there is no prospect of their increasing in value for ages. Yet there are spots, even in these sterile regions, which are of a better quality, but they are like the oases of an African desert. I do not speak of the lands on the margin of the large streams, but of the extensive tracts that lie between them, where nothing can be produced for export but lumber, turpentine, and tar, and which at the present time offer but a poor compensation for the labor employed on them. Now, I will ask, what is the value of such lands in a state of nature? Literally nothing. They are, it is true, *owned;* but what would they bring in market? *Their* only value must depend upon this. There is nothing so disheartening to the farmer as the cultivation of an ungrateful soil, which will yield no return, and notwithstanding all the efforts to improve it by manure, it continues as meagre as ever. Yet such is the love of ownership, the idea of having a few acres which we can call our own, that even such lands would be improved if the fee simple were within the reach of the poor man, not for a dollar an acre, the *nominal* value of such lands in the populous parts of the southern States, but a few cents, their real value. On any thousand or two thousand acres a small spot of better land might be found, where he could make his patch of Indian corn, his potatoes, his vegetables, plant his peach trees, feed his cows, and erect his humble tenement of logs, without fear of being turned off when his little improvements became of sufficient value to tempt cupidity. This kind of population is extremely numerous in the southern States. They have no slaves to aid them in their labor; they have no means of purchasing; and the system of tenantry used in the northern States is scarcely known. This is the class of poor but industrious people who labor the earth with their own hands, and whose wives manufacture their own cotton clothing, and who go to seek better fortunes in Florida and Alabama, and become squatters on the public lands. A cart, a horse, and a few cows are frequently the only property they bring with them; they sit down on the public lands, and make small improvements to furnish them the means of temporary subsistence. But how different would be the feelings of these people if they could become owners! A piece of land which would be passed by with contempt by the man who had one or two hundred dollars to spare would be viewed with delight by one of these poor settlers if he could call it his own. There is a vast number of such families throughout the southern country. Those who know these States as slave-holding States little know how large a proportion of the population have no slaves. It is to these the graduation of the price of lands will confer a benefit. The lands which require to be thus graduated cannot be any object to the speculator. I appeal to the experience of the southern gentlemen whether there is any instance of speculating in poor pine barrens. In the State of Alabama and in Louisiana they have remained for years unsold; no lands, in fact, have sold which are not intrinsically valuable; that is, which are not adapted to the common staples of the country.

The only value, I repeat, of such lands arises from the improvements which may be put on them, and as an antecedent to this, ownership must be placed within the reach of the poor man. The rich never speculate in lands of this description; the best, the most fertile lands, or peculiar spots and favorable situations, are the objects of this speculation.

An act of Congress passed some years ago, authorizing the register and receiver to give leases of lands which had remained unsold for a certain number of years, or until the lands were called for by some one desirous of purchasing from the government. But what would be the effect of such a law? The moment the poor settler had exhausted all his means, and labored for several years in erecting his buildings, manuring his ground, planting his peach orchard, and thus made the spot, from being of no value, worth three or four hundred dollars, a purchaser offers who is willing to give the government price for an eighth, including the improvements, or at least compel the settler to pay him *hush* money, as it is there denominated.

There never was a more mistaken policy. As the owner of the spot, he would have been a useful member of society; for the self-estimation produced by the idea of ownership, and the stake which his little profits gave him in society, are a guarantee for the correctness of his deportment. He had risen in

the scale of usefulness; but when turned adrift, or exposed to rapacity, it is no wonder that his feelings are *soured,* and that he becomes idle and restless.

Let it be remembered that it is neither the speculator nor the great planter that is to be benefited, but the poor farmer, who labors with his own hands; and it is the country at large which will feel the advantage of easing the condition of its citizens, converting indigent squatters into profitable producers and also consumers of the produce of others; whereas, but for the *mildness* of the southern country, and the facilities of procuring the bare necessaries of life, they would be condemned to the greatest wretchedness. One misfortune of the immense space for which Congress has to legislate is that that legislation is, in some instances, not sufficiently varied to suit the peculiarities of its different parts. What may be very suitable in some part of it may be very little suited to another.

The advantage of a uniform system of legislation is certainly great, but yet, if, without creating too great a diversity, that legislation could be modified or varied to suit particular situations, it would be greatly to be desired. I am not prepared to say whether the graduation of the price of public lands would be an improvement in the general system. The situation of the western States and Territories, where there are public lands, may perhaps render it necessary to pursue a different course; perhaps the graduation may give rise to speculation, which, instead of benefiting the poor settler, might injure him, and ultimately retard the population. But I know that this could not take place in Florida, and that its only effect would be to enable the poor settler to procure land which he could not otherwise obtain, and which, at the same time, would be a national benefit, by causing those lands to be improved which would otherwise remain useless. The class of people I have been describing deserve the encouragement of Congress, and to many farmers of respectable information, with whom I have conversed, they were scarcely known to exist. Taking their ideas of the southern population from the wealthy planters on the coast and on the margins of the rivers, they hardly seem to know that there is a valuable population of whites in the southern States who earn their bread by the sweat of their brow, although, unhappily, they are too apt to wither and decay in the proximity to the more wealthy planter.

Florida may be truly called the poor man's country. The wealthy southern planter may find lands on better terms in Alabama, Arkansas, or Louisiana for the cultivation of cotton or sugar, and certainly in larger bodies; for the proportion of good land in Florida, it must be admitted, is exceedingly small. The proportion of poor land is greater than in any of the southern States; but it has great advantages in point of climate. The winters being so much milder, cattle, the great resource of the poor man, are more easily subsisted in winter. He feels the severity of the cold less himself, and in addition to the sweet potato, which succeeds as well in the sandy soils of Florida as in Georgia, he has the sugar cane, which contributes greatly to his domestic comforts. This is, besides, the climate of the vine, the olive, the fig, and the orange, and the best adapted to the silk worm. It is true that new modes of culture, like new branches of manufacture, are introduced slowly; they require a change in the habits of the people, and an apprenticeship. But one thing is very certain, that no one will plant a tree if he has no certainty that he or his children will eat of its fruit or sit in its shade. Let the poor farmer call this spot his own, and he will embellish and improve it. He will view with delight the growth of every useful or ornamantel plant, and although it may afford no immediate reward to his labor, he will be pleased with the future expectation. Florida has an advantage over the greater part of the southern pine barrens in being finely watered and uniformly healthy. It is also more *spotted,* to use the common phrase of the country; a thousand spots may be found scattered over a surface containing from one acre to fifty of good second, and even first rate land, which offer no inducement to a planter, and will not, therefore, be purchased from the government; but it would suit the poor man, who is satisfied with ten or twenty acres for his plow, when he has the surrounding grassy waste of pine barren for his cows and hogs. A fine spring or a clear rivulet would entice him to settle in the midst of that waste, where he could manure or cow-pen a few sandy acres to raise his patch of corn, potatoes, rice, cotton, or cane. The difference between the pine lands and what is called the oak and hickory lands is so distinctly marked that the quality and value is ascertained at once by this designation, although there is a difference in the quality of the pine from hopeless barrenness to the better kind, which may be improved by manure. I will venture to say that lands of this quality will rarely if ever sell at the government price. It will be a long time before the inferior kind of oak and hickory land will bring the government price, especially when in small bodies. The small quantity of good land in Florida which is salable is at this time nearly all taken up by Spanish grants, pre-emptions, and sales. Many of those who had pre-emptions were unable to raise the money to purchase the land; for one or two hundred dollars in cash is a sum not within the reach of every poor settler. They, however, secured the value of their labor by selling to others who had the means of purchasing, and who had not exhausted their funds in making a settlement. These settlers, having thus given up their lands, have been compelled to become squatters again.

In the management of the public lands the two principal objects are, first, to raise money for the public treasury, and, secondly, to increase the population and resources of the nation. The tracts of pine land, and the occasional spots through them of land capable of tillage, at the present prices, will not afford a revenue to the government for ages, for there is no prospect of their selling unless their value be enhanced by improvements. I appeal to the northern members, whether the pine lands in the districts they represent have anything more than a nominal value, and whether that value is not less than the minimum price. I need not say that in new countries just settling the price of lands, of whatever quality, bears no comparison to those of older settlements and populous neighborhoods. By graduating the public lands in Florida the government will lose nothing; for if they were offered for sale over and over again for twenty years, they would find no bidders at one dollar and twenty-five cents. But something might be obtained for the treasury if they were estimated at their real value and placed within the reach of poor settlers. I do not ask that these lands should be given to settlers, in order to promote settlements and population, because this would be changing the policy of the government in relation to the public lands; yet if this were done, the treasury would ultimately be benefited by the increase in the amount of duties on foreign merchandise, by increasing the means of the people to procure them.

If any property in the public lands can be considered with an eye to the revenue to be derived from them, the policy of graduating the price ought to prevail. But this ought not to be the sole consideration. The increase of population, the improvement in the condition of its citizens, the strengthening of weak and vulnerable points, as well as the creation of new staples, and the new marts for commerce, are objects of infinitely greater importance. And in relation to Florida the policy will not be new. It will be following up what has been pursued by every former government, especially that of Great Britain, as appears by the proclamations of her governors; and the same policy was pursued by Spain. In the pre-

emption law, which has had a most happy effect on the prosperity of the Territory, and without which it would have been the scene of a barbarous speculation on the labor and the necessities of the humble and industrious settler, instead of exhibiting its happy prospects and flourishing condition—in this pre-emption law the policy which I advocate, of encouraging a population in those exposed borders of the Union, has been completely acknowledged. The policy of encouraging the production of those staples adapted to the soil and climate of Florida is one which has never been lost sight of by the former governments; and in this age of legislative restrictions on commerce, in order to foster the internal trade of each country by producing and procuring from different parts of it those articles of human production which can at present only be obtained from abroad, the policy becomes more imperative. Florida, in a few years, might be made to produce many of the fruits of the Mediterranean or the West Indies, besides supplying articles, such as indigo, cochineal, &c., which are necessary to our manufactures. Nearly one-half of the peninsula of Florida is adapted to the growth of the lime, the pine apple, the cocoa, the date, and even the coffee plant. There is scarcely any part of the Territory that is not capable of producing the orange, lemon, citron, olive, the almond, and the fig. The cultivation of a tree, or a few trees, which in bearing would suffice to maintain a family, is a very different thing from the cultivation of a field in annual crops. There is scarcely any soil so poor that it cannot, without much labor, be permanently improved, so as to produce a fruit tree of the most luxuriant growth. I have seen this on the island of Santa Rosa, opposite Pensacola, which is nothing but a bank of sand, a pure silex washed up from the sea. The delightful groves around the palace of St. Ildefonso, in Spain, are formed of trees planted in holes cut out of the solid rock, and filled with earth brought from a distance. Mr. Jefferson, in his interesting letter on the subject of the olive, which he thinks affords sustenance to a greater number of persons than can be afforded by any given space of ground occupied by any other production, declares that a few olive trees are sufficient to support a village. But those things must have a beginning; that beginning will be long retarded, unless there is some encouragement from the government. The conviction of the necessity of affording this encouragement has always been felt by Congress, and by every enlightened citizen. Some eight or ten years since, several townships of very valuable land in Alabama were given, on most advantageous terms, to some foreigners, to enable them to introduce the olive and the grape. But the soil and climate which they selected were not adapted to the purpose; the soil was too good not to be employed in the cultivation of those staples which yield an immediate return; and as to the climate, it was too far north for the purpose for which the grant was ostensibly obtained. In Florida the soil, in general, is too poor for crops, but good enough to produce fruit trees, and the climate is such as could be wished. But we do not ask a grant which might open a door for speculation, in which a few individuals might be benefited, under the pretext of doing good to others and to the country; we only ask that the pine lands of Florida be placed within the reach of the poor man by being disposed of at the proper value. How many spots have I seen, in passing through the Territory, in various directions, from Pensacola to Tallahassee, and from that place to St. Augustine, on the margin of a lake or the border of a stream, where a poor man might make a comfortable home, which he would delight to embellish, by planting trees, if he could call it his own, and of so small an extent, perhaps but a few acres, as to form no temptation to the speculator, and of no value to the smallest planter! Whatever reluctance there might be in changing the general policy as to other portions of the public domain, I feel convinced that if I could take any member of Congress over the country which I have traversed, and thus enable him to form a correct idea of its peculiar features, he would be satisfied that the general policy, if it be wise as to other parts of the Union, ought to be modified as to Florida. In the value of oak and hickory lands, in the quality, there are almost imperceptible gradations, and some it is difficult to discriminate; but the quality of the pine lands is so peculiar, so distinct, and different, that there is as much ease as in distinguishing the land from the water. They are, in general, totally unfitted for planting or for agriculture, excepting on the smallest scale, by the use of the pasture which they afford, and by the aid of manure. Surely it would redound to the honor of a country—it would be praiseworthy in the highest degree, to be able, by wise legislation, to make that worth something to the treasury which would otherwise produce nothing; to create a cheerful and pleasant inhabited spot which would otherwise remain a desert. It was justly observed by Swift that he who can cause an ear of wheat to grow where none grew before is a greater benefactor than the astronomer who discovers a new star.

The returns of the commissioners for settling land claims will show what proportion is covered by valid grants. The sales of the land office will exhibit the result of the sales, and the surveys will show what proportion of the lands of the Territory are pine lands. Nearly the whole of that extensive tract west of the Choctawhatchy river is of this description, with the exception of the small strip along the Chipola river. The vast space west of the Apalachicola river is of the same character, and to the eastward of that river this general description will nearly apply. It is true that the fertile districts of Tallahassee, Alachua, and the hammocks on the Atlantic coast, form exceptions; but the pine lands of the character I have referred to constitute by far the greatest portion of the Territory, and, if inhabited at all, they must be inhabited by poor farmers. But unless these lands be placed within the reach of this description of people by the reduction of price, they will be only squatters. By merely encamping on the public lands they will constitute a population of little value, contracting unsettled and erratic habits, instead of being permanently fixed, as they could be by becoming owners of the selected spots, where they could plant trees and erect their dwellings without fearing that they were laboring for others. In the course of time Florida will be the great magazine of the Union for naval stores; her pines may become a source of wealth, and, perhaps, at some future day, her timber may find a market. An active trade along the immense extent of coast which it presents will lessen the dangers of piracy, which will always prevail while so great a proportion of it is unfrequented. The coasting trade and the fisheries are the best nurseries of seamen. The fisheries of Florida have entirely escaped the attention of the nation; few are aware of their extent and importance, and of the extent to which they are susceptible of being carried. I have sometimes thought it would be an advantage to our trade if, by some revolution of nature, the peninsula of Florida were swept away; but when I reflected on the value of its fisheries, in addition to its tropical climate, that wish was immediately recalled. Intending to bring the subject of the fisheries before Congress, I shall not enlarge upon it at present; but I will observe that the advantages of a population in the Territory, in connexion with this subject, must be self-evident.

I have long been confirmed in the opinion that in the event of a future war with any maritime power the Gulf of Mexico will become the theatre of the contest; for the country bordered by its coasts is, from the nature of its population, decidedly the weakest portion of the Union, while there is wafted through it to the ocean, already, a half of the products of the United States. Towards the close of the last war

the cabinet of England discovered its error in employing uselessly its forces to the north, and in occupying St. Mary's in the east, and the Mississippi in the west, evincing a design which, had it proved successful, and the war had been protracted, would have produced a state of things which the patriot mind dislikes to dwell on. If, then, I am correct in these surmises, ought we not to be prepared for any contest by the adoption of every means of defence within the limits of our power? Amongst these, the encouragement of a hardy and numerous population, by disposing of the public lands in the manner proposed, will unquestionably operate beneficially. The peninsula of Florida, lying as it does, is an eminent point of defence; but if left unpopulated, it might, by an enemy, be converted into a position of active offensive operations, not only in embarrassing our commerce, but in facilitating the more formidable movements of invasion. In point of national economy, too, it will easily be seen, that in time of war, if it should be necessary to call the militia to the defence of this frontier, it would be far preferable to employ them on the spot, rather than encounter the expense and delay necessarily attendant on marching a force from a more distant quarter.

I fear I have trespassed on your patience; but I trust that the high objects of national defence, and of improving the condition of a great portion of our community, involved in this communication, will plead my excuse for its prolixity. I ask leave to conclude it by making an extract on this subject, from an intelligent and highly interesting message to the legislative council of Florida, now in session, by the acting governor, Wm. M. McCarty.

"No general plan of graduating the price of public lands, according to their relative value, has yet been adopted by Congress. A special law for this purpose might probably be obtained for Florida, on account of her exposed situation, and the consequent necessity of having settlements upon that wide belt of poor country which fringes both the shores of the Atlantic and of the Gulf, and which never will be inhabited at the present minimum price of public land. But if brought into market upon fair terms, these lands would yield a revenue to the government, and they would soon be settled and converted by the purchasers into sheep-walks and ranges for stock of every description. Should you deem this a subject worthy of your attention, you should present to Congress an enlarged and comprehensive view of its advantages."

I have the honor to be, with much respect, sir, your obedient servant,

JOS. M. WHITE.

Hon. THOMAS H. BENTON, *of the Senate.*

20TH CONGRESS.] No. 615. [1ST SESSION.

LIST OF OFFICERS AND SOLDIERS OF THE REVOLUTIONARY ARMY ENTITLED TO BOUNTY LAND WHO HAVE NOT RECEIVED IT.

COMMUNICATED TO THE SENATE JANUARY 15, 1828.

Mr. VAN BUREN, from the Judiciary Committee, upon the subject of the list of the names of such officers and soldiers of the revolutionary army as acquired a right to lands from the United States and who have not yet applied, reported:

That they recommend the publication of the list by printing the usual number of copies thereof for the use of Congress, and by causing three insertions of the same in the newspapers authorized to publish the laws of the United States. The committee propose the following resolution:

Resolved, That the usual number of copies of the list of the names of such officers and soldiers of the revolutionary army as acquired a right to lands from the United States and who have not yet applied therefor be printed for the use of the Senate.

This resolution was agreed to by the Senate January 16, 1828.

IN THE SENATE OF THE UNITED STATES, DECEMBER 27, 1827.

Mr. JOHNSON, of Kentucky, communicated a document from the Department of War, containing a list of such warrants as have been issued for officers and soldiers of the revolutionary army that remain on the files of the bounty land office unclaimed.

The following is the document referred to.

No. 1.

List of such warrants as have been issued for officers and soldiers of the revolutionary army that remain on the files of the bounty land office unclaimed.

No.	Names.	Rank.	Line.	Acres.	When issued.
O. S. 15	Jotham Ames	Lieutenant	Massachusetts	200	Mar. —, 1797
202	George Bush	Captain	Pennsylvania	300	May 19, 1789
744	Benjamin Fishbourne	....do	.....do	300	Oct. 1, 1789
1,407	Alexander Mitchell	....do	New Jersey	300	Nov. 5, 1789
1,704	Robert Patton	....do	Pennsylvania	300	July 31, 1792
2,384	Alexander Walker	....do	.....do	300	.....do.....
2,389	Robert Wharry	Surgeon's mate	.....do	300	Sept. 21, 1791
6,410	Asahel Risley	Private	Sheldon's dragoons	100	April 19, 1790
8,030	Jere. Weldon	....do	New York	100	Nov. 5, 1789
8,619	Neal O'Neal	....do	New Jersey	100	June 17, 1789
8,946	Abraham Boyd	....do	Pennsylvania	100	July 9, 1789
9,006	Richard Biggs	....do	.....do	100	June 12, 1789
9,035	James Bennett	Sergeant major	.....do	100	April 6, 1790
9,047	James Burnside	Private	.....do	100	May 28, 1791
9,074	John Brown	....do	.....do	100	Nov. 5, 1789
9,087	Barney Colgan	....do	.....do	100	April 6, 1790
9,107	Andrew Cratty	....do	.....do	100	July 9, 1789
9,205	Patrick Crawford	....do	.....do	100	Nov. 5, 1789
9,297	George Chapman	Sergeant	.....do	100	July 9, 1789
9,211	William Carney	Private	Proctor's artillery	100	.....do.....
9,275	John Deveny	....do	Pennsylvania	100	.....do.....
9,333	Philip Everheart	....do	.....do	100	Nov. 5, 1789
9,364	George Francis	Sergeant	.....do	100	April 6, 1790
9,510	John Grimes	Private	.....do	100	July 2, 1790
9,694	Samuel Johnston	....do	.....do	100	July 9, 1789
9,704	Andrew Jarrett	....do	Proctor's artillery	100	July 16, 1789
9,727	John Keeland	....do	Pennsylvania	100	Nov. 5, 1789
9,852	William Lee	Sergeant major	.....do	100	.....do.....
10,065	John Morrison	Sergeant	.....do	100	April 6, 1790
10,169	John O'Neal	Private	.....do	100	April 16, 1996
10,171	Richard O'Neal	....do	.....do	100	July 9, 1789
10,320	Timothy Rourk	....do	.....do	100	April 6, 1790
10,355	John Smeltzer	....do	.....do	100	July 9, 1789
10,382	John Sommerville	Corporal	.....do	100	April 6, 1790
10,944	John Brown	Sergeant	Maryland	100	Nov. 5, 1789
11,893	Jacob Buher	Private	Virginia	100	.....do.....
11,900	Robert Bacon	....do	.....do	100	.....do.....
11,993	Thomas Craig	....do	.....do	100	.....do.....
12,183	Michael Haney	....do	.....do	100	.....do.....
12,306	John Lockhart	....do	.....do	100	.....do.....
12,344	Peter McCarney	....do	.....do	100	.....do.....
12,651	Edward Walker	....do	.....do	100	.....do.....
12,745	John Bowman	Sergeant	Von Heir's dragoons	100	.....do.....
13,232	John Hampton	Private	Artillery artificers	100	Nov. 1, 1791
13,823	Edward Thompson	....do	Hazen's regiment	100	Mar. 26, 1790
13,843	James Tully	....do	Artillery artificers	100	July 9, 1789
N. S. 134	Joseph Fenton	Lieutenant	Massachusetts	200	Feb. 28, 1804
135	John Harradon	Private	.....do	100	.....do.....
136	John Hopkins	Corporal	.....do	100	.....do.....
141	Charles Stocker	....do	.....do	100	.....do.....
143	Andrew Barton	Private	.....do	100	.....do.....
144	William Hay	....do	Rhode Island	100	.....do.....
145	Ichabod Howard	....do	.....do	100	.....do.....
146	Charles Limbrick	Drummer	.....do	100	.....do.....
242	George Hartman	Private	Hazen's regiment	100	April 18, 1806

No. 2.

List of the names of such officers and soldiers of the revolutionary army as acquired a right to lands from the United States, and who have not yet applied for it.

Names.	Rank.
NEW HAMPSHIRE.	
Allen, Ethan	Colonel
Allen, David	Surgeon's mate
Butterfield, Jonas	Grade not mentioned.
Barnet, Robert	Lieutenant
Beall, Zachariah	Captain
Eno, Martin	Ensign
Frost, George P	Captain
Green, Ebenezer	do
Lyford, Thomas	Lieutenant
McLowry, Alexander	Ensign
Safford, Joseph	Lieutenant
Thomas, Joseph	do
Taylor, Nathan	do
Vol. I, 201.—*Lieut. Col. Reed.*	
Allard, Noah	Privates, &c.
Abbott, George	do
Berry, Benjamin	do
Clark, Archibald	do
Card, Samuel	do
Dockum, Enoch	do
Hall, James	do
Heath, William	do
Kirkland, Gideon	do
Leech, Thomas	do
Leighton, Valentine	do
Peters, John	do
Runnels, Israel	do
Richardson, Daniel	do
Shute, John	do
Smith, Enoch	do
Wheat, Joseph	do
Webber, Edward	do
Yeaton, Samuel	do
Vol. 1, 209.	
Avery, Joseph	Privates, &c.
Abrahams, David	do
Beemas, John	do
Blasdell, John	do
Bryant, David	do
Barnes, Cæsar	do
Beebe, Peter	do
Berry, Benjamin	do
Caldwell, John	do
Cook, Paul	do
Colburn, Parker	do
Cushing, William	do
Clark, Jesse	do
Clark, John	do
Decannon, William	do
Dowe, Benjamin	do
Dergin, Henry	do
Dorothy, Charles	do
Downs, Ephraim	do
Eaton, Jonathan	do
Elashaneese, John	do
Foster, Nathan	do
Gordon, Joseph	do
Hale, Israel	do
Howe, Joseph	do
Harmon, Stephen	do
Hill, William	do
Harrington, John	do
Henderson, Zoath	do
Jewell, Joseph	do
Jones, Edward	do
Ingliss, William	do
Kidder, Reuben	do
Leighton, William	do
Lock, Timothy	do
Logee, Moses	do
Martin, Ichabod	do
Mosier, Timothy	do
Norton, John	Privates, &c.
Orr, James	do
Pinkham, Daniel	do
Pendall, John	do
Reynolds, Alexander	do
Reid, John	do
Rathburn, Solomon	do
Roberts, Jeduthan	do
Ray, Silas	do
Richardson, Nathaniel	do
Stevens, Roger	do
Stone, Ezekiel	do
Shudrick, Joseph	do
Switzer, Stephen	do
Spencer, Israel B	do
Sargents, Bernard	do
Thomas, Isaac	do
Wallace, John	do
Wilson, Joseph	do
Wilson, Thomas	do
Wisso, Lewis	do
Wade, Edward	do
Ward, James	do
MASSACHUSETTS.	
Austin, John	Lieutenant
Andrews, Joseph	do
Bringham, Origin	Surgeon's mate
Chapin, Samuel	Lieutenant
Castaing, Peter	do
Clarkson, Matthew	Major
Cogswell, William	Hospital S. mate.
Cartwright, Thomas	Captain
Conant, John	Paymaster
Chapin, Leonard	Lieutenant
Chaloner, Edward	Ensign
Dana, Benjamin	Lieutenant
Davidson, Thomas	do
Eysandeau, William	do
Ellis, Paul	Captain
Gage, Isaac	Lieutenant
Howe, Richard S	Ensign
Haines, Aaron	Captain
Jackson, Charles	Ensign
Jackson, Thomas	Captain
Jacobs, George	Lieutenant
Kingman, Edward	Ensign
Lunt, James	Lieutenant
Lunt, Ezra	Captain
Lane, Abiel	Ensign
McFarland, Moses	Captain
Nelson, Henry	Lieutenant
Pilbury, Daniel	Captain
Porter, Moses	Lieutenant
Parsons, Josiah	do
Parker, Stephen	Paymaster
Rawson, Jeduthan	Ensign
Root, Elihu	do
Scammel, Samuel L	do
Stone, Nathaniel	Lieutenant
Stafford, John R	Ensign
Shaw, Samuel	Captain
Sluman, John	do
Stevens, Ebenezer	Lieutenant
Smith, John Ne	do
Town, Jacob	do
Thacher, Nathaniel	do
Vanhorn, David	Captain
Wigglesworth, William	Lieutenant
Whitewell, Samuel	Surgeon
Walker, Robert	Lieutenant
Wiley, Aldrick	do
Vol. I, 117.—*Brook's 7th reg't.*	
Allinson, James	Privates, &c.
Armstrong, Geo	do
Ames, Ephraim	Privates, &c.
Billings, Robert	do
Bailies, London	do
Blake, Timothy	do
Barrows, Robert	do
Culverson, William	do
Charles, Peter	do
Curby, Charles	do
Denniston, James	do
Everett, Thomas	do
Fuller, Nathan	do
Gorham, John	do
Giles, Samuel	do
Gosham, Joshua	do
Goodale, Solomon	do
Gurney, Thomas	do
Goodwin, Cuff	do
Gosling, Thomas	do
Grant, Joseph	do
Hacket, Benjamin	do
Hurd, Jehiel	do
Holden, Joseph	do
Holden, Samuel	do
Hart, Cato	do
Holman, Samuel	do
Johnson, Jacob	do
Jolley, Jabez	do
Kitler, John	do
Kidder, John	do
King, Josiah	do
Love, William	do
Lewis, Francis	do
Madilee, Francis	do
Murdee, Pedro	do
McLane, William	do
McDaniel, Daniel	do
Medcalfe, Ralph	do
Nickles, Peter	do
Ostrander, Andrew	do
Peever, John	do
Penny, Simon	do
Perry, Cæsar	do
Peese, Mike	do
Reynolds, John	do
Soffin, Thomas	do
Scannon, David	do
Stewart, Peleg	do
Stutson, Robert	do
Young, Joseph	do
Vol. I, 137.—*Tupper, 6, 13 inf.*	
Aldrick, Gustavus	Privates, &c.
Bowen, Michael	do
Cottrill, Richard	do
Crosby, Joel	do
Church, Stephen	do
Clark, James	do
Colbroth, Lemuel	do
Ewers, Prince	do
Field, John	do
Field, Robert	do
Goodridge, Daniel	do
Gilson, Samuel	do
Hemingway, James	do
Hill, Oliver	do
Hamilton, Reuben	do
Jeffrey, Benjamin	do
Lunt, Job	do
Lord, Thomas	do
Milliken, Daniel	do
Maxfield, Joseph	do
Newton, Caleb	do
Partridge, Amariah	do
Ruggles, Joseph	do
Smith, Peter	do
Smith, Solomon	do

No. 2.—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.
Smith, Samuel	Privates, &c.
Smith, William S	do
Tellim, Thomas	do
Van Guilder, Benjamin	do
Vose, Samuel	do
Wallace, Ebenezer	do
Wiggans, John	do
Weymouth, Joseph	do
Welch, James	do
Woodward, Isaac	do
Vol. I, 157.—*H. Jackson*, 4, 9 *infantry.*	
Atcheson, Joshua	Privates, &c.
Brooks, Joshua	do
Blackford, David	do
Blair, John	do
Barney, Nathaniel	do
Covell, Benjamin	do
Danforth, John	do
Eggleston, Josiah	do
Forrest, William	do
Foster, Jonathan	do
Fuller, Joseph	do
Forrest, John	do
Hersey, Jesse	do
Hutchins, Richard	do
Hathaway, Job	do
Lock, Edmund	do
Moho, Jeremiah	do
Newman, John	do
Osburn, Matthew	do
Perry, Constant	do
Pratt, Joseph	do
Placey, William	do
Parker, Aaron	do
Perry, David	do
Rider, Asa	do
Stockbridge, John	do
Swift, Isaac	do
Spinner, Peter	do
Shaddock, Cato	do
Talbut, David	do
Whalin, John	do
Wright, Israel	do
Zon, Lewis	do
Vol. I, 185.—*Sproats*, 2, 12 *inf.*	
Black, Joseph	Privates, &c.
Boyce, Jonathan	do
Bowers, James	do
Cower, Turner	do
Carter, Timothy	do
Cullihan, Frederick W	do
Fuller, Eliphalet	do
Fullman, George	do
Foot, Jehiel	do
Gross, John	do
Gustin, Ezra	do
Green, Joseph	do
Huzzard, Jeffrey	do
Heyward, Simon	do
Johns, Isaac	do
Keeter, Jacob	do
Morse, Abisha	da
Paul, Hugh	do
Porter, Ephraim	do
Parker, John	do
Renne, Charles	do
Sprague, Theodore	do
Stevens, John	do
Stephens, William	do
Spurr, John	do
Thomas, Peter	do
Wilson, George	do
Wamsquaum, Solomon	do
Walker, William	do
Wadsworth, Samuel	do
Whipley, Amos	do

Names.	Rank.
Vol. II, 41.—*Vose's regt.* 1 *inf.*	
Ames, Elisha	Privates, &c
Allen, John	do
Bussell, Isaac	do
Barnes, James	do
Balden, Elijah	do
Brayman, Benjamin	do
Balmater, Uriah	do
Bills, Joseph	do
Crayton, Robert	do
Curtis, Nathan	do
Cowell, Joseph	do
Crawson, James	do
Corbett, Cornelius	do
Cornish, Gabriel	do
Chadwick, Thomas	do
Cheeselong, Joseph	do
Dempsey, Patrick	do
Evans, Jeremiah	do
Falker, Robert	do
Farrington, Seth	do
Fitch, Thomas	do
Gustin, Jesse	do
Higgins, Andrew	do
Kanady, Philip	do
Kester, John	do
Linscott, Theodore	do
Mahoney, Jeremiah	do
McLean, Uriah	do
Marble, Luther	do
Mathews, Thomas	do
Pinner, John	do
Root, David	do
Smith, Amos	do
Sullivan, Timothy	do
Simpson, Holmes	do
Shahay, Mauriee	do
Trowbridge, Isaac	do
Vanhuff, John	do
Vinal, Joseph	do
Ward, Jabez	do
Vol. II, 178.—*Knapp's*, 5, 10, 15.	
Airs, John	Privates, &c.
Albee, John	do
Batherick, Abel	do
Cummings, Thomas H	do
Coomer, William	do
Cleland, Thomas	do
Cuff, William	do
Curtis, Zachariah	do
Cale, Stephen	do
Churchill, Ephraim	do
De Lamass, Cordus	do
Derrieul, George	do
Davis, John	do
Edwards, Jonathan	do
Gery, Thomas	do
Gamwell, Joseph	do
Hopkins, William	do
Harvey, Seth	do
Hubbard, Humphreys	do
Jervis, Charles	do
Lakeman, Thomas	do
Law, James	do
Lathergo, John	do
Marr, James	do
McIntosh, John	do
Nickerson, William	do
Pecket, Joseph	do
Porter, Asa	do
Parris, John	do
Patridge, Seth	do
Ronaldson, William	do
Richardson, Daniel	do
Smith, Aaron	do
Stewart, William	do
Studley, William	do
Tupper, John	do
Terdree, Richard	do

Names.	Rank.
Waterman, Silas	Privates, &c.
Whitacre, Jeremiah	do
Winch, Charles	do
Wilson, John	do
Walde, Benjamin	do
Vol. III, 49.—*M. Jackson*, 8 *regt.*	
Burdeen, Timothy	Privates, &c.
Barnes, Samuel	do
Crane, Ezekial	do
Cutter, Josiah	do
Cogswell, Cæsar	do
Counts, William	do
Carter, John	do
Davis, Eliphalet	do
Day, Jeremiah	do
Freeman, Doss	do
Flagg, Anthony	do
Fulsom, Peter	do
Grandy, Asa	do
Guile, Nathan	do
Glascock, William	do
Hill, Cyrus	do
Hill, Nathan	do
Juckett, Elijah	do
Lindsey, David	do
Lines, Francis	do
Lawrence, Johnson	do
Mortershead, Robert	do
Meadows, James	do
McCay, James	do
Mason, Joseph	do
Oaks, John	do
Radford, Thomas	do
Richardson, Robert	do
Sumner, George	do
Topliff, Timothy	do
Vaughan, John	do
Vickory, John	do
Whalin, Robert	do
Winter, Mark	do
Writhington, Thomas	do
Ward, Stephen	do
Vol. III, 134.—*Mellon*, 3 *regt.*	
Alexander, Abraham	Privates, &c
Beeman, Jabez	do
Bailey, Benjamin	do
Bryant, Mark	do
Becker, Israel H	do
Chovey, James	do
Cole, Benjamin	do
Cooper, William	do
Connor, William	do
Dike, Archelus	do
Dorchum, Samuel	do
Edson, Peter	do
Evans, Samuel	do
Freeman, Reuben	do
Foster, William	do
Farley, Jonathan	do
Fisk, Robert	do
Gifford, Ichabod	do
Gardner, William	do
Hatch, Jeremiah	do
Hogan, John	do
Hopper, Henry	do
Keeter, James	do
McMundy, John	do
Murrow, Josiah	do
Pierce, Simon	do
Patten, William	do
Pratt, Philip	do
Piper, Simon	do
Pategrino, Manuel	do
Ramsdale, James	do
Richardson, Ebenezer	do
Roberts, Daniel P	do
Russell, Daniel	do
Squire, Daniel	do

No. 2.—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.
Stoddard, Samuel	Privates, &c.
Toward, John	do
Thevin, Anthony	do
Tucker, Lemuel	do
Whittey, John	do
Warner, Zachariah	do
Williams, Daniel	do
Warren, William	do
Woolendorff, Frederick	do
Whealon, Joseph	do
Young, William	do
Vol. III, 7.—*Crane's artillery.*	
Asterman, Mathias	Privates, &c.
Benway, Joseph	do
Brow, Thomas	do
Bubiny, Hannibal	do
Beeton, William	do
Birt, William	do
Buisson, Simon	do
Brooks, Philip	do
Bailey, James	do
Bentroff, John W	do
Benham, James	do
Boudinot, Jonathan	do
Bragden, Samuel	do
Blackwood, James	do
Bordy, Gill	do
Clark, William	do
Curtis, John	do
Claughland, Michael	do
Dupee, Anthony	do
Donnegan, Cornelius	do
Dowing, John	do
Ellino, Peter	do
Fenteraut, Francis	do
Gale, Thaddeus	do
Griffith, John	do
Grover, John	do
Guitman, Frederick	do
Griffen, Jonathan	do
Gamette, John	do
Heyden, Lewis	do
Hart, Thomas	do
Herwood, John	do
Harris, Benoni	do
Holgate, Thomas	do
Hermond, George	do
Jean, Julian	do
Joaqui, Emanuel	do
Johnson, William	do
Jasquish, Joseph	do
Kingsbury, Theodore	do
Loper, Touissaint	do
Luble, John	do
L'Clair, Nicholas	do
La Martaine, John	do
Leregriant, William	do
Lemman, Francis	do
Lindsley, David	do
M'Connell, John	do
M'Dermott, Patrick	do
Moder, John I	do
Mansatto, George	do
M'Cord, Arthur	do
Moffatt, Joseph	do
Moore, Thomas	do
Neil, James	do
Norris, David	do
Onsbeck, Richard	do
O'Bryan, Thomas	do
Oglevia, George	do
Ott, Michael	do
Pool, Richard	do
Robertson, Robert	do
Rudge, Edward	do
Records, Jonathan	do
Riddle, Jacob	do
Stir, George	do
Shirman, Gideon	do
Scott, John	Privates, &c.
Sickles, Frederick	do
Smith, John	do
Shobee, John	do
Tiott, Joseph	do
Williams, Samuel	do
Wood, George	do
Whilded, John G	do
Wittse, James	do
Wilson, George	do
Wilkinson, David	do
CONNECTICUT.	
Benham, Silas	Lieutenant
Crosby, Ebenezer	Surgeon
Cleaveland, John	Ensign
Clark, James	Lieutenant
Cleaveland, William	do
Holt, Silas	do
Hobby, Thomas	Lieut. colonel
Harris, John	Lieutenant
Lyon, Asa	do
Lynn, William	do
Pendleton, Daniel	Captain
Potter, Israel	Lieutenant
Painter, Elisha	Major
Rose, John, (Warner's reg't)	No rank
Robinson, Jared	Lieutenant
Sutliffe, Benjamin	do
Tomlinson, David	Ensign
Wales, Ebenezer	Lieutenant
Wetzel, Michael	do
Vol. I, 68.—*Meigs's 1 infantry.*	
Ackley, Nicholas	Privates, &c.
Bishop, John	do
Bailey, Henry	do
Beach, John	do
Belcher, Joseph	do
Chapman, Samuel	do
Capron, Jeremiah	do
Cook, William	do
Campbell, John	do
Carter, Casu	do
Denton, Samuel	do
Dexter, Samuel	do
Freeman, Daniel	do
Forris, Peter	do
Grant, James	do
Graham, Narcissus	do
Grow, Ebenezer	do
Hancock, John	do
Hibbard, Andrew	do
Humphrey, Israel	do
Hancock, Elihu	do
Jack, Andrew	do
Kent, Titus	do
Kellog, Seth	do
Lashbrook, William	do
Loomix, William	do
Lewis, Baz	do
Little, Jack	do
Lyman, John	do
Mead, Uriah	do
Munson, Isaac	do
Middleton, Charles	do
Osburn, Israel	do
O'Martin, Charles	do
Polgreen, Cooper	do
Pensyle, John	do
Post, Ebenezer	do
Parker, Nathan	do
Raney, Stephen	do
Roberts, Constant	do
Robbins, Joshua	do
Reed, Dick	do
Sheppard, Moses	do
Swift, John	do
Sucker, Peter	do
Stephens, Timothy	do
Satue, Solomon	Privates, &c.
Stephens, Jupiter	do
Sherwood, Lemuel	do
Smith, Timothy	do
Simons, Samuel	do
Smith, Nathan	do
Thompson, Nathan	do
Tracy, Jedediah	do
Tharp, Amasa	do
Violet, Dick	do
Ward, Aaron	do
Walton, George	do
Wooden, Jeremiah	do
Ward, Aaron	do
Whitmore, Jabez	do
Vol. II, 160.—*Swift's 2d inf.*	
Bacon, Henry	Privates, &c.
Brown, Nathaniel	do
Bates, Samuel	do
Batterson, Joseph	do
Bates, Ezra	do
Bingham, Benjamin	do
Barlow, John	do
Boatman, Jacob	do
Benton, Chandler	do
Baker, Brister	do
Bottom, John	do
Cook, William	do
Call, John	do
Culver, Abiel	do
Clark, Barnabas	do
Cambridge, Hay	do
Cone, Ozias	do
Cornwell, Richard	do
Cole, Leonard	do
Cyrus, Pomp	do
Clark, Pink	do
Dikeman, Jonathan	do
French, Josiah	do
Fox, Allyn	do
Freeman, John	do
Gennings, Isbon	do
Goldsmith, Cæsar	do
Georgia, Simon	do
Gibbs, Timothy	do
Green, Mathew	do
Hunt, William	do
Hart, Stephen	do
Hungerford, David	do
Hall, Hiram	do
Johnson, Grant	do
Knapp, James	do
Lucas, Samuel	do
Leonard, Trice	do
Larraby, William	do
Liberty, Pomp	do
McLean, John	do
Munroe, Daniel	do
McIntire, Henry	do
Matthew, Jesse	do
Morey, Stephen	do
McKenzie, George	do
Munroe, Daniel	do
Mack, Richard	do
Nugen, John	do
Olcutt, Giles	do
Pierce, William	do
Porter, William	do
Prindle, Zalmon	do
Prentice, William	do
Primas, Jeffrey	do
Patchen, Azor	do
Rolo, Zachariah	do
Rowe, Daniel	do
Spring, Cato	do
Stedman, Timothy	do
Sanders, Amos	do
Sales, James	do
Thomson, Joseph	do

No. 2.—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.
Thayer, Asa	Privates, &c.
Uncas, John	do
Weeks, Micajah	do
White, Nathan	do
Westland, Joseph	do
Wakely, Abel	do
Warren, John	do
White, Ephraim	do
Watson, Thomas	do
Waggoner, Aver W	do
Welch, Christopher	do
Vol. I, 44.—*Webb's regiment, 3,2,9.*	
Abercrombie, Aaron	Privates, &c.
Armitt, John	do
Bosworth, Jacob	do
Bennett, Benjamin	do
Clinton, Joseph	do
Chadwick, James	do
Churchill, John	do
Cebra, James	do
Ellis, Jonas	do
Forbes, John	do
Frink, Thomas	do
Freeman, James	do
Freeman, Jack	do
Freeman, Robert	do
Ford, Jonathan	do
Graham, Cyrus	do
Goodrick, John	do
Hull, Henry	do
Howell, Nicholas	do
Hanson, William	do
Hills, Ebenezer	do
Hubble, Seth	do
Howe, Joshua	do
Hungerfield, Uriah	do
Jackson, David	do
Jenks, John	do
Johnson, Peter	do
Johnson, Joseph	do
Jenkins, Samuel	do
Kirkum, Benjamin	do
Lord, Richard	do
Leeson, Job	do
Lyon, Peter	do
Lewis, Chauncy	do
Murray, Warren	do
McDaniel, Anthony	do
Mallony, Nathaniel	do
Meech, Thomas	do
Miller, Jonathan	do
Montigue, Bryan	do
Mott, Ira	do
Meeke, Stephen	do
Needham, Anthony	do
Prior, Allyn	do
Robinson, Levi	do
Stalker, Peter	do
Shelly, Samuel	do
Smith, Nathaniel	do
Temple, Amos	do
Tuttle, Aaron	do
Williams, Solomon	do
Wilbrough, Cato	do
Walter, Elihu	do
Vol. II, 101.—*Shelton's drag's.*	
Blackford, John	Privates, &c.
Bragg, Nehemiah	do
Buswheat, Charles	do
Bassett, Cornelius	do
Curtis, Chauncey	do
Currio, Vincent	do
Colburn, Daniel	do
Coger, Joseph	do
Davis, Bordon	do
Ewing, Alexander	do
Hubberd, Joshua	do

Names.	Rank.
Hitchcock, Samuel,	Privates, &c.
Hurlburt, Ithuel	do
McDavid, James	do
Minor, Elisha	do
Marshall, William	do
Priest, John	do
Pratt, Ephraim	do
Sawyer, John	do
Scovel, Peter	do
Tiffany, Walter	do
Tylor, Amos	do
Taylor, Obadiah	do
Uckheart, John	do
Witham, Robert	do
Whitney, John	do
RHODE ISLAND.	
Humphrey, William	Captain
Lewis, Elijah	do
Vol. II, 23.	
Ambree, John	Privates, &c.
Allen, Robert	do
Angell, Joseph	do
Anthony, Michael	do
Arrickson, Samuel	do
Brown, Joseph I.	do
Bennet, William	do
Boswell, William	do
Briggs, Tobias	do
Barrons, Mark	do
Brown, Joseph	do
Bartlett, Caleb	do
Besayade, Lewis	do
Boyer, Joseph	do
Bryant, James	do
Backlin, Prince	do
Brown, Davis	do
Chillson, John	do
Crandell, Hosea	do
Chadwick, John	do
Corey, Gideon	do
Clann, Robert	do
Carse, Robert	do
Creek, Conrad	do
Clare, Prince	do
Champlin, Newport	do
Collins, Daniel	do
Cobb, John	do
Donovan, Pierce	do
Drown, Samuel	do
Dunbar, Christopher	do
Dailey, Samuel	do
Edward, William	do
Everett, Nicholas	do
Franklin, Job	do
Fowler, Benjamin	do
Freeman, John	do
Finch, Cæsar	do
Geer, Samuel	do
Harris, Ismael	do
Hussey, John	do
Hardey, Robert	do
Hill, Thomas	do
Hatfield, Thomas	do
Haney, John	do
Jones, John	do
Jenks, Anthony	do
King, James	do
Millar, William	do
Macumber, John	do
Macumber, Michael	do
Molere, Lewis	do
McDermot, Barnabas	do
Perkins, Moses	do
Pain, Edward	do
Phillip, James	do
Pritchard, Richard	do
Potter, David	do
Rogers, Martin	do

Names.	Rank.
Rhodes, John	Privates, &c.
Rodman, Mingo	do
Stafford, Thomas	do
Stewart, Alexandria	do
Scriven, Zebulon	do
Snow, Aaron	do
Stafford, William	do
Trones, John	do
Tuley, John	do
Thompson, Reuben	do
Varnum, Cato	do
Whatson, Charles	do
Wilbor, Urial	do
Wheeler, Joseph	do
Watson, Prince	do
NEW YORK.	
Campbell, George	Physician & surg'n
Draper, George	Surgeon
Gilbert, Benjamin	Lieutenant
Pendleton, Solomon	do
Vol. III, 169.—*Van Schaick's 1st regiment.*	
Blowers, Ephraim	Privates, &c.
Bloom, Albert	do
Burk, John	do
Cogden, John	do
Corrigill, John	do
Carmin, Joseph	do
Furman, Gabriel	do
Fogergill, Hugh	do
Gilmore, William	do
Hudson, William	do
McIntire, Barney	do
McCawley, James	do
Miller, Henry	do
Mott, Thomas	do
Mulholland, James	do
Moor, John	do
Meyers, Henry	do
Robertson, James	do
Smith, John	do
Youngs, Christopher	do
Vol. III, 99.—*Courtlandt, 2d regiment.*	
Alport, John	Privates, &c.
Allison, John	do
Broadley, Andrew	do
Barager, Walter	do
Becannon, Samuel	do
Crump, Christopher	do
Canady, Edward	do
Decker, Michael	do
Danielson, Isaac	do
Elkenburg, Peter	do
Gee, Ezekiel	do
Hunt, William	do
Hill, Thomas	do
Hall, John	do
Kelso, Benjamin	do
Luke, Henry	do
McDonald, Ronald	do
Mutt, William	do
McDowell, John	do
Roe, Simon	do
Reid, John	do
Roberson, John	do
Stanwood, John	do
Slontor, Andrew	do
Scoonmaker, Daniel	do
Spring, Henry	do
Shelter, Christian	do
Street, Samuel	do
Shuttle, William	do
Soucer, Henry	do
Smith, Joseph	do
Smith, Samuel	do
Sweets, Jacob	do

No. 2.—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.
Todd, John	Privates, &c.
Taylor, Edward	do
Utter, Gilbert	do
Van Gulder, Isaac	do
Wan Nout, Charles	do
Wilson, Samuel	do
Wiley, Edward	do
Vol. III, 155.—*Lamb's 2d artillery.*	
Bishop, Joshua	Privates, &c.
Barrett, William	do
Clugle, Joseph	do
Dumas, Peter	do
Dean, Benjamin	do
Hicks, Jacob	do
Heator, George	do
Locknear, John	do
Lafluor, John	do
Lassells, James	do
Mortimer, James	do
Melony, Daniel	do
Revere, John	do
Taylor, John	do
NEW JERSEY.	
Blair, John	Lieutenant
Day, Aaron	do
Kemper, Jacob	do
Ogden, Barney	do
Ogden, Nathaniel	Quartermaster
Pemberton, Robert	Captain
Read, John	Ensign
Spencer, Robert	Paymaster
Vol. I, 97.—*Cumming's regiment.*	
Additon, Consider	Privates, &c.
Berkins, John	do
Barnes, David	do
Blaricum, Henry	do
Batling, James	do
Badcock, Joseph	do
Brown, Thomas	do
Bunton, Abel	do
Bennett, Joseph	do
Campbell, Enos	do
Cole, Abraham	do
Clark, Annanias	do
Crome, George	do
Corwin, George	do
Derry, John	do
Dow, Henry	do
Dothworth, George	do
Edwards, John	do
Foster, Jonathan	do
Fenton, John	do
Groteclas, Gilbert	do
Gordon, William	do
Graham, Henry	do
Hall, James	do
Hendrickson, James	do
Johnston, John	do
Incell, John	do
Joslin, Jeremy	do
Joy, James	do
Kaits, Philip	do
Loyd, John	do
Lynch, Dennis	do
McConnell, Hugh	do
Munning, Charles	do
Mickle, Reuben	do
Price, Thomas	do
Pierson, Harmon	do
Penton, James	do
Pfandler, Joshua	do
Price, Stephen	do
Robinson, Solomon	do
Randall, David	do
Raynolds, John	do

Names.	Rank.
Reams, Paul	Privates, &c.
Stellinger, Thomas	do
Strong, Charles P.	do
Shaw, Joshua	do
Stephenson, Cornelius	do
Snelbaker, George	do
Thompson, Robert	do
Welch, James	do
Weatherhock, John	do
White, John	do
White, Peter	do
Welch, Thomas	do
Watkins, Thomas	do
Wright, William	do
Vol. I, 200.—*Ogden and Dayton's regiment.*	
Allen, Jacob	Privates, &c.
Brooks, James	do
Blew, Daniel	do
Byce, William	do
Ball, Joshua	do
Crane, Joseph	do
Clark, Robert	do
Cavender, George	do
Carter, George	do
Chatterton, John	do
Connell, Charles	do
Cogswell, Joseph	do
Carman, Nathan	do
Disney, John	do
Dickson, Ashbrook	do
Dummon, John	do
Dillamore, Robert	do
Deposite, Augustine	do
Erwin, Peter	do
Evans, Thomas	do
Gracey, John	do
Gurrell, John	do
Gaskill, Abraham	do
Grimes, Sheppard	do
Hill, Samuel	do
Henderson, Patrick	do
Hall, Nathan	do
Hiland, Henry	do
Halsey, Joshua	do
Hind, Dennis	do
Hogg, Richard	do
Haley, Hugh	do
Johnson, Isaac	do
Johnson, George	do
Johnson, John	do
Kyson, Frederick	do
King, Joseph	do
Leadbetter, George	do
Lisk, John	do
Longhouse, Jacob	do
Little, Simeon	do
Lasey, Isaiah	do
Lyons, John	do
Lye, William	do
Lemar, Mark	do
Merryman, Joseph	do
Murphy, John	do
Morris, James	do
McMannos, Christopher	do
McCann, Henry	do
Marrott, Levi	do
McHenry, Charles	do
McGinty, John	do
Neslor, John	do
Ogden, Samuel	do
Owens, James	do
Price, Isaac	do
Polan, John	do
Pierce, John	do
Potter, Samuel	do
Prince, William	do
Ruker, John	do
Smith, John	do

Names.	Rank.
Space, John	Privates, &c.
Sneethen, Stephen	do
Smith, George	do
Springer, Jacob	do
Todd, John	do
Turner, Nathan	do
Vaugn, William	do
Voorhies, Garrett	do
Vanorman, James	do
Watson, John	do
Winters, James	do
Wharry, Robert	do
Wright, David	do
Welch, David	do
Wench, James	do
Whiting, David	do
PENNSYLVANIA.	
Armor, James	Lieutenant
Binney, Barnabas	Hospital surgeon
Brown, William	Lieutenant
Bunner, Rudolph	Lieut. colonel
Chinn, Edward	Lieutenant
Cramer, Jacob	do
Cowell, John	Hospital mate
Carmichael Alexander	Ensign
Dunn, Isaac B.	Captain
Doyle, John	do
Dionne, Germain	Lieutenant
Darrah, Charles	do
Drummond, Peter	do
Dennis, Daniel	do
Foster, John	Ensign
Finlay, John H.	Lieutenant
Gray, Robert	Captain
Gregg, Robert	do
Gregg, John	Lieutenant
Hopes, Robert	Captain
Harris, John	do
Hicks, Jacob G.	Lieutenant
Jenkins, George	Captain
Johnson, William	Ensign
Jones, Peter	Lieutenant
Lambert, Charles J. Em'l	do
Lewis, John	do
Lucas, Thomas	do
Lamar, Marion	Major
Millar, William	Captain
Martin, Hugh	Surgeon
McCullan, John	Lieutenant
McCowan, John	Captain
Murren, William	Lieutenant
McDonald, Daniel	do
McLean, James	do
McBride, Robert	do
McGee, William	Ensign
Morriss, Benjamin	do
Nagle, George	Colonel
Neeley, Benjamin	Lieutenant
Patterson, John	Captain
Patton, William	Lieutenant
Proctor, Francis	Major
Ramsey, Alexander	Lieutenant
Staddle, Christian	Captain
Sullivan, John	Lieutenant
Stanly, William	do
Smith, William H.	Surgeon's mate
Saple, John A.	do
Torry, Joseph	Major
Tompson, Thomas	Lieutenant
Taylor, Christopher	Surgeon's mate
Wilson, James	Captain
Walburn, Major	Lieutenant
Weidman, John	do
Woodruffe, Aaron	Surgeon's mate
Vol. III, 230.—*Butler's 3d regiment.*	
Ahorn, Philip	Privates, &c.
Boyle, Neal	do

No. 2.—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.
Bunch, John	Privates, &c.
Bell, James	do
Bellows, John	do
Boreland, James	do
Bough, Joseph	do
Brown, William	do
Bows, William	do
Burnes, James	do
Collins, William	do
Cushing, Henry	do
Cleland, Andrew	do
Clark, Robert	do
Craiger, Robert	do
Cunningham, Alexander	do
Cooling, George	do
Carman, William	do
Donnelly, William	do
Dixon, William	de
Dowling, Lambert	do
Davis, Thomas	do
Eiholts, John	do
Francis, Richard	do
Finley, Peter	do
Gates, Philip	do
Gregory William	do
Gallacher, James	do
Grimson, Samuel	do
Getting, Daniel	do
Gould, John	do
Hartinger, Isaac	do
Hunter, Benjamin	do
Havericker, George	do
Hackett, Nicholas	do
Hooker, William	do
Hustler, Thomas	do
Harrington, George	do
Hartney, Patrick	do
Jacobs, Joseph	do
Jolly, Luke	do
Johnston, James	do
Jameson, John	do
Irwin, Charles	do
Kilbourn, Benjamin	do
Klinger, Philip	do
Kelp, John	do
Lynch, Lawrence	do
Legonier, John	do
Lipner, Jacob	do
Maypowder, William	do
McGloughlin, George	do
Martin, Samuel	do
Malone, Richard	do
Maxfield, Henry	do
Miller, Samuel	do
Meagles, John	do
McGuigan, Andrew	do
McCoy, William	do
McMahon, John	do
Murray, Thomas	do
McClung, William	do
Miller, George	do
McQuinn, Daniel	do
Maloney, Archibald	do
May, Jacob	do
Miller, Daniel	do
Moyer, Jacob	do
Nargan, John	do
Nixon, Marvin	do
Newan, Nehemiah	do
Northbush, William	do
Parker, James	do
Popps, Christian	do
Ponton, Thomas	do
Ramsey, William	do
Rossgrove, Henry	do
Riffett, John	do
Rodman, William	do
Streets, William	do
Shehan, Thomas	do
Shaw, Abraham	do
Sullivan, Owen	Privates, &c.
Snowden, Hugh	do
Somers, George	do
Thompson, Nathan	do
Trueman, William	do
Tackery, Thomas	do
Tonce, John	do
Wales, Caper	do
Woods, Christopher	do
Wolfe, John	do
Wallasher, Michael	do
Warren, Jacob	do
Wear, Cornelius	do
Wismore, Abraham	do
Vol. III, 256—*Humpton's 2d regiment.*	
Brisorquille, John	Privates, &c.
Blunder, John P.	do
Batley, Thomas	do
Barrison, Peter	do
Baxter, Alexander	do
Brown, Sylvanus	do
Burns, Carberry	do
Beaufort, Casper	do
Brannon, John	do
Colter, John	do
Creamer, George	do
Charles, James	do
Danro, Godlip	do
Dodson, Thomas	do
Ettinger, William	do
Ederbough, Peter	do
Fisher, John A.	do
Galley, Peter	do
Geneta, Lewis	do
Godsgrace, Daniel	do
Guible, Philip	do
Getley, Thomas	do
Gwin, Andrew	do
Gleneer, John	do
Gordon, John	do
Gilaspie, George	do
Galbreath, James	do
Healy, Morris	do
Harrington, Thomas	do
Hutcheson, Richard	do
Haggerty, Dennis	do
Kesles, Henry	do
Keys, Philip	do
Koplar, Barnabas	do
Keating, Ignatius	do
Ludwick, Nicholas	do
Lega, Peter	do
Laurence, John	do
Lamoine, Etione	do
Law, Ezekiel	do
Lewis, James	do
Lick, Harman	do
Murphy, Andrew	do
McKinsey, James	do
McManers, Hugh	do
McGahy, Andrew	do
Maloy, James	do
Miller, Jacob	do
McGehan, John	do
O'Bryan, Martin	do
O'Neale, Edward	do
Quigley, Edward	do
Reese, Daniel	do
Stephenson, Alexander	do
Stull, Andrew	do
Shoap, Lewis	do
Solomons, Henry	do
Settlemyer, Godfrey	do
Thomas, Evan	do
Tresler, Ludwick	do
Thornton, James	do
Tomkins, Joshua	do
Wade, Thomas	do
Willard, William	Privates, &c.
Wright, Charles	do
Work, William	do
Vol. III, 271.—*Broadhead's 1st regiment.*	
Allison, John	Privates, &c.
Bughter, Martin	do
Burnhart, Daniel	do
Bower, John	do
Bevy, Edward	do
Bird, Andrew	do
Bashwalt, Jacob	do
Campbell, Daniel	do
Craig, James	do
Craig, Mathew	do
Clifton, Benjamin	do
Clouse, Jacob	do
Cannon, Sterling	do
Cook, Philip	do
Coyles, Alexandria	do
Cochran, George	do
Davidson, James	do
De Witt, James	do
Dousing, Jeremiah	do
Dougherty, Mathew	do
Dowther John	do
Douse, John	do
Doyle, Thomas, jr.	do
Finch, Adam	do
Floyd, Frederick	do
Falkner, Uriah	do
Freech, Christopher	do
Fowler, John	do
Finley, Robert	do
Geese, Nicholas	do
Gabriel, Peter	do
Green, James	do
Garvey, John	do
Hamilton, Henry	do
Hogan, Sylvester	do
Himelwright, John	do
Henley, John	do
Hazleton, Isaac	do
Heimer, Daniel	do
Jones, Hugh	do
Jennings, Thomas	do
Johnston, James	do
Judges, William	do
Jeffries, John	do
Keller, Conrad	do
King, Christian	do
Kelly, Patrick	do
Keenan, John	do
Kennegan, Richard	do
Keeland, jr., John	do
Kinsey, Patrick	do
Keys, William	do
Ladley, William	do
Laughridge, William	do
Leaman, Michael	do
Lowman, Michael	do
Lestor, Jesse	do
Leonard, Roger	do
Lee, James	do
McMullen, Daniel	do
McGinnis, Robert	do
Mahon, Arthur	do
Morgan, John	do
McGinnis, Daniel	do
Miller, William	do
McIlvain, James	do
Mulholm, Hugh	do
Morrison, James	do
McCloud, John	do
Murphy, Archibald	do
Martin, Claudius	do
McGee, James	do
Melony, John	do
McCarrol, John	do

No. 2—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.
Mellon, John	Privates, &c.
McNorton, Michael	do
Maubly, William	do
McCoy, William	do
McKinley, Samuel	do
McHose, Isaac	do
Needham, Francis	do
Noe, John	do
Nicholson, William	do
Prawle, David	do
Preston, Patrick	do
Pilmore, William	do
Perry, Samuel	do
Rylands, John	do
Reddick, William	do
Reily, Job	do
Redman, Michael	do
Rogers, Andrew	do
Ransom, Philip	do
Reynolds, Joseph	do
Roch, Thomas	do
Reicraft, George	do
Rowland, James	do
Roswell, Jacob	do
Reed, Alexander	do
Snyder, Frederick	do
Sloane, Lawrence	do
Syng, Abraham	do
Scotland, Thomas	do
Shaw, Michael	do
Stover, Nicholas	do
Shilcult, Ezekiel	do
Short, Richard	do
Stewart, Thomas	do
Simpson, John	do
Smith, John	do
Skelton, Jonathan	do
Tinney, Roger	do
Thom, John	do
Utz, George	do
Upton, Michael	do
Victorias, Frederick	do
Varden, Thomas	do
Welsh, John	do
Warner, Michael	do
Whiteman, John	do
Worlin, George	do
Wilshanes, William	do
Wills, Richard	do
Wagoner, Garrett	do
Woods, Samuel	do
Wiley, Edward	do
Young, Christian	do
Young, George	do
Vol. IV, 2.—*8th regiment.*	
Blaker, William	Privates, &c.
Bond, John	do
Booth, George	do
Bechetts, Robert	do
Connaway, Felix	do
Clark, James	do
Chambers, Andrew	do
Carringer, Martin	do
Carty, Richard	do
Cripps, John	do
Carr, Daniel	do
Darrah, John	do
Davis, William	do
Dolphin, James	do
Everall, Charles	do
Fosbrook, John	do
Fitzgibbons, David	do
Gallahn, John	do
Harmon, Conrad	do
Hockley, Richard	do
Hutchins, John	do
Jones, Benjamin	do
Kenney, Peter	do
Kelley, Edward	do
Lucas, Henry	Privates, &c.
Lacey, Lawrence	do
Marman, George	do
Money, Patrick	do
Murphy, Michael	do
Merryman, William	do
Miller, John	do
McGlouchlin, Patrick	do
Stewart, Charles	do
Sample, William	do
Simmonds, Henry	do
Steel, Thomas	do
Tharp, Perry	do
Tea, John	do
Winkler, Joseph	do
Whitman, John	do
Ward, Mathias	do
Vol. III, 282.—*Moylan's dragoons.*	
Barney, Thomas	Privates, &c.
Brown, Archibald	do
Bedel, David	do
Balitz, George	do
Beach, Roswell	do
Burchall, John	do
Boyd, Alexander	do
Busby, George	do
Cunningham, Robert	do
Casey, Morris	do
Denton, William	do
Dickey, James	do
Estle, William	do
Edwards, Charles	do
Ent, William	do
Glawcer, Michael	do
Green, John	do
Gibbons, Isaac	do
Gashmire, Peter	do
Hewitt, Caleb	do
Jones, John	do
Morris, Benjamin	do
Morris, John	do
McHenry, Edward	do
Renshaw, Bennet	do
Robertson, James	do
Sullivan, John	do
Swan, Joshua	do
Setwell, Solomon	do
Watson, Thomas W.	do
Watts, Francis	do
Zell, John	do
Vol. III, 293.—*Proctor's artil'y.*	
Aile, Christian	Privates, &c.
Aiken, John	do
Bryant, John	do
Bennington, Job	do
Brown, Leonard	do
Burns, jr., James	do
Blundell, Francis	do
Bever, John	do
Baker, John	do
Boone, Peter	do
Butler, John	do
Bloome, John	do
Barge, Israel	do
Baptist, John	do
Crofts, William	do
Campbell, George	do
Connor, William	do
Delap, Thomas	do
Dunn, John	do
Davis, William	do
Fitzsimmons, James	do
Freeborn, George	do
Forrest, Thomas	do
Gadsby, George	do
Gill, William	do
Garvin, Bartholomew	do
Galsinger, John	Privates, &c.
Gregg, John	do
Griffiths, David	do
Getselman, John	do
Guiger, Henry	do
Hall, Joseph	do
Hunter, Benjamin	do
Hervey, Charles	do
Hartman, Conrad	do
Harris, John	do
Hinkle, Philip	do
Jacobs, John	do
Jay, William	do
Killen, James	do
Kearns, William	do
Lynn, Michael	do
Lilly, John	do
Lytle, James	do
Layman, William	do
Moore, William	do
Mullen, Daniel	do
McMinn, William	do
Murphy, James	do
McDonald, John	do
Malone, Patrick	do
Malony, John	do
Noel, Lambert	do
Oliver, Joseph	do
Oile, Nicholas	do
Paschall, Jeremiah	do
Parks, Thomas	do
Plane, Solomon	do
Peltear, Lewis	do
Robeson, James	do
Ryly, Patrick	do
Rogan, Thomas	do
Russell, William	do
Reindecker, Samuel	do
Scrouse, John	do
Smith, Samuel	do
Smith, Frederick	do
Teaf, Henry	do
Williams, Elias	do
Wilkes, John	do
Walker, James	do
Wertz, Ferdinand	do
Vol. IV, 60.—*Artillery artificers.*	
Alexander, Thomas	Privates, &c.
Baker, John	do
Dennis, Philip	do
Dixon, William	do
Hudson, James	do
Kincaid, John	do
Lowe, William	do
McCloud, Daniel	do
O'Bryan, Richard	do
Strithoff, Ludiwick	do
Stoner, Jacob	do
Willis, William	do
Vol. IV, 62.—*Regiment not known.*	
Baker, John	Privates, &c.
Coin, Bartholomew	do
McLaughlin, Felix	do
Schnider, Andrew	do
DELAWARE.	
Mitchell, Nathaniel	Major
Vol. III, 68.	
Ake, William	Privates, &c.
Brooks, Seth	do
Brown, Jeremiah	do
Bowen, Stephen	do
Belford, John	do
Bowen, Nathan	do
Banks, Samuel	do

No. 2.—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.
Bennett, Benjamin	Privates, &c.
Bowyer, Elias	do
Burnes, Dorias	do
Brown, Joshua	do
Billetter, Samuel	do
Barkus, John	do
Buskirk, Samuel	do
Cook, Timothy	do
Coleman, Patrick	do
Cork, Jacob	do
Coffill, Hugh	do
Cross, Samuel	do
Culver, Stephen	do
Cook, James	do
Clifton, George	do
Croft, Peter	do
Cavender, William	do
Clark, Thomas	do
Culver, Levin	do
Cox, Barney	do
Clifton, Isaiah	do
Dodd, Eli	do
Dixon, Andrew	do
Derrick, Thomas	do
Delarose, Anthony	do
Domar, James	do
Donaldson, William	do
Dorman, David	do
Darragh, Samuel	do
Donald, Andrew	do
Eshom, John	do
Ellis, David	do
English, Joseph	do
Evans, William	do
Ford, Lott	do
Fitzgerald, Joseph	do
Forsyth, William	do
Griskin, John	do
Gavin, Michael	do
Hammond, Joseph	do
Houston, Elijah	do
Hackney, John	do
Hobbs, Matthias	do
Jordan, Jonathan	do
Jackson, John	do
Johnstone, William	do
Kain, Samuel	do
Kitz, George	do
King, John	do
Kilkenny, Timothy	do
Lawler, Daniel	do
Little, Philip	do
Lewis, William	do
Landsley, Jacob	do
Levingstone, Neale	do
Ledger, Thomas	do
Lingon, Samuel	do
McCabe, John	do
McKnight, John	do
McGee, Levin	do
McGill, John	do
McAffee, Joseph	do
Murray, Daniel	do
Milleway, Isaac	do
Murphy, Richard	do
Massay, Daniel	do
Nicholls, Nehemiah	do
Nicholls, Samuel	do
Norwood, Henry	do
Ortan, William	do
Pursley, Peter	do
Rhodes, Thomas	do
Robinson, John	do
Simmonds, William	do
Stafford, Robert	do
Streeps, Robert	do
Townsend, Thomas	do
Turbish, William	do
Topless, John	do
Tompson, Joseph	do
Turner, James	Privates, &c.
Timmons, Joshua	do
Wilson, Hosea	do
Watkins, John	do
Walker, William	do
Willis, Henry	do
Wiles, Abraham	do
Waples, Eli	do
Waller, Nelson	do
Weed, James	do
White, John	do
Young, James	do
MARYLAND.	
Brice, Jacob	Captain
Baques, James	Lieutenant
Compton, Edmund	do
Cheva, John	do
Donovan, Richard	do
Ewing, James	Captain
Finley, Ebenezer	Lieutenant
Hill, Philip	do
Harris, Arthur	do
Hartshorne, John	do
Hardman, John	Captain
Hall, Edward	Lieutenant
Jordon, John	Cornet
Smith, John	Captain
Sugart, Martin	Lieutenant
Shoemaker, Jacob R.	Ensign
Trueman, Alexander	Captain
Tillotson, Thomas	Phys. & surgeon
Winchester, George	Lieutenant
Williams, Nathaniel	do
Vol. IV, 28—*1st regiment.*	
Allen, Williams	Privates, &c.
Bowler, Thomas	do
Carnes, Arthur	do
Clark, John	do
Gill, Jonathan	do
Groom, Charles	do
Grimes, William	do
Harvey, Daniel	do
Head, John	do
Hutton, James	do
Lawrence, Peter	do
Maynor, Peter	do
Myers, Robert	do
O'Bryan, Michael	do
Poque, Joseph	do
Potter, Thomas	do
Rawlings, William	do
Reiley, Bennett	do
Redman, Thomas	do
Sutton, Charles	do
Stillman, John	do
Scott, Reuben	do
Simonds, James	do
Sandall, John	do
Tyack, Thomas	do
Welch, James	do
Whaling, James	do
Welch, David	do
Vol. IV, 90.—*2d regiment.*	
Ashberry, John	Privates, &c.
Adams, Ignatius	do
Brumigum, Daniel	do
Bocard, Peter	do
Buchannon, John	do
Blades, John	do
Braithwait, William	do
Burnett, John	do
Brown, Basil	do
Canada, Thomas	do
Cooper, Charles	do
Colard, John	do
Connor, William	do
Coen, James	do
Cresberry, James	do
Cyphart, Mathias	Privates, &c.
Campbell, Robert	do
Cornick, Robert	do
Coleman, Isaac	do
Cutler, William	do
Degazoone, Peter	do
Esum, Bartholomew	do
Edwards, Thomas	do
Evis, Henry	do
Ford, George	do
Farrell, James	do
Flynn, Frederick	do
Girdler, Charles	do
Geohagan, Anthony	do
Garnett, Andrew	do
Gray, James	do
Gaither, Benjamin	do
Harrell, John	do
Hurley, John	do
Hall, Richard	do
Hutcherson, William	do
Hamilton, John	do
Jarvis, John	do
Johnson, Archibald	do
Ijams, Frederick	do
Jennings, Richards	do
Kearns, Francis	do
Kildee, John	do
Legg, Robert	do
Lowry, James	do
Matthews, Thomas	do
McNorton, Peter	do
Mathews, Thomas	do
Managa, John	do
Morrison, John	do
Mester, Lawrence	do
Mitchell, William	do
McGee, Charles	do
Owens, James	do
Pender, Thomas	do
Price, Nathaniel	do
Patterson, Thomas	do
Roberts, Edward	do
Robinson, William	do
Ronenberger, Charles	do
Saunders, Robert	do
Sappin, Paul	do
Smith, Conrad	do
Stonestreet, William	do
Sanson, Luke	do
Smith, Christopher	do
Spires, Richard	do
Topping, Peter	do
Talling, John	do
Tompson, John	do
Taylor, George	do
Tompson, Lambert	do
Tilly, John	do
Varlow, Stephen	do
White, John	do
Willis, Daniel	do
Williams, Benjamin	do
Willis, John	do
Vol. IV, 107.—*3d regiment.*	
Barclay, Thomas	Privates, &c.
Buck, George	do
Belcher, Benjamin	do
Barrett, Joshua	do
Bowser, Thomas	do
Briley, John	do
Chitham, Aquilia	do
Clancey, Daniel	do
Cann, Augustine	do
Coleman, William	do
Cole, John	do
Canada, Thomas	do
Coy, Christopher	do
Catchsides, Abraham	do
Clark, George	do

No. 2.—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.
Carthagena, Emanuel	Privates, &c.
Colter, William	do
Devericks, James	do
Deane, Robert	do
Fitzpatrick, Philip	do
Fitzgerald, Charles	do
Fitzgerald, William	do
Gamble, Abraham	do
Garneza, Abraham	do
Harris, James	do
Howard, Austin	do
Holden, Kemp	do
Hinson, Christopher	do
Hutchroft, Thomas	do
Howard, Peregrine	do
Hurley, William	do
Huckill, Joseph	do
Jones, Cotter	do
Irvine, Abraham	do
Keeland, James	do
Kettle, Abraham	do
Lindsay, Theophilus	do
Lee, Dudley	do
Lawrence, William	do
Lincoln, John	do
Laws, Henry	do
Mitchell, Isaac	do
Mead, James	do
Miller, Michael	do
Poland, William	do
Proctor, Richard	do
Rider, William	do
Robinson, Alexander	do
Rhea, Joseph	do
Richardson, Samuel	do
Russell, Andrew	do
Steem, George	do
Smith, James	do
Simpkins, Charles	do
Smith, Elias	do
Shoemaker, Samuel F.	do
Sowden, William	do
Smith, Levi	do
Vickers, Edward	do
Wimber, Thomas	do
Willing, Evan	do
Wilmot, Frederick	do
Williams, John	do
Vol. IV, 144.—*Detachment.*	
Barron, James	Privates, &c.
Elliott, Edward	do
M'Ghee, William	do
Thompson, Bartholomew	do
Walter, Edward	do
Vol. IV, 138.—*4th regiment.*	
Butler, Richard	Privates, &c.
Bayless, James	do
Bough, George	do
Burke, Richard	do
Bear, Thomas	do
Bowles, Martin	do
Cork, William	do
Claridge, Levin	do
Carner, Michael	do
Clancey, John	do
Clapper, Valentine	do
Cosgrave, Edward	do
Clancey, Joseph	do
Clancey, Edward	do
Dyer, John	do
Demar, Francis	do
Downey, Alexander	do
Dixon, John	do
Dempsey, Luke	do
Delany, John	do
Dennison, Patrick	do
Ennis, John	do
Elliott, Joseph	Privates, &c.
Eccleston, Jarvis	do
Elms, George	do
Elliott, Thomas	do
Franklin, Richard	do
Fowler, Jonathan	do
French, Jeremiah	do
Fairweather, John	do
Gillen, Thomas	do
Gossage, Thomas	do
Holliday, John	do
Harrington, William	do
Hewitt, James	do
Hardy, Frederick	do
Harris, William	do
Horsefield, Joseph	do
Harris, John	do
Howe, Walter	do
Hand, William	do
Harrison, Benjamin	do
Jacobs, Henry	do
Irvine, Edward	do
John, Thomas	do
Jones, James	do
Jackson, Peter	do
Kearns, Benjamin	do
Keepheart, Adam	do
Long, Joseph	do
Lee, William	do
Lowe, John	do
Martindale, John	do
Meakins, Bennett	do
Moore, Matthew	do
McGregor, Alexander	do
Mastin, John	do
McLane, Enoch	do
Moore, William	do
McNabb, Charles	do
McClaine, John	do
McGowran, Francis	do
McKenney, Patrick	do
McClary, Robert	do
Mosan, John	do
Moad, William	do
Nicholson, John	do
Price, Stephen	do
Pennington, Robert	do
Pherson, Joseph	do
Pierce, Aquilla	do
Perry, Samuel	do
Reeder, John	do
Reed, John	do
Rose, James	do
Sturgess, Thomas	do
Sullivan, Perry	do
Seymour, Christopher	do
Stephens, Daniel	do
Tigner, James	do
Tumley, Thomas	do
Tippett, Henry	do
Thomas, James	do
Toland, William	do
Tilson, Samuel	do
Thomas, John	do
Taylor, Samuel	do
Vaugh, Cornelius	do
West, John T.	do
Wilson, Barney	do
Waite, Thomas	do
Wade, John	do
Wells, Humphrey	do
Wilson, John	do
Wiley, Richard	do
Whaley, Zadock	do
Wilkins, Daniel	do
VIRGINIA.	
Bruin, Peter B.	Major
Bradford, Samuel K.	Lieutenant
Bradford, Charles	Lieutenant.
Brown, Jacob R.	do
Ball, James	do
Carnes, Patrick	do
Erskine, Charles	do
Gist, Nathaniel	Colonel
Gray, William	Lieutenant
Holmer, Christian	Major
Harris, John	Lieutenant
Hudson, William	do
Holloway, James	do
Hawkins, Moses	Captain
Kennon, Richard	do
Ludeman, John W.	Lieutenant
Linton, John	do
Lind, Arthur	do
Marks, Isaiah	Captain
Mosely, Benjamin	Lieutenant
do	do
Miller, David	do
Miller, Javan	do
Massey, John	Cornet
Nixon, Andrew	Captain
Perry, John	Cornet
Rudder, Epaphroditus	Lieutenant
Rhea, Mathew	do
Rankins, Robert	do
Settle, Strother	Ensign
Trant, Lawrence	Captain
Tatum, Zachariah	Ensign
Warman, Thomas	Captain
Washington, George A.	Lieutenant
Wallace, James	do
Yarborough, Charles	do
Atchison, David	Privates, &c.
Applegate, William	do
Anderson, James	do
Absalom, Edward	do
Andrews, Ephraim	do
Altop, Thomas	do
Alexander, John	do
Armstrong, Jesse	do
Avery, Samuel	do
Begeant, William	do
Bowser, James	do
Brooks, James	do
Brumagem, William	do
Brazier, William	do
Buit, Thomas	do
Bigby, William	do
Boyland, Mathew	do
Burnett, John	do
Brasford, William	do
Botts, Leonard	do
Birmingham, Patrick	do
Brady, Michael	do
Baker, Richard	do
Buffington, David	do
Burk, William	do
Ball, William	do
Brann, Joseph	do
Brann, Andrew	do
Brock, Uriah	do
Boyles, Charles	do
Boyles, David	do
Biggs, John	do
Brown, Samuel	do
Bevines, Jeremiah	do
Brayson, Robert	do
Crummy, Joseph	do
Coker, Joseph	do
Coxen, William	do
Crawford, Robert	do
Carter, Richard	do
Carter, Nicholas	do
Cunningham, James	do
Craig, William	do
Cloyd, William	do
Connely, William	do

No. 2—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.	Names.	Rank.	Names.	Rank.
Cyrus, Bartholomew	Privates, &c.	Huling, James	Privates, &c.	McKenley, John	Privates, &c.
Canady, John	do	Hunt, William	do	McChanahan, Elijah	do
Crewson, Benjamin	do	Harris, William	do	McMahon, Daniel	do
Case, William	do	Humphreys, George	do	Mosby, William	do
Curle, Richard	do	Hadon, Antony	do	McCauley, John	do
Curle, Jacob	do	Hawkins, James	do	Niel, Nicholas	do
Charity, Charles	do	Hudson, Rush	do	Newland, Matthew	do
Cavender, Joseph	do	Haley, William	do	Nichols, John	do
Carter, Robert	do	Haines, Griffith	do	Overline, William	do
Couts, Jacob	do	Hopingstoch, Christopher	do	Oliver, Moses	do
Clung, Henry	do	Hubbard, James	do	Philips, John	do
Coppinger, Higgins	do	Hipkinstall, James	do	Parlor, James	do
Cruise, William	do	Hancock, Bennet	do	Powel, Eleven	do
Chapman, Thomas	do	Hanson, Shadrach	do	Pritchard, Thomas	do
Clayton, Joseph	do	Haden, Jeremiah	do	Parker, Warren	do
Cook, William	do	Harrison, Alexander	do	Pair, George	do
Drumond, John	do	Holderby, William	do	Powell, Benjamin	do
Durosett, Samuel	do	Holbert, William	do	Pace, Williamson	do
Dickson, James	do	Hull, Beechum	do	Price, Ebenezer	do
Dougherty, John	do	Harman, George	do	Pearman, Grief	do
Denniston, Joseph	do	Hines, George	do	Prior, Jacob	do
Dennis, William	do	Hobbs, Frederick	do	Quarles, Moses	do
Denny, Henry	do	Hodges, William	do	Rodgers, John	do
Deinor, Jacob	do	Hackett, James	do	Ritchey, John	do
Dell, Joseph	do	Hughes, Joseph	do	Ready, Dennis	do
Dennis, Henry	do	Hutts, Jacob	do	Ross, John	do
Davidson, David	do	Hoyden, Matthew	do	Rogers, John	do
Dicks, George	do	Hughes, John	do	Robertson, Green	do
Dillard, John	do	Hill, Thomas	do	Renn, Alexander	do
Dickerson, Robert	do	Hulls, Leonard	do	Rice, Basdel	do
Daily, John	do	Hillard, Joseph	do	Rice, George	do
Dobbins, Charles	do	Holdman, Fundy	do	Rust, Jeremiah	do
Drury, Mathew	do	Haynes, Dunston	do	Ross, Valentine	do
Day, John	do	Harris, John	do	Ryland, John	do
Earlywine, Daniel	do	Halley, Rawley	do	Rodden, John	do
Evans, Stephen	do	Havert, William	do	Roch, John	do
Etter, John	do	Jackson, Thomas	do	Son, Antony	do
Edwards, John	do	Johnson, James	do	Smith, Samuel	do
Emanuel, Henry	do	Jones, Thomas	do	Saveall, James	do
English, Charles	do	Jones, Samuel	do	Skinner, Henry	do
Elwell, Thomas	do	Jenkins, John	do	Shepard, Edward	do
Elliott, James	do	Jackson, John	do	Simpkins, Reuben	do
Fortune, Nathan	do	Jones, Samuel	do	Suddoth, John	do
Fowler, Joseph	do	Kelly, William	do	Stratton, Seth	do
Frazier, Alexander	do	Kenton, Mark	do	Self, Larkin	do
Fugler, William	do	Kenny, Richard	do	Smith, William	do
Feugan, John	do	Kempin, William	do	Shannon, William	do
Fisher, Thomas	do	King, Francis	do	Smithers, Stephen	do
Filby, George	do	Lovel, Henry	do	Smith, Charles	do
Faithall, Edward	do	Langsden, Daniel	do	Simmons, Joshua	do
Fromageot, Romain	do	Littlepage, John	do	Scott, William	do
Floyd, Perry	do	Langford, Peter	do	Simms, Isaac	do
Fitzgerald, James	do	Lambright, Nicholas	do	Simmons, Williamson	do
Fleace, John	do	Lawrence, John	do	Simmons, James	do
Friskin, Robert	do	Lattimore, Henry	do	Stokes, Robert	do
Francher, Isaac	do	Linn, Jacob	do	Smith, James	do
Freeman, Isaac	do	Murray, Daniel	do	Spung, David	do
Foster, William	do	Moxley, George	do	Shires, Nicholas	do
Fear, Jacob	do	McDowell, John	do	Sutherland, William	do
Freeman, Stephen	do	McLane, Laughlin	do	Stewart, James	do
Gore, Jacob	do	McCartney, Peter	do	Timberlake, Joseph	do
Gowran, Bryan	do	Morrison, John	do	Trotter, John	do
Gosset, John	do	Murphy, Michael	do	Tannehill, Thomas	do
Gunnill, William	do	McKee, Richard	do	Townsend, John	do
Gillen, Hugh	do	Meacom, Thomas	do	Tarrant, Manlove	do
Green, William	do	Martin, Thomas	do	Tillery, John	do
Glass, Isaac	do	Mentor, Barker	do	Tool, Joseph	do
Goatley, John	do	McLaughlin, Thomas	do	Tinsley, Jonathan	do
Gray, James	do	McClure, William	do	Travice, George	do
Groves, Thomas	do	Moore, Nicholas	do	Thompson, Robert	do
Gilbert, Joseph	do	Michell, Reaps	do	Timm, John	do
Graves, William	do	McRandall, Daniel	do	Taylor, Archibald	do
Green, John	do	McDorman, Daniel	do	Turner, Richard	do
Grymes, George	do	McCargo, Stephen	do	Taylor, James	do
Holmes, Bartlett	do	Middleton, John	do	Townsend, William	do
Hinds, John	do	Murphy, Patrick	do	Tate, James	do
Haley, Thomas	do	Morgan, David	do	Thompson, Flanders	do
Herbert, William	do	Martin, William	do	Violet, John	do
Hawthorn, Philip	do	McLemare, Timothy	do	Vaden, Bradock	do

No. 2.—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.
Ullum, Joseph	Privates, &c.
Vincent, John	do
Verony, Joseph	do
Willis, George	do
Winters, Stephen	do
Waterfield, John	do
Weaver, John	do
Walker, Richard	do
Walker, John	do
Wright, Thomas	do
Welch, Robert	do
Wilkins, Thomas	do
Willson, Stacey	do
White, Caleb	do
Wood, Alexander	do
Warmock, William	do
Wood, Benjamin	do
Walls, Martin	do
Wilkins, Thomas	do
Wooton, Thomas	do
NORTH CAROLINA.	
Clandennan, John	Lieutenant
Clark, Thomas	do
Ford, John	do
Green, James W.	Surgeon
Jones, Philip	Lieutenant
Lewis, Micajah	Captain
McNees, John	do
Raiford, Robert	do
Stewart, Charles	do
Slade, Stephen	Lieutenant
Scurlock, James	do
Steed, Jesse	do
Williams, Nathaniel	do
Williams, William	Captain
Aikens, Gideon	Privates, &c
Baxter, Samuel	do
Brown, Joseph	do
Bailey, John	do
Bryant, William	do
Brown, William	do
Bright, Charles	do
Barko, Layman	do
Bowers, Jiles	do
Bryan, Dempsey	do
Chester, David	do
Clark, Isaac	do
Cotter, Levi	do
Cole, William	do
Campen, John	do
Clark, Isaac	do
Dean, Philip	do
Etherage, John	do
Fowler, Abraham	do
Faulks, James	do
Graham, John	do
Gurley, Joseph	do
George, Brittain	do
Gainer, Samuel	do
Gill, John	do
Griffen, William	do
Hart, Adam	do
Hadsock, Peter	do
Hardwick, Richard	do
Harvey, Joshua	do
Hukins, James	do
Johnston, Crawford	do
Jourdan, Fountain	do
Jones, Josiah	do
King, Edward	do
Larho, Francis	do
Long, William	do
Leach, John	do
Lewis, Isaac	do
Morgan, Bennett	do
Middleton, Solomon	do
McFater, Daniel	do
McKinney, Robert	Privates, &c.
McVay, Eli	do
Moran, Morris	do
McCraw, Roger	do
McDonald, Arthur	do
McIntire, William	do
Mason, Philip	do
Miller, Henry	do
Mott, Edgerton	do
Pravey, Nehemiah	do
Platt, John	do
Paftord, William	do
Paice, William	do
Ryal, William	do
Roberts, Richard	do
Ryan, Cornelius	do
Simpson, John	do
Seayer, Robert	do
Stringer, John	do
Sheppard, John	do
Sisk, James	do
Simpson, Samuel	do
Sweat, David	do
Sykes, Sampson	do
Thomas, William	do
Thomas, Caleb	do
Toney, Anthony	do
Underdoo, Dempsey	do
Wiggins, Levi	do
White, Benjamin	do
Wells, John	do
Watson, Lott	do
Ward, John	do
Welch, William	do
SOUTH CAROLINA.*	
Brownson, Nathan	Deputy purveyor.
Brown, Charles	Lieutenant
Budd, John S	do
Dunbar, Thomas	do
Evans, George	do
Ford, Tobias	Ensign
Frierson, John	Lieutenant
Field, James	do
Frasoux, Peter	Physician and surgeon.
Goodwin, John	Lieutenant
Goodwin, Uriah	Captain
Hyrne, Edmund M	Major
Huggins, Benjamin	Ensign
Harteston, Isaac	Major
Hixt, William	Captain
Hart, Oliver	Surgeon's mate
Kolb, Josiah	Lieutenant
Knapp, John	do
Langford, Daniel	do
Lloyd, Benjamin	do
Lloyd, Edward	do
Marion, Francis	Lieut. colonel
Martin, John	Captain
M'Guire, Merry	Lieutenant
Mitchell, James	Captain
Mason, Richard	do
Mitchell, Ephraim	Major
Martin, James	Surgeon
Neufvill, William	do
Ogive, George	Lieutenant
Ousby, Thomas	do
Pollard, Richard	Captain
Rothmahler, Erasmus	Ensign
Roux, Albert	Captain
Russell, Thomas C	Lieutenant
Smith, John C	Captain
Scott, William	Lieut. colonel
Smith, Aaron	Lieutenant
Sunn, Frederick	Surgeon
Williamson, John	Captain
Ward, William	Lieutenant
GEORGIA.	
Alleson, Henry	Lieutenant
Brossford, Coleron	Captain
Cuthbert, Alexander	do
Collins, Cornelius	Lieutenant
Cook, Rains	Captain
Delaplane, Peter E	do
Ducoins, John	do
Day, Joseph	do
Davenport, Thomas	Lieutenant
Frazier, John	do
Fitzpatrick, Patrick	do
Hayes, Arthur	do
Jordan, William	do
Lucas, John	Captain
Lowe, Philip	Major
Meanly, John	Lieutenant
Morrison, John	do
Mitchell, John	do
Maxwell, Josiah	do
Mosby, Robert	do
Scott, William	Captain
Sharp, James B	Surgeon's mate
Steadman, James	Lieutenant
Tannell, Francis	do
Templeton, Andrew	Captain
UNITED STATES ARTILLERY, ARTIFICERS, ETC.	
Graham, Stephen	Hospital M.
Sears, Peter	Lieutenant
Tharp, John	do
Wright, John	Hospital M.
Vol. II, 225.	
Bailey, William	Privates, &c.
Beebe, Ashel	do
Carey, George	do
Doubleday, Benjamin	do
Freeman, Jacob	do
Frederickson, John	do
Hutter, John	do
House, Joel	do
Lee, William	do
Mansfield, Ebenezer	do
Noyes, William	do
Putnam, William	do
Sizer, Jabuz	do
Utter, Solomon	do
Williams, William	do
ARMAND'S.	
Vol. I, 16.	
Alexander, Solomon	Privates, &c.
Bruyer, Henry	do
Belleoure, Lewis	do
Boinside, Jonathan	do
Bawcolt, William	do
Berry, Peter	do
Brewster, William	do
Butts, William	do
Barbey, James	do
Baumgartner, Henry	do
Bareith, John	do
Brown, Thomas	do
Bougher, Henry	do
Buding, Conrad	do
Bargat, Michael	do
Breech, George	do
Brown, John	do
Bryan, John	do
Brale, Charles	do
Bardoe, John	do
Brown, William	do
Barr, John	do
Baumgartel, Leonard	do
Coleson, Nathan	do

*Since the burning of the War Office, in 1801, this office has never had any return of the *soldiers* of the South Carolina and Georgia lines, but has relied solely on certificates from the State governments of service, &c., &c.

No. 2.—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.
Chavalier, John	Privates, &c
Cagor, Solomon	do
Coy, John	do
Collins, John	do
Curtis, Bowlin	do
Cavin, John	do
Colisle, Barsell	do
Collins, Thomas	do
Carlisle, Benjamin	do
Conner, John	do
Cramer, David	do
Clawby, Nathan	do
Carr, William	do
Calluhon, David	do
Conner, Barney	do
Chimore, Peter	do
Conner, John	do
Donnelly, Edward	do
Davis, Van	do
Dutcher, John	do
Davis, William	do
Dennis, Andrew	do
Davis, Thomas	do
Doucouer, Joseph	do
Dove, Thomas	do
Davis, William	do
Dean, John	do
Dowling, William	do
Eagle, Michael	do
Emerick, Samuel	do
Elting, Barnard	do
Eckhert, Michael	do
Engle, Wendel	do
Everton, Benjamin	do
Fellows, Samuel	do
Foster, George	do
Flood, Timothy	do
Furr, Stephen	do
Farmer, Jesse	do
Frost, Joseph	do
Fewry, John	do
Feher, John	do
Filler, Francis	do
Farmer, Nathan	do
Gramer, Jesse	do
Green, Thomas	do
Gray, Joseph	do
Griffen, James	do
Griffen, Jesse	do
Green, Clemenus	do
Guilpin, Benjamin	do
Geisensieder, Martin	do
Ginder, Jacob	do
Goldhamer, Peter	do
Geyer, John	do
Hixon, Elisha	do
Harris, William	do
Higdon, Joseph	do
Higdon, John	do
Hanold, John	do
Hubner, Frederick	do
Howard, Henry	do
Horton, Joseph	do
Hilff, Jacob	do
Haldorffer, Michael	do
Holl, Adam	do
Hensengaer, John	do
Heartling, Jorod	do
Johnston, John	do
Johnston, Zachariah	do
Johnston, Mathew	do
Juinkins, Edward	do
Jay, George	do
Jones, Joseph	do
Jacob, Henry	do
Knight, William	do
Kleign, Frederick	do
Kelly, Timothy	do
Lamb, Asa	do
Lawrence, William	Privates, &c
Lindley, Michael	do
Line, Henry	do
Lowe, Basil	do
Lowe, Dennis	do
La Barre, J. B	do
Lokuer, Henry	do
Lickner, John S	do
Livingston, Jacob	do
La Tulipe, Lewis	do
La Regur, Augustine	do
La Fource, Lewis	do
La Bron, Andrew	do
Lively, Goodwill	do
La Rour, Anthony	do
La Liberty, Peter	do
Larejouistrane, Reve	do
McLaughlin, William	do
McWilliams, James	do
Moore, Michael	do
Marlet, Abraham	do
McFarling, Andrew	do
Miller, John P	do
Moses, George	do
Merrican, John	do
Marsh, Joseph	do
McIntosh, Peter	do
Mayer, Mathias	do
Millons, Thomas	do
Mason, Nathaniel	do
Millers, James	do
Mercy, John	do
Murry, Mathias	do
McHolland, John	do
Martin, David	do
McDead, Philip	do
Mellings, Charles	do
Moore, Alexander	do
Mash, John	do
Mate, John	do
Mayerhoffer, Michael	do
Malapetsky, Joseph	do
McDonald, James	do
Malvin, Peter	do
Mills, John	do
Marshall, William	do
Marshall, Joseph	do
Marks, John	do
Nett, Lewis	do
Nash, James	do
Newton, Edward	do
Oswold, Henry	do
Ovid, Ebenezer	do
Oliver, John	do
Ortour, Jacob	do
Odoffer, John	do
Ott, Frederick	do
Piles, Richard	do
Piles, Frederick	do
Parker, Joseph	do
Putnam, John	do
Perrin, David	do
Peters, John	do
Palm, Christian	do
Pope, John	do
Pilon, Henry	do
Pope, William	do
Rose, Herman	do
Reers, John	do
Rawsey, James	do
Rand, Thomas	do
Rawsy, James	do
Sargent, Valentine	do
Simler, John	do
Sliker, Frederick	do
Smith, John	do
Stathen, Robert	do
Stivicot, Alexander	do
Sheller, Ludwick	do
Sally, Thomas	Privates, &c
Shan, Mathew	do
Shrever, William	do
Spariwin, Francis	do
Steel, John	do
Stewart, William	do
Shaffer, Frederick	do
Shelle, Andrew	do
Shictaer, Philip	do
eagel, Conrad	do
Spencer, William	do
Stein, Frederick	do
Stotte, John	do
Shrautz, Peter	do
Scholtz, Godfield	do
Shoemeg, Casper	do
Sansquartier, Augustine	do
Saurguen, Lewis	do
Strickland, Simon	do
Shliker, Frederick	do
Tenant, Franklin	do
Thompson, William	do
Trotter, Christopher	do
Tompson, John	do
Tucker, George	do
Tompson, Barabay	do
Taubert, C. F	do
Totman, Benjamin	do
Ulrick, John	do
Ulrick, Benjamin	do
Ville, John	do
Wilhousen, Henry	do
Worster, Moses	do
Walker, Peter	do
Wells, Samuel	do
Watts, John	do
Wright, John	do
Wanenmaker, John	do
Wartzback, Frederick	do
Waisseman, Martin	do
Wheatley, William	do
Young, Duncan	do
Young, George	do
HAZEN'S REGIMENT.	
Vol. II, 131.	
Ames, Amos	Privates, &c
Audit, Louis	do
Aberling, John	do
Bartham, Andrew	do
Britbiner, Wilhelm	do
Boeck, John P	do
Baach, Henry	do
Ballman, Henry	do
Bradley, Edward	do
Banks, Joseph	do
Barry, Robert	do
Butcher, John	do
Beaker, Joseph	do
Boorhands, Isaac	do
Brugere, James	do
Blume, Henry	do
Body, George	do
Bartless, Henry	do
Clapham, George	do
Craney, John	do
Cochran, John	do
Christian, John	do
Cossey, John	do
Carey, George	do
Cook, Conrad	do
Casey, John	do
Curtis, William	do
Carson, John	do
Carter, John	do
Craig, John	do
Constantine, Nicholas	do
Collett, Abraham	do
Carr, John	do

No. 2.—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.
Clemerman, Christopher	Privates, &c.
Chesser, Richard	do
Crotzer, Philip	do
Dady, Timothy	do
Duff, Daniel	do
Donaldson, Thomas	do
Duboise, William	do
Downey, Edward	do
Dorge, George	do
Duley, William	do
Dougherty, Edward	do
Devour, Thomas	do
Donkeymeyed, Frederick	do
Evitt, John	do
Fogen, Wilhelm	do
Fitzgerald, Michael	do
Flood, James	do
Fisher, James	do
Fleke, Charles	do
Fellur, James	do
Gleedon, William	do
Guiboard, Amable	do
Gibbons, James	do
Gauthey, Richard	do
Gibhard, John	do
Grimm, Andrew	do
Gaske, Henry	do
Gurgens, Christian	do
Hartley, William	do
Hayetta, George	do
Holland, Jacob	do
Hummiston, Daniel	do
Hennecker, Henry	do
Horn, Jacob	do
Hase, John	do
Hopkins, James	do
Henderson, Daniel	do
Holtsberger, John	do
Hinze, John	do
Hanzell, Christopher	do
Holleback, George	do
James, Thomas	do
Jones, William	do
Kemper, John H	do
Kennedy, David	do
Karbash, Antoine	do
Karsh, Henry	do
King, James	do
Kenscoffer, William	do
Langes, Zingment	do
Laypold, Henry	do
Lestre, Francis	do
Linner, John	do
Labbe, Francis	do
Leggins, William	do
Laurent, Joseph	do
Lavace, Antoine	do
Linton, Joseph	do
Love, James	do
Lavering, John	do
Lintz, John	do
Leer, Henry	do
Leight, John	do
McDonald, Allen	do
McIntire, James	do
Mann, William	do
Mantle, Christopher	do
Millen, John	do
Merrick, Henry	do
Mills, Walter	do
Miller, Francis	do
Miller, Frederick	do
Miller, William	do
Noggle, Christian	do
Osner, Christopher	do
Paulant, Antoine	do
Pratt, Jonathan	do
Palmer, Jenkins	do
Perkins, William	do
Roy, Peter	Privates, &c.
Ranson, Samuel	do
Reid, Peter	do
Ricand, Paul	do
Riffert, Frederick	do
Rossman, John	do
Rowds, John	do
Sherwood, Zachariah	do
Saratoga, John	do
Smith, Angus	do
Shields, James	do
Sheridan, Bartholomew	do
Sadaw, Joseph	do
Shrider, David	do
Someville, George	do
Stills, Robert	do
Shrider, Christian	do
Swanhyser, Christopher	do
Steer, Charles	do
Snyder, Christian	do
Tisdale, Eliphalet	do
Tyon, Michael	do
Tuttle, Aaron	do
Tompson, Joseph	do
Teel, Henry	do
Teed, Joshua	do
Vept, Charles	do
Valentine, John	do
Vingling, Andrew	do
Welch, Michael	do
Willacre, Andrew	do
Wynans, William	do
Wadleberger, Andrew	do
White, Edward	do
Watcher, Nicholas	do
Wall, Edward	do
Whallop, Casper	do
Wagner, Godfrey	do
Wagner, Christopher	do
Young, James	do
Young, William	do
Young, Henry	do
VON HERR'S DRAGOONS.	
Vol. I, 21.	
Adams, John	Privates, &c.
Bard, Stephen	do
Boyer, Lewis	do
Brown, Peter	do
Baelet, Jacob	do
Croylick, Philip	do
Campbell, Alexander	do
Eisnack, Andrew	do
Luckler, Michael	do
Miller, John	do
O'Bryan, Andrew	do
Robert, George	do
Sheyman, Peter	do
Zapple, Peter	do
SAPPERS AND MINERS.	
Vol. II, 76.	
Bailey, James	Privates, &c.
Clark, Robert	do
Clark, Ebenezer	do
Decker, Adam	do
Elliott, Henry	do
Foster, John	do
Ingraham, Prince	do
Jones, Josiah	do
Knapp, Thomas	do
Matthew, Robert	do
Prescott, Charles	do
Snow, James	do
Thomas, John	do
Tuttle, Thomas C	do
Tobias, Job	do
INVALID REGIMENT.	
Vol. III, 115.	
Allen, Samuel	Privates, &c.
Allen, Gideon	do
Benford, Anthony	do
Black, Malcomb	do
Barrow, Christopher	do
Brister, John	do
Beers, Joel	do
Bartrum, Nicholas	do
Bates, Edward	do
Bragden, Daniel	do
Beardsworth, John	do
Bliss, Elijah	do
Bayington, Joseph	do
Ceeley, George	do
Conner, Timothy	do
Chapman, Stephen	do
Clark, Robert	do
Chessbire, Benjamin	do
Collins, Peter	do
Conner, James	do
Cartright, Thomas	do
Culver, Timothy	do
Cole, Elisha	do
Diel, Andrew	do
Dickey, Alexander	do
Dawson, Mathew	do
Du Revere, Bostee	do
Delequin, John	do
Donovan, John	do
Drake, Michael	do
Davidson, Barnabas	do
Dager, John A	do
Dakin, Thomas	do
Foster, Charles	do
Freeman, Joseph	do
Goslin, John	do
Greams, Enios	do
Gawson, Joseph	do
Goldthrite, Thomas	do
Green, Michael	do
Hunter, Robert	do
Harross, Joseph	do
Hackett, John	do
Hubbard, Jonathan	do
Hawkins, Edward	do
Hilt, John	do
Hannah, Archibald	do
Howard, Timothy	do
Hunt, Samuel	do
Jordan, Martin	do
Kelly, Matthew	do
Keymour, William	do
King, Ezra	do
King, Charles	do
Ledington, Peter	do
Lawson, Henry	do
Love, Andrew	do
Malting, Josiah	do
Mungo, John B	do
Montgomery, Cornelius	do
Mills, Alexander	do
Mear, Patrick	do
McAllister, William	do
McConnell, John	do
McHatton, William	do
McDonald, Charles	do
McMurray, Samuel	do
McNeal, Henry	do
McCoy, John	do
Nowland, William	do
Needham, John	do
Newport, Rufus	do
O'Neal, Edward	do
Pinnard, William	do
Poynton, James	do
Polemus, Joseph	do

No. 2.—*List of the names of such officers of the revolutionary army, &c.*—Continued.

Names.	Rank.	Names	Rank.	Names.	Rank.
Prowell, Charles	Privates, &c.	Spry, John	Privates, &c.	Cambray	Lieut. colonel
Potter, Samuel	do	Smith, Robert	do	Capitaine	Captain
Pitts, William	do	Sawyer, London	do	Chevalier De La Combe	Captain and aid.
Philips, James	do	Thompson, Samuel	do	Dupostail	Major general
Rourke, Timothy	do	Teaguard, William	do	De Brahm, Ferdinand	Major
Robinett, Joseph	do	Taylor, James	do	Dupontier, Lewis	Captain
Richards, Philip	do	Taylor, Elijah	do	De Bellecour, Le Brunn	do
Reily, James	do	Vanloving, Joseph	do	De Fontiveaux, Chevalier	Lieutenant
Richmond, Sibley	do	Wilson, John	do	Decatours, James	do
Reynolds, Thomas	do	Wright, John	do	De Pontgebeau	Captain and aid.
Smith, John	do	Wilson, Robert	do	De Fleury, Lewis	Lieut. colonel
Seymour, Asa	do	Winchester, James	do	Gimot	do
Smith, Willis	do	Weare, James	do	Govion	do
Shoebrooke, Philip	do	Waterman, Ebenezer	do	Murnam, I	Major.
Sullivan, Martin	do	Wrale, Nicholas	do	McDougal, James	Cornet
Stewart, Francis	do	Ward, Benjamin	do	Raffaneau, Peter	do
Smith, John, 1st	do	FOREIGN OFFICERS.		Roth, Charles	Lieutenant
Smith, John, 2d	do	Armand	Brigadier general	Texier, Felix	Surgeon
Stone, Zubell	do	Briffault, Augustine	Captain	Villefranche	Major.

20TH CONGRESS.] No. 616. [1ST SESSION.

APPLICATION OF FLORIDA FOR GRADUATING THE PRICE OF THE PUBLIC LANDS IN THAT TERRITORY.

COMMUNICATED TO THE SENATE JANUARY 17, 1828.

RESOLUTION OF THE LEGISLATIVE COUNCIL OF FLORIDA.

Resolved, That the delegate in Congress from the Territory be requested to use his exertions to obtain the passage of a law in that body providing for the graduation of public lands in Florida according to their relative value: for instance, all lands that shall remain in market one year can be entered at one dollar per acre; two years, seventy-five cents; three years, fifty cents; four years, twenty-five cents; and after five years, at the price of surveying such land, with interest.

In submitting this request and plan of graduation to the consideration of Congress, the legislative council are not insensible of the liberality heretofore extended to the people of Florida in the purchase of public lands, and make these suggestions with all possible deference and respect to the better judgment of that body, and would beg leave to remark that such a plan of graduation would be admirably calculated both to guard the interest of the general government as well as to promote the interest of Florida, as there would be no additional expense attending such graduation and sale, and by which, too, every one could become identified with the soil, it matters not how limited his means might be.

Florida is not less exposed than she is conspicuous; possessing a seacoast almost equal to any two States in the Union, indented with ship harbors and inlets, affording a ready access to the maritime and naval operations of both the Gulf of Mexico and the Atlantic ocean; hence it is all important, in order to resist the hostile armaments of an enemy, in time of war, from possessing these points so vitally important, not only to Florida but to the whole southern country, that a dense population should be induced, if possible, to settle on the extended and diversified range of poor land, spotted with small hammocks, that constitute at least three-fourths of Florida, which never will be inhabited at the present *minimum* price of public lands, but would soon present the aspect of cultivation and industry, should a plan of this kind be adopted. In all privileges of this sort the agriculturist is to be exclusively benefited, forming, as history and experience has taught mankind, to be the nursing mother of a happy country, and the most solid fund for a nation to rely upon for the support of their fiscal operations, particularly in a country like ours, where every man is placed in a condition to contribute to the end of his own happiness, by throwing his mite into the national weal. Thus it is the wealth of the citizen is manifestly that of the nation; and whilst property passes from the one to the other, for a national consideration only, it clearly shows an additional avidity to labor after their own felicity.

All of which is most respectfully submitted.

JN. L. DOGGETT, *President of the Legislative Council.*

Adopted January 1, 1828.

A. BELLAMY, *Clerk.*

20TH CONGRESS.] No. 617. [1ST SESSION.

PLAN TO PREVENT FRAUDULENT COMBINATIONS AT THE RESALE OF RELINQUISHED LANDS, AND TO AUTHORIZE THEIR ENTRY AT FIXED PRICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 17, 1828.

Mr. ISACKS, from the Committee on Public Lands, to whom were referred the memorials of the legislature and people of Alabama, and the communication of the Secretary of the Treasury, transmitting the report of the Commissioner of the General Land Office, touching the necessary measures to be adopted calculated to guard the public interest against fraudulent combinations in the resale of relinquished lands, by resolution of the House of the 10th of December last; and who, by a resolution of the House of the same day, were instructed to inquire into the expediency of providing for the sale of relinquished lands, by entry, at certain fixed prices, agreeably to quality, reported:

That the state of things to which the attention of the committee is thus directed has not arisen out of any regulations peculiar to the State of Alabama to be found in the laws by which the public lands were sold prior to the year 1820. The laws were general in their character, the mode and terms of sale were the same, (except in the kind of equivalent to be paid,) wherever the government brought its lands into the public market. Therefore, the evils which have happened, or which are likely to happen, both to the government and the purchasers under that system, ought in its operation also to be general; and it is believed that there are, and will be, many cases proper both for correction and relief, in all the land districts in which sales to any considerable amount were made for some few years prior to 1820. Yet the cases which go to affect the whole transaction, detrimental to the Treasury and the purchasers, and present the strongest reasons for further legislation, are chiefly confined to the State of Alabama. There the abuses and hardships of the credit system have been more strikingly illustrated than in other places, and the condition of matters there has been principally noticed by the committee in the view which they have taken of the subject.

Justice, morality, and policy, require of the government that, in parcelling its domain amongst the cultivators of the ground, a course of plain, fair dealing should be pursued, and the title passed for a reasonable price; and public honor and interest require that this price should be paid directly into the hands of the government, without brokerage. If, then, between these two contracting parties, an organized corps, systematically arranged for buying in and selling out, making up their own gains by cheating both sides, has thrust itself, that ought to be suppressed.

Upon that part of the subject "touching the necessary measures to be adopted calculated to guard the public interest against fraudulent combinations in the resale of relinquished lands," the committee will refer to the evidence before them. The register and receiver at St. Stephen's, in a letter to the Commissioner of the General Land Office, say:

"It would not be proper to omit noticing the prevalence of a system of combination at the public sales, which it rests with the government either to counteract or permit. Its extent, in point of numbers, influence, and capital, put it beyond the ordinary control of the superintendents. From its success, it may be probably continued at future sales here and elsewhere; the principles on which it was formed will therefore be proper to be mentioned. By the exertion of a few speculating gentlemen, a coalition was formed with all men of any tolerable capital, and who were disposed to purchase land. Each deposited a given sum, and became pledged to act in concert. A few were appointed to manage the funds. And in this manner competition was in a considerable degree silenced. Many of the lands were in consequence purchased at low rates; and after several townships were offered, public resales were held by this association, attended with the gain of considerable profit. In a few instances a conflict between this company and actual settlers has produced to the government extraordinary prices. This has resulted in the compromises in subsequent instances."

The extent and continuance of these associations are further shown by the report of the Commissioner of the General Land Office, of March 1826, where it is stated that—

"These combinations take place, for the most part, at the sales of lands that are valuable from their situation, or from the improvements that have been made upon them by the settlers. It appears that the sale of the town lots at the Big Spring, in the Huntsville district, was postponed in consequence of such a combination of individuals; and at the sale in the Choctaw land district of the lands situated in the county of Monroe, which lands had been settled previous to the sale, one of the officers states *that the speculators had received as much money at the sale as the United States had!* The relinquished lands which were offered for sale at St. Stephen's and at Cahaba, sold in but few instances above the minimum price, although much of the land was originally purchased at very high prices. It is understood that this was in a great measure occasioned by combinations of individuals, and it is apprehended that similar combinations will prevent the relinquished lands which are advertised in May and June next, at Huntsville, from yielding to the treasury the amount which, from their real value, they ought to sell for."

The Commissioner, in the same report, recommends that the persons who have relinquished lands should be permitted to enter them, within a given time, at certain graduated fixed prices, as the most effectual way to guard against such combinations, and to give to the persons who relinquished the lands an opportunity to repurchase those improved by them, at a fair and reasonable price. The letter of the Secretary of the Treasury, transmitting the report here referred to, and in answer to a resolution of the House of Representatives, directing him to report whether, in his opinion, the interest of the purchasers of public lands, and the interest of the government, will not be greatly promoted by allowing to the purchasers the right of repurchasing the lands relinquished by them at a certain proportion of the price for which they were originally sold, expresses his concurrence in the views presented by the Commissioner in his report. The facts thus shown, in regard to the existence and extent of these Combinations, and the measures recommended to prevent their effects in future, are forcibly urged by the legislature, and some thousands of the people of Alabama; and also by a communication made to the Committee on Public Lands, in February, 1827, by the whole representation of that State in Congress, as well as in the letter of the Commissioner of the General Land Office, addressed to the Hon. G. W. Owen, in January, of

the same year. To the two latter documents the committee would particularly refer, as explanatory of the details of the measure, and to show the process by which they propose to graduate the prices of repurchases by the prices of the first sales, and the reasons for their discrimination among the persons to whom the right of repurchase is recommended.

Upon the general proposition the committee would remark, that the evidence before them leaves no ground to doubt the prevalence of the practice complained of to such an extent as to require, in their opinion, that it should be reached by further legislation, and the remedy proposed appears the most appropriate. Still, it may be inquired, whether that class of citizens, whose lands have reverted to the government by relinquishment, have any claims to a preference over anybody else in the repurchase of a limited portion of the same lands, at the same fixed prices? Some of the reasons urged by the memorialists and their representatives are, that they have, for the most part, remained on the lands; and, by labor bestowed on their improvement, and in fitting them for cultivation, have greatly enhanced their value; and, unless the sacrifice were demanded by some inflexible principle of justice or necessity, so large a portion of the mass of society ought not to be driven from their homes, and their labor taken by others. That, in general, the first purchasers honestly intended to pay for their lands, and hoped to be able to do so. But these lands were chiefly purchased in the years 1818 and 1819, when upwards of two millions of Mississippi scrip, previously much depreciated, were suddenly surrendered in that land market, when the unnatural tide of circulating medium was at its height, and the notes of the local banks, with scarcely an exception, were receivable in payment; and cotton, which was their staple, then sold at from twenty-five to thirty dollars a hundred, and other property at equally high rates. It was upon these appearances of money and means that they made their calculations to meet their contracts with the government when they should become due. But, before the day of reckoning came, they found that they, in common with the community around them, had been deceived by the *mere* appearance of prosperity. The money that abounded at the time of the sale had mostly been refused at the land offices, and fallen into discredit; and, what affected them still more seriously, the price of cotton continued to fall, till, finally, it did not bring one-third of the price upon which their calculations to pay their land debts had been based. Hence, in despair of *paying*, they embraced the offer to *relinquish*, as the best thing they could do.

And they further insist that the large amount paid by them into the treasury ought not to be overlooked, when they ask only for the privilege of re-entering their relinquished lands, at present value, in preference to others who have paid nothing. Connected with this consideration is the fact that but little of the relinquished lands, comparatively, were sold, except in the years 1818 and 1819. Previous to that time the lands had generally been sold at reasonable prices, and even afterwards, in the early part of the year 1820, before the credit system was abolished, the prices seem, upon an average, not to have been extravagant. The conclusion, therefore, is, that, except the sales of those two years, the lands have been chiefly retained and paid for, or will be, under the operations of the relief laws; including, also, a large quantity of the high-priced lands of 1818 and 1819. And the payments upon the sales of these two years, in the opinion of the committee, add much strength to this ground of preference.

The quantity of land sold at public sale in Alabama in 1818 was 1,252,920 acres. The amount of the purchase money was $8,715,905; the fourth part of which was paid in advance, making $2,178,976. This fourth part actually paid amounted to one dollar and seventy-six and a half cents per acre upon all the land sold in that year.

The quantity of land sold at public sale in 1819 was 793,547 acres. The amount of the purchase money was $3,163,549; the fourth part of which, being paid in advance, was $792,137. This fourth part actually paid amounted to one dollar per acre upon all the land sold in that year, lacking a small fraction of a cent.

It will be seen that the aggregate sales of these two years amount to a little more than two millions of acres, and the first payment made therefor is but little under three millions of dollars.

Under the act of March 2, 1821, and the subsequent acts, including that of May 4, 1826, there has been relinquished the quantity of 1,586,213 acres, chiefly of the sales of this period as above shown. The whole amount paid upon these relinquished lands was $7,786,097.

From the high average of their original sales a just idea can be formed of the very high rates of a great portion of these lands. The one-fourth, at least, of this sum having been paid, has, by the process of relinquishment, been transferred to the credit of instalments due upon the lands retained.

Making	$1,946,524 00
There has been paid in cash, exclusive of discount, since the act of 1821, upon lands retained	469,592 00
Making	2,416,116 00
And there is still owing upon the same lands	2,692,362 00
Making	5,108,478 00

It must also be taken into the account that, upon some of the relinquished lands, other instalments beside the one-fourth paid in advance, and falling due before relinquishment, had also been paid, and applied to the lands retained, but to what amount the committee have not been able to ascertain; neither do they, on the other hand, wish to be understood as applying the sums above stated exclusively to the lands retained out of the purchases of 1818–'19. These, without much time and great labor, could not have been separated from the general accounts. They have, as a general guide in arriving at the cost of retained lands, considered the relinquishments in the main to have been out of the purchases of 1818–'19, and only the fourth of the price to have been paid; and, though this rule will not lead to exact certainty, it will render obvious the fact that, for these retained lands, a debt, far exceeding their real value, has been incurred, and which, to a very great extent, has been paid.

The committee have had before them summary statements and tables from the General Land Office, showing the sales of all the lands in the State of Alabama, at the respective land offices, annually, so long as sales were made on credit, and the operations of the relief laws since that time, which they present as part of their report. The sales of the two years adverted to are supposed to have given rise to the greatest inconveniences attending the subject; yet the whole proceedings disclosed by those documents are closely connected therewith.

Your committee are aware that they have failed to present the subject in all its material bearings, nor are they wholly unapprised of reasons that may be offered against the views which they have taken. Yet, upon the fullest consideration which they have been able to give it, they are satisfied that the best way to dispose of these relinquished lands will be to set a price upon them which shall be as near their present value as data furnished by the first sales will permit, and to allow the persons who relinquished a preference in the repurchase of the same land, especially if they have continued in the possession thereof, or of a part contiguous thereto, retained out of the first purchase. But this privilege should be limited both as to quantity and time; and, therefore, the class of former purchasers thought to be the best entitled should not be allowed to re-enter more than four quarter sections, and others less; nor a longer time given than is allowed to make full payment for the lands already retained. Neither is the privilege, in the opinion of the committee, to be extended to the repurchase of any lands which may not have been relinquished under the laws heretofore in force since 1821, allowing relinquishments to be made, as the object of the government, doubtless, will be to close its credit business as speedily as possible, consistently with its own interest, and without using unnecessary rigor towards its debtors. In conformity with which principles they report a bill.

A memorial to the Senate and House of Representatives of the Congress of the United States:

The undersigned, citizens of the northern district of the State of Alabama, beg leave to invite your attention to a subject highly interesting to us, as cultivators of the soil, and one which has received the favorable notice and sanction of one branch of your honorable body during your last session. We then fondly hoped that the relief now about to be asked for would have been, in part, granted, by the final enactment of the bill into a law, which passed the Senate, granting further relief to land purchasers, but as our pleasing anticipations have not been realized, and our conditions, as to this matter, are not better, but worse, we have become strongly solicitous to call your attention again to the subject, not doubting but you, in your wisdom and goodness, will grant us relief.

We would deem it an useless waste of the time of your honorable bodies to undertake a full description of our actual condition and circumstances; suffice it to say, we are here with our families and our all, many of us poor, and without permanent homes; and were we willing, we are unable to migrate to another country. This is the land of our choice, and we desire to stay in it; but the doubt and uncertainty under which we abide is exceedingly distressing to our minds, and creates in us great solicitude to have the question solved, whether government will permit us to remain in this country on terms which the existing state of things will enable us to comply with, or, by a rigid enforcement of her present laws, compel us to seek other homes in a foreign land? An early determination of this question, your honorable bodies will readily perceive, will be of the utmost importance to us. Without, therefore, presuming to dictate to you the precise measure of relief which our necessities may require, or would befit your goodness and wisdom to bestow, we beg leave to suggest a few things to your consideration.

Here permit us to present to your view the different classes of citizens who want relief:

First. The holders of lands on which a second or third payment had been made at the time the first relief was granted, upon which four and six years was given, and which time is now expired, and the land relapsed to government, on account of final payments not having been made thereon.

Second. Those who retained their lands on a further credit of eight years under the hope they would be able to pay for them, but have not.

Third. Those who have come into our country seeking homes, and have settled down on relinquished land under the hope that they would be enabled to purchase it shortly from government, but by the postponement of the sale have remained until they have made considerable improvements thereon. To provide, therefore, for the several classes who need relief, we would humbly propose the following as the basis of a law to be passed on that subject:

Those who hold their lands on a further credit of four and six years be allowed ——— years to make payment of the balance due thereon, with such deduction and privileges as you may think proper to grant. Those who hold their lands on a credit of eight years be allowed the privilege of making further relinquishments, and a longer time to make final payment of the balance due thereon, with such deductions and privileges as you may think proper to grant.

Those who hold an occupancy (by improvement or purchase) on relinquished lands be entitled to a preference in buying the same at a price fixed by law, and to an amount not exceeding four contiguous quarter sections, under such rules and restrictions to regulate conflicting claims, and to guard against monopoly or speculation, as you may think proper to impose.

Various reasons might be assigned to justify a deduction in the price of our lands, but we will content ourselves by adverting to one circumstance, to show the vast difference between our ability now, and what it was at the land sales in 1818, to pay any debt we might then have contracted. At the last-mentioned period cotton (the staple of our country) would readily command from 20 to 30 cents, now it is dull at 6 cents per pound.

Thus our lands, for the purpose of making money by the culture of cotton, are not worth more than one-fourth what they were justly estimated at when first sold by the government. Taking this circumstance alone as a criterion to determine the present value of lands in this country, we would humbly submit to the consideration of your honorable bodies the propriety and justice of granting to those who have made a second payment (on their lands) under the original terms of sale their lands without further payment; of granting to those who have paid only one-fourth of the original price of their lands, upon their paying one other fourth to government; and of granting to those who are now living on or occupying (under their own improvement) any relinquished land which they may have thus in possession, upon their paying to government the one-fourth of the price for which said land originally sold.

We believe it would be very difficult, if not impossible, at this time, to do equal justice to all land purchasers; but every measure of relief ought to approach that standard; and we feel ourselves, in making the foregoing suggestions, fortified by the considerations that a great many of those who have obtained grants for their lands have effected the payment by the relinquishment of certificates which they obtained at half the cost, and the great difference between the present value of lands and their supposed value at the time they were first sold by government, and by the consideration that lands relinquished were returned to government in consequence of the high price at which they were bid off at the sale. Not presuming,

however, as before observed, to dictate either the manner or degree, we shall endeavor to content ourselves with whatever measure or mode of relief you may in your wisdom afford us.

TREASURY DEPARTMENT, *March* 15, 1826.

SIR: In obedience to a resolution of the House of Representatives of the 8th instant, directing the Secretary of the Treasury to report to the House any information in the possession of the department evincing the propriety of legislative enactment to guard the public interest against the fraudulent practices of combinations of individuals in the resale of relinquished land; and whether, in his opinion, the interest of the purchasers of public land and the interest of the government will not be greatly promoted by enacting some provision which will extend to the person, or his legal representative, the right to repurchase in the land he may have relinquished at a certain proportion of the price for which it was originally sold, I have the honor to transmit herewith a letter, dated the 14th instant, from the Commissioner of the General Land Office, with the extract of a communication to which it refers from the register and receiver of the land office at St. Stephen's, in Alabama, and the copy of a letter from Mr. Owen, of Alabama, and to express my concurrence in the views presented by the Commissioner upon the subject of the resolution.

I have the honor to be, with very great respect, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *March* 14, 1826.

SIR: The resolution of the House of Representatives of the 8th instant having been referred to this office, it is herewith returned, together with an extract of a letter from the register and receiver of the land office at St. Stephen's, which shows the nature, object, and effects of the combinations which are formed by individuals to purchase up the public lands at public sales.

These combinations take place, for the most part, at the sales of lands that are valuable from their situation or from the improvements that have been made upon them by settlers. It appears that the sale of the town lots at the Big Spring, in the Huntsville district, was postponed in consequence of such a combination of individuals; and at the sale in the Choctaw land district of the lands situated in the county of Monroe, which lands had been settled previous to the sale, one of the officers states that the speculators had received as much money at the sale as the United States had.

The relinquished lands which were offered for sale at St. Stephen's and at Cahaba sold in but few instances for more than the minimum price, although much of this land was originally purchased at very high prices. It is understood that this was, in a great measure, occasioned by combinations of individuals, and it is apprehended that similar combinations will prevent the relinquished lands which are advertised for sale in May and June next, at Huntsville, from yielding to the treasury the amount which, from their real value, they ought to sell for.

The relinquished lands which are now subject to sale are lands that were originally purchased at a high price, and the real value of which has been increased by the progress of population and by improvements made upon them. It is this value, compared with the minimum price at which they are subject to be sold at public sale, that is the foundation of all the combinations of individuals, by which they obtain from the settlers the difference between that value and the minimum price.

I am, therefore, of opinion that the most effectual enactments to guard against such combinations, and to give to the persons who relinquished the land an opportunity to repurchase those improved by them at a fair and reasonable price, would be to increase the minimum price at which the lands that have been relinquished should be sold at public sale, and to permit the persons who relinquished to enter the lands relinquished by them within a given time, at such given, graduated prices, being a fixed percentage upon the prices originally given, as Congress in their wisdom may deem proper; and I would recommend that such graduated prices be established as the minimum price at which the relinquished lands should be sold at public sale, provided no relinquished lands should be sold at private or public sale for less than two dollars per acre.

As it relates to the lands that have been relinquished, the enactment of the foregoing provisions would be essentially beneficial to the government, and they would effectually prevent the combinations complained of; but as the adoption of them may materially affect the operation of any act that may be passed for the further relief of the purchasers of the public lands, and may induce individuals to relinquish lands which they otherwise would not, it would be advisable to guard against such relinquishments by declaring that lands *hereafter* relinquished should not be subject to entry by the party relinquishing previous to public sale, and that they should be sold at public sale on the terms and conditions provided by the act for lands *heretofore* relinquished.

It may be proper to add that the lands relinquished in the Huntsville land district, amounting to 416,356.21 acres, which sold originally for $3,147,232 15, are proclaimed for sale in the months of May and June next; and that if any provision is made in relation to the sale of the relinquished lands, it is desirable that it should be made in time to postpone the sale of these lands.

I enclose a letter from Mr. Owen relating to the subject of the resolution.

All which is respectfully submitted.

GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

LAND OFFICE, *St. Stephen's, May* 2, 1819.

It would not be proper to omit noticing the prevalence of a system of combination at the public sales which it rests with the government either to counteract or permit.

Its extent, in point of numbers, influence, and capital, put it beyond the ordinary control of the superintendents. From its success it may be probably continued at future sales here and elsewhere.

The principles on which it was formed will therefore be proper to be mentioned. By the exertions of a few speculating gentlemen a coalition was formed with all the men of any tolerable capital, and who were disposed to purchase lands. Each deposited a given sum, and became pledged to act in concert; a few were appointed to manage the funds, and in this manner competition was, in a considerable degree, silenced. Many of the lands were, in consequence, purchased at low rates; and after several townships were offered, public resales were held by this association, attended with the gain of considerable profit. In a few instances a conflict between this company and actual settlers has produced the government extraordinary prices; this has resulted in the compromises in subsequent instances. This combination had been formed and was in operation several days before it was discovered by the superintendents. No mode of resisting its effects were in their power but exercising their private right of bidding up for the lands. Where the prices were known to be greatly inadequate, this was exercised in some cases by the superintendents.

ISRAEL PICKENS, *Register.*
WILLIAM CRAWFORD, *Receiver.*

JOSIAH MEIGS, Esq., *Commissioner of the General Land Office.*

WASHINGTON, *January* 2, 1826.

SIR: From the conversation we had some days ago relative to the future sale of our relinquished and forfeited lands, I am induced to communicate to you more fully my ideas upon that, *to us*, all-important subject. The more reflection I bestow upon it the more strongly I am convinced that the two important objects that should be regarded in all legislation on this subject will be more completely attained; that is, to secure the revenue arising from this source to the government, and at the same time preserve the interests of that most important and valuable class of our citizens, the planters or purchasers who seek lands for actual settlement.

I will not say that the modes heretofore pursued were unjust, but that they did operate *hardly* upon this class of our people all readily admit, and that, too, when no relative increase was added to our revenue. The systems of speculation which have and which will ever exist under the present policy were destructive to the honest planter, when the receipts into the treasury were not increased. Such has been their systematic organization that the minimum was received by the government when the planters had to give fourfold that amount for their lands. This, so far from its being the policy of the government to encourage, should by all means be provided against.

The plan I propose is based upon the principle that the lands relinquished or forfeited have in every instance sold for more than their value. This was from causes now well known, and gave rise to the policy of extinguishing the land debt; a policy by experience proved to be beneficial towards our fiscal operations and productive of great good to the people.

I therefore take the liberty respectfully to submit to your consideration the propriety of recommending to Congress the adoption of the following system for the future disposal of relinquished and forfeited lands; that is, to graduate their prices, conforming to the original price at which the person who has relinquished or forfeited may have the right of preference in purchasing. Thus, to exemplify my idea, when lands have been sold at twenty dollars or more, the right of purchasing at private sale at the sum of ten dollars per acre; when it has been sold at ten dollars, and not more than twenty, the right of purchasing, in like manner, at five dollars per acre; when it has been sold at five dollars, and not exceeding ten, at two dollars and fifty cents per acre; and when it has been sold at two dollars and fifty cents, and not exceeding five, at one dollar and twenty-five cents per acre. This graduation has been taken to explain the system. Any other, making it more minute or extensive in detail, if deemed proper, can be taken; but that something upon this system can be advantageously done, as well to the public treasury as to the individuals, I am well convinced. To avoid competition and the painful solicitude therewith connected, the advancement of the minimums stipulated would be invited. That great benefit would result to this class of people will be admitted, and that no diminution in the receipts at your land offices would be the consequence I am also well convinced; for the system, as before mentioned, adopted by speculators, at the same time they oppress and ruin the actual settler, prevents the fair competition which would result beneficially to government. They cause the lands to be sold at the minimum; these bring from the occupant an advance with which they enrich themselves.

The plan I propose would give you a fair value for the public lands; your offices would be at all times open; the extra expenses attending a public sale would be greatly diminished; the amounts received at your offices would be increased instead of lessened; the price paid for the lands by the purchaser would go into your treasury, and not into the hands of men combined and associated together to extort from the planter the means of his subsistence.

This system I am well satisfied will meet the views of our administration, when we with grateful feeling acknowledge the kind notice taken of our situation in recommending a continuance of our *relief systems*. I hope you will view it as I have, and express your assent to its adoption, for a limited time at least.

I am, respectfully, your obedient servant,

G. W. OWEN.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

P. S.—You will oblige me by favoring me, at an early day, with your views upon this subject.

WASHINGTON CITY, *February* 12, 1827.

SIR: The senators and representatives of the State of Alabama, believing that the peculiar situation of the purchasers of public lands in that State cannot be distinctly and clearly understood by those who

have not devoted much of their time and attention to it, and believing, also, that, when fully and properly understood by the Congress of the United States, those purchasers will be regarded as fit and meritorious subjects for the exercise of legislative beneficence, they have ventured to address you and the committee over which you preside, hoping that the statements which they here make may greatly abridge the labors of the committee in the investigation of the subject. Without taking into consideration the advantages or disadvantages which might result from the proposed measure to the treasury, they would have strong hopes of success; but if, upon an examination of the whole subject, it shall be found that very beneficial results will flow to the people of that State, and also to the treasury of the United States, by passing into a law the bill which has lately passed the Senate, we feel confident the Committee of the House of Representatives on Public Lands, to which it is referred, will give it the most favorable consideration. This subject has excited the deepest interest in Alabama, and is one in which a very large majority of the actual settlers and cultivators of the soil have a direct interest. The legislature of the State has, at various periods, and particularly at its last session, urged upon the attention of Congress this subject, and required of us the exertion of every means in our power to procure the passage of such a law as is contained in the bill now before you. These considerations will, we hope, furnish an ample apology on our part for this interference.

We therefore respectfully submit to the consideration of the committee the reasons which have induced the purchasers of the public lands in Alabama to apply to Congress for the passage of a law upon the subject. The combination of causes which led to the purchase of those lands, at prices which now strike every one with astonishment, are pretty fully and very faithfully detailed in the memorials and petitions before the committee, and to which we beg leave to call your attention.

The effects produced in Alabama by the laws for the relief of the purchasers of public lands heretofore passed we will briefly state. When the statute of 1821 passed, cotton, the staple product of that country, had fallen to about half the price it commanded at the time the lands were sold. Those who expected the price of cotton again to advance, and had the means of carrying into grant a part or the whole of the land they had purchased, did so by transferring the payments made on other lands, or by purchasing from others who had no such hopes or means at half the original cost of their certificates of purchase, and transferring the payments made on them, or paid in money, at a discount of 37½ per cent. Hence it was that those who relinquished lands originally purchased by themselves, and transferred the payments to land retained, actually paid to the government more than 50 per cent. more upon the debt due than those who paid money; and those who, from necessity, sold to others their certificates of purchase at half the original cost for the purpose of enabling them to make payments, lost one-half of the money they had paid to government. In most instances, when the land was improved, the vendor remained in possession of the land after selling the certificate, and still continues to cultivate it.

Where the purchaser availed himself of either of the means of payment enumerated, and obtained patents for all the lands he had purchased, no provision is made for him in the bill. Where he relinquished part of his land, and transferred the payments to secure a small portion of the land purchased, he is permitted to enter at the prices fixed in the bill a number of acres, not exceeding a section, to complete the settlement according to the original intention, adjoining the part retained, settled, and cultivated. The person who sold his certificates at half price, and still remains in the possession and cultivation of the land, is permitted to enter not more than two quarter sections of the land so sold and relinquished, in consideration of having lost one-half of the original purchase money on the whole of the land he had purchased. The latter form the class provided for in the second section of the bill. As many purchases were made between the passage of the statute of 1821 and the time limited for taking the benefit of it, some for the purpose of retaining the land or a part of it, and others for the purpose of relinquishing it and applying the payments made on it to the payment of land retained by the assignee, it became necessary to distinguish between these cases, and give the right of entry, in the first case, to the assignee, as he is presumed to have given full value for the land, and, in the latter, to the assignor, he having sold at half price, and being thereby the sole loser. These cases are provided for by the third section of the bill.

The fourth section gives to the purchaser of a quarter section, or less, who has settled and cultivated the same, the right to enter one quarter section adjoining, provided it is not appropriated by the previous provisions of the bill.

The first four sections of the bill will appropriate but a small portion of the land relinquished, as the class of settlers to whom they apply are not numerous.

The fifth section is the most important, as a great majority of the purchasers took further credit, and now owe an immense debt to the government; and it is on that account so long a time is allowed for taking the benefit of the act. It gives them the right to obtain patents for the land they have retained by paying the prices fixed in the first section of the bill, in addition to the one-fourth heretofore paid; which in most cases will be one-half of the price at which the land sold.

The sixth section merely provides a mode of settling contested claims to pre-emptions arising under the provisions of the fourth section.

The seventh section simply limits the time within which entries and payments are to be made.

It is the opinion of the Secretary of the Treasury and of the Commissioner of the General Land Office that the land, if sold according to the provisions of this bill, will yield more money to the treasury than if sold under the general law at auction, because it has been found by experience that persons from different States attend the sale at Alabama, and form strong combinations for the purpose of speculating upon the settlers and *bona fide* purchasers. The actual settler, who is extremely anxious to purchase his home or land adjoining to complete his settlement, is compelled to submit to the terms imposed by these powerful companies of speculators, rather than risk losing land so important to him. They, in this way, become the purchasers of all the land at very low prices, and sell at the full value to the actual settler; so the government gets much less than the intrinsic value of the land, and the citizen and cultivator of the soil often pays more for it than it is worth. The State of Alabama has attempted to suppress these combinations by legislative enactments, but the speculators have been so far successful in evading the provisions of the law.

When the foregoing facts and circumstances are taken into consideration by the committee, together with the present very depressed price of cotton, which commands but little more than one-fourth part of the price it sold for when these lands were purchased; the great importance of giving to those who have been so long citizens of Alabama, and who settled it under such disadvantageous circumstances, an opportunity of completing and quieting their settlements; and the still greater importance of putting an end to the odious relation of creditor and debtor which now subsists between the United States and the citizens

of Alabama, we feel great confidence they will regard with peculiar favor the bill now before them. Should the details of the bill, however, not comport with their views, we beg that they will so amend it as to make it more perfect, preserving its important principles.

WILLIAM KING.
I. M'KINLEY.
G. W. OWEN.
JOHN M'KEE.
G. MOORE.

Hon. JOHN SCOTT, *Chairman of the Committee on Public Lands.*

GENERAL LAND OFFICE, *January*, 1827.

SIR: Your note of the 17th instant, covering a copy of a bill reported to the Senate relative to the lands which have been relinquished to the United States, and asking my opinion on the subject, has been received. In compliance with your request, I now enclose a draught of a bill which I think better calculated to promote the interest of all the parties concerned than that reported in the Senate.

The several acts of Congress granting relief to the purchasers of the public lands have been so liberal and so essentially beneficial to the purchasers as to require no change in their principles, and the claims of those persons who have relinquished lands would not be of so important a character as to call for legislative interposition, but for the peculiar situation of the relinquished lands in Alabama.

In that State very large quantities of the most valuable lands, purchased originally at high prices, have been relinquished. In the Huntsville district in particular there have been relinquished 486,240.06 acres of land, which sold originally for $3,611,686 99, that are now subject to sale; and these amounts will be materially increased by the relinquishments which will be made under the act of May, 1826. It is known that many of these lands would command from $10 to $20 the acre if they were the property of individuals; and it is believed that if they were offered at public sale, under the existing laws, the most valuable of them would not bring more than the minimum price of $1 25 an acre to the government.

Such a result would be produced by the improper combination of individuals possessing or commanding capital, and preventing all fair competition at the public sale. Under this view of the subject, it is important for the interests of the United States that these lands should be so brought into market as to insure to the government a fair price for them, in a reasonable time. It is very important, also, as it respects the permanent improvement of the section of the country in which this great mass of valuable relinquished lands lie, that they should be brought into market with as little delay as possible.

If these objects can be obtained by a bill, which at the same time will protect the interest of the fair purchaser and that of those persons who occupy and who relinquished the lands, so far as those interests are entitled to the consideration of Congress, it would be very desirable that such a bill should be passed at the present session.

The bill now enclosed provides for the following classes of persons, whose claims, in relation to the relinquished lands, may be considered as founded on any principle of equity:

First. Those persons who relinquished lands adjoining those retained, and who have continued to cultivate the lands by them relinquished; such persons were not trespassers originally, and although, in some instances, they have been depredators, yet, in general, they have added value to the land by the labor bestowed upon it.

Second. Those persons who purchased with a view to settlement, or otherwise, and who have relinquished a part of their lands. In most cases such persons have paid a very high price for that part retained, while the portion thus retained has been rendered less valuable by being severed from that which was relinquished.

Third. Those persons who were the purchasers of small tracts, and being unable to pay for the same in any manner, sold their certificates for less than had been paid by them to persons who relinquished the lands, and obtained credit for the full amount which had been paid. Such persons having had a rightful possession, and having continued to occupy and improve the land, have a fair claim to the benefits proposed by the bill.

Being opposed, generally, to the principle which gives a bonus to those who trespass on the public lands, I have omitted any clause for the benefit of those actual settlers who were originally trespassers.

The first section of the bill enclosed I consider as essentially important in any bill that may be passed on the subject. It will have a tendency to prevent future relinquishments under an expectation of a repurchase of the land on better terms than those on which it was originally purchased.

It will stimulate all those persons whose lands are valuable, and who, under the provisions of the bill, are permitted to enter them, to do so promptly, while the other provisions of the bill give ample time for the payment of those who may acquire the right to enter lands that would not sell for the price which they cost, but which it may, nevertheless, be desirable for them to retain at the graduated price.

One important objection to the bill reported in the Senate is, that it holds out no inducement to enter relinquished lands until March 30, 1829; and it is believed that but a small portion of such lands would be entered under its provisions previous to that period, at which time, it is more than probable, that further application would be made for delay; thus making the general interest subservient to that of a comparatively small number of individuals.

With great respect, your obedient servant, GEORGE GRAHAM.

Hon. G. W. OWEN, *House of Representatives.*

A BILL for the disposal of the lands relinquished to the United States under the provisions of the several acts for the relief of the purchasers of the public lands, and those making further provision for the extinguishment of the debt due to the United States by the purchasers of public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands which have been or may be hereafter relinquished to the United States, under

the provisions of the several acts passed in the years one thousand eight hundred and twenty-one and one thousand eight hundred and twenty-two, for the relief of the purchasers of public lands, and those passed in one thousand eight hundred and twenty-four and one thousand eight hundred and twenty-six, for the extinguishment of the debt due to the United States by the purchasers of the public lands, shall be subject to private entry at the land office where the lands may be situated, from and after the first day of ———, one thousand eight hundred and twenty-seven, at the prices for which they were originally sold.

SEC. 2. *Be it further enacted*, That all those persons, or the heirs of those persons, who have relinquished lands to the United States under any of the acts aforesaid, and who have continued to occupy or cultivate the same, shall be permitted, from and after the passage of this act, to enter the same, or any legal subdivision thereof, with the register of the land office where the lands lie, at any time within one month previous to the period at which the said lands may be proclaimed for sale, at the following graduated prices: Lands, the original cost of which was $28 per acre, and upwards, may be entered at ——— dollars per acre. Lands, the original cost of which was $18 an acre, and less than $28 an acre, may be entered at ——— dollars an acre. Lands, the original cost of which was $12 an acre, and less than $18 an acre, may be entered at ——— dollars an acre. Lands, the original cost of which was $6, and less than $12 an acre, may be entered at ——— dollars; and all lands, the original cost of which was less than $6 an acre, may be entered at ——— dollars: *Provided*, The said lands shall not have been entered under the provisions of the first section of this act.

SEC. 3. *Be it further enacted*, That all those persons, or the heirs of those persons, who have availed themselves of the relief granted by the acts aforesaid, and who have relinquished land adjoining those retained by them, shall be permitted to enter the said adjoining and contiguous lands on the terms and conditions specified in the second section of this act: *Provided*, The quantity thus entered shall not exceed ——— quarter sections: *And provided also*, That the lands retained shall not have been transferred previous to such entry.

SEC. 4. *Be it further enacted*, That any person, or his heirs, and if there be no heirs, his widow, who shall have been the purchaser of a tract of land which he or they improved and continued to occupy, and which tract of land had been sold and relinquished to the United States by any other person, such person, his heirs, or his widow, as the case may be, shall be permitted to enter the same on the terms and conditions specified in the first section of this act, and in preference to the person, or his heirs, who relinquished the said lands: *Provided*, The quantity so entered does not exceed ——— quarter sections.

SEC. 5. *Be it further enacted*, That no lands relinquished after the passage of this act shall be subject to private entry, except under the provisions of the second section of this act, until they shall have been offered at public sale, and that no lands relinquished under the provisions of any of the acts aforesaid shall be sold at a price less than that fixed by the graduation established in the second section of this act; and that those relinquished lands which shall not be sold when offered at public sale shall be subject to private entry at the graduated prices aforestated, for ——— months after such public sale, when they may be again proclaimed for sale by the President of the United States, and sold as other public lands.

GENERAL LAND OFFICE, *January* 8, 1828.

SIR: I enclose several tables, made out by the chief clerk in this office, with the view of furnishing the information required in the memorandum left by you. These tables are made out principally from statements heretofore made, and are believed to be sufficiently correct for any general purpose. The accounts of the receivers having been generally adjusted and transmitted to the Treasury, a more accurate statement could not be made without reference to them, which would have occasioned much more delay.

With great respect, your obedient servant,

GEORGE GRAHAM.

Hon. J. C. ISACKS, *Chairman of Committee on Public Lands, House of Representatives.*

Sales at the Land Offices in Alabama during the years 1818 *and* 1819, *in those months wherein public sales took place.*

	Acres.	*Purchase money.*
At Huntsville, in 1818	1,003,423.49	$7,631,898 57
At Cahaba, in 1818	249,497.49	1,084,006 61
	1,252,920.98	8,715,905 18
Forming an average ratio per rate during the year 1818 of $6 95 6-10.		
At Huntsville, in 1819	92,520.18	$336,169 36
At Cahaba, in 1819	555,548.32	2,254,189 34
At St. Stephen's, in 1819	145,479.20	578,190 71
	793,547.70	3,168,549 41
Both years		$11,884,454 59

Forming an average rate per acre, during the year 1819, of $3 99 2-10.

GEORGE GRAHAM.

GENERAL LAND OFFICE, *January* 5, 1828.

A.

ST. STEPHEN'S LAND OFFICE.

Statement of lands sold, and of the amount paid by purchasers, from the opening of the office to the year 1820, *inclusive.*

Years.	Gross sales—acres.	Purchase money.	Amount paid by purchasers	Mississippi stock.
1805	4,125.00	$8,250 00	$2,062 50	
1807	4,073.00	8,146 00		
1808	3,834 00	7,668 00	2,298 17	
1809			2,871 01	
1810			1,327 38	
1811	49,286.67	105,738 48	1,876 04	
1812	13,743.48	27,662 33	36,681 58	
1813	3,611.10	7,222 20	7,121 77	
1814	1,463.48	2,926 97	2,471 05	
1815	48,756.94	107,664 91	1,995 19	
1816	191,116.81	383,778 47	110,294 85	$57,331 83
1817	212,241.22	450,504 02	189,916 86	105,687 23
1818	159,549.31	319,242 38	155,850 55	49,501 45
1819	236,211.48	738,871 20	331,443 05	75,207 23
1820	13,857.85	26,045 81	73,225 65	9,600 00
Totals	941,870.34	2,193,720 77	916,435 65	297,327 74

NOTE.—"The amount paid by purchasers" is stated as it appears on the treasury books, and includes Mississippi stock.

B.

HUNTSVILLE LAND OFFICE.

Statement of the quantity of land sold, and of the amount paid by purchasers, from the opening of the office to the year 1820, *inclusive.*

Years.	Gross sales—acres.	Purchase money.	Amount paid by purchasers.	Mississippi stock.
1809	61,259.76	$144,653 81	$2,152 54	
1810	33,320.37	67,317 91	38,617 57	
1811	39,213.60	78,427 20	45,971 31	
1812	21,143.01	45,460 38	37,638 85	
1813	20,881.76	42,081 92	49,456 52	
1814	28,273.64	56,587 28	67,256 58	
1815	20,545.92	41,423 22	27,316 88	
1816	18,784.04	37,568 08	117,256 63	$525 00
1817	5,610.37	11,220 74	39,951 34	1,450 00
1818	973,361.54	7,225,204 00	1,558,753 25	1,165,977 59
540 town lots		27,154 00		
1819	221,763.77	683,763 57	480,560 38	29,807 14
4 town lots		117 00		
1820	79,232.08	157,684 14	138,897 68	4,375 00
758 town lots		11,344 43		
Totals	1,523,389.86	8,630,007 68	2,603,829 53	1,202,134 73

NOTE.—The amount of "*Mississippi stock*" is included in the column of "*amount paid by purchasers,*" which is stated as it appears on the treasury books.

C.

CAHABA LAND OFFICE.

Statement of the quantity of land sold, and of the amount paid by purchasers, from the opening of the office to the year 1820, *inclusive.*

Years.	Gross sales—acres.	Purchase money.	Amount paid by purchasers.	Mississippi stock.
3d quarter 1817	163,815.64	$703,990 80	$184,652 01	$177,843 03
4th.....do.	21,333.36	44,422 46		
1st quarter 1818	7,714 25	15,428 51	277,286 35	187,647 99
2d .....do.	2,712.54	5,425 08		
3d .... do.	14,518.05	29,052 05		
4th.....do.	267,580.91	1,082,875 30		
1st quarter 1819	360,623.80	1,226,097 28	710,405 21	213,189 04
2d .....do.	207,704.60	714,920 44		
3d .....do. ...	192,592.46	679,248 02		
4th.... do.	40,126.96	82,507 82		
1st quarter 1820	233,925 90	801,029 37	326,290 57	22,749 91
2d .....do.	16,380.72	37,724 64		
3d .....do.	1,956.55	6,051 97		
Total	1,530,985 74	5,428,773 74	1,498,634 14	601,429 97

NOTE.—The amount of "*Mississippi stock*" is included in the column of "*amount paid by purchasers,*" which is stated in the manner in which it is brought on the treasury books.

D.

Consolidated table of sales of public lands in the State of Alabama, from the opening of the land offices to the expiration of the credit system on June 30, 1820.

Years.	Gross sales—acres.	Purchase money.	Amount paid by purchasers.	Am't paid in Mississippi stock.
1806	4,125.00	$8,250 00	$2,062 50	.....
1807	4,073.00	8,146 00	.....	.....
1808	3,834.00	7,668 00	2,298 17	.....
1809	61,259.76	144,653 81	5,023 55	.....
1810	33,320.37	67,317 91	39,944 95	.....
1811	88,500.27	184,165 68	47,847 35	.....
1812	34,886.49	73,122 71	74,320 43	.....
1813	24,492.86	49,304 12	56,578 29	.....
1814	29,737.12	59,514 25	69,727 63	.....
1815	69,302.86	149,088 13	29,312 07	.....
1816	209,900.85	421,346 55	227,551 48	$57,856 83
1817	403,000.59	1,210,133 02	411,520 21	284,980 26
1818	1,425,436.61	8,704,381 32	1,991,890 15	1,403,127 03
1819	1,259,023.07	4,125,525 33	1,522,408 64	318,203 41
1820*	345,355.10	1,039,880 36	538,413 90	36,724 91
Grand totals	3,996,245.96	16,252,502 19	5,018,899 32	†2,100,892 44

* The credit system of sales ceased on June 30, 1820, but the residuary of the first instalments on lands purchased within the second quarter of 1820 became payable at some period within the third quarter of that year.

† Aggregate amount of stock surrendered at all the land offices in the State of Alabama to December 31, 1825, is $2,110,019 52.

RECAPITULATION OF TABLES A, B, AND C.

Land office.	Gross sales—acres.	Purchase money.	Amount paid by purchasers.	Am't paid in Mississippi stock.
St. Stephen's	941,870.34	$2,193,720 77	$916,435 65	$297,327 74
Huntsville	1,523,389.86	8,630,007 68	2,603,829 53	1,202,134 73
Cahaba	1,530,985.74	5,428,773 73	1,498,634 14	601,429 97
Totals as above	3,996,245.94	16,252,502 19	5,018,899 32	2,100,892 44

E.

Lands relinquished to the United States at the land offices in Alabama, under the several acts of Congress for the relief of purchasers of public lands.

	Quantity—acres.	Purchase money.
Under the act of April 20, 1832	9,150.46	$42,169 74
Do.....March 3, 1823	1,044.74	2,301 44
Do.....May 18, 1824	454,772.44	1,811,246 51
Do.....May 4, 1826	209,684.81	914,718 81
	674,652.45	2,770,436 50
Lands relinquished under the act of March 2, 1821	911,560.97	5,015,660 89
Grand total	1,586,213.42	7,786,097 39
Of the above quantity there were relinquished at—		
St. Stephen's	385,828.33	963,852 21
Cahaba	649,027.15	2,728,042 00
Huntsville	551,357.94	4,094,203 18
Grand total as above	1,586,213 42	7,786,097 39

NOTE.—The foregoing will differ from the printed statements rendered *prior* to the *final revision* of the abstracts of the several land offices. The difference, arising from *corrections which could not be ascertained* when the relinquished lands were reported to Congress, will, however, be found of trivial import.

Synopsis of the land debt in the State of Alabama.

Gross amount of the purchase money of land sold in the State, under the credit system, as shown by the "consolidated table," marked D		$16,252,502 19
From which deduct:		
Payments made by purchasers prior to the enacting of the relief laws, as shown by table D, including Mississippi stock		5,018,899 52
*Leaving a balance due by purchasers in the year 1820		11,233,602 67

Liquidation under the relief laws.

Purchase money of the *lands relinquished* under all the relief laws, as shown by table marked E		$7,786,097 39
Payments made by cash and discounts:		
	Cash.	Discounts.
Under the acts of 1821, 1822, and 1823	$280,461 78	$168,277 07
Under the act of May 18, 1824	142,576 94	85,542 55
Under the act of May 4, 1826	46,554 77	27,931 04
	469,593 49	281,750 66
		469,593 49
Aggregate of cash paid and discounts allowed under the several relief laws		751,344 15
Aggregate amount of the liquidation of the balance due by purchasers under the provisions of the relief laws		8,538,441 54
Aggregate amount of the balances due by purchasers September 30, 1827, as reported by the commissioners in the table marked A, accompanying the President's message to Congress at the commencement of the session, (see the printed document)		2,692,362 63
*Forming the balance due in 1820, as above stated, with a difference of $2,798 57, arising from several causes which need not be brought into view in this synopsis		11,230,804 10

*Aggregate amount of Mississippi stock surrendered at all the land offices in Alabama to *December* 31, 1825, is $2,110,019 52.—(See table D.)

20TH CONGRESS.] No. 618. [1ST SESSION.

CLAIM TO A DONATION OF LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 17, 1828.

Mr. BATES, from the Committee on Private Land Claims, to whom was referred the petition of Pedro Gonzales, Salvador Gonzales, and Joseph Gonzales, reported:

That, from the petition and documents, it appears that the father and mother of the petitioners, Juan Gonzales and Henrietta (or Rita) Victor, were sent, with other colonists, about the year 1778, from Spain to Louisiana; that on their arrival at New Orleans the other colonists were settled at a place called *Nova Iberia*, in the Attakapas, and had lands assigned to them, but Juan Gonzales was retained by the governor of the province to serve in the King's hospital in that city; and that, continuing in that service until the change of government, no lands were ever granted to him by the Spanish authorities; that Juan Gonzales died *more than* fifteen years ago, leaving his widow, Rita Victor, and his three sons, the petitioners, in very poor and reduced circumstances. The petitioners pray for a donation to each of them, of a half section of land, or such other quantity as may be deemed just and proper, "in consideration of the engagements made by the Spanish government with their father and mother, which never have been complied with."

In support of the statement in the petition of the existence of engagements on the part of the Spanish government to grant lands to the father and mother of the petitioners, they produce a paper (in the Spanish language) purporting to be a contract entered into at Malaga, in Spain, by an officer in behalf of the King, with the widow Theresa Gomez, by which it seems to be agreed, in substance, that said Theresa, with her four children, mentioned in the contract, and her nephew, shall be transported to Louisiana at the expense of the King; that a house shall be built for them, and lands pointed out for their use; that they shall be supplied with beasts, utensils, &c., necessary for the culture of the soil; that they shall be furnished with seed, and receive aid in their labor and subsistence until they have gathered the first crop; after which they are to support themselves and pay a contribution to the King, in proportion to their establishments, in order to reimburse the expenses of the transportation and outfit, they and their heirs remaining owners, in perpetuity, of the property that has been assigned them. No specific quantity of land is mentioned in this paper, whose stipulations seem to leave the individuals dependent rather on the bounty than the justice of the government, while the whole tenor of the instrument provides for the reciprocal benefit of the King and the colonist. But, however strong the contract might be in favor of Theresa Gomez, the contracting party, the committee cannot perceive how the petitioners can derive title under it. It is true that one of the affidavits states that Henrietta (or Rita) Victor, mother of the petitioners, is the daughter of Theresa Gomez; yet it also appears that all the colonists, except Gonzales, were settled at *Nova Iberia*, and had lands assigned them; and it is inferrable from the whole of the documents that Theresa Gomez was among that number, and received the full measure of her engagements. It also appears that the mother of the petitioners is still living, and, of course, if any rights descend from *her* mother under the foregoing contract, *her* claim by inheritance would precede that of her children.

No evidence has been produced to the committee of any contract affecting lands between Juan Gonzales, the father of the petitioners, and the Spanish government; and if such had existed, they could not but consider the acceptance, by Gonzales, of service in the hospital at New Orleans, and his continuance in that service as long as the Spaniards retained the country, as an implied revocation of the contract, and sufficient evidence of his abandonment of the original purpose of agrarian settlement.

The committee are aware that it was sometimes the policy of the Spanish government to encourage the population of the provinces by free donations of land, but that policy was not dictated solely by a desire to advance the individual interest of the colonists; it arose, in part, from the desire of the parent country to guard against foreign aggression by strengthening the frontiers, and by settling and improving part of the royal domain to enhance the value of the rest.

Upon the whole matter, it is the opinion of the committee that the claim of the petitioners has no legal foundation; that it is, in fact, a claim of a simple donation; and that the prayer of the petitioners ought not to be granted.

20TH CONGRESS.] No. 619. [1ST SESSION.

LAND CLAIMS DERIVED FROM THE STATE OF GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 17, 1828.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of James Steptoe and others, reported:

That this case was submitted to the consideration of the Committee on Public Lands, during the session of Congress, in the year 1824, who, on the 11th day of March of that year, made a report, in which the facts of the case are correctly set forth, and which this committee request may be considered as a part of this report.—(See vol. 3, No. 404, page 656.)

In addition to the grounds relied upon in said report, it may be remarked that whatever causes may have influenced the legislature of Georgia in coming to the conclusion, it seems very evident they did not finally conclude to permit locations such as those referred to by the petitioners to be carried into grant. By a report made August 1, 1786, by a committee appointed by the legislature of said State, it appears that at the time the first resolution on the subject passed, in 1784, a committee was appointed to bring in a bill for the purpose of enacting the substance of the resolution into a law, but that no such bill had ever been reported.

On August 7, 1786, a committee appointed for that purpose reported a bill, to be entitled "An act for laying out a district in the bend of the Tennessee river," which, having been read the first time, was finally rejected.

A resolution, however, was passed at the same session declaring "that the title of any person or persons whatever to any land in the district of Tennessee, so far as the same is sanctioned by former resolutions of assembly, should not, in any respect, be weakened or injured by the rejection of the bill aforesaid."

Upon reference to the proceedings of the State of Georgia in relation to such claims, it appears that the governor of the State, on application for grants, refused them. We cannot point out certainly the reasons upon which such refusal was predicated. That the resolution of the legislature directing the commissioners to give up the bonds which they had received to the purchasers, and to suspend further proceedings, was the main ground, there can be no doubt. He might, moreover, have relied upon the rejection of the bill above mentioned in 1786, and that there was no law which would authorize the emanation of patents in such cases.

Independent of the foregoing objections, the committee are of opinion that the great lapse of time since the foundation of these claims was laid forms no inconsiderable reason upon which the petition ought to be rejected.

On March 3, 1803, a law was passed by Congress entitled "An act regulating the grants of lands, and providing for the disposal of lands of the United States south of the State of Tennessee." In the 8th section of this law, lands are appropriated for quieting and satisfying such other claims to lands of the United States south of the State of Tennessee as were not recognized by the articles of agreement and cession between the State of Georgia and the United States, and which claims were derived from any act or pretended act of the State of Georgia, which Congress might think proper to provide for. In said law there is a provision that no other claims shall be embraced by the said appropriation but those the evidences of which shall be, on or before the first day of January next after the passage of the said law, recorded in a book kept for that purpose in the office of the Secretary of State. The claimants in this case seem to admit that they did not comply with the provisions of this law.

The committee submit the following resolution:

Resolved, That the claims of the petitioners ought to be rejected.

20TH CONGRESS.] No. 620. [1ST SESSION.

TO GRANT LAND TO THE WIDOW AND CHILDREN OF A REVOLUTIONARY SOLDIER WHO WERE DEFRAUDED OUT OF IT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 18, 1828.

Mr. HUNT, from the Committee on Revolutionary Claims, to whom was referred the petition of Julia Gwynn, in behalf of herself and daughters, Catharine Gwynn and Susannah Gwynn, reported:

That John Gwynn was a soldier in the revolutionary war, attached to the fourth regiment, Maryland line, commanded by Colonel Carvill Hall; that he died in Baltimore, in the State of Maryland, in the year of our Lord one thousand eight hundred; and at the time of his decease he was entitled to one hundred acres of bounty land for services in said revolutionary war; and that the above-named Julia Gwynn is the widow, and Catharine Gwynn and Susannah Gwynn are the surviving children and legitimate heirs of said John, deceased, and as heirs petition for said bounty land.

It is in evidence, by letters from the War Department, that on the 14th day of July, 1795, being more than five years previous to the decease of said John Gwynn, a land warrant, No. 11262, was issued to William Marbury, the assignee of one David Lawler, administrator on the estate of the same John Gwynn. In consequence of the warrant issued as aforesaid, the War Department now declines issuing another warrant to the legitimate heirs, who have thus been defrauded out of their land.

It is manifest that a base fraud has been perpetrated, and the government imposed upon by said pretended administrator, or other interested person; but in justice to the character of said William Marbury, the assignee as aforesaid, the committee are induced to acquit him of all knowledge of the fraudulent design and transaction. A patent has been granted upon the aforesaid warrant; the title to the land has been transferred by said assignee, but in whom it is now vested the committee are not informed. There is no evidence, however, to induce a belief that the said John Gwynn, in his lifetime, or the widow and heirs since his decease, were ever concerned in said fraud, or that they have in the least participated in it.

The committee are of opinion that the heirs of said John Gwynn are entitled to relief, and report a bill.

20TH CONGRESS.] No. 621. [1ST SESSION.

RESERVATIONS FOR SALINES IN INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 21, 1828.

GENERAL LAND OFFICE, *January* 10, 1828.

SIR: In reply to your letter of the 4th instant, and as a further reply to that of the 21st ultimo, I have the honor to state that there appears to have been a reservation for saline springs, in the Vincennes district, of 22,773.93 acres, 160 acres of which is the coal bank in township 1 north, of range 5 west.

In the Jeffersonville district there appears to have been reserved from sale the following sections:

	Acres.
Fraction of section 31, in township 9 north, range 2 east	352.40
Section 15, in township 2 north, range 4 east	640.00
Section 28, in township 3 north, range 4 east	640.00
	1,632.40

The documents relating to salt springs, which are herein alluded to, are now enclosed for your information, as follows:

No. 1. An extract of a letter from the Secretary of the Treasury to the register of Vincennes land district, directing reservations, dated October 11, 1806.

No. 2. Copy of my letter to the registers, (a circular,) dated February 5, 1827.

No. 3. Copy of the answer to my letter of February 5, 1827, from John Badollet, register of Vincennes, dated February 26, 1827.

No. 4. A list of the reservations made or withheld from sale by the register of Vincennes, which accompanied his letter of February 26, 1827.

No. 5. An extract of a letter from Samuel Gwathney, register of Jeffersonville district, in answer to mine of February 5, 1827.

Also a *map* of part of Vincennes district, designating by colors those sections and parts of sections which have been reserved from sale on account of salines.

All the reservations herein stated have been entered upon the books of this office.

I am, very respectfully, your humble servant,

GEORGE GRAHAM.

Hon. J. C. ISACKS.

No. 1.

Extract of a letter addressed to John Badollet and Nathaniel Ewing, of Vincennes, by the Secretary of the Treasury, dated October 11, 1806.

"From the sales must be excepted the tracts set aside for satisfying private claims, the college township, as located by my letter of yesterday to the register, the section No. 16 in each township, and all the sections including salt springs as may have been discovered. But you must observe that it is understood that no part of the lands adjoining the great salt spring, upon the saline creek, though ceded by the treaty of June 7, 1803, shall be offered for sale; and you will be pleased, in relation to the other salt springs which may be included within the boundaries of the tract offered for sale, to make report to this department of such as have come within your knowledge, whether returned by the surveyor general or not, and to state whether, in your opinion, any adjoining sections should be reserved by the President of the United States, in conformity with the sixth section of the act of March 26, 1804. It has also been stated that there was on the Wabash a bank of coal which ought to be reserved for the use of the salines, and on that subject I wish also to obtain information. You will perceive that your communications on these several points should be made early enough that an answer and a decision may reach you before the commencement of the sales."

No. 2.

Copy of a letter addressed to John Badollet and Samuel Gwathney, registers of Vincennes and Jeffersonville, in Indiana, dated

GENERAL LAND OFFICE, *February* 5, 1827.

SIR: You will be pleased immediately to advise this office of the particular sections and parts of sections in your district which may have been reserved from sale on account of salt springs or saline appearances.

I am, &c., GEORGE GRAHAM.

No. 3.

LAND OFFICE AT VINCENNES, *February* 26, 1827.

SIR: In conformity with your request of the 5th instant, I have the honor to inform you that the two following quarter sections, viz: southeast quarter section 27, township 2 north, range 2 west; northeast quarter section 14, township 7 north, range 2 west, have been, agreeably to the act of Congress of March 26, 1804, withheld from sale as containing salt springs; and that a number of sections, equal to the extent of one whole township, have been reserved for the use of the salt springs situated within the first named tract; and, agreeably to directions from the Secretary of the Treasury, contained in his letter of October 11, 1806, no lands have been reserved from sale round the second tract.

No evidence of any other salt springs within this district is in possession of this office.

Another reservation, although not coming strictly within the scope of your inquiry, has been made, which I deem proper to mention, namely, that of the northwest quarter of fractional section 26, township 1 north, range 5 west, situated on the bank of White river, and containing a stratum of fossil coal. By reference to the same letter of the Secretary, adverted to above, you will perceive that I was instructed to inform him whether a bank of coal, said to exist on the Wabash, ought not to be reserved for the use of the United States saline. Upon investigation it was found that the said bank was situated in a part of the country to which the Indian title had not yet been extinguished. It struck my mind that the coal bank on White river ought to be reserved as a substitute for the Wabash bank. Whether I stated these circumstances to Mr. Gallatin, or whether I wrote at all on the subject, at this distance of time I cannot recollect, and can find no copy among my letters which has any relation to that matter. The fact is, however, that the quarter in question has never been exposed to sale.

The enclosed list exhibits, beside the salt spring known by the name of *French Lick*, the designation of all the sections reserved for the use thereof.

I am, &c.,

JOHN BADOLLET.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

No. 4.

Copy of a list of reservations accompanying the letter of John Badollet of February 26, 1827, *exhibiting the sections, or parts of sections, in the district of Vincennes, which have been reserved from sale on account of salt springs, coal mines, &c.*

Section or part.	Number of section.	Number of township.	Number of range.	Quantity of acres.	Remarks.	Section or part.	Number of section.	Number of township.	Number of range.	Quantity of acres.	Remarks.
Section	13	2 north.	2 west..	640	Salt spring called French Lick.	Section	32	2 north.	2 west.	640	Salt spring called French Lick.
Do.....	14	...do...	...do...	640	..... do.....	Do.....	33	...do...	...do...	640	..... do.....
Do.....	15	...do...	...do...	640	..... do.....	Do.....	34	...do...	...do...	640	..... do.....
Do.....	17	...do...	...do...	640	..... do.....	Do.....	35	...do...	...do...	640	..... do.....
Do.....	18	...do...	...do...	656.60	..... do.....	Do.....	36	...do...	...do...	640	..... do.....
Do.....	19	...do...	...do...	656.60	..... do.....	Do.....	1	1 north.	...do...	640	..... do.....
Do.....	20	...do...	...do...	640	..... do.....	Do.....	2	...do...	...do...	640.56	..... do.....
Do.....	21	...do ...	...do...	640	..... do.....	Do.....	3	...do...	...do...	640.96	..... do.....
Do.....	22	.. do...	...do...	640	.... do.....	Do.....	4	...do...	...do...	640.74	..... do.....
Do.....	23	...do...	...do...	640	..... do.....	Do.....	5	...do...	...do...	640.66	..... do.....
Do.....	24	...do...	...do...	640	..... do.....	Do.....	6	...do...	...do...	644.72	..... do.....
Do.....	25	...do...	...do...	640	..... do.....	Do.....	7	...do...	...do...	640.74	..... do.....
Do.....	26	...do...	...do...	640	..... do.....	Do.....	8	...do...	...do...	640	..... do.....
Do.....	27	...do...	...do...	640	..... do.....	Do.....	9	.. do...	...do...	640	..... do.....
Do.....	28	...do...	...do...	640	..... do.....	Do.....	10	...do...	...do...	640	..... do.....
Do.....	29	...do...	...do...	640	..... do.....	Do.....	11	...do...	...do...	640	..... do.....
Do.....	30	...do...	...do...	647.50	..... do.....	Do.....	12	...do...	...do...	640	..... do.....
Do.....	31	...do...	. .do...	644.84	..... do.....					22,613.92	
NE. ¼ section.....	14	7 north.	...do ..	160.00	..... do.....	NW. ¼ section...	26	...do...	5 west.	160	Coal bank.....
										22,773.92	

No. 5.

Extract of a letter received from Samuel Gwathney, dated February 26, 1827, *to the Commissioner of the General Land Office.*

"SIR: In answer to your letter of the 5th instant I have the honor to state that the following tracts in this district have been reserved from sale on account of saline springs, to wit: fractional section 31, township 9 north, range 2 east; section 15, township 2 north, range 4 east; and section 28, township 3 north, range 4 east; the two former reported by the deputy surveyors, and the latter by myself, on account of saline appearances.

"SAM'L GWATHNEY, *Register of Jeffersonville District.*"

20TH CONGRESS.] No. 622. [1ST SESSION.

APPLICATION OF OHIO TO BE ALLOWED TO SELL THE LAND SET APART FOR RELIGIOUS PURPOSES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 21, 1828.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the State of Ohio in general assembly respectfully represents: That by the act of the Congress of the United States of July 23, 1787, authorizing and empowering the then board of treasury of the United States to contract with any person or persons for the sale or grant of a certain tract of land, as therein described, situate and lying in the State of Ohio, it appears that the section or square mile, lot No. 29, in each township or fractional part of a township surveyed agreeably to the land ordinance of May 20, 1785, was intended by Congress "to be given perpetually for the purposes of religion," in each respective township or fractional part of a township in which it might be found.

It also appears by the act of Congress authorizing a grant of land to Rufus Putnam, Manassah Cutler, Robert Oliver, and Griffin Greene, in trust for the persons composing the Ohio Company of Associates, approved April 2, 1792, which said grant was predicated upon the before-mentioned act of July 23, 1787, that said lot No. 29 was thereby reserved for the purposes of religion, agreeably to the provisions of the last-mentioned act.

And it also further appears that in the grant made by the United States to John Cleves Symmes and his associates of a tract of land lying between the two Miamies, in the State of Ohio, the same reservations were made and for the like purposes.

It seems to have been the benevolent intention of Congress, in making the above reservations, to lay a permanent foundation for the support of religion in this part of the country, and thereby confer a lasting benefit upon the future population thereof. This benevolent object has in a measure been attained, but not to the extent desired, and that might justly have been expected, owing in part, as your memorialists believe, to the peculiar tenure by which these lands are held, viz: that of lease for four years. In a country offering every facility of acquiring titles in fee, lease-hold property generally claims the attention of those only who are illy calculated to yield any real advantage to the owners.

Your memorialists being desirous of changing the title of these lands, and well knowing that doubts exist as to the propriety of disposing of them in fee by the State, would express it as their opinion, that an act of the Congress of the United States declaratory of the extent of the grants aforesaid will be productive of much benefit in case the legislature of the State should hereafter determine to dispose of the same; that it will have the full effect of removing every doubt in the minds of the purchasers, and thereby enhance the price which will be obtained for the same. Therefore,

Your memorialists represent that it would be of advantage, and conduce to the future prosperity of those sections of the country, that a law of the United States be passed declaring the authority of the State of Ohio to dispose of the said lands, granted for the purposes of religion, in fee, and that the proceeds thereof be vested in some permanent fund, the proceeds of which shall be applied, under the direction of the legislature, for the purposes of religion within the townships to which they were originally granted: *Provided,* That the section numbered 29, granted as aforesaid for the purposes of religion, shall not be sold without the consent of the inhabitants of such original surveyed township.

Resolved, further, That the governor be requested to forward the foregoing memorial to the government of the United States.

EDWARD KING, *Speaker of the House of Representatives.*
A. SHEPHERD, *Speaker of the Senate.*

JANUARY 9, 1827.

20TH CONGRESS.] No. 623. [1ST SESSION.

TO REFUND TO NORTH CAROLINA MONEY PAID BY THAT STATE TO THE CHEROKEE INDIANS FOR CERTAIN RESERVATIONS OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 22, 1828.

Mr. CARSON, from the Committee on Indian Affairs, to whom was referred a resolution "inquiring into the expediency of refunding to the State of North Carolina $19,969, which sum was paid to certain Indians of the Cherokee tribe for reservations of land within the limits of said State, granted to them, in fee-simple, by the treaty of 1819," reported:

That it was stipulated by said treaty "that to each and every head of any Indian family residing on the east side of the Mississippi river, on the lands that are now or may hereafter be surrendered to the United States, the United States do agree to give a reservation of six hundred and forty acres in a square, to include their improvements, which are to be as near the centre thereof as practicable, in which they will have a life-estate, with a reversion, in *fee-simple,* to their children," &c.

The facts connected with this claim, and which induced North Carolina to purchase those reservations without first applying to the general government, are briefly as follows:

Immediately after the ratification of the treaty of 1819 the State of North Carolina appointed surveyors and commissioners to survey and sell the lands acquired within her limits by said treaty.

The duties assigned those commissioners and surveyors were performed without a knowledge of what reservations would be taken or where located. Subsequent to the sale by the State commissioners a surveyor was sent by the general government to lay off the reservations for those Indians who claimed under the stipulations of the treaty. The consequence was, that almost all those reservations conflicted with lands previously sold by the commissioners on the part of the State to her citizens, a number of whom had sold their homes in the old settled parts of the State and removed to the newly acquired territory. Those conflicting claims caused *much* disturbance; the purchasers depending upon the faith of the State to make valid their titles, and the Indians on the faith of the general government to secure them in theirs.

A great number of suits were instituted by the Indians in the courts of law of North Carolina against those citizens who had taken possession under their purchase from the State commissioners; and one case was carried up to the supreme court of that State and decided in favor of the Indians. Disagreeable results were likely to ensue. *Necessity* compelled North Carolina to take prompt and decisive measures for the relief of those citizens who were likely to suffer. Time would not permit her to apply to the general government to extinguish the Indian title to those reservations. She therefore appointed commissioners with instructions to purchase those reservations, which purchase was effected for the sum claimed by North Carolina, and which your committee believes in moral justice ought to be refunded to her.

The reasons which have brought your committee to this conclusion, are—

First. The general government had no power to exercise any control over any part of the soil within the limits of any of the original States, and that the injuries sustained by North Carolina resulted from the act of the general government in the assumption and exercise of this power, as set forth in the treaty, and which was a violation of the rights and sovereignty of that State.

Second. The general policy of the government has been to extinguish Indian titles to land within the States when she could do so, &c.

Your committee entertain no doubt as to the correctness of the first proposition, "that the government had no power to grant the soil within the limits of the original States," &c. But as this power has been exercised and, consequently, claimed by the government, your committee deem it due to the importance of the question, and to a correct discharge of their duty, to give their views somewhat at length.

According to the usages of nations, and the now universally admitted principle that *discovery* gives the right of dominion and soil, subject, however, to the occupancy of the natives, the right of the crown of England to her colonies in America, and to grant them by her letters patent to the lords proprietors, &c., has never been doubted.

When the colonies threw off their allegiance to that crown, and established their independence, *all* the rights which were held by England, whether derived by discovery, conquest, or otherwise, became vested in the respective States, each claiming and holding according to the limits of their original charters; and by the treaty which concluded the war of our Revolution the powers of government and the *right* of *soil*, which had previously been in Great Britain, passed *definitively* to these States; and, as independent sovereignties, they were fully competent to regulate all the relations which were to exist between them and the natives within their respective limits.

It became necessary, however, in the establishment of the federal government, for the States to give up part of their rights as independent sovereignties for the mutual advantage of all. But, in the concession of those rights, it never could have been intended that the right of soil, or the power in any way to control the soil of any of the States was given to the general government, nor can such power be considered as incidental to any of the general powers expressly granted; neither can it be implied by the most *forced* construction, nor could any *necessity* arise which, in the opinion of your committee, would justify the government in the exercise of such power without the previous consent of the State or States. If, therefore, the United States have exercised this power to the injury of any of the States, it is but sheer justice that she should reimburse them in all losses consequent upon her own wrongful act.

It may be contended that under the treaty-making power, and that part of the Constitution which makes all treaties the *supreme* law of the land, this power might be claimed. We deem it a sufficient answer to this to say that the federal government has *precluded* herself from such construction by their application to the States to cede to them their western territory, &c., and by their *acceptance* of such deeds of cession; but more especially in the case of Georgia, where the government actually *purchased*, for a valuable consideration, the surplus territory of that State. There could have been no necessity, therefore, had this power been vested in the government, for such application to the States, nor for their acts of cession, for the same object could have been attained by *treaty* with the different tribes residing on those lands.

Your committee agree that the general government is *now* the only power which can extinguish the Indian title to lands within North Carolina. They believe, however, that this power results more from her solemn guarantee of *protection* to the Indians, and the obligation the Indians are under by treaty to treat with *no* other *power*, and the acquiescence of that State in those treaties, than from anything to be found in the federal Constitution; for all powers delegated to the general government by the States were with a view to *external* operations, and not *internal*. The treaty-making power, therefore, could only have been intended to regulate our relations with foreign powers, and not with the Indian tribes residing within the limits of any of the States.

This brings your committee to the consideration of the second proposition: "That the government is bound to extinguish the Indian title to lands within North Carolina, and that it has been her policy to do so." But your committee would here premise that this is an obligation to extinguish only, and not a power to dispose of the soil, or in any way to *alter* the tenure by which the Indians hold title, which is barely a possessory or usufructuary right.

To show the obligation the government is under to extinguish those Cherokee claims, we beg leave to refer to the treaties of Hopewell and Holston, an extract from which is here given.

Extract from the treaty of Hopewell, concluded November, 1785.

"ARTICLE 3. The said Indians, for themselves and their respective tribes and towns, do acknowledge all the Cherokees to be *under* the *protection* of the United States of America, and of no other sovereign whatever."

Extract from the treaty of Holston, concluded July, 1791.

"ARTICLE 3. The undersigned chiefs and warriors, for themselves and all parts of the Cherokee nation, do acknowledge themselves and all parts of the Cherokee nation to be under the protection of the United States of America, and of no other sovereign whatsoever; and they also stipulate that the said Cherokee nation will *not* hold any treaty with any foreign power, *individual State*, or with individuals of any State."

Laws have also been passed by Congress prohibiting the purchase of lands from Indians by any State or individuals, &c.

It therefore does appear to your committee that the United States are virtually bound to extinguish those titles; or, in other words, to relieve North Carolina of a burden she has imposed upon her by "*solemnly guaranteeing* to the Creek nation *all* those lands not ceded by the treaty of Holston," &c., (see 7th article of said treaty,) and by *prohibiting* the Indians from treating with any State or power whatever, except themselves. And to prove that the government has recognized this obligation, it is only necessary to refer to what has been her general policy upon that subject, and her policy is demonstrable from the different treaties made by her for the above purposes.

It may be objected that, by the payment of this money, we open the door to other States to purchase lands from Indians, and that this act may be referred to as a precedent. In answer, we would say that North Carolina purchased from Indians who were *citizens*, declared so by the *act* of the government, and not from Indians in their national capacity.

From every view your committee have been able to take of this subject, they are irresistibly brought to the conclusion that North Carolina should be reimbursed; for all the difficulties in this case have resulted from the improper exercise of power on the part of this government. She granted the soil of North Carolina to those Indians disposed to take reserves, &c.; about fifty did take, which injured North Carolina to the amount of thirty-two thousand acres of land, and that, too, of the choice of the country. And further, those reservations were a part of the *consideration* given to the Indians in the extinguishment of their titles as a nation; and this forms a strong reason why North Carolina should be indemnified, for it will be recollected that the Indian title to a large quantity of lands within the limits of Georgia was extinguished at the same time, and that the United States were bound by special contract to do so. Those reservations, therefore, were given in the fulfilment of that obligation. Reserves were also taken in Georgia under the same treaty, but appropriations have been made by Congress for their extinguishment.

In conclusion, your committee deem it due to themselves to say that if it should be considered that North Carolina has not a strictly legal claim, it cannot be doubted that they have a strong equitable one; and the course pursued by North Carolina creates an additional obligation on the part of the government to reimburse her the amount paid, with incidental expenses.

In further support of their opinion, your committee would ask leave to attach, as part of this report, the memorial of the legislature of North Carolina, and respectfully ask leave to report a bill.

Report of the joint select committee appointed by the legislature of North Carolina to memorialize Congress upon the subject of the Cherokee lands—1827.

The joint select committee appointed to memorialize the Congress of the United States upon the subject of the Cherokee lands, report that they have had the subject under consideration, and submit the accompanying memorial, and recommend the adoption of the following resolution, viz:

Resolved, That the governor be requested to transmit a copy of this memorial to each of the senators and members of the House of Representatives from this State in Congress, with the request that they present the same to both houses of Congress.

JOHN D. TOOMER, *Chairman.*

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the general assembly of the State of North Carolina respectfully represents: That at the close of the revolutionary war the territory composing the sovereign and independent State of North Carolina was bounded on the east by the Atlantic, and on the west by the Pacific ocean; on the north by a line beginning on the sea-shore, in the southern boundary of Virginia, in 36° 30′ north latitude, and thence, west, to the Pacific ocean; and on the south by a line beginning on the seaside at a cedar stake, at or near the mouth of Little river; thence, a northwest course, through the "*boundary house*," which stands in 33° 56′, to 35° north latitude; and thence, west, to the Pacific ocean. The Congress of the United States having repeatedly recommended to the respective States in the Union owning vacant western territory to cede the same to the United States, an act was passed by the legislature of this State, at its session in the year 1789, authorizing certain commissioners to convey to the United States all those lands situate within the chartered limits of North Carolina, (being west of a line beginning on the extreme height of the Stone mountain, at the place where the Virginia line intersects it; thence, along the extreme height of said mountain, to the place where Watauga river breaks through it; thence, a direct course, to the top of the Yellow mountain, where Bright's road crosses the same; thence, along the ridge of said mountain, between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron mountain; thence, along the extreme height of said mountain, to where Nolichucky river runs through the same; thence to the top of the Bald mountain; thence, along the extreme height of said mountain, to the Painted rock, on French Broad river; thence, along the highest ridge of said mountain, to the place where it is called the Great Iron or Smoky mountain; thence, along the extreme height of said mountain, to the place where it is called Unika mountain; thence, along the main ridge of said mountain, to the southern boundary of this State,) upon certain conditions therein expressed. In pursuance of said act the commissioners executed the deed of cession, which was duly accepted and ratified by the United States in Congress assembled on April 2, 1790. By the acceptance of this cession the United States, among other obligations thereby assumed, became bound "that the lands laid off, or directed to be

laid off by any act or acts of the general assembly of this State for the officers and soldiers thereof, their heirs and assigns, respectively, shall be and inure to the use and benefit of the said officers and soldiers, their heirs and assigns, respectively; and that all the lands thus ceded, and not appropriated as aforesaid, shall be considered as a common fund for the use and benefit of all the United States, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever." A part of the territory so ceded now forms the State of Tennessee, bounded on the east by the western boundary of North Carolina, as described in the act of cession, and on the west by the river Mississippi; on the north and south by the northern and southern lines of the ceded territory, All the lands laid off, or directed to be laid off, as aforesaid, by the general assembly of North Carolina, lie within the limits of the State of Tennessee; and after the location of all the said lands there remained within the limits of Tennessee a very large and very valuable residue, which should have been appropriated to the use of the several States of the Union, including North Carolina, in the proportion set forth in the act of cession. The United States still hold under this cession, for the like uses and purposes, an immense extent of country and of great value, situate between the river Mississippi and the Pacific ocean, and between the northern and southern limits of the ceded territory. It is true the act of cession did not require the United States to stipulate that all right and title of the Indians to lands within the limits of North Carolina should be extinguished by the United States, as has been done by Georgia. North Carolina, acknowledging the parental care of the general government, generously confiding in her sense of justice, and believing that good policy would dictate the extinguishment of the Indian title, did not demand such stipulation, which (if required) would have been a very inadequate consideration for the territory conveyed and the sovereignty granted. It is believed that the portion to which North Carolina was entitled, by the act of cession of the residue of lands in the State of Tennessee, after the location of all the military claims, would have been amply sufficient for the extinguishment of the Indian title to lands within the limits of North Carolina, but the United States have appropriated this residue exclusively to the use of the State of Tennessee.

The United States, acknowledging the rights of North Carolina, and yielding to her just claims, attempted, by the treaties of 1817 and 1819 with the Cherokee tribe of Indians, to extinguish their title to all the lands within the limits of this State. This attempt proved abortive by a mistake in describing the territory intended to be surrendered by the Indians. The language of the treaties leaves little doubt of the intention of the contracting parties to extinguish the Indian title to all the lands within this State; but the application of a technical rule produces the difficulty. The treaties stipulate that the Cherokees shall surrender all their lands lying within the limits of North Carolina; and then, unfortunately, set forth the supposed metes and bounds of the territory intended to be surrendered. In these metes and bounds there is a great mistake. The former is called a general, the latter a particular description; and it is said the particular controls and restrains the general description. The lands in the occupancy of the Cherokees not embraced by these metes and bounds, and within the limits of North Carolina, are of great extent and value. This tract of country, from the most accurate information now to be obtained, includes more than one million of acres of land, and is estimated to be worth four hundred thousand dollars, and is occupied by about three thousand Indians. The extinguishment of the Indian title to this district of country, and the removal of this unfortunate race beyond the Mississippi, is of momentous importance to the interests of this State. The fertility of soil, the extent and value of territory, are sufficient inducements to urge the extinguishment of the Indian title; especially as (we think) we have just claims on the general government. These are not the only inducements; the red men are not within the pale of civilization; they are not under the restraints of morality, nor the influence of religion; and they are always disagreeable and dangerous neighbors to a civilized people. The proximity of those red men to our white population subjects the latter to depredations and annoyance, and is a source of perpetual and mutual irritation. It is believed this unfortunate race of beings might easily be induced to exchange their lands in this State for territory beyond the Mississippi, whither so many of their brethren have already gone. It is unnecessary to recite facts or urge arguments to prove that such removal will be beneficial, not only to the citizens of this State, but to the Indians themselves. Aware of the liberal policy which has been pursued by the general government on subjects of this character, it will be sufficient to invite, respectfully, the attention of Congress to this memorial.

Before the ratification of these treaties, North Carolina had the right of sovereignty and soil of all the land within her limits, the Indians enjoying a mere right of temporary occupancy. By these treaties a large tract of land was secured to the heads of the Indian families for life, with remainder in fee to their respective children; and this was a part of the consideration given by the United States to these Indians for abandoning the occupancy of the land then surrendered. It was believed at that time by the statesmen of North Carolina that the United States could not legally deprive this State of the right of sovereignty and soil of the territory thus attempted to be secured to the Indians; but they were unwilling to array opposition against the acts of the general government. With these feelings North Carolina not only acquiesced in the terms of the treaties, but ratified their provisions by legislative acts. Policy soon suggested to North Carolina the propriety of purchasing from the Indians the lands thus secured to them. The peace and tranquillity of her citizens made such a measure necessary. Yielding to this necessity, North Carolina commenced the purchase; a portion only has yet been purchased, and has cost her in the sum paid the Indians, and in incidental expenses, about twenty-two thousand dollars, ($22,000.) The claim of North Carolina to be refunded this sum, (the expenditure of which was made necessary by the unauthorized act of the general government,) is respectfully submitted to the wisdom and justice of Congress.

20TH CONGRESS.] No. 624. [1ST SESSION.

VACANT AND UNAPPROPRIATED LANDS IN TENNESSEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 22, 1828.

TREASURY DEPARTMENT, *January* 21, 1828.

SIR: In obedience to a resolution of the House of Representatives of January 14, 1828, "directing the Secretary of the Treasury to inform the House what is the quantity and quality of the vacant and unappropriated public lands situate in the State of Tennessee, south and west of the congressional reservation line," I have the honor to transmit a letter of the Commissioner of the General Land Office, dated the 18th instant, which contains all the information in this department upon the subject of the resolution.

I have the honor to be, with great respect, your most obedient servant,

RICHARD RUSH.

Hon. the SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *January* 18, 1828.

SIR: In compliance with a resolution passed by the House of Representatives on the 14th instant, relative to the quantity and quality of the vacant and unappropriated public lands in the State of Tennessee, south and west of the congressional reservation line, and which was referred by you to this office, I have the honor to report that by a deed dated the 25th day of February, 1790, the State of North Carolina ceded all her right, title, and claim to the sovereignty and territory of all that tract of country within the present limits of the State of Tennessee, under certain conditions and reservations, as expressed in a deed from the State of North Carolina dated in December, 1789; among other reservations in this deed are the following:

1. The right to the officers and soldiers of the State of North Carolina to lay off any lands they were entitled to within the limits that had been allotted to them; and that if within the boundaries prescribed for the officers and soldiers of the State line on the continental establishment there were not a sufficiency of lands fit for cultivation, such deficiency should be made up out of any other of the lands intended to be ceded.

2. The right to all entries or grants of land made agreeably to law, and the rights of occupancy and pre-emption, and every other right reserved by law to persons settled on or occupying lands within the limits ceded.

3. The right to remove entries made in the office of John Armstrong, and which interfered with prior entries, and to locate the same on any other part of the land ceded.—(See Laws United States, volume 2, page 85.)

By an act approved May 26, 1790, the country thus ceded was erected into a Territory, and by a subsequent act, approved June 1, 1796, this Territory was admitted into the Union as the State of Tennessee, without any condition or provision whatever in relation to the public lands.—(See Laws United States, volume 2, page 104 and page 567.)

By an act of Congress approved April 18, 1806, it was enacted that for the purpose of defining the limits of the vacant and unappropriated lands in the State of Tennessee, hereafter to be subject to the sole and entire disposition of the United States, the following boundaries were established:

"Beginning at the place where the eastern or main branch of Elk river shall intersect the southern boundary line of the State of Tennessee; from thence, running due north until said line shall intersect the northern or main branch of Duck river; thence, down the waters of Duck river, to the military boundary line as established by the seventh section of an act of the State of North Carolina entitled 'An act for the relief of the officers and soldiers of the continental line and for other purposes,' (passed in the year one thousand seven hundred and eighty-three;) thence, with the military boundary line, west to the place where it intersects the Tennessee river; thence, down the waters of the river Tennessee, to the place where the same intersects the northern boundary line of the State of Tennessee."

The second section of this act provides that upon the senators and representatives from the State of Tennessee, in pursuance of powers vested in them by certain acts of the senate and house of representatives of the State of Tennessee, executing an instrument to be signed by them and approved by the Senate of the United States, agreeing to and declaring, in behalf of the State of Tennessee, that all right, title, and claim which the State of Tennessee hath to the lands lying west and south of the line above described shall thereafter forever cease, and that the lands aforesaid shall be and remain at the sole and entire disposition of the United States, and shall be exempted from every disposition or tax made by order or under the authority of the State of Tennessee while the same shall remain the property of the United States and for five years thereafter; and the United States do thereupon cede and convey to the State of Tennessee all right, title, and claim which the United States have to the territory east and north of the line hereinbefore described, subject to the conditions contained in the act of cession from the State of North Carolina. And the said section further provides that the State of Tennessee shall have full power and authority to issue grants and perfect titles to lands east and north of the aforesaid line under certain conditions, among which are the following:

1. That all rights to land and interfering locations which are good and valid in law, and which had not been actually located west and south of the line above described previous to February 25, 1790, should be located north of the same.

2. That if the territory ceded by this act to the State of Tennessee should not contain a sufficient quantity of good land fit for cultivation, according to the true intent and meaning of the original act of cession, to perfect all existing legal claims charged thereon by the conditions contained in this act of cession, Congress will hereafter provide by law for perfecting such out of the lands lying west and south of the before-mentioned line.—(See Laws United States, volume 4, page 39.)

By an act supplementary to the above act, approved April 4, 1818, it is provided that the State of Tennessee shall be authorized to perfect titles on all special entries and locations of land in said State made, pursuant to the laws of North Carolina, before the 25th day of February, 1790, that were good and valid under the act of cession from North Carolina, and also to issue grants and perfect titles on all warrants of survey, interfering entries, and locations, which might be removed by the cession act of North Carolina, and which are good and valid in law, and which have not been actually located and granted east and north of the aforesaid line, in the same manner and under the same or similar rules and regulations as are prescribed by the laws in force in the State of Tennessee for issuing the grants and perfecting titles on claims of a like nature for lands lying north and east of the said lines.

Under the provisions of the several laws above referred to the State of Tennessee has proceeded, it is believed, to perfect titles to a large portion of the land lying south and west of the line described in the act of 1806, but this office is possessed of no means to ascertain the quantity of lands to which titles have been granted as aforesaid. It therefore becomes impracticable to state the quantity of public land now vacant and unappropriated in the State of Tennessee; but from an estimate made from the best maps in the possession of this office it appears that the lands lying south and west of the line above mentioned amount to eight millions five hundred thousand acres.

The Indian titles to these lands have been extinguished by the United States. To that portion of them lying east of the Tennessee river, and which amounts to about one million nine hundred thousand acres, it was extinguished by the treaty with the Cherokees at Washington, January 7, 1806, and to the residue, lying west of the Tennessee, it was extinguished by the treaty with the Chickasaws, bearing date October 19, 1818.

It may be proper to remark that previous to the treaties entered into at Hopewell, in 1786, these lands were considered as subject to entry under the acts of the State of North Carolina; it is therefore probable that entries were made to a considerable extent before the provisions of the treaties of Hopewell were known and respected; the titles to which entries have not been perfected until since the cession of the lands by the Cherokees in 1806, and the Chickasaws in 1818. The extent of such entries, or of any other entries that may have been made by virtue of the several provisions of the laws above specified, can only be ascertained by reference to the records of the State of Tennessee; and if the provisions of the second section of the act of Congress approved April 4, 1818, (Laws United States, volume 6, page 272,) have been duly carried into effect, then the files of the offices of the commissioner of land claims for West Tennessee, and those of the register of the land office for West Tennessee, will show the amount of warrants that have been declared to be valid and the amount of grants perfected for lands within the districts ceded to the United States.

The district of country lying south and west of the boundaries designated by the act of April, 1806, is a very fine one, and contains a large portion of lands of very superior quality; from its great extent, however, it must necessarily contain much land of an inferior quality, and as the locations which have been made within it will very generally have been confined to the lands of the best quality, the residuum subject to be disposed of by the United States will generally be of inferior quality.

All which is respectfully submitted.

GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

20TH CONGRESS.] No. 625. [1ST SESSION.

LIST OF PERSONS ENTITLED TO RESERVATIONS OF LAND UNDER THE TREATY WITH THE CHEROKEE INDIANS OF FEBRUARY 27, 1819.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 23, 1828.

WAR DEPARTMENT, *January* 23, 1828.

SIR: I have the honor, in obedience to a resolution of the House of Representatives of the 16th instant, of submitting herewith a communication from the clerk charged with the Indian business of this department, accompanied by a list of persons entitled to reservations under the treaty with the Cherokees of February 27, 1819, according to the treaty, and the returns of the Commissioners appointed to superintend the surveying and laying off said reservations, distinguishing between those who are entitled to reservations in fee-simple and those who are entitled to reservations for life only.

I have the honor to be your obedient servant,

JAMES BARBOUR.

The SPEAKER *of the House of Representatives.*

WAR DEPARTMENT, *Office of Indian Affairs, January* 19, 1828.

SIR: I have the honor to accompany this with an abstract, in conformity to a resolution of the House of Representatives of the 16th instant, (and upon which you have directed me to report to you,) of each and every head of an Indian family who is entitled to a reservation of land by virtue of the treaty made between John C. Calhoun, late Secretary of War, and the chiefs and headmen of the Cherokee nation of Indians, at the city of Washington, February 27, 1819, distinguishing between those who are entitled to reservations in fee-simple and those who are entitled to reservations for life only, with reversion, in fee-

simple, so far as the records of this office enable me to do so. There is no information in this office in regard to the question of reversion.

Respectfully submitted.

THO. L. McKENNEY.

Hon. the SECRETARY OF WAR.

List of persons entitled to reservations under the treaty with the Cherokees of February 27, 1819, according to the treaty, and the returns of the commissioners appointed to superintend the surveying and laying off said reservations to the War Department, showing those entitled to reservations for life and those entitled to reservations in fee.simple.

FOR LIFE.

1 Choctaw.
2 John Miller.
3 Allen B. Grubb.
4 Co-lo-nees-kie.
5 Tall o-tuskee.
6 Betsy McIntosh.
7 Path Killer.
8 Bold Hunter.
9 Willie Tooten.
10 James Coody.
11 John Spear.
12 Jacob.
13 Con-naugh-ty.
14 Yoon-no-gy-kah.
15 Big Tom.
16 Bag, or Sapsucker.
17 Johnston.
18 Oo-lah-not-tee.
19 Back Water.
20 The heirs of Too-lee-noos-tah.
21 Jack.
22 Thomas.
23 Cul-sow-wee.
24 Parch-corn Flower.
25 Panther.
26 Ca-te-he.
27 Yellow Bear.
28 Jenny.
29 The Bear going in the hole.
30 John.
31 Beaver-toter.
32 John Quchey.
33 Too-naugh-he-ah.
34 The Fence.
35 The Old Mouse.
36 Am-ma-choo.
37 Eu-chu-lah.
38 The Wolf.
39 She-ken.
40 Oo-saw-too-take.
41 Coo-lu-chu.
42 Su-a-ga.
43 Treat.
44 Little Deer.
45 Whip-per-will.
46 Six Killer.
47 The heirs of Ah-leach.
48 John Welsh.
49 The Cat.
50 Wallie.
51 The Clubb.
52 Gideon F. Morriss.
53 Ha-ne-lah.
54 Sharp Fellow.
55 Eunoch, or Trout.
56 William Read.
57 Old Nanny.
58 John Ben.
59 Te-gen-tas-ey.
60 Wha-a-kah, or Grass grows.
61 Bell Rattle.
62 Smoke.
63 Sit-u-wa-kee.
64 Tee-las-ka-ask.
65 John Hilderbrand.
66 Thomas Jones.
67 William Jones.
68 Drury Jones.
69 James Jones.
70 Daniel Thorn.
71 Peter Johnston.
72 Captain John Wood.
73 John Shumaker.
74 Samuel Key.
75 William Key.
76 John McNary.
77 Heirs of Arthur Burns.
78 Joseph Elliott.
79 Sutton Stephens.
80 Andrew Lacy.
81 Giles McAnulty.
82 Kan-a-noo-lus-kah.
83 William Wilson.
84 Nancy Merrell.
85 Amos Robinson.
86 John Thompson.
87 Thomas Harrison.
88 James Orr.
89 Peggy Shory.
90 *Alexander Kell.
91 *James Ward.
92 *Benjamin Cooper.
93 *Uriah Hubbard.
94 *Moses McDaniel.
95 *James Landrum.
96 *David England.
97 *George Ward.
98 *William England.
99 *Catharine Ward.
100 *Bryant Ward.
101 *Delilah Welsh.
102 *Edward Adair.
103 *Samuel Ward.
104 *John Terrell.
105 *Joel Kirby.
106 *John Duncan.
107 *Dascob Duncan.

FEE-SIMPLE.

1 Fox Taylor.
2 James Brown.
3 Richard Timberlake.
4 The Old Bark of Chota.
5 James Starr.
6 John McIntosh.
7 Richard Taylor.
8 William Brown.
9 David Fields.
10 John Brown.
11 John Walker, jr.
12 Elizabeth Pack.
13 Elizabeth Lowry.
14 George Lowry.
15 Robert McLemore.
16 Susannah Lowry.
17 James Lowry.
18 John Benge.
19 John Baldridge.
20 Thomas Wilson.
21 Edward Gunter.
22 Richard Riley.
23 James Riley.
24 Margaret Morgan.
25 George Harlan.
26 Lewis Ross.
27 Richard Walker.
28 Yonah, or Big Bear.
29 *John Martin.
30 *Peter Linch.
31 *Daniel Davis.
32 *George Parris.
33 *Walter S. Adair.
34 Cabbin Smith.
35 John Ross.
36 Eliza Ross.
37 Nicholas Byers.
38 John Walker, sen.
39 Samuel Parks.

RECAPITULATION.

107 life reservations, 39 fee-simple reservations.

NOTE.—All those marked * are within the limits of the State of Georgia, being eighteen life-estate reservations and five fee-simple reservations; and all, or nearly all of them have been purchased for the State of Georgia, under a provision made by Congress for that purpose.

T. L. McKENNEY.

20TH CONGRESS.] No. 626. [1ST SESSION.

SALE OF RELINQUISHED LANDS TO ORIGINAL PURCHASERS.

COMMUNICATED TO THE SENATE JANUARY 23, 1828.

TREASURY DEPARTMENT, *January* 21, 1828.

SIR: I have had the honor to receive your letter of the 20th ultimo, enclosing a bill now pending in the Senate, which provides, among other things, for the sale, at graduated prices, of the relinquished lands to the original purchasers, and asking my opinion whether the operation of the bill would be favorable or otherwise to the revenue from the public lands.

In reply I beg leave to state that in the opinion of this department the principles contained in the bill would probably prove favorable to the revenue to be expected from the sale of the relinquished lands, for the reasons set forth in a letter from the Commissioner of the General Land Office to the Hon. G. W. Owen, dated in January last, a copy of which will be found in the printed document No. 122, herewith enclosed.—(See antecedent No. 617.) It is proper, however, to add that if the privileges secured by the bill shall be extended to October 1, 1829, the receipts from the public lands for the year 1828 will probably fall short of the sum stated in the annual report from this department of December 8, 1827, by four hundred thousand dollars, that being the sum expected during the year from the sale of the relinquished lands in the State of Alabama.

I have the honor to be, very respectfully, your most obedient servant,

RICHARD RUSH.

Hon. D. BARTON, *Chairman of the Committee on Public Lands.*

20TH CONGRESS.] No. 627. [1ST SESSION.

APPLICATION OF MISSISSIPPI FOR AN EXTENSION OF THE TIME FOR ADJUSTING PRIVATE LAND CLAIMS IN THAT STATE.

COMMUNICATED TO THE SENATE JANUARY 24, 1828.

RESOLUTION OF THE LEGISLATURE OF MISSISSIPPI.

Whereas it has been represented to this general assembly that a number of individuals who would have been entitled to lands lying and being in the land district of Jackson county, under the various laws of the United States on the subject of public lands, had they been able to avail themselves of the benefit and intention thereof within the periods prescribed by said laws; but owing to various causes growing out of events over which many of them could have no control, one of which causes was the want of regularity and neglect of duty on the part of the commissioners appointed for the purpose of receiving and reporting evidence of claims, and another of which causes was owing to a want of information on that subject, of the time and place appointed by said commissioners for the purpose aforesaid, together with a want of information in relation to the evidence necessary to entitle them to the benefit of the laws aforesaid; all of which causes have operated to the manifest injury of a number of the citizens of this State; and it being very desirable, as well to the claimants aforesaid as to the people of this State, that the above description of claims should be equitably disposed of: Therefore—

Be it resolved by the senate and house of representatives of the State of Mississippi in general assembly convened, That our senators in the Congress of the United States be instructed, and our representatives be requested, to use their influence to procure the passage of a law authorizing the commissioners of the land district aforesaid to receive evidence of all such claims in their district, under such regulations as may be deemed equitable and just, allowing a sufficient time for the promulgation thereof, and also for the adjustment of said claims.

Approved January 27, 1827.

20TH CONGRESS.] No. 628. [1ST SESSION.

APPLICATION OF FLORIDA TO BE ALLOWED TO SELL THE LANDS RESERVED FOR A SEMINARY AND SCHOOLS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 28, 1828.

Resolved, That the delegate in Congress from the Territory of Florida be, and he is hereby, respectfully requested to use all proper exertions to procure the passage of a law authorizing the sale of the lands

reserved in this Territory for the establishment of a seminary of learning, and for the use of schools, at such times and under such regulations as the governor and council may by law direct.

In urging this request a second time upon the consideration of Congress, the members of this council disclaim all intention of manifesting a feeling of discontent as respects the course heretofore pursued by that honorable body towards this Territory. On the contrary, they have much reason to felicitate themselves on the munificence which it has ever seemed disposed to exercise, and do most sincerely appreciate the liberality with which their petitions have been regarded; but while they deny all intention or even right to complain, they nevertheless consider themselves entitled to the privilege of presenting at all times to the consideration of Congress such alterations in their system and laws as will, in their opinion, conduce to the general advantage of the community which they represent. The subject proposed in the foregoing resolution is one so important to the interests of Florida, and so vitally connected with the growth and prosperity of the institutions, which it has manifestly been the object of that honorable body to encourage and support, that the members of this council cannot believe that an apology will be considered necessary for presenting it a second time; indeed, they would consider it an aberration from that strict line of duty which their obligations to the Territory and to the government of the United States impose, were they not again to present this matter to the consideration of Congress, and to submit a few of the most prominent reasons upon which they have predicated their opinions.

Congress, at its last session, passed a law granting to the governor and legislative council of this Territory the power to take possession of the lands which are the subject of this resolution, and to lease the same from year to year, and appropriate the money arising from such leases to the use of schools and the erection of a seminary of learning.

In countries presenting a dense population, and where the advantages to be derived from the cultivation of the soil depend upon the skill and care with which it is managed, a system of leasing lands for a term of years may be found to yield a profit without impairing their value; but where there exists a sparse population, and where large bodies of unsettled lands are presented at almost every point throughout the country, renting or leasing, especially from year to year, will ever be found to render them worthless, without producing any equivalent.

Persons acquainted with the mode usually pursued by agriculturists in the southern States must be convinced that a system of improvement enters not into their schemes of policy; their principal object is to draw from the native soil as large a product as it is capable of affording, and when, from such a plan of culture, it becomes exhausted, it is abandoned for a more fertile spot. If this be the course pursued by persons owning the soil, as in many instances it undoubtedly is, what have we to expect from those who have no permanent interest in it? Tenants from year to year, in a country like this, would direct every effort to the attainment of the largest return from their labor without regard to future consequences, and when their leases expired they would leave the lands in a state of premature decay and destruction.

Another important reason presents itself to the members of this council against the adoption of this system: it is, that the revenue to be derived from it would not be sufficient to answer any valuable end. Woodlands, although constantly subject to pillage and waste, could not be rented for any price, and the cleared lands would yield a very small sum in consequence of their not being considered a fair subject for competition. By common consent the person who has cleared a piece of land, known as public land, is considered in some degree its owner, and no other person will oppose him in renting it; he therefore gets it at such price as he is willing to offer, and thereby obtains a privilege to commit every kind of depredation.

For these and other important considerations connected with the object for which these lands have been reserved, the members of this council, representing the people of Florida, conceive that much injury will grow out of this system if pursued. If it be true that experience is at all times a safe guide, we greatly err when we neglect to profit by its lessons; and in looking at Georgia, Alabama, and other neighboring States, we find the worst results have followed the system of leasing the lands set apart for the promotion of literature. The lands have been found to deteriorate from year to year, and the proceeds have scarcely been sufficient to pay the expenses necessarily incurred in placing them in this train of ruin and destruction.

An additional reason, not indeed directly connected with the funds to be raised from these lands, has also had its influence with the members of this body in inducing them to present this request to the Congress of the United States. The Territory of Florida is known to possess an extent of maritime frontier surpassing, in exposure, any other portion of the Union; it is also known to embrace an immense tract of country, the most of which is of such sterility as to present an insuperable barrier to settlement, and that its means of defence in times of invasion must of necessity be less than its situation requires. It would therefore seem that every effort should be resorted to by the government to invite within its borders a permanent population, which would be identified with it in interest, and would be disposed to defend it against foreign assailants; but if the school lands, located as they are in the best sections of the country, should be kept under a lease, this desirable object would be wholly defeated. Persons who depend upon renting lands for a support are generally of an unstable and itinerant character, and, having no permanent interest in the government, would be indisposed to promote it in peace or defend it in war.

As the resolution herewith submitted is only intended to request the passage of a law authorizing the sale of these lands at such times and under such regulations as the governor and legislative council may direct, it would appear unnecessary to suggest at this time any mode for their future disposition; but as the success of this application may, in some degree, depend upon the correctness of their views on this subject, the members of this body believe that a full development of them will not be considered irrelevant.

Into some parts of this Territory a tide of emigration is at this time most rapidly flowing, and not a doubt is entertained but it will continue to flow as long as lands susceptible of profitable tillage can be procured; and when all the good lands of those sections of country are settled, emigrants will be directed to other parts of the Territory which have not as yet attracted their attention. To dispose of the school lands, therefore, upon the most advantageous terms, it is necessary that the governor and council be at liberty to bring them into market at such times as they will be in the greatest demand, from the influx of population to the particular section of country in which they are situated. It is also considered that the most advisable plan to dispose of them will be to sell them upon a credit of from one to ten years; the principal to be secured by personal security and a lien upon the land, and to bear a reasonable interest from the sale, to be paid annually to the commissioners or trustees of the school fund. By an adoption of this course it is believed the lands will sell for a price greater than they would command at any future

period, and would yield an annual revenue in interest infinitely larger than could ever be realized from rents.

The members of the council are well aware of the objections which exist to a sale of lands upon credit, but they are convinced that little reflection is required to show that those objections cannot apply to the school lands in this Territory; the quantity to be brought into market at any one time will be too small to invite foreign speculation; they will therefore be purchased by persons settling in the country, and the payment will be amply secured. Instead of their being ruined in the hands of tenants by an improvident system of culture, they will more likely be improved by owners, who will be looking to future benefits and advantages; and if from non-payment they should at any time revert to the government, they will return with an increased value.

With regard to the fund to be raised from a sale of these lands, the members of the council would only observe that, when collected, it might be securely and advantageously vested in some stock which would give an annual income amply sufficient to carry into effect the beneficent designs of Congress in setting them apart.

In conclusion, the members of the council would respectfully remark, that, if rules have been established by Congress in relation to the disposition of the lands reserved for universities and the support of schools which are adverse to the request they now make, they cannot but hope that the reasons here assigned, added to the peculiar situation of the country in which they live, will be considered as affording sufficient grounds for a departure from those rules so far as the Territory of Florida is concerned.

JOHN L. DOGGETT, *President of the Legislative Council.*

Adopted December 28, 1827.

A. BELLAMY, *Clerk.*

20TH CONGRESS.] No 629. [1ST SESSION.

PRE-EMPTION RIGHTS IN THE CHOCTAW DISTRICT IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 28, 1828.

Mr. HAILE, from the Committee on Public Lands, to whom was referred the resolution of the House of Representatives of January 3, directing the committee to inquire into the expediency of granting the right of preference in the purchase to actual settlers on the public lands in the Choctaw district, State of Mississippi, reported:

That the Indian title was extinguished in the year 1820 to all the lands within the present Choctaw district; and that all the lands acquired by that treaty have been surveyed and brought into market, except a small portion lying within the vicinity of Lake Washington, contiguous to the river Mississippi, and within the limits of a new county just organized by the State of Mississippi. That the settlers at the time they first inhabited the land, and before they had erected any valuable improvements on the same, expected that this portion of the public lands would, like the rest, be speedily brought into market, as at that time it presented no inducements to speculators. The settlers have patiently waited nearly seven years, under the hope that the land on which they reside might be surveyed, and the land brought into market, in order that they might be quieted in their possessions. They think the period has arrived when they ought to have some security offered to them that at no distant day their labor and improvements may not be wrested from them by the combination of unfeeling speculators. From year to year the settlers have been compelled by necessity to erect comfortable dwellings, and have cleared sufficient land for subsistence; that others have been forced to erect horse-mills, gins, and warehouses, for the convenience of this remote part of the State, and completely detached, a very considerable distance, from any other neighborhood by swamps and water, almost impassable at any season of the year.

The documents annexed to this report will show not only the quality of the land, but the causes that have prevented this particular portion from being brought into market.

Instructions have been given from time to time to the surveyor general to complete the surveys in that remaining portion of the Choctaw district. A contract was entered into with Mr. Babbit, who died before the surveys were completed. Since that period, other and various contracts have been entered into, but from a variety of causes the surveys are still delayed. The surveyor general states "that two surveyors, who had taken contracts for surveying to be executed in the vicinity of Lake Washington, in the Choctaw district, have abandoned them to avoid ruin." In June, 1827, in a letter from the same person to the Commissioner of the General Land Office, he says: "I will take this occasion to report to you, formally and officially, as I have several times done incidentally heretofore, that the law of May 24, 1824, cannot be executed in conformity with your instructions on the subject; the execution of a surveying contract being a very different business from that of entering into one, through mistake, produced by a want of experience. The experiment being now made, to the ruin of those who have embarked in the business, no *further contracts* can be expected, nor could they be executed if obtained.

The committee refer to these facts to show that a still further delay will happen before the lands on which the present settlers now reside will be surveyed and brought into market. In fact, many years may elapse before Congress will increase the price of surveying this description of land; and, unless the settlers are now protected in their possessions, they will be discouraged in any further improvements. It may be contended that the laws interdict settlements on the public lands. But it is impossible to prevent settlements on public lands, particularly after counties are organized. The State must be compelled to make use of the public land in the location of seats of justice for the counties, and, like an individual, must wait until the land is brought into market. Wherever land is expected to be brought into market, the people in other parts of the same State, whose lands are exhausted, and those who are the owners of

none, will remove to the new settlement and select a new home. It is right and proper that the first settlers, who have made roads and bridges over the public lands at their own expense, and with great labor and toil, should be allowed a privilege greater than other purchasers. It cannot be denied that these settlers increase the value of the contiguous lands to the United States. By this means an additional amount on the sales of public land is realized to the government. It is just and proper that he who renders a benefit to the public, who, by his enterprise and industry, has created to himself and his family a home in the wilderness, should be entitled to his reward. He has afforded facilities to the sale of the public lands, and brought into competition lands that otherwise would have commanded no price, and for which there would have been no bidders, unless for his improvements.

In Arkansas the right of pre-emption was extended to ten years. By the act of 1814 pre-emptions were allowed in Illinois to the extent of six hundred and forty acres. In all the new States similar privileges have been extended. By a late act of Congress the right of pre-emption was extended in Florida to five years. This is a claim in behalf of a few settlers in the county of Washington, who did not anticipate that the government of the United States would have neglected, for such a length of time, to bring the lands on which they reside into market. Having resided so long on the land, it is natural that they should be attached to their homes, and feel an unwillingness again to emigrate. The committee are informed that that portion of the public land that remains unsurveyed, and not subject to inundation, either by the Mississippi or the swamps, is very inconsiderable. They do not conceive that the government will sustain any loss by granting a similar privilege to the few inhabitants of one county and neighborhood, that has so often been extended to the citizens of other States. They, therefore, report a bill granting a right of preference in the purchase of one quarter section of land only to the persons who inhabited the same prior to the 1st day of January, 1828.

REFERENCE.—See MSS. Rep., p. 589; MSS. Rep., p. 455; see act March 15, 1816, authorizing persons to settle on public lands upon certain conditions.

Extract from a petition to Congress, praying for a pre-emption to a tract of land near Lake Washington.

"The greater part, at least two-thirds, is every year eight and ten feet inundated, there being only a narrow ridge of high land from the river to the lake.

"ABEL RAWLS.
"THOS. D. MERIWETHER."

GENERAL LAND OFFICE, *January* 7, 1828.

SIR: In reply to your letter of the 4th instant, I have to state that, understanding there was a very valuable body of land lying along the margin of Lake Washington, (a large lake in the Mississippi swamp,) and free from inundations for nearly a mile back from the lake, instructions were given to Mr. Davis, in January, 1826, (see No. 1,) to extend his meridian and parallel lines to that lake, and to have the lands fronting on it surveyed, agreeably to the provisions of the act passed May 24, 1824. In pursuance of which instructions he entered into contract with Mr. Babbit to survey the lands in the neighborhood of that lake; which contract never has been completed, as appears from the enclosed copy of a letter addressed by Mr. Davis to you, and forwarded to this office, (No. 2,) and also from the extract of a letter from Mr. Davis to this office, (marked No. 3,) dated June 29, 1827. Mr. Babbit is since dead. In consequence of a recommendation from this office, a bill was reported to the House authorizing an increase of the price for surveying this description of lands, but was not acted upon.

Very respectfully, sir, your obedient servant,

GEORGE GRAHAM.

Hon. WM. HAILE, *House of Representatives.*

No. 1.

Extract of a letter from the Commissioner of the General Land Office to G. Davis, dated January 21, 1826.

"I am pleased to find that you are getting offers for surveying the lands in the Choctaw district for $3 50 per mile, which I think they can generally be surveyed for. I had, previous to your communication, heard of the lake between the Yazoo and the Mississippi rivers, and that the lands adjacent were free from inundation, and of good quality. It is desirable that these lands should be surveyed, and if you have not reached this body of land in your regular surveying, you may extend your meridional and parallel lines, to enable you to connect them with the surveying executed.

"It will probably be advisable to survey the lots adjacent to the lake, agreeably to the provisions of the act of May 24, 1824.

"P. S.—I do not feel authorized to give instructions for surveying the lands, under the act of May 24, 1824, different from those heretofore given."

No. 2.

SURVEYOR'S OFFICE, *Washington, (Miss.,) January* 31, 1827.

The enclosed correspondence, on the subject of obtaining papers from the office of the registers at Washita and Opelousas, is sent to Mr. Haile, as an act of justice to those concerned, in consequence of my having, in my communication of the 12th instant, given it as my opinion that I had no other way of obtaining them than by paying the fees affixed to the duties of issuing them by law. The perusal of

them is well worth the attention of such of our law-makers as are disposed to cast censure, or to countenance censure cast upon executive officers of the government for the non-execution of laws which carry the most conclusive evidence upon the face of them that they never were intended to be executed. Let any candid man look at the act of May 24, 1824, and compare it with the treasury construction of the law, and with my letters to the Commissioner of the General Land Office, and to Mr. Cook, of the House of Representatives, upon that subject, and if he does not agree with me that the same law ought to have raised the price of surveying to $7 or $8 per mile, and to have allowed this office one extra clerk for every deputy employed in its execution, I shall conclude, and shall be able to demonstrate, that he is incapable of understanding the subject. I have understood that two surveyors who had taken contracts for surveying, to be executed upon that plan, in the vicinity of Lake Washington, in the Choctaw district, have abandoned them to avoid ruin.

All surveying executed under the authority of the government ought to be liberally paid for by the government; and in cases where the claimants are now required to pay, they should make the payments to the land offices on receiving their patents.

If Mr. Haile will have the goodness to leave the enclosed papers at the General Land Office, it will probably be the only favor that I shall ever ask him.

G. DAVIS.

Hon. WM. HAILE, *House of Representatives.*

The enclosed papers are numbered from 1 to 4.

NOTE.—One of the clerks in this office has just now completed the examination of a small fractional township, recently surveyed, according to the act of May 24, 1824, consisting of not more than what is equal to ten complete square sections, the tabling of which, with the assistance of the deputy surveyor himself, has occupied two entire days of close application; and the front on the river, consisting of only six sections and about a half, has filled nineteen pages of foolscap paper. It will occupy the same clerk, who is a very expert calculator, two days more, or perhaps three, to complete the calculation of areas, and the subdivisions of the fractional square sections, and four days afterwards to make thence neat maps and descriptions of this small fraction, but little more than quarter of a township. Let this be taken as a sample of the work required to be done, in a given time, in the two States of Louisiana and Mississippi.

No. 3.

Extract of a letter from G. Davis, esq., to G. Graham, esq., Commissioner, &c., dated June 29, 1827.

"I will take this occasion to report to you, formally and officially, as I have several times done incidentally heretofore, that the law of May 24, 1824, cannot be executed in conformity with your instructions on the subject—the *execution* of a surveying contract being a very different business from that of *entering into one through a mistake* produced by a want of experience. The experiment being now made, to the ruin of those who have embarked in the business, no further contracts are or can be expected, nor could they be executed if obtained."

20TH CONGRESS.] No. 630. [1ST SESSION.

REPORT AND DECISIONS UPON PRIVATE LAND CLAIMS IN EAST FLORIDA.

COMMUNICATED TO THE SENATE JANUARY 30, 1828.

TREASURY DEPARTMENT, *January* 29, 1828.

SIR: In pursuance of the provisions of the 5th section of the act of Congress approved February 8, 1827, I have the honor to submit a copy of a letter of the register and receiver of public moneys for the district of East Florida, transmitting their report and decisions upon private land claims.

I have the honor to be, very respectfully, your obedient servant,

RICHARD RUSH.

Hon. the PRESIDENT *of the Senate of the United States.*

LAND OFFICE, *St. Augustine, December* 12, 1827.

SIR: Accompanying this are our reports. It will be seen that in the space of little more than eight months we have acted on one hundred and ninety-five claims. There are now in the office three hundred and ninety-nine, of which more than one hundred were filed in November last. We could not do more. In another year we can close this business. We had prepared a report of the fifteen claims transmitted from the department, as we were directed by Mr. Graham, but as yet it has been impossible that the clerk could copy it. It shall be sent on in the course of the winter.

We are, very respectfully, your obedient servants,

CHARLES DOWNING, *Register Land Office.*
W. H. ALLEN, *Receiver.*

Hon. RICHARD RUSH, *Secretary of the Treasury.*

Report of the land commissioners of East Florida.—How lands could be granted, and that by the governors themselves, &c.

LAND OFFICE, *St. Augustine, December* 13, 1827.

SIR: In forming a general rule by which this board should be governed in the decision of land claims, we have experienced less difficulty than had been anticipated. The manner as well as the ratio in which lands were granted in East Florida, from which the practice has never varied until the administration of Coppinger, was limited and defined by fixed and settled principles: first, by the general laws of the Indies, where they can be made to apply; and, second, by the decrees of the King of Spain, made specially for these provinces. They prescribe the qualifications of those who shall receive donations, and limit the quantity which the governors shall grant them; and if the enumeration of specific powers is to be construed to exclude those powers not enumerated, and if the governors were restricted by the express provisions of those ordinances from which they derive their authority, there is then no difficulty, from the lights before us, in fixing bounds to that granting power which has hitherto been considered to have had no limits in East Florida but the governor's will and the governor's discretion; nor should we, on this subject, have thought it our duty to do more than to refer to the limitations in the very grant of powers, but for the practice of Governor Coppinger, the universal statement and apparent belief of the people of this section of the Territory, and more especially for the different opinions entertained by the board of commissioners, our predecessors here. We have examined with care and attention every law, ordinance, and decree, either general or special, which relates to the granting of public lands in this province. We have found, in each and all of these, the authority of the governors prescribed within certain and settled limits. It is true that we have not been able to procure the royal order of 1754; but of the importance of this we entertain an opinion different from that of our predecessors. It was promulgated when Florida was a portion of the British empire; it is embodied in the laws of the Indies, if it has any bearing on the subject; and if repugnant to the royal order of 1790, it is repealed by it; or if consistent, modified, amended, and applied to this province.

There were five modes by which lands could be granted in this province:

The first was by the King in person, as in the case of the Duke de Alagon, &c.

The second was by the intendant of Cuba, to whom the King had given a superintendence over the Floridas, with an express direction to use every means in his (the intendant's) power to settle the provinces. (Vide royal order, September 3, 1817.) Under this power, thus conferred, the grant of two hundred and fifty-six thousand acres in Alachua was made to the Arredondos.

Of these two classes of claims we have nothing to say. They were disposed of before the commencement of this board, and none of a similar character have as yet been acted on by us.

The last three modes in which lands could be granted, and granted by the governors themselves, are the subject of this report:

The first is to subjects who lived in towns and wished to settle in the country. The second, to foreigners (Irishmen) who came here and took to the King the oath of allegiance. The third, for military services during the disturbance of this province in 1812, and subsequently under the royal order of 1815.

First, by the laws of the Indies.—By this law "houses, lots, lands, &c., may and shall be distributed to all those who go to settle new lands," &c. Again, as it may happen that in distributing lands there may be a doubt as to the measurement, we declare that a *peonia* or peasant's portion is a lot of fifty feet in breadth and one hundred in depth, &c., and a gentleman's portion is a lot of one hundred feet in breadth and two hundred in depth, &c. It is evident that this proportion was intended for the very infancy of a settlement, when the inhabitants resided in townships, and those townships were walled in against the surrounding Indians. It is to this law that Governor Quesada refers, by book, chapter, and section, in his "Internal Regulations of Police." He there declares that "he is commanded by royal orders, agreeably to public wants, to apply the most seasonable and quick remedies thereto." The governor says further, in the same document, "I grant to all the inhabitants permanently settled and subjects of his Majesty, in his royal name, for their use, the quantity of land they may require, *in proportion to their force.*" "And although the laws of the Indies (12th title, 4th book, the very law we have above quoted) authorize me to make an absolute distribution of the same, I abstain therefrom for powerful motives, persuaded, &c., that those obtaining grants from me now will be confirmed in them." "The powerful motives" which induced Governor Quesada to abstain from making "absolute grants" were evidently these: that by the laws of the Indies, which gave him that power, he could grant to a peasant or a gentleman but fifty or one hundred feet in breadth and double the quantity in depth, and he hoped, and wisely hoped, that by *obtaining further powers of his Majesty* the quantity could be enlarged. Quesada, then, (and Cespedez, his only predecessor, made no distribution of lands,) has expressly declared that his authority to grant lands in the province, as governor of East Florida, is derived from the laws of the Indies, book 4, title 12. We have seen what power is there conferred. It is evident from the whole tenor of these "Internal Regulations of Police," which have already been printed by order of Congress, as well as by the quotations made above, that Quesada considered himself empowered to make these grants, not by the omnipotence of his commission as governor of Florida, but by the express provisions of the law itself. We should not have said so much on this subject but for a wish to trace to its source this granting power, and fix its limits, if limits it have. Quesada nowhere claims a right to exceed the number of acres prescribed by law, nor to make a grant for other causes than "head-rights." His practice conformed to his rule. And White, his successor, arbitrary as he was, did not dare even to reduce the quantity prescribed by law until he consulted the King, and obtained permission. If Governor Kindelan had full power to make whatever grants he pleased, why did he apply to the King for authority to give lands for military services; for risking their lives without pay in the defence of the province? In addition to this, it may be well to observe that when, in the necessities of the royal treasury of this city, some sales of lands were made to individuals by order of the governor, and referred to Cuba and Spain for confirmation, these very sales, made by the omnipotent governor, were there annulled, the money ordered to be refunded, and the lands to revert to the royal domains. Thus we see that this "*unlimited*" power of the governors is conferred by the laws, is limited by the royal orders, and their deeds reserved at will when repugnant to either. In an order of 1814, the King uses these strong words: after declaring "that the little observance of the provisions of the laws of the Indies and ordinances of intendants" have been attended "with great injury to the royal exchequer and of *the owners*," he adds that he has, therefore, "been pleased to order that the intendants comply strictly with what has been ordered in the said ordinance relative to the distri-

bution of lands." In 1818, his Majesty is still more explict. He declares "that the general expression, *granted in so much as it is not opposed to the laws*, can give no room for explanation; and making them (the grantees) understand that it is out of their power to alienate them in part or the whole, especially to foreigners." So much for the laws of the Indies. We come now to—

The second, the royal order of 1790.—This order, the first of the kind, intended specifically for the granting of lands in Louisiana and Florida, was made on the application of Governor Quesada to permit the introduction of foreigners (Irishmen) into these provinces. It is in these words: "that those foreigners alone will be received who may, of their own free will, present themselves and swear allegiance to his Majesty, to whom there shall be granted and measured lands gratis, in proportion to the working hands each family may have." The number of acres afterwards fixed on as proper for each worker of a family was one hundred for the husband, as much for the wife, and fifty a head for each child, and each slave of sixteen years and upwards. It is true that Governor White subsequently obtained the permission of the intendant to reduce this assessment to half the quantity, viz: fifty for each head of a family, and twenty-five for the balance. But this minimum ratio was not adhered to by any of his successors. It is then clear that, viewing the power of the governor in the most extensive and favorable sense, the rule to which they were imperatively bound to adhere in the granting of lands to foreigners was this: to give to Irishmen, or to those who called themselves so, "*lands in proportion to the working hands* each family may have." Thus, a man settling in this province with one hundred slaves was as much entitled to five thousand acres of land for those slaves, one hundred for himself, as much for his wife, and fifty acres for each of his children, as a single man, without a negro in the world, was entitled to one hundred. It is plain, therefore, that the justness or validity of a grant does not depend on its size or quantity, but on its conformity to the law under which it was made. It will be presently seen that the ordinance of March, 1815, directs the governors to grant lands for military services in the same ratio, varying only in the conditions imposed on the grantee of cultivation and occupancy.

It will be seen, too, that this order of 1790 relates entirely to foreigners who should take in this province the oath of allegiance to the King; but as the number of acres prescribed by the laws of the Indies to be given to each native-born subject of his Majesty was intended evidently for the earliest infancy of a settlement, it became customary, as it was doubtless equitable, to grant to subjects of his Majesty the same number of acres as, by the royal order of 1790, was granted to foreigners; but the law, when this is done, imperiously required that they should leave the city and settle on their farms; and Governor White has invariably made it a condition precedent that the grantees take possession of their land in from one to six months. Thus stands the law, and the practice too, until the administration of Coppinger. Until then the uniform course in obtaining grants was this: a memorial was presented by the individual applying, stating his wish to take the oath of allegiance, declaring the number of his family, and praying that the governor grant him a specified number acres in a specified place. The governor sometimes required the engineer to report on the probable influence that the settlement proposed would have on the military defence of the province. Sometimes he directs that the request of the petitioner be granted, saving always the rights of third persons, "until, according to the number of his family, the authorized surveyor shall measure and lay off to him the number of acres he may be entitled to." The surveyor afterwards travelled around the several settlements of the province, required each individual to swear to the number of his family, and laid off to him as much land as the laws gave, in proportion to his workers. This was the practice, and this was the law. It was then necessary that the grantee should live on the land, and cultivate it for ten successive years. Before the expiration of this period of ten years it became forfeited to the crown by a sale or an abandonment. The King himself has more than once declared that lands should not be purchased or obtained but of the King's attorney; and by an edict of Governor White of October 12, 1803, lands abandoned for two years are declared to be forfeited. Suffice it to say, by every regulation, ordinance, and decree on this subject, as well as by the practice invariably pursued, the memorial of the party and the concession of the governor convey nothing more than the *right* of possession. It is equivalent to a permit to settle a given portion of the public lands, with a promise implied that if the party shall so settle and remain for ten years, he shall become, by such residence, fully and legally entitled to a right of property. This first permit of the governor to settle on the lands is called a concession, which conveys, as we have just remarked, a right of possession, defeasible by sale, by abandonment, or by death. If the widow or the heirs of the grantee shall not remain on the land so long that the ten years possession of the original claimant shall have been completed, then the party has a fair claim to what has been called—

A royal title.—This is nothing more than a *real* title in fee, as contradistinguished from the possessor's title by concession. It implies the performance of all conditions, and vests in the donee as full and complete a right to give, grant, and convey away as can be made by words. It separates the property from the royal domain. It conveys away whatever the King could give, and leaves no right of forfeiture but by treason or felony. This title is made by the governor, and not by the King, as its name would seem to import, and when limited in the extent of the grant, within the proper powers of the governor, is as full, perfect, and complete as legal ingenuity could devise. But we deem it scarcely necessary to remark that when a governor or other functionary has transcended the powers vested in him, and violated the law under which he acts, his deeds are void, whether by concession or by royal title; and that no force of words, no form of coveyance, can give a right where the maker had none, or vest a title where the law forbids it. If an agent is appointed with limited powers, and he exceeds those powers, his acts are thus far void, whether he derives his authority from a common power of attorney, or from a commission from the King of Spain. The law has declared that no lands shall be granted but on fixed conditions and in fixed proportions; and a grant in which these conditions are violated, and these proportions exceeded, can convey no title and vest no right.

We come now to the grants for military services under the royal order of 1815.

On June 4, 1813, Governor Kindelan, of East Florida, on discharging the militia of the province, asked permission of his Majesty to bestow rewards on individuals for meritorious services, as follows: "To each officer who has been in actual service in said militia a royal commission for each grade he may obtain as provincial; and to the soldiers a certain quantity of land, *as established by regulation in this province, agreeably to the number of persons composing each family*, and which gift can also be made exclusively to the married officers and soldiers of the said third battalion of Cuba." This is all that is asked by Kindelan, and all that is granted by the King; for the order of March 29, 1815, is a mere naked approval of what was proposed, as above, by Kindelan, "to give to the soldiers of the said third battalion of the Island of Cuba a certain quantity of land, as established by regulation in this province, agreeably

to the number of persons composing each family." Now, we have already shown the regulations in this province to be fifty acres for each worker, and double the quantity for heads of families. To say nothing of the fact that every man in this third regiment of Cuba was a man in buckram, we would ask whence does the governor derive his authority to make an unlimited grant of lands, under the order of the King, to an individual without family or force? If, as we have already remarked, he has one hundred slaves, he can have five thousand acres, and if none, he is for himself entitled to one hundred acres, and no more. The advantages the subject derives from this ordinance of 1815 are twofold. *First.* If he has already obtained lands for his head-rights uuder the order of 1790, he may obtain just as much more for his military services under the order of 1815. *Second.* If his land is granted under the order of 1790, or by the laws of the Indies, he is compelled to cultivate and occupy them ten years before he can get a title of property; whereas, by the order of 1815, the conditions of the grant have already been performed, and the grant, whether by concession or royal order, on the instant of its date, vests in the grantee a fee-simple, without danger from abandonment or want of cultivation; and this is all. It is limited in its operation to the "soldiers and married officers of the third battalion of Cuba," and it is limited in its extent "to the number of workers in each family." If, then, it is plain that a grant has been made for twenty thousand acres of land to a man without a family, white or black, that grant is bad. We do not deem it the duty of the board to inquire minutely into the number of a grantee's family at the time of the donation, but when an individual states in his memorial that he demands a grant for sixteen thousand acres or more, because he is poor, because he has no slaves; or when a grant is made evidently disproportioned to the workers of the memorialist, and the acknowledged condition of the country, we cannot recommend that grant for confirmation. It has been said, and will again be urged, that these claims would have been valid under the Spanish government; and by the treaty with Spain the United States are bound to ratify and confirm to the persons in possession of the lands to the same extent that the same grants would be valid if the territories had remained under the dominion of the King of Spain." Upon this we have to remark that if the grant is contrary to the letter and spirit of the Spanish laws, there is no reason to believe that the Spanish government would have confirmed it. If Governor Quesada believed that he had no authority to grant lands for "head-rights" until the order of 1790, and Governor Kindelan for military services until that of 1815, it proves this: that in the better days of the Spanish dominion here the governors themselves acknowledged their powers to be limited. In addition to this, there are many instances where the acts of the governors here have been reversed by the authorities at home. The Spanish government, when roused from its lethargy, was governed in its decisions by the laws of the realm, and compelled the governors of East Florida to conform to them; and it is no argument to say that these large grants would have been valid, because the authority of the King would never have been brought to bear on them. This is not true in fact; the King has always acted on grants like these where there was time to communicate and obtain his decision, and these grants of mighty tracts of land by Coppinger, which we are bold to say would never have been made but on the eve and under a certain prospect of a treaty cession—these very grants, if that treaty had failed, would have been declared void by the King himself. We come to this conclusion from his laws and edicts; from his uniform declaration that large bodies of land should not be granted to the rich or to speculators, but should be reserved as gratuities to the poor and honest settler; and that grants should be made for cultivation alone, and not for speculation. "We will give you," is the language of the King to his subjects, "as much land as you can work, and no more." But this matter is not left to supposition All the rights over the soil retained by the King of Spain are transferred to the United States by the treaty, and the United States are now to decide on the validity of these claims, in the same manner as the government of Spain would have done if the government of Spain had been brought to act on them. That duty, by the law of Congress, has been imposed on us; and that duty, to the best of our abilities, limited as we have been in time, we have discharged. And we do now, with great deference and respect, submit this report and the accompanying documents to Congress.

We are, sir, very respectfully, your obedient servants,

CHARLES DOWNING, *Register Land Office.*
WM. H. ALLEN, *Receiver.*

Hon. RICHARD RUSH, *Secretary of the Treasury.*

REPORT A.

Register of claims to lands, not exceeding three thousand five hundred acres of land, which have been confirmed by the register and receiver for the district of East Florida.

No.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.
					Acres.						
1	William Craig	Francis Flora	Mar. 20, 1815		450.00	Kindelan	1790		Mar. 1, 1793	Josiah Dupont	Red bank, St. John's river.
2	do	John Hammon	do		250.00	do	1790		Jan. 18, 1792	Samuel Eastlake	Cove of St. Nicholas, St. John's river.
3	The heirs of José Bonely	José Bonely		Sept. 24, 1796	610.00	White	1790				Mosquito.
4	Domingo Reyes	Domingo Reyes		Feb. 14, 1816	2,000.00	Coppinger	1815				East of Spring Garden, Halifax river.
5	Francis Marin	Francis Marin		Nov. 15, 1815	2,000.00	Estrada	1815		April 24, 1821	G. J. F. Clarke	West side St. John's river, Cabbage hammock.
6	The heirs of E. Waterman	Eleazer Waterman		Mar. 18, 1817	260.00	Coppinger	1790		April 9, 1821	do	Mill's swamp, Duval county.
7	The heirs of Thomas Fitch	Matthew Guardarrama		Oct. 16, 1793	3,000.00	Quesada	1790	Complied with.	June 16, 1818	And. Burgevin	Chacaris, Diego plains.
8	John Kershaw	José and Miguel Andrew	Dec. 20, 1815		100.00	Estrada	1815		Feb. 1, 1819	do	Governor's grant, North river.
9	Zachariah Haddock	Zachariah Haddock		Sept. 24, 1803	200.00	White	1790	Complied with.	Jan. 20, 1816	G. J. F. Clarke	Mill's ferry, St. Mary's river.
10	Zephaniah Kingsley	Burrows Higginbottom		do	500.00	do	1790	do	Jan. 10, 1816	do	Higginbottom's bluff, St. Mary's river.
11	Zachariah Hogans	Ulrick Smith		Aug. 5, 1808	50.00	do	1790	do			South of Trout creek, St. John's river.
12	John Hagens	John Hagens		May 31, 1805	100.00	do	1790	do	May 9, 1818	G. J. F. Clarke	Near Pigeon creek, St. Mary's river.
13	John McQueen	Rupert C. Maxcy	June 6, 1804		1,000.00	do	1790		Jan. 29, 1792	Samuel Eastlake	At the point of Pablo creek.
14	The heirs of C. E. McHardy	Caroline McHardy		Aug. 20, 1815	1,100.00	Estrada	1790		Sept. 8, 1818	And. Burgevin	Bissell & McDougall, Mosquito.
15	Burrows Higginbottom	Burrows Higginbottom		Sept. 24, 1803	200 00	White	1790		Jan. 22, 1816	G. J. F. Clarke	Sandag's bluff, St. Mary's river.
16	Assignee of S. Betts, deceased	Samuel Betts	July 3, 1815		2,000.00	Estrada	1790				Near New Smyrna, Mosquito.
17	do do	Hepworth Carter	do		1,800.00	do	1790				Matanzas river.
18	The heirs of Thomas Fitch	F. M. Arredondo	Nov. 15, 1817		1,000.00	Coppinger	1790				South of Spring Garden.
19	do do	G. W. Perpall	May 24, 1815		1,900.00	Kindelan	1790	Complied with.	Oct. 20, 1803	John Purcell	Mount Oswald, Halifax river.
20	do do	Pablo Fontane	Nov. 15, 1817		800.00	Coppinger	1815				West side of St. John's river, Pengree's old field.
21	William Drummond	John Youngblood		Feb. 19, 1799	200.00	White	1790				Cedar creek, St. John's river.
22	The heirs of Ambrose Hull	The heirs of Dan. Plumer		Dec. 9, 1791	300.00	Quesada	1790		Dec. 9, 1791	Samuel Eastlake	Colonel Plumer, St. John's river.
23	do do	James Hall	Jan. 18, 1816		200.00	Coppinger	1790				West side of St. John's river.
24	A. McDowall and A. Black	J. M. Arredondo	June 20, 1815		900.00	Estrada	1790		Mar. 12, 1815	Robert McHardy	Graham's swamp.
25	Ann Papy	Gaspar Papy		June 3, 1797	200.00	White	1790				North, and head of Mosquito river.
26	Joseph Bergallo	Henry Groves	Mar. 18, 1817		230.00	Coppinger	1815		Mar. 10, 1816	G. J. F. Clarke	Thomas' swamp, river Nassau.
27	Pedro Cocifacio	Pedro Cocifacio		Oct. 22, 1793	400.00	Quesada	1790				Donna Maria.
28	Domingo Fernandez	Lewis Mattair		Jan. 26, 1807	245.00	White	1790	Complied with.	July 16, 1816	G. J. F. Clarke	Orange grove, Amelia island.
29	do	Widow and heirs of W. Jordine.	July 8, 1807		300.00	do	1790				Myrtle grove, Amelia island.
30	do	do do	July 15, 1810		100.00	do	1790				Willow pond, Amelia island.
31	Charles Sibbald	Charles Sibbald		Jan. 30, 1816	455.00	Coppinger	1815				Cabbage swamp, river St. Mary's.
32	Philip Solana	Philip Solana	May 6, 1816		245.00	do	1815				Two Sisters, on Diego plains.
33	The heirs of E. Hudnall	Ezekiel Hudnall		Aug. 4, 1802	600.00	White	1790				Beach hammock, Amelia island.
34	John Salome	Samuel Eastlake		Jan. 6, 1792	350.00	Quesada	1790				Montpelier, St. John's river.
35	The heirs of N. Sanchez	Nicholas Sanchez	April 24, 1816		385.00	Coppinger	1815				St. Diego.

REPORT A.—*Register of claims to lands, not exceeding three thousand five hundred acres, &c.*—Continued.

No.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.
					Acres.						
36	John M. Sanchez	Francis X. Sanchez	Jan. 29, 1811		1,130.00	White	1790				St. Joseph's, St. John's river.
37	Joseph M. Sanchez	Widow and heirs of J. Sanchez		Jan. 11, 1808	12.00	do	1790	Complied with.			North of St. Augustine.
38	Joseph S. Sanchez	Francis X. Sanchez	Feb. 12, 1811		600.00	do	1790				St. Diego.
39	F. M. Arredondo, sen	Samuel King		Mar. 9, 1803	500.00	do	1790				South bank of river Nassau.
40	John Herault	John Herault		Sept. 25, 1806	145.00	do	1790	Complied with.	April 20, 1818	G. J. F. Clarke	Deep Creek, northwest of St. Augustine.
41	The heirs of Thomas Fitch	Francis X. Sanchez	Feb. 9, 1811		400.00	do	1790		May 9, 1793	Josiah Dupont	
42	José Arnau	José Arnau		Aug. 31, 1799	209.00	do	1790				North river.
43	Farquhar Bethune	Francis X. Sanchez	Jan. 30, 1811		145.00	do	1790				St Domingo, St. John's river.
44	Levin Gunby	Levin Gunby		Aug. 16, 1803	400.00	do	1790	Complied with.			Dames' Point, St. John's river.
45	Clara P. Arnau	Francisco Arnau		April 24, 1807	175.00	do	1790	do	April 1, 1819	And. Burgevin	West side of North river.
46	The heirs of Ambrose Hull	Ambrose Hull	Feb 2, 1812		2,600.00	Estrada	1790		May 5, 1817	G. J. F. Clarke	Hillsboro' river, Mosquito.
47	The heirs of Edward Ashton	Edward Ashton		Jan. 18, 1816	245.00	Coppinger	1790				Head of Turnbull creek, northwest of St. Augustine.
48	The heirs of Lucas Creyon	Francis Reyes	May 3, 1817		1,000.00	do	1790				Mosquito.
49	The heirs of Thomas Fitch	Francis X. Sanchez	Feb. 11, 1811		255.00	White	1790		May 10, 1793	Josiah Dupont	Gen. Savannah, Diego plains.
50	John Lowe	William Carney	April 4, 1816		250.00	Coppinger	1790				Bell's river, St. Mary's.
51	William Harvey	Hannah Moore		Dec. 17, 1791	851.00	Quesada	1790		Nov. 21, 1791	Samuel Eastlake	Cunningham and Peter creek, St. John's.
52	do	William Harvey		Dec. 1, 1817	200.00	Coppinger	1815				Trout creek, three miles south of Picolata.
53	Juana Paredes	Antonio Caballero		Nov. 7, 1807	69.00	White	1790	Complied with.	April 3, 1819	And. Burgevin	Alligator Point, North river.
54	do	Juan Paredes		April 17, 1807	110.00	do	1790	do	Sept. 16, 1823	G. Darling	Marshall's tract, North river.
55	Maria Mills	Will. Mills		Nov. 15, 1798	150.00	do	1790		May 12, 1819	G. J. F. Clarke	Johnson's creek, Matanzas.
56	Francis Brady's administrator	John Wright		Dec. 22, 1803	145.00	do	1790		July 5, 1821	do	West of a branch of Trout creek, St. John's.
57	Charles Seton	John Holland		Dec. 30, 1807	40.00	do	1790	Complied with.	Jan. 6, 1815	do	Pelot's island, St. John's river.
58	R. M. Mestre	Antonio Mestre		Aug. 8, 1794	600.00	Quesada	1790		Jan. 12, 1820	do	West side of Matanzas river.
59	Geronimo Alvarez	Geronimo Alvarez	Jan 12, 1818		500.00	Coppinger	1815		July 25, 1818	Robert McHardy	Mosquito.
60	The heirs of G. Forrester	Gerard Forrester		Dec. 17, 1791	500.00	Quesada	1790		Dec. 17, 1791	Samuel Eastlake	Chichester, St. John's river.
61	Pedro Miranda	Pedro Miranda	Nov. 28, 1816		100.00	Coppinger	1815				St. Mary's river.
62	Stephen Cheves	Stephen Cheves		Nov. 14, 1797	200.00	White	1790				Matanzas river.
63	Juan Segui	Juan Segui		Dec. 1, 1806	15.00	do	1790				Macariz, North river.
64	The widow and heirs of A. Ponce	Antonio Ponce		Oct. 11, 1803	175 00	do	1790	Complied with.	May 20, 1819	Robert McHardy	Mouth of river Halifax.
65	W. G. Perpall	John Daly		Mar. 14, 1799	100.00	do	1790				Little bar, Matanzas river.
66	do	John Capo		Aug. 31, 1804	20.00	do	1790	Complied with	Mar. 1, 1820	And. Burgevin	One and a half mile north of St. Augustine.
67	A. McDowall and A. Black	Andrew Burgevin		Jan. 24, 1818	500.00	Coppinger	1790		Mar. 27, 1818	Robert McHardy	Spring Garden creek, St. John's.
68	Francis Sterling	Francis Sterling		Mar. 3, 1792	250.33⅓	Quesada	1790		Mar. 3, 1792	Samuel Eastlake	Sims, Nassau river.
69	The heirs of Man. Solana	Manuel Solana		June 11, 1791	100.00	do	1790				Solana's ferry, St. Sebastian river.
70	The heirs of J. McQueen	John McQueen		Nov. 24, 1798	400.00	White	1790		Nov. 24, 1809	John Purcell	North end of Amelia island.
71	Mariano Fontan	Mariano Fontan		Aug. 9, 1804	26.00	do	1790	Complied with.			Point of Guana and North rivers.
72	Joseph Fenwick	Joseph Fenwick	April 16, 1814		600.00	Kindelan	1790		Mar. 29, 1814	G. J. F. Clarke	Trout creek, St. John's river.

REPORT A.—*Register of claims to lands, not exceeding three thousand five hundred acres, &c.*—Continued.

No.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.
					Acres.						
73	Francis Richard	Zachariah Hogans		June 12, 1817	200.00	Coppinger	1790		June 26, 1818	G. J. F. Clarke	St. John's river, near Pottsburg creek.
74	do	Francis Richard		Nov. 7, 1817	250.00	do	1790		Mar. 22, 1819	D. S. H. Miller	Red Bay hammock, Boggy branch.
75	do	Reuben Hogans	April 17, 1827		350.00	do	1790				Strawberry Hill, St. John's.
76	The heirs of John Simpson	John Simpson		Dec. 13, 1791	250.00	Quesada	1790				St. John's river.
77	James Arnau	James Arnau		April 13, 1807	125.00	White	1790	Complied with.	June 30, 1818	And. Burgevin	Marshall, North river.
78	David Bayley	David Bayley			250.33⅓	Quesada	1790		Mar. 5, 1794	Samuel Eastlake	Azzar bluff, Nassau river.
79	Mills Drury	Mills Drury			300.00	do	1790		April 7, 1792	do	River Nassau.
80	Margaret Schofield	John L. Schofield		June 7, 1798	300.00	White	1790		Feb. 24, 1823	And. Burgevin	Springfield, Twelve-mile swamp.
81	Ynes Gomez	José M. Gomez		June 4, 1817	1,075.00	Coppinger	1790	Complied with.			Six-mile creek, St. John's river.
82	Francis J. Fatio	Robert Caldwell		Oct. 15, 1799	200.00	White	1790	do			Sumpson creek, twenty miles from St. Augustine.
83	do	Maria Fortune		Nov. 21, 1804	165.00	do	1790	do			Emery creek, Matanzas river.
84	Alexander Creighton	Alexander Creighton			1,254.00	Quesada	1790	do	Nov. 14, 1792	Samuel Eastlake	East of St. John's, Levet's.
85	Geronima Martinelly	José Peso de Burgo		Nov. 19, 1792	366.75	do	1790	do			Guana creek.
86	The heirs of Z. Haddock	José Youngblood		Feb. 7, 1798	600.00	White	1790	do			St. Mary's river.
87	Zephaniah Kingsley	John McQueen	Feb. 27, 1804		720.00	do	1790				Fort George, St. John's river.
88	Susannah Cashen	James Cashen		Jan. 18, 1800	500.00	do	1790	Complied with.	Dec. 18, 1820	And. Burgevin	Fleming's island, St. John's river.
89	Zephaniah Kingsley	The heirs of F. X. Sanchez	Jan. 29, 1811		565.00	do	1790				San José, east of St. John's.
90	Eugenia Brant	Stephen Brant		April 18, 1803	250.00	do	1790	Complied with.	Feb. 2, 1816	G. J. F. Clarke	Rose's bluff, Bell's river.
91	Samuel Wilson	Samuel Wilson			150.00	Quesada	1790	do	Mar. 2, 1793	Josiah Dupont	Trout creek, St. John's.
92	Isaac Hendricks	Solomon King			300 00	do	1790	do			King's Point, St. John's river.
93	Jos. S Sanchez	Jesse Fish		April 12, 1792	500.00	do	1790				Capuaca, North river.
94	William Fox	William Fox		Mar. 3, 1806	130.00	White	1790				River St. Mary's.
95	The heirs of Wm. Hendricks	William Hendricks		Jan. 10, 1793	148.33⅓	Quesada	1790	Complied with.	Mar. 16, 1793	Josiah Dupont	River Nassau.
96	Reuben Hogans	Reuben Hogans	May 26, 1815		300.00	Kindelan	1790		Feb. 29, 1792	Samuel Eastlake	Little St. Mary's river.
97	The heirs of Charles Hogans	Charles Hogans	Jan. 12, 1818		200.00	Coppinger	1790				Hendricks' creek, St. John's.

C. DOWNING, *Register Land Office.*
W. H. ALLEN, *Receiver.*

A.

REPORT OF LAND CLAIMS DECIDED BY THE REGISTER AND RECEIVER OF EAST FLORIDA.

No. 1.—*Four hundred and fifty acres of land. William Craig, claimant.*

This is a good grant. Under the ordinance of 1790 Don Pedro Marrot was commissioned by the governor of East Florida to survey, throughout the several districts of this province, the lands which each claimant had a right to demand under the provisions of the above-named ordinance. In pursuance of his instructions, Marrot surveyed, March 1, 1793, four hundred and fifty acres to Francis Flora. On November 16, 1799, William Craig, the present claimant, who by some means had acquired the title from Flora, applied to Governor White and obtained a concession, and finally, on March 20, 1815, Governor Kindelan gave to Craig a full and perfect title. It is therefore confirmed to William Craig. This land is situated on the east side of St. John's river, at a place called Red Bank.

No. 2.—*Two hundred and fifty acres of land situated on the east side of St. John's river, at a place called the Bay of St. Nicholas. William Craig, claimant.*

This grant is similar to No. 1. Marrot surveys to John Hammon, on the river St. John's, at a place called the Bay of St. Nicholas, two hundred and fifty acres of land, and grants him a certificate dated January 18, 1792.

William Craig purchases the title of Hammon, by the consent of the governor, and obtains a concession of Governor White, April 22, 1800; and March 20, 1815, he obtains a full and perfect title from Governor Kindelan. It is therefore confirmed to William Craig.

No. 3.—*Six hundred and ten acres of land situated at the north wharf of the river Mosquito, and two miles distant from thence. The heirs of José Bonely, claimants.*

Joseph Bonely presented his memorial to Governor White September 24, 1796, and on the same day obtained a grant for ten acres of land at the place called North Wharf, on the Mosquito river, and for six hundred acres "two miles distant from the place he mentions." This is the only paper filed in the office. There is no survey, and no appearance of a subsequent perfection of the title; but it was in evidence before the board that José Bonely settled and cultivated the land granted as above, and that he was afterwards made a prisoner by the Seminoles, and his property destroyed. The board, under these circumstances, have confirmed the title to his heirs. Possession and cultivation are proved, and his failure to perfect his title they attribute to his misfortunes.

No. 4.—*Two thousand acres of land situated on the west of a large lake about six or seven miles to the east of a plantation of John Williams, known as Spring Garden. Domingo Reyes, claimant.*

This is a claim, under the order of 1815, for military services. Don Domingo Reyes calls himself military inspector and overseer *pro tem.* of the royal and military hospital. He declares that he had borne arms in 1812 in various stations, and had often acted as military secretary. For these multifarious services he prays for two thousand acres of land, and it is granted to him by Governor Coppinger. The memorial is dated February 12, 1816, and the decree of the governor on the 14th of the same month. In most of these claims for military services the title is made at once to the fee-simple of the soil, without, as in this case, any preceding concession. As these grants were made as a reward, or rather as a remuneration for services long since done and performed, we see no difference between a concession and a royal title. Concessions under the order of 1790 require cultivation and occupation; under the order of 1815 nothing is requisite to pass the indefeasible title but the previous performance of military services. The land is described to be west of a large lagoon, distant about six or seven miles from Mr. John Williams' plantation, called Spring Garden, and about twenty miles west of William Williams' plantation on the river Halifax, known by the name of Williams' Place. It is confirmed to Domingo Reyes.

No. 5.—*Two thousand acres of land situated on the west side of St. John's river, at a place known by the name of Cabbage Hammock. Francis Marin, claimant.*

This claim is similar to that of Domingo Reyes. The petitioner declares that he has performed services as first sergeant of the local militia in 1812, and afterwards; and that, in addition to all this, "he has a large and expensive family." He has thus placed his claim on the double ground of "head-rights and of military services." On the day of his petition, November 15, 1815, Estrada, the acting governor, decrees the land to Mr. Marin "in absolute property;" and in 1821 George J. F. Clarke, the surveyor general of the province, measures it to him. It lies on the west side of the river St. John's, at Cabbage Hammock, and west of Spring Garden. It is confirmed.

No. 6.—*Two hundred and sixty acres of land situated on Mills' Swamp, and at a place called Harris' Deading. E. Waterman's heirs, claimants.*

Eleazer Waterman, who is now dead, petitions for two hundred and sixty acres of land on Mills' Swamp, and at a place named Harris' Deading; a balance to which he declares himself entitled according to the list of the number of his family and slaves. This petition is dated February 12, 1817. On March 18, 1817, it was granted by Governor Coppinger. There is a survey of the property made to Waterman by the surveyor general in 1821. The board have considered this survey as evidence of continued possession up to its date, and in the subsequent year the province became a Territory. This possession gives to Waterman a title to the land. It is confirmed to the widow and children of Eleazer Waterman.

No. 7.—*Three thousand acres of land. The heirs of Thomas Fitch, claimants.*

Matthew Guardarrama, by his attorney, Rafael Saavedra de Espinosa, petitioned the government on October 11, 1793, for three thousand acres of land, for the purpose of raising stock, situated on Diego Plains, at a place called *Chicazas;* and October 16, 1793, Governor Quesada makes the following decree: "Let this party be permitted to place the cattle on the 3,000 acres of land which he petitions for in the place specified, according to the number of his family, and without injury to a third person, until the ten years have been complied with, when the title of property shall be issued to him." And August 31, 1816, Brigida Gomez, widow of said Guardarrama, petitioned the government for a royal title for said land; after which follows the testimony of Francis Paz, Daniel Sweney, and John Gonzalez Montes de Oca, by which it is proved that the conditions of said grant have been complied with. In 1818 Andrew Burgevin surveys the same, after which Governor Coppinger grants a royal title for the said 3,000 acres of land to the widow and heirs of said Guardarrama February 16, 1819. It is therefore confirmed.

No. 8.—*One hundred acres of land situated at a place called Governor Grant, North river. John Kershaw, claimant.*

Don John Joseph Estrada, governor *pro tem.* of East Florida, in pursuance of the royal order of March, 1815, grants one hundred acres of land to Joseph and Michael Andrew, artillery-men of the local militia. The deed is dated December, 1815, and is a full and indefeasible conveyance. It is surveyed by Andres Burgevin in 1821. It is located at a place called the Chimneys, known as Governor Grant, bounded on the north by the lands of Lazaro Ortega, on the south by vacant lands, on the east by Guana creek, and on the west by the North river. It has been regularly transferred to John Kershaw, the present claimant, to whom it is confirmed.

No. 9.—*Two hundred acres of land situated at a place formerly occupied by John Rains, near Mills' Ferry, St. Mary's river. Zachariah Haddock, claimant.*

Zachariah Haddock, in a memorial to Governor White, petitions for five hundred acres of land on the St. Mary's river. The governor, by a decree of September 24, 1803, directs that he shall have two hundred, and no more. In 1816 G. J. F. Clarke, the surveyor general, measures to the claimant two hundred, bounded by the place named Mills' Ferry. The board consider the survey of 1816 by the governmental surveyor general as an evidence of continued possession up to that time. It is well known that many who, by ten years' residence and cultivation, had become entitled to a deed of their lands, were too poor to pay the fees required to procure it. This may be the reason, in many cases, that none has been produced; but the possession of the property gave him a right to the land, and it is confirmed.

No. 10.—*Five hundred acres of land situated on the south side of St. Mary's river. Zephaniah Kingsley, claimant.*

This is a part of a grant made to Burrows Higginbottom by Governor White on September 24, 1803, for seven hundred acres of land on the banks of the St. Mary's. In 1816 George J. F. Clarke, the surveyor general, measures the five hundred acres now in question to Donna Isabel Higginbottom, the widow, at a place on the said river called Higginbottom Bluff. Independent of the rule adopted by this board to consider a survey, when made by the authority of the government, as evidence of possession and cultivation, always requisite in grants under the royal order of 1790, it is expressly declared by the then surveyor general, in his certificate, that the land had been possessed and cultivated up to the time of the survey. Zephaniah Kingsley presents this claim to the board, and produces a deed of conveyance from Isabel Higginbottom. It is confirmed to him.

No. 11.—*Fifty acres of land situated on the north of St. Mary's river, south of Trout creek. Zachariah Hogans, claimant.*

On August 5, 1808, Governor White granted to Ulrick Smith fifty acres of land on the west side of the river St. John's, about one mile to the south of the mouth of Trout creek, and almost in front of the battery of St. Isabel. In 1818, on the 22d of July, Governor Coppinger, on a full proof of every requisite condition performed, grants a royal title to the said tract in favor of Smith. From the rule adopted by this board, to consider a royal title dated subsequently to January 24, 1818, on a previous concession, as conclusive evidence of occupancy and cultivation, in accordance with the spirit and condition of the grant, it is confirmed. It appears from the memorial of Zachariah Hogans, who has presented the claim to the board, that he is a purchaser from Smith.

No. 12.—*One hundred acres of land situated on St. Mary's river, near Pigeon creek. John Hagens, claimant.*

It appears by the certificate of Thomas Aguilar, who acted at that time for the secretary, who was sick, that on May 31, 1805, Governor White granted to John Hagens, for head-rights, one hundred acres of land on the river St. Mary's, bounded on the west by the lands of Dr. Travers; and on May 9, 1818 the same land is laid off and measured to Hagens, by the surveyor general of the province, George Clarke. It is confirmed.

No. 13.—*One thousand acres of land situated at the point of St. Pablo creek. John McQueen, claimant.*

This is a good title and is confirmed. It appears by the certificate of William Reynolds, keeper of the public archives, that the property has been sold several times by consent of government, until it is conveyed, on September 13, 1811, to Bernardo Segui.

No. 14.—*One thousand one hundred acres of land situated at the place called McDougall and Bissett's Mosquito. C. E. McHardy's heirs, claimants.*

The father of Mrs. Caroline E. McHardy died in the year 1815, and left her 20 negroes, all field-hands, to her husband, Robert McHardy. On July 1, 1815, in his memorial to Governor Estrada, after stating this fact, petitions for a grant of eleven hundred acres of land, five hundred at the plantation known by the name of McDougall, and the remaining six hundred in that of Bissett. On the 18th day of August, in the same year, the grant is made by Estrada. On September 8, 1818, it is surveyed; in 1819 the petitioner, Robert McHardy, declares that she, his wife, has cleared and cultivated the land, and demands a royal title; they produce the concession, the order of survey, and the decree to examine witnesses as to the performance of the conditions universally imposed. It was proved to the satisfaction of the board that the claimant was in possession when she died, a few years since, and that now the land is claimed and owned by her children. It is confirmed.

No. 15.—*Two hundred acres of land situated at a place called Sandag's Bluff, St. Mary's river. Burrows Higginbottom, claimant.*

By the rule adopted by this board, to consider a royal title made subsequent to the date specified in the treaty as conclusive evidence of the performance of the conditions of a previous concession, this claim for two hundred acres is confirmed.

No. 16.—*Two thousand acres of land situated at the west of a place called New Smyrna. Assignee of Samuel Betts, deceased, claimant.*

This is a good title. A previous concession, more than ten years' cultivation, and a subsequent royal title. It is confirmed.

No. 17.—*One thousand eight hundred acres of land situated on the banks of Matanzas river. Assignee of Samuel Betts, deceased, claimant.*

Hepworth Carter, in the year 1791 and 1792, obtained a grant for two tracts of land situated on the banks of the river Matanzas. In 1803 he sells these two tracts, with the improvements, to Samuel Betts; and on July 3, 1815, Betts, the purchaser, obtained from Governor Estrada a full and perfect title to the land so acquired, containing eighteen hundred acres. It is confirmed.

No. 18.—*One thousand acres of land. Heirs of Thomas Fitch, claimants.*

Fernando de la Maza Arredondo petitioned the government, and had granted to him, on the 19th of January, 1807, one thousand acres of land on the banks of the river St. John's, at a place called Spring Garden; and on November 16, 1817, Governor Coppinger issued a royal title to him for the said land. Arredondo subsequently conveyed this land to Thomas Fitch, to whose heirs it is confirmed.

No. 19.—*One thousand nine hundred acres of land. Heirs of Thomas Fitch, claimants.*

Don Juan de Pierra certifies that on July 21, 1803, Governor White granted to Gabriel Perpall nineteen hundred acres of land situated in the territory of Mosquito, at a place known as Mount Oswald; and on May 10, 1815, said Perpall petitioned the government for a royal title for said land.

Then follows the testimony of Joseph M. Hernandez, Fernando de la Maza Arredondo, jr., and John Huertas, proving that Perpall had complied with the conditions of the grant; in consequence of which the governor and auditor of war decreed that there be issued to the interested the necessary royal title, after which Governor Kindelan issued to said Perpall said royal order of 1790, dated May 24, 1815. Perpall subsequently conveyed the property to Thomas Fitch, to whose heirs it is confirmed.

No. 20.—*Eight hundred acres of land. Heirs of Thomas Fitch, claimants.*

Pablo Fontane petitioned the government on November 14, 1817, for eight hundred acres of land situated on the west side of the river St. John's, at a place called Pengree's Old Plantation, for services, which was granted him on the same day. And on November 15, 1817, Governor Coppinger issued to said Fontane a royal title for the said land, under the royal order of March 29, 1815. Fontane afterwards sold this land to Thomas Fitch, to whose heirs it is confirmed.

No. 21.—*Two hundred acres of land. William Drummond, claimant.*

William Drummond presents his memorial for five hundred acres of land, and alleges that he claims by purchase from John Youngblood. Youngblood's title is evidence by a certificate of Juan de Pierra, dated February 19, 1799. By this certificate it appears that Juan Youngblood presented his memorial on the day of the date of the certificate, "petitioning for a piece of land situated on the north side of the river St. John's, on the cove of Cedar creek, and called Mount Pleasant," without specifying the quantity. The governor grants the land asked for, "until, according to the number of persons he may have for its cultivation, the corresponding quantity shall be surveyed to him." We find in the survey made by Marrot in 1801, by order of Governor White, that Jesse Youngblood has assigned to him two hundred acres. We believe that the land is the same, and that a mistake has been made by Marrot or Pierra in the first name of the grantee. We hear nothing of Jesse Youngblood; but it was in evidence before the board that he lived for many years on the St. John's river, and that his transferree, Drummond, owns the land at the present time. We therefore confirm to Drummond, if he has any conveyance which has not yet been produced to this board, two hundred acres of land at the place designated, and no more. And if Drummond has no claim by deed or otherwise, we relinquish the right of the United States to John Youngblood, if living, or to his heirs if he be dead.

No. 22.—*Three hundred acres of land. Heirs of Ambrose Hull, claimants.*

Pedro Marrot, commissioner for the distribution and survey of lands, appointed by the government of East Florida, had surveyed to Daniel Plumer (nine caballerias) three hundred acres of land, on December 9, 1791, for head-rights, at a place called Colonel Plumer, on the river St. John's; and on December 23, 1819, Governor Coppinger issues, in favor of the heirs of said Daniel Plumer, a royal title for the same, under the royal order of 1790. The board have no hesitation in confirming this title. The survey was made by order of White, and the title granted by Coppinger, although subsequent to the date specified in the treaty at which the authority to grant lands is made to cease in the Spanish government, yet they consider the document then granted by Coppinger as conclusive evidence that all conditions of occupancy, either implied or expressed, were fully complied with. It appears by the memorial presented to this board that the land has been sold by the heirs of Plumer to Ambrose Hull, since dead. The claim of the United States is relinquished.

No. 23.—*Two hundred acres of land. Heirs of Ambrose Hull, claimants.*

In 1800 Governor White grants to James Hall three hundred acres of land, "for head-rights, on Anderson creek." In 1814 he, by the permission of Governor Kindelan, exchanges this grant for two hundred acres on the opposite (north) side of the river St. John's, between the lands of Zephaniah Kingsley and Daniel Plumer. It is afterwards surveyed to him by Geo. Clarke, and on the 18th of January, 1816, Governor Coppinger grants him a royal title. This tract of two hundred acres was afterwards purchased by Ambrose Hull, since dead, to whose heirs it is confirmed.

No. 24.—*Nine hundred acres of land. A. McDowall and A. Black, claimants.*

José de la Maza Arredondo petitioned the government for nine hundred acres of land situated in Graham's Swamp, which was granted him on May 20, 1805, and on June 20, 1815, Governor Estrada grants him a royal title for said land under the royal order of October 20, 1790. It is confirmed.

No. 25.—*Two hundred acres of land. Ann Papy, claimant.*

Juan de Pierra certified that on the 3d day of June, 1797, Gasper Papy applied by memorial to Governor White for two hundred acres of land situated on the north and head of Mosquito river, on a creek called Tomoca, and that the governor made the following decree on the said memorial: "Agreeably to his request, without injury to a third person." It being proved to the board that Papy cultivated the land, it is confirmed to Ann Papy, his representative, and the present claimant.

No. 26.—*Two hundred and thirty acres of land. Joseph Bergallo, claimant.*

Henry Groves petitioned Governor Coppinger for two hundred and thirty acres of land situated at a place called Thomas' Swamp, on the river Nassau, for his services as a militia-man during the revolution in this (then) province; and the said governor issued a royal title, under the royal order of March 29, 1815, to said Groves for the said two hundred and thirty acres of land, which title is dated March 18, 1817. It is confirmed.

No. 27.—*Four hundred acres of land. Pedro Cocifacio, claimant.*

In 1793 Pedro Cocifacio petitions Governor Quesada for four hundred acres of land "at a place called Donna Maria, bounded by vacant lands, for the purpose of employing his slaves." On the next day, 22d of October, the permission is granted "to locate himself at the place he sets forth, and until, in the survey which must be made to him, there shall be assigned to him by the commissioned officer the number of acres his family may be entitled to." There is no survey filed in the papers; but it was in evidence before the board, on the personal knowledge of the clerk, that the claimant long cultivated and possessed the land granted him. It is confirmed.

No. 28.—*Two hundred and forty-five acres of land. Domingo Fernandez, claimant.*

Lewis Mattair petitioned the government on January 1, 1807, for four hundred acres of land situated at the mouth of the river Nassau, for head-rights, to which Governer White made the following decree on January 26, 1807: "Let there be granted to the interested two hundred and forty-five acres of land in the place which he solicits, without injury to a third person, and are those that correspond to him according to his family, being well understood that he must not claim damages in case that, from any motive of the royal service, he be ordered to retire into the interior of the province, and that he must establish himself on said land in the term of six months, counted from the date." George Clarke surveys two hundred and forty-five acres of land for said Mattair, on July 16, 1816, at a place called the Orange Grove, on Amelia island. Governor Coppinger gives a royal title in 1820 in favor of said Mattair, and Mattair conveys the land to Domingo Fernandez in 1820. It is confirmed.

No. 29.—*Three hundred acres of land. Domingo Fernandez, claimant.*

Governor White issues, in favor of the widow and heirs of William Jordine, a royal title for three hundred acres of land situated on Amelia island, at a place called Myrtle Grove, and dated July 8, 1807, under the royal order of October 29, 1790. Bernardo José Segui, in 1814, as attorney for the widow of William Jordine, conveyed the land to Domingo Fernandez, the present claimant, to whom it is confirmed.

No. 30.—*One hundred acres of land. Domingo Fernandez, claimant.*

William Jondine petitions the government for one hundred acres of land, for head-rights, situated on Amelia island, at a place known by the name of Willow Pond; and Governor White issues a royal title to Isabella Jordine, widow of the said William Jordine, for the said land, on July 18, 1810; and the said widow conveys said tract to Domingo Fernandez, August 18, 1810. The title of the United States is relinquished to the claimant.

No. 31.—*Four hundred and fifty-five acres of land. Charles Sibbald, claimant.*

Charles Sibbald petitions the government on December 14, 1815, for one thousand acres of land, for head-rights and services, situated on the river St. Mary's, at a place known by the name of Cabbage Swamp. Then follows the reports of the military commandant of Amelia island, and captain of militia of Fernandina, in favor of said Sibbald; after which Governor Coppinger makes the following decree on January 30, 1816: "In consequence of what has been reported by the political and military commandant of Amelia island, let there be granted to the interested four hundred and fifty-five acres of land in the place which he solicits, without injury to a third person, and are those he is entitled to according to the number of slaves he has set forth, and the orders for the general distribution; despatching to him, from the secretary's office, the customary document, which will serve him for his security." It is in proof that Sibbald had occupied and cultivated the tract here granted, and it is confirmed to him.

No. 32.—*Two hundred and forty-five acres of land. Philip Solana, claimant.*

Philip Solana petitioned the government for lands for services; and Governor Coppinger issued in his favor a royal title for two hundred and forty-five acres, for the rearing of stock, situated on the plains of Diego, at a place known by the name of Two Sisters, and dated May 6, 1816, under the royal order of March 29, 1815. It is confirmed.

No. 33.—*Six hundred acres of land. E. Hudnall's heirs, claimants.*

In this case the claimants produced to the board the certificate of Juan de Pierra, dated August 4, 1802, to the following facts: "That to the memorial of Don Ezekiel Hudnall, soliciting six hundred acres of land, at a place known as the Beach Hammock, bounded on the south by lands granted to Benjamin Armstrong, the governor granted the land on the day and date of the certificate." It was proved to the board that Hudnall owned the lands to his death, and that they are now possessed by his representatives. It is confirmed.

No. 34.—*Three hundred and forty-seven acres of land. John Salome, claimant.*

Samuel Eastlake, who lived on the St. John's river, was entitled to three hundred and forty-seven acres of land, and Captain Marrot, on January 6, 1792, surveys to him that quantity, and grants him his certificate as a voucher. In 1800 it appears that Eastlake was dead, and one John Salome had intermarried with the daughter of the deceased. In January of that year he stated to the governor, in a memorial, the above facts, and begs a renewal of the title of Eastlake which had been mislaid. The governor grants his request; and on this petition of Salome, for a renewal of the title to Eastlake, the parties have founded another claim for the like quantity of land. There is but one tract of three hundred and forty-seven acres conveyed by the papers before us. It is evident that Eastlake, by himself and his successors, possessed the land long enough to give him a title. It is therefore confirmed to his representatives.

No. 35.—*Three hundred and eighty-five acres of land. Heirs of N. Sanchez, claimants.*

Nicholas Sanchez presented himself to government and solicited lands for his services under the royal order of March 29, 1815; and on April 24, 1816, Governor Coppinger issues a royal title in his favor for three hundred and eighty-five acres situated at a place called St. Diego. It is confirmed.

No. 36.—*One thousand one hundred and thirty acres of land. John M. Sanchez, claimant.*

Francis X. Sanchez petitioned the government for lands, under the royal order of October 29, 1790, situated at a place called San José, on the river St. John's; and on January 29, 1811, Governor White issued a royal title in favor of the children and heirs of said Sanchez, deceased, for one thousand one hundred and thirty acres of land in said place. It is confirmed.

No. 37.—*Twelve acres of land. Joseph M. Sanchez, claimant.*

This is a claim to twelve acres of land on the outside of the gate leading from this city to Jacksonville. Governor White grants eight acres on the application of the party on 11th January, and four more on May 21, 1808. It was surveyed, cultivated, and possessed till 1819, at which time Coppinger grants him a full and perfect title. It is confirmed.

No. 38.—*Six hundred acres of land. Joseph S. Sanchez, claimant.*

Pedro Marrot, commissioner for the distribution of lands, had surveyed for Francis X. Sanchez six hundred acres of land situated at a place called San Diego, on May 8, 1793; and on February 12, 1811, Governor White issued a royal title for the same in favor of the children and heirs of said Sanchez, deceased, under the royal order of October 29, 1790. It is confirmed.

No. 39.—*Five hundred acres of land. F. M. Arredondo, claimant.*

On March 9, 1803, Juan de Pierra certifies that, to a memorial presented by Samuel King soliciting five hundred acres of land on the south part of the river Nassau, about ten miles above its mouth, and to the south of a creek called Sample, Governor White directs that the land shall be granted and surveyed. Annexed to this document is a certificate of Thomas Aguilar, with a dozen titles, declaring that the lands contained in the preceding document have been transferred, with the knowledge of the governor, to Don Fernando de la Maza Arredono, sen., because King had moved to the United States. This paper is dated June 19, 1808. Although the board are decidedly of opinion that no sale could be made of lands before ten years of occupancy had expired, yet as this has been done with the consent of the governor, by whom it might again have been granted, it is constituted by that consent a valid transfer. On September 5, 1819, the land was surveyed by Andres Burgevin, who declares himself constituted for that purpose by the governor. The board, therefore, are of opinion that the title should be confirmed; the survey, by order, being sufficient proof of Arredondo's possession.

No. 40.—*One hundred and forty-five acres of land. John Herault, claimant.*

John Herault produces a decree of Governor White, dated September 25, 1806, granting him one hundred and forty-five acres of land, "which correspond to him," situated at a place called the Hammock of Deep creek, about seven miles and a half to the northwest of St. Augustine. The condition attached to the decree is that Herault shall take possession in one month after the date. There is no evidence that this was done; but as it was in proof that the party claiming had for many years been in possession of the property, and as he produced a survey of the surveyor general, dated April 20, 1818, the board have no hesitation in confirming his title.

No. 41.—*Four hundred acres of land. The heirs of Thomas Fitch, claimants.*

Pedro Marrot has surveyed for Francis X. Sanchez four hundred acres of land, on May 9, 1793, situated on the plains of Diego, at a place called the Swamp; and on February 9, 1811, Governor White issues a royal order in favor of the children and heirs of said Sanchez for the said land. Thomas Fitch purchased this land of Sanchez, to whose heirs (Fitch's) it is confirmed.

No. 42.—*Two hundred and nine acres of land. Joseph Arnau, claimant.*

José Arnau claims a small island on the east side of North river, supposed to be about nine miles from the city of St. Augustine, as well as two hundred acres of land on the main opposite the island. In his memorial to Governor White, dated August 27, 1799, he petitions for the above number of acres, because they "correspond to him and his family according to the gift of the King." The commandant of the engineers, to whom it is referred by the governor, reports favorably; on which Governor White directs that "the land which he solicits be granted to this party, until, according to the persons he has for its cultivation, the correspondent quantity be assigned to him." There is no proof that the precise quantity of land to which he would be entitled by the number of his family was two hundred and nine acres. But the board would deem it onerous and oppressive on the party to compel him at this distance of time to produce evidence on that point. We deem the petition reasonable, and confirm to the applicant the island and the two hundred acres on the main land.

No. 43.—*One hundred and forty-five acres of land. Farquhar Bethune, claimant.*

On January 30, 1811, Governor White grants in absolute and indefeasible right, without condition, four caballerias and eleven acres, about one hundred and forty-five acres of land, to the children and heirs of Francis X. Sanchez, under whom Bethune claims. There is no evidence of the transfer to Bethune filed before the board. But the right of the Spanish government was vested in the heirs of Sanchez; and the board relinquish and confirm to the parties all claim which the United States may have to the land in question, leaving to the claimant, Bethune, to show, against the original grantees, whatever title he has derived from them. The land is described to be "at a plantation called St. Domingo, &c.," bounded and distinguished as follows: "the first line runs south 25° west, begins on the bank of the river with a cypress marked with a cross, and ends with a stake of the same mark, said line, bounding the land of Don Gerardo Forrester, 51 chains and 50 links long; the second line runs east, begins by said stake, and ends by a red oak marked with the same mark of a cross, on the bank of the river St. John's, measuring 56 chains and 50 links, running on the banks of said river and forming a triangular figure, &c." It may be well to observe that in the deed to this land the governor avows his derivation of a right to grant it from the royal order of 1790, which applies only to foreigners, and Sanchez is said to have been a native subject of the crown of Spain; but as he had authority to grant to natives by other ordinances of the King, the board see no difficulty in confirming the title.

No. 44.—*Four hundred acres of land. Levin Gunby, claimant.*

In 1803, in answer to the petition of the claimant, Governor White grants the land situated on the west side of St. John's river, at Dame's Point, with the usual conditions. In 1812 the then governor directs the survey to be made to the party, and the surveyor, Clarke, deposes that it was not done because of the disturbances at that time in the province. The board consider that the order of government for the survey is good evidence of conditions performed, and also that the ten years had elapsed necessary to complete his title. It is therefore confirmed.

No. 45.—*One hundred and seventy-five acres of land. Clara Prates Arnau, claimant.*

Clara Prates Arnau claims one hundred and seventy-five acres of land in the North river, about nineteen miles north of St. Augustine, "to the west of the North river of this city." It is decreed by Governor White that "there be granted to the interested, the deceased husband of the applicant, one

hundred and seventy-five acres of land in the place he solicits, &c., with the condition that he has to establish himself on said land within the time of one month counted from the date." There is no evidence that Arnau took possession of the land within the term specified by Governor White; but there is filed in the papers a petition for a survey from the widow, now the applicant, directed to Governor Coppinger, in which she prays a survey of the land originally granted to her husband; this is dated June 15, 1818. Governor Coppinger directs the survey to be made, which is accordingly done, and the board, believing this acquiescence of the governor sufficient proof of the performance of the condition required by White, confirm to the applicant the land in question.

No. 46.—*Two thousand six hundred acres of land. Heirs of Ambrose Hull, claimants.*

Ambrose Hull petitions the government for lands, and there were granted to him on January 15, 1801, two thousand six hundred acres of land in the Territory of Mosquito, and on February 2, 1812, Governor Estrada issues a royal title in favor of said Hull for head-rights under the royal order of October 29, 1790. The title is therefore confirmed to Hull's representatives.

No. 47.—*Two hundred and forty-five acres of land. Heirs of Edward Ashton, claimants.*

The heirs of Edward Ashton claim two hundred and forty-five acres of land, and produce a royal title granted by Governor Coppinger on January 18, 1816. In this title it is declared that Edward Ashton was a new settler, and claimed under the ordinance of 1790; that he had lived on the property ten years before the date of the instrument; and that the number of acres granted were those which corresponded to his family. The land is described to be at the head of a creek called Turnbull, to the northwest of this city; the boundaries are contained in the title. It is confirmed.

No. 48.—*One thousand acres of land. Heirs of Lucus Creyon, claimants.*

The heirs of Lucus Creyon claim title to one thousand acres of land situated in the Territory of Mosquito, bounded on the north by lands of Donna Nicholasa Gomez, on the east and south by vacant lands, and on the west by Indian river. On May 13, 1817, Governor Coppinger gave to Don Francisco Reyes a full and unconditional grant, vulgarly called a royal title, to the lands as above described, because of the royal order of 1790, which order applies alone to strangers, and because of the services of Reyes as one of the militia who were entitled to remuneration under the royal order of 1815. How Reyes, who is declared in the grant itself to be a citizen of St. Augustine, and is believed to have been born a Spanish subject, could claim under the ordinance of 1790, the board is not advised; but they have no doubt that, from the latitude of construction given to the order of 1815, for the remuneration of military services, the governor had the power to make the grant to Reyes. The title of the United States is therefore relinquished to him and to those claiming under him.

No. 49.—*Two hundred and fifty-five acres of land. The heirs of Thomas Fitch, claimants.*

Pedro Marrot had surveyed on May 10, 1793, for Francis X. Sanchez, two hundred and fifty-five acres of land, for head-rights, situated on Diego plains, at a place called General Savannah; and on February 11, 1811, Governor White issues to the children and heirs of the said Sanchez a royal title for said lands, under the royal order for October 29, 1790. It is confirmed to the heirs of Thomas Fitch, who purchased the land of the grantees.

No. 50.—*Two hundred and fifty acres of land. John Low, claimant.*

John Low presents his memorial to this board for two hundred and fifty acres of land, and alleges that he receives the title by purchase from William Carney. The title to Carney is evidenced by a full and perfect grant made by Governor Coppinger on April 4, 1816. There is a concession to Carney, a foreigner, under the order of 1790, made by Governor White on July 14, 1800; and previous to the royal grant the land was surveyed by G. Clarke. It is situated on the south bank of Bell's river, a tributary of the St. Mary's, and is bounded as follows: "the first line runs north 39° east, begins with a pine tree, and ends with a stake, seventy-one chains long, and bounds on this side the lands of Eleazer Waterman; the second line runs south 39° west, seventy-one chains, beginning at a pine and ending at a stake on the bank of Bell's river, and bounds on the lands of John Low; the third line runs north 51° west, thirty-five chains, to a pine, and is bounded by vacant pine land. It is confirmed.

No. 51.—*Eight hundred and fifty-one acres of land. William Harvey, claimant.*

Pedro Marrot, commissioner for the distribution of lands, had surveyed for Hannah Moore, for head-rights, on November 21, 1791, *fourteen caballerias* and four acres, (equal to 470 acres of land,) situated on St. John's river, at a place called Cunningham, being part of what corresponds to her and family, consisting of one white person and thirteen negroes; and on December 17, 1791, said Hannah Moore petitions the government for the remainder of the land she is entitled to on the west side of the river St. John's, on Peter's creek; to which Governor Quesada makes the following decree on December 17, 1791: "Being true what this party sets forth, Captain Don Pedro Marrot will take measures to have surveyed the number of caballerias she and her family are entitled to according to the instructions, and without injury to a third person;" and on July 8, 1818, Governor Coppinger issued a royal title in favor of the heirs of Hannah Moore for eight hundred and fifty-one acres of land, as above situated. The royal title is evidence of cultivation, and it is therefore confirmed.

No. 52.—*Two hundred acres of land. William Harvey, claimant.*

William Harvey petitioned the government on November 27, 1817, for two hundred acres of land, for services, situated on Trout creek, at a place known by the name of Mrs. Mutt, about three miles from Picolata; to which Governor Coppinger makes the following decree on December 1, 1817: "In attention to the services which the interested sets forth, and are well known to the government, let this memorial be passed over to the notary of government that he may make out to him the title of property of the lands which he solicits." Governor Coppinger issued a royal title for said land to Harvey on June 9, 1818.

This is a grant for military services. The concession in 1817 was without conditions; all grants made under the royal order of 1815 required no cultivation of ten years or less, and it is as good as a royal title could make it. It is confirmed.

No. 53.—*Sixty-nine acres of land. Juana Paredes, claimant.*

In 1807 Antonio Cabellero obtained a grant from Governor White for head-rights at Alligator Point. In 1808 he purchased of Mariano Fontan, by the permission of the governor, fourteen acres at the same place; and in 1811, by the like permission of Governor Estrada, he purchased thirty acres more of José Hernandez Carmona, adjoining his former tract. In 1819 the whole is surveyed to him by Andrew Burgevin. There was full proof of its continued cultivation.

Juana Paredes is the present claimant, to whom it is confirmed.

No. 54.—*One hundred and ten acres of land. Juana Paredes, claimant.*

Governor White, on April 17, 1807, granted Juan Paredes one hundred and ten acres of land on the North river, in lieu of the same quantity previously granted him on the river Mosquito, and found on inquiry not to be vacant. This appears to the board from the certificate of the secretary, Juan de Pierra. On June 2, 1818, Juana Paredes, who represents herself as the daughter and sole heiress of Juan Paredes, petitioned the governor for a survey, which is ordered accordingly, and Andres Burgevin selected for the purpose.

For some cause not known to the board, and not material, it was not surveyed until 1823, and then by a man called G. Darling. It is bounded by the lands of James and Stephen Arnau. It is confirmed.

No. 55.—*One hundred and fifty acres of land. Maria Mills, claimant.*

William Mills petitions the government on November 13, 1798, for one hundred and fifty acres of land situated on Johnson creek, eight miles to the south of little bar of Matanzas, for head-rights, to which Governor White makes the following decree on November 15, 1798: "Let there be granted to this party for the present, and without injury to a third person, the land which he solicits, until, according to the persons he may have for its cultivation, there be assigned the quantity he is entitled to." On May 12, 1819, George J. F. Clarke surveys for said Mills the said one hundred and fifty acres of land. We have invariably decided that any act done, though subsequent to January 24, 1818, by the governor, or an authorized agent, which would go to prove that cultivation and occupation had followed a long precedent concession, entitled the claimant to a confirmation of his claim. This claim is confirmed.

No. 56.—*One hundred and forty-five acres of land. Francis Brady's administrator, claimant.*

John Wright petitioned the government on December 22, 1803, for lands for head-rights, situated on Trout creek, St. John's river, and on the same day the following decree was made by Governor White: "Let there be granted to the interested one hundred and forty-five acres of land, which, according to the new regulation, are those that correspond to himself, his wife, and family, without injury to a third person; and with the condition that he cannot claim damages for injuries in case, from a fear of invasion or other motives of the royal service, he be ordered to retire into the interior of the province." In 1821 George Clarke, the surveyor general, measured off the land to the claimant by order of the governor. It was moreover proved by two witnesses that the claimant had lived on the land more than ten years. It is confirmed.

No. 57.—*Forty acres of land. Charles Seton, claimant.*

Thomas Holland represents to Governor White that he had long lived in the province, on the lands of others, as an overseer, and now wishes to live on his own. He therefore petitions for a small island called Pelot, in the river St. John's. On December 30, 1807, Governor White grants the land; on January 6, 1815, George Clarke, the surveyor general of the province, surveys the island to Holland, and finds it to contain forty acres. This survey would not have been made to Holland without a full compliance with all the implied conditions of a grant like this. It appears by the memorial of Charles Seton, the present claimant, that he is a purchaser from Holland. The title is good against the United States.

No. 58.—*Six hundred acres of land. B. M. Mestre, claimant.*

On August 7, 1794, Joseph Hughes and Antonio Mestre jointly petition the governor to permit Hughes to sell the lands which had been granted him to Mestre. The governor, on the next day, grants the permission asked, but directs that Mestre shall not have more land than had been granted to Hughes, until, by the general survey, so much should be measured to him as by the number of his family he might then be entitled to. The original grant to Hughes is not produced, nor is the number of acres specified in the official transfer from Hughes to Mestre; but there is, in 1820, a petition from Bartolo M. Mestre, the son of Antonio, requesting the governor to direct a certified copy of the grant to his father for six hundred acres to be given him. There is also, ten days after this petition, a survey of George Clarke to Bartolo M. Mestre for six hundred acres; and Clarke declares in his certificate that the tract surveyed is the same which was conveyed to the father of the petitioner from Hughes, "with the superior permission of the government, and agrees in all its circumstances with the plat." It is therefore confirmed.

No. 59.—*Five hundred acres of land. Geronimo Alvarez, claimant.*

Geronimo Alvarez, ensign of the Irish company of militia of this city, petitioned Governor Coppinger for five hundred acres of land situated in the district of Mosquito, at a place called Plantation of Gabardy, for his services during the revolution in this then province; and the said governor issued a royal title, under the royal order of March 29, 1815, to said Alvarez for the said five hundred acres of land, which title is dated January 12, 1818. The name of the claimant appears on the roll of the militia on file in the office; and the claim is confirmed to him.

No. 60.—*Five hundred acres of land. Heirs of Gerard Forrester, claimant.*

Pedro Marrot, commissioner appointed by the governor and commander-in-chief of this province of East Florida for the survey of lands ordered to be distributed by command of his Majesty, certifies that on December 17, 1791, he has had surveyed and delivered to Gerard Forrester, whose family consisted of seven white persons and two negro slaves, five hundred acres of land situated on the river St. John's, at a place called Chichester. This certificate appears to have been signed by Pedro Marrot, and countersigned by Samuel Eastlake, the surveyor, and is a copy of the original on file in the escribano's office, (now public archives.) F. J. Fatio, a witness, states that said Forrester lived on and cultivated said land for a number of years, until his death in 1803. The board therefore confirm the same to his representatives.

No. 61.—*One hundred acres of land. Pedro Miranda, claimant.*

This is a royal title, dated November 28, 1816, made to Pedro Miranda by Governor Coppinger for military services. It conveys one hundred acres of land, "for a cowpen and herd of horned cattle, on the river Little St. Mary's, in this province, at a place called Mountford and Lowford." It is confirmed.

No. 62.—*Two hundred acres of land. Stephen Cheves, claimant.*

In this case a certificate of Juan de Pierra was presented to the board, dated November 14, 1793, declaring that on the 11th of the same month Stephen Cheves, a free man of color, presented his petition, and had granted to him two hundred acres of land "situated on the river Matanzas, known as the Plantation of Tom Johnson." There is no survey or other paper than this certificate of Pierra. It was in proof before the board that Cheves had lived on the land and cultivated it so as to entitle him to confirmation. It is therefore confirmed.

No. 63.—*Fifteen acres of land. Juan Segui, claimant.*

Juan de Pierra, secretary of government, certifies that, to a memorial presented by Juan Segui, soliciting a new concession of fifteen acres of land, which are situated at a place called Macaris, and which he possessed and cultivated from the time of the British dominion, the following decree was made by Governor White December 1, 1806: "In virtue of the interested having proved his being in possession of said land since the British dominion, let it be newly granted to him, the concession being only in force from the day of the date." It was established to the satisfaction of the board that the claimant has lived on the land ever since the above concession. It is therefore confirmed.

No. 64.—*One hundred and seventy-five acres of land. Widow and heirs of A. Ponce, claimants.*

On October 11, 1803, Governor White granted to Antonio Ponce one hundred and seventy-five acres of land "at the Orange Grove, at the bar of the Mosquito." The claimant produced as evidence of cultivation an authorized survey, 1819, and a royal title of the same year. There was oral testimony to the same fact. It is confirmed to A. Ponce's widow and heirs, the present claimants.

No. 65.—*One hundred acres of land. W. G. Perpall, claimant.*

In this case the facts are these: on March 14, 1799, Juan de Pierra certifies that John Daly petitioned for one hundred acres of land at the little bar of Matanzas, adjoining Francis Pellicer's, in exchange for the two hundred acres he possessed at the river Nassau. This was granted by Governor White. On March 9, 1808, Maria Daly, the widow of John Daly, obtained a decree that she have a certified copy of this grant; which, on the same day, was given to her, and on June 10, 1808, the *escribano*, J. de Entralgo, certifies that a regular sale of the land was made by the widow to Perpall, the claimant. This continued recognition of the title in Daly and his widow for nine years, and those who claim under her, having proved continued possession by the government, is considered by the board as ample evidence that every condition enjoined or expressed had been performed, and the title is confirmed.

No. 66.—*Twenty acres of land. W. G. Perpall, claimant.*

In 1804 Governor White granted to John Capo twenty acres of land north of the fort at this place. In 1810 Capo sells to Sanchez, and sometime afterwards the widow of Sanchez to W. G. Perpall. Each of the parties, the grantee, the first and second transferree, possessed the property from the date of the concession. It is confirmed.

No. 67.—*Five hundred acres of land. A. McDowell and A. Black, claimants.*

On January 13, 1818, Andrew Burgevin petitions for five hundred acres of land, for services, situated about half a league northeast from a place called Little Orange Grove, and half a league east from the river St. John's; and on the 24th of the same month Governor Coppinger decrees to him the amount demanded, as that "which corresponded to twenty slaves, agreeably to the accompanying list." On May 27, 1818, the land was surveyed by Robert McHardy, and on April 24, 1819, the same governor grants a full title to the land in question. The execution of a royal title, though subsequent to February 24, 1818, is considered by the board as evidence to show that the conditions of the grant in the concession had been performed to the satisfaction of the governor, and therefore the land is confirmed to McDowell and Black, who have filed the claim, and produced to the board a title derived from Burgevin, the grantee.

No. 68.—*Two hundred and fifty and one-third acres of land. Francis Sterling, claimant.*

Pedro Marrot, commissioner appointed by the governor and commander-in-chief of this province of East Florida for the survey and distribution of lands ordered to be distributed by his Majesty, certifies

that he has had measured and delivered to Francis Sterling seven *caballerias* and seventeen acres, or two hundred and fifty and a third acres of land, for head-rights, situated on the river Nassau, at a place called Sims' Plantation, which certificate is dated March 3, 1792, and countersigned by Samuel Eastlake, surveyor. It was in proof before the board, by the oaths of Joseph Summerall and Frederick Hartley, that the claimant had cultivated and possessed the above tract of land before the date of the survey in 1792 until the present time. It is therefore confirmed.

No. 69.—*One hundred acres of land. Heirs of Manuel Solana, claimants.*

Don Manuel Solana applies by petition to Governor Quesada, June 11, 1791, for fifty acres of land to the west of the St. Sebastian's river, and by the ferry on said river, in addition to one hundred previously granted him. He states in his memorial that he has a large family of whites and eleven slaves. The governor on the same day grants him the land. Occupancy and cultivation were proved before the board. It is confirmed.

No. 70.—*Four hundred acres of land. Heirs of John McQueen, claimants.*

Joseph S. Sanchez, as the representative of the heirs of John McQueen, deceased, claims four hundred acres of land on Amelia island, and bounded as follows: north and west by the waters of St. Mary's river, on the south by marshes on a creek called Hogan's creek, as will appear by a survey of John Purcell, made on November 24, 1809. As evidence of title he produces the certificate of Juan de Pierra, the then secretary of the province, dated November 24, 1798, declaring that, to a memorial presented by McQueen on the same day, and stating that the number of his family justified the grant, Governor White decreed accordingly. The board have decided uniformly that the survey made more than ten years after by authority should be considered as evidence of continued possession. Here is the grant of the governor in 1798, the survey of Purcell in 1809. It is confirmed.

No. 71.—*Twenty-six acres of land. Mariano Fontan, claimant.*

This is an application from Francis Medicis, the attorney in fact for Mariano Fontan, for twenty-six acres of land, described to be on the points of the river Guana, on the east side of the North river, bounding the lands of Dr. Don Thomas Travers. Medicis presents a power of attorney from Fontan, his principal, and a document from the archives containing his own application in 1820 for a certified copy of the concession to Fontan. This is directed by Governor Coppinger to be given to him, and is briefly as follows: Mariano Fontan in 1804 petitioned of Governor White one hundred acres at the place above specified, as due him, a new settler, from the number of his family. Governor White, who seems to have been always rigorous in granting lands to new comers, decrees the land in accordance with the petition, and the condition that he shall take possession of it in one month. There is a note that sixty acres of the land shall be deducted in consequence of a decree made in 1807, on the proceedings instituted by José Hernandez Carmona, Fontan having sold so much to Juan Paredes. It appears in the same note, signed Pierra, that fourteen acres were subsequently sold to Antonio Cabellero. The board have thought the several subsequent acts of recognition of title in Fontan as proof of all conditions performed. First, the concession is made in 1804; in 1807 they permit him to sell to others the greater portion of the tract, and in 1820 a full copy of the title is directed by Governor Coppinger to be given to his attorney. It is therefore confirmed.

No. 72.—*Six hundred acres of land. Joseph Fenwick, claimant.*

James William Lee on October 5, 1792, petitioned the governor for six hundred acres of land on the north side of the river St. John's, on Trout creek. Joseph Fenwick, the present claimant, purchased the land of Lee, and obtained of Governor Kindelan, on April 16, 1814, a royal title. It was previously surveyed by George J. F. Clarke, and is bounded as follows: on the north, east, and west by vacant lands, and on the south by Trout creek. It is confirmed.

No. 73.—*Two hundred acres of land. Francis Richard, claimant.*

Lewis Z. Hogans petitions the government on June 12, 1817, for lands, for head-rights, situated on Pottsburg creek, five miles from the river St. John's, and half a mile from said creek; and on the same day Governor Coppinger made the following decree: "Let there be granted to the petitioner two hundred acres of land in the place which he solicits, without injury to a third person, and are those which correspond to himself and the number of slaves which he sets forth as appertaining to him; and for his security let there be despatched to him from the secretary's office a certified copy of this memorial and decree, in the customary form." Hogans obtained an order for a survey which was executed in 1818, and in 1822 conveyed the land to Francis Richard, the present claimant, to whom it is confirmed.

No. 74.—*Two hundred and fifty acres of land. Francis Richard, claimant.*

Francis Richard petitioned the government on November 5, 1817, for two hundred and fifty acres of land situated near St. Nicholas, at a place called Red Laurel Grove, to which Governor Coppinger makes the following decree on November 7, 1817: "Let there be granted to the petitioner the two hundred and fifty acres of land in the place which he solicits, without injury to a third person; and for the security and evidence of the interested let there be given him the corresponding certificate from the secretary's office, in the customary form." In 1819 it is surveyed to Richard by D. S. H. Miller. Richard has been up to this time in possession of the land. It is confirmed.

No. 75.—*Three hundred and fifty acres of land. Francis Richard, claimant.*

Reuben Hogans petitioned the government, and there were granted to him on July 20, 1798, three hundred and fifty acres of land situated on St. John's river, at a place called Strawberry Hill; and on April 17, 1817, Governor Coppinger issued a royal title in favor of said Hogans for the same, under the royal order of October 29, 1790. Francis Richard, who presented this claim to the board, claims to be a purchaser from Hogans. It is confirmed.

No. 76.—*Two hundred and fifty acres of land. Heirs of J. Simpson, claimants.*

John Simpson, September 12, 1791, petitioned for a tract of land on the river St. John's, and on the plantation once occupied by Daniel McGirt. His family, by the statement of the petitioner, consisted of three persons, his father, his wife, and himself. On Marrot's list of individuals living on the St. John's, made in 1792, we find the name of this man and the number of his family. There is nothing to show the quantity of land surveyed to him; but, from the regulations of Governor Quesada, we know that he was entitled to two hundred and fifty acres; and Joseph Summerall having proved his possession until his death, and the subsequent continued possession of his daughter, we think it proper to confirm to the heirs of John Simpson two hundred and fifty acres of land at the place specified.

No. 77.—*One hundred and twenty-five acres of land. James Arnau, claimant.*

The claimant in this case produced to the board the certificate of Juan de Pierra, under date of April 13, 1807, in which it is declared "that, to a memorial of James Arnau, soliciting that he should have granted to him the land which correspond to himself and wife, and one negro, in the plantation called Marshall, which is about nine miles to the north of this city, bounding on the south the lands of Juan Salon, on the east the North river, and on the north the plantation of the deceased Roque Leonardy," the governor on the same day directed that one hundred and twenty-five acres should be granted him, the petitioner. On the 15th June, 1818, the mother of Arnau, in his absence, and on his behalf, prayed an authorized survey of the land, which was made by Andrew Burgevin. In addition to this, Estevan Arnau proved that James, the claimant, occupied and cultivated the land granted as above. It is confirmed.

No. 78.—*Two hundred and fifty and one-third acres of land. David Bayley, claimant.*

Don Pedro Marrot certifies that he has had surveyed for the inhabitant David Bayley two hundred and fifty and a third acres of land, for head-rights, situated on Nassau river, at a place called Azzar Bluff, which certificate is signed by himself and the surveyor, Samuel Eastlake, and is dated March 5, 1794. It is proved by the oath of Francis Sterling that the claimant, Bayley, was in the actual possession of said land from the year 1792 until the day of his death, about ten years ago, and that his wife and children hold possession to the present time. It is confirmed.

No. 79.—*Three hundred acres of land. Mills Drury, claimant.*

Don Pedro Marrot certifies that he has had surveyed for the inhabitant Mills Drury three hundred acres of land situated on the river Nassau, which certificate is signed by himself and the surveyor, Samuel Eastlake, and is dated April 7, 1792. Francis Sterling deposes that claimant was in the possession and cultivation of said lands from the year 1792 until he died, about six years ago. It is confirmed.

No. 80.—*Three hundred acres of land. Margaret Scofield, claimant.*

On the 6th day of June, 1798, Governor White grants to John Lewis Scofield three hundred acres of land in the Twelve-mile swamp, at a place called Springfield. The grant was made for "head-rights." This appears to the board by the certificate of Thomas Aguilar of the same date. It is true that some suspicion has been thrown on the unsupported certificate of this secretary of government, but it is not likely or probable that a forgery would be committed for so small a body of land; and it is moreover in proof before this board, by the testimony of three witnesses, Antonio Capo, Charles W. Clarke, and Anthony Hainsman, that this tract of land was long cultivated by the claimant, and is still in the possession of his family. It is confirmed.

No. 81.—*Five hundred and seventy-five acres of land. Ynez Gomez, claimant.*

In 1817 Governor Coppinger, on the application of Joseph M. Gomez, granted to him five hundred and seventy-five acres of land on Trout creek, "without injury to a third person, which are those that correspond to him, according to the number of family and slaves he sets forth." Five hundred more are granted to the applicant for the rearing of horned cattle. Pedro Rodriguez has deposed that in 1819 he was in the place now claimed, and saw negroes, and horses, and a crop. If the province had not been transferred to the United States the party would have lost her land without ten years of continued cultivation; but as this tract, by the testimony adduced, was cultivated up to the change of governments, it is confirmed to Ynez Gomez, the present claimant, and the widow of Joseph M. Gomez. The claim for five hundred acres, for horned cattle, is rejected because there is no evidence that he ever used it to that purpose; five hundred and seventy-five acres are confirmed.

No. 82.—*Two hundred acres of land. Francis J. Fatio, claimant.*

Don Juan de Pierra, secretary of government, certifies that, to a memorial presented by Robert Caldwell, soliciting two hundred acres of land on the banks of the creek called Sampson and on the road leading to the plantation of Francis P. Fatio, about eighteen miles from this city, the following decree was made October 15, 1799, by Governor White: "Let there be granted to this party the land which he solicits, without injury to a third person, until, according to the number of his family, there be measured the quantity he is entitled to;" which land was purchased by F. M. Arredondo, sen. Bernardo Segui deposes that in 1807 he was on the place here claimed, and that it was settled and cultivated; that there were houses built on the same, and it had all the appearance of a thriving settlement. It is confirmed.

No. 83.—*One hundred and sixty-five acres of land. Francis J. Fatio, claimant.*

Maria Fortune petitioned the government, November 19, 1804, for three hundred acres of land, for head-rights, situated on Emery creek, known during the British dominion by the name of Moss, to which Governor White makes the following decree November 21, 1804: "Let there be granted to the interested one hundred and sixty-five acres of land in the place which she solicits, without injury to a third person, and are those which correspond to her, being well understood that she must establish herself on said land in the space of one month, counted from the date." This land, upon the death of Mrs. Fortune, descended to Michael Crosby, the Catholic priest at this place, between whom and Mrs. Maria Teresa Fatio an arbitration was held in the year 1821, and Mrs. Fatio obtained the land. On the death of Mrs.

Fatio it descended to the present claimant. George J. F. Clarke was sworn in the case, who proved a long-continued cultivation and possession. It is confirmed.

No. 84.—*One thousand two hundred and fifty and one-third acres of land. Alexander Creighton, claimant.*

Pedro Marrot, commissioner appointed by the governor and commander-in-chief of the city and province of East Florida, for the survey of lands ordered to be distributed by command of his Majesty, certifies that he has had measured for Alexander Creighton, by Samuel Eastlake, surveyor, November 14, 1792, thirty-seven caballerias and seventeen acres, (or 1,250⅓ acres,) situated on St. John's river, at a place called Levet's Plantation, for head-rights. Mr. Allen, a member of the board, and Mr. Fatio, the clerk, having a personal knowledge of the continued cultivation of this land up to the present time, it is confirmed.

No. 85.—*Three hundred and sixty-six and two-thirds acres of land. Geronima Martinelly, claimant.*

José Peso de Burgo petitions the government, November 19, 1792, for lands situated on a place called Governor Grant, according to the number of twelve slaves, to which Governor Quesada makes the following decree, November 19, 1792: "As presented with the antecedent to which he refers, and notwithstanding the omission noted in the same to the compliance of the orders of this government, and having taken into consideration what he lastly sets forth, there is granted to him, without injury to a third person, the usufruct of the lands which he solicits, until, in the general survey which is now taking place, there shall be assigned him the number of caballerias his family is entitled to." And on the 28th of February, 1818, Governor Coppinger issued to said Peso de Burgo a royal title for eleven caballerias (or 366⅔ acres of land) in the place pointed out. In accordance with the previous decision of this board, the royal title, when subsequent to January 24, 1818, issuing upon a previous concession, is considered evidence of a full compliance with all the conditions of the grant. It is therefore confirmed.

No. 86.—*Six hundred acres of land. Heirs of Z. Haddock, claimants.*

In 1798 Governor White, on the application of Joseph Youngblood, granted to him "a plantation on the river St. Mary's, which belonged to the rebel John Bailey." It appears from the testimony of four witnesses, whose affidavits are on file in this office, that Youngblood cultivated the land until 1820, at which time it was conveyed to Haddock, by whose heirs it is now claimed. There is no official paper by which to ascertain the precise number of acres to which Youngblood was entitled, as the quantity in the decree of Governor White is left to be affixed by a subsequent survey; but there is a survey of six hundred acres by one Garvin; and as by the number of his family, proved in the above-named affidavits, he would, under the Spanish government, be clearly entitled to that amount for his head-rights, or under our government by the donation law, we have confirmed to the claimants six hundred acres.

No. 87.—*Seven hundred and twenty acres of land. Zephaniah Kingsley, claimant.*

John McQucen petitioned the government, under the royal order of October 29, 1790, for lands; and on February 27, 1804, Governor White issued to him a royal title for seven hundred and twenty acres situated on an island called Fort George, in the river St. John's, which land was surveyed April 27, 1792, by Samuel Eastlake, surveyor, under the direction of Pedro Marrot, commissioner for the survey and distribution of lands. It was regularly conveyed to Zephaniah Kingsley, the present claimant, to whom it is confirmed.

No. 88.—*Five hundred acres of land. Susannah Cashen, claimant.*

James Cashen in 1800 applied to Governor White, by petition, for eight hundred acres of land on the west side of the river St. John's, five hundred at a place called Fleming's island, and three hundred acres more in the immediate neighborhood. This land had before this been granted to one John Saunders, who had begged the government to permit him to surrender it, and to give him in exchange lands less sickly on Tomoca. To this petition of Saunders Governor White acceded, granted the lands on Tomoca, and gave to Artemas Ferguson the lands on the St. John's abandoned by Saunders. Subsequently to this Ferguson died, and Cashen, by permission of the governor, purchased of his widow the improvements and the right to the place; and in 1804 Governor White gave to Cashen a royal title for the five hundred acres on Fleming's island. This claim of five hundred acres is therefore confirmed. The three hundred acres were not granted by the governor, because Cashen had not proved cultivation, and they are rejected by this board for the same reason.

No. 89.—*Five hundred and sixty-five acres of land. Zephaniah Kingsley, claimant.*

Francis Xavier Sanchez petitioned for lands under the royal order of October 29, 1790, and on January 29, 1811, Governor White issued to him a royal title for eleven hundred and thirty acres of land situated at a place called San José, on the river St. John's. As present claimant is a purchaser under the above royal title, the said five hundred and sixty-five acres are confirmed to him.

No. 90.—*Two hundred and fifty acres of land. Eugenia Brant, claimant.*

Stephen Brant petitioned the government April 16, 1803, for two hundred and fifty acres of land situated on Bell's river, at a place called Rose's bluff, for head-rights; and on April 18, 1803, Governor White makes the following decree: "Let there be granted to this party the land which he solicits, without injury to a third person, and until, according to the number of family he may have for its cultivation, there be assigned him the corresponding quantity; being well understood that he cannot claim damages or losses in case that, from a fear of invasion or other motives of the royal service, he be ordered to retire into the interior of the province." In 1816 it was surveyed to him by George Clarke, surveyor general, which would not have been permitted without cultivation. It is confirmed.

No. 91.—*One hundred and fifty acres of land. Samuel Wilson, claimant.*

This claim is based on a certificate of Marrot, dated March 2, 1793. It was given to Wilson for "head-rights." William Lane has deposed that Wilson was more than ten years in possession. It lies on the left bank of Trout creek, near its mouth. It is confirmed.

No. 92.—*Three hundred acres of land. Isaac Hendricks, claimant.*

In December, 1791, Solomon King presented a memorial to Governor Quesada for one hundred acres of land on the river Nassau, "for the rearing of stock." The memorial was referred to Don Pedro Marrot, who decided against the grant on Nassau, because his (King's) full quantity had been assigned him on the river St. John's.

On reference to the report of Marrot of lands surveyed and granted by him under the direction of Quesada to inhabitants on the St. John's, we find three hundred acres allotted to Solomon King at the place described in this application. It is clear to the board, from the evidence of F. Richard and Z. Hogans, whose depositions are on file in this office, that King and his wife cultivated the land until 1807. The present claimant is Isaac Hendricks, who produced a deed from King to Drummond, and from Drummond to himself. It is confirmed.

No. 93.—*Five hundred acres of land. Joseph S. Sanchez, claimant.*

This land belonged to Jesse Fish by an old British title. It was sold at a government sale, and bought by Francis X. Sanchez, deceased, the father of present claimant. The title is as old as any in the Territory. It is confirmed.

No. 94.—*One hundred and thirty acres of land. William Fox, claimant.*

William Fox petitioned the government, March 3, 1806, for lands, for head-rights, on the river St. Mary's, to which Governor White makes the following decree on the same day, month, and year: "Let there be granted to the interested one hundred and thirty acres of land in the place which he solicits, without injury to a third person, which are those that correspond to him; it being understood that he cannot claim damages for injuries in case that, from any motive of invasion, he be ordered to retire into the interior of the province, and that he must establish himself on said land in the term of one month, counted from the date." Two witnesses have sworn to continued cultivation and possession. It is confirmed.

No. 95.—*One hundred and forty-eight and one-third acres of land. The heirs of William Hendricks, claimants.*

William Hendricks petitioned the government, December 12, 1792, for lands on the river Nassau, under the royal order of 1790, to which Governor Quesada made the following decree January 10, 1793: "Agreeably to his request, without injury to a third person, for which purpose the officer appointed for the general distribution of land will measure to this party the quantity he is entitled to, to make up his complement, in the place pointed out, there being no obstacle in the way." According to the above decree Don Pedro Marrot, the commissioner appointed for the distribution of lands, had surveyed to said Hendricks one hundred and forty-eight and a third acres in the place above pointed out March 16, 1793. Cultivation is proved to the present time by Hendricks and his heirs. It is confirmed.

No. 96.—*Three hundred acres of land. Reuben Hogans, claimant.*

Reuben Hogans petitioned the government for lands, for head-rights, under the royal order of 1790, and on February 29, 1792, Pedro Marrot, commissioner for the distribution and survey of lands, laid off to him *nine caballerias*, or three hundred acres, on the south bank of Little St. Mary's river, at a place called Hogans; after which Governor Kindelan issued to said Reuben Hogans a royal title for said three hundred acres of land, dated May 26, 1815. It is confirmed.

No. 97.—*Two hundred acres of land The heirs of Charles Hogans, claimants.*

Charles Hogans petitioned the government, and there were granted to him, December 12, 1815, two hundred acres of land situated on Hendricks' creek, river St. John's; and on January 12, 1818, Governor Coppinger issued to him a royal title for the same under the royal order of 1790. It is confirmed.

REPORT B.

Register of claims to land not exceeding six hundred and forty acres, founded on actual inhabitation and cultivation, previous to February 22, 1819, *which have been confirmed by the register and receiver for East Florida.*

No.	Names of claimants.	Age.	Quantity.	Situation.	Occupation and cultivation.	
					From—	To—
			Acres.			
1	Edward Turner's heirs		640	Two miles north of Trout creek, St. John's	1809	1826
2	Emanuel Gianopoly		250	Twelve-mile swamp	1818	1822
3	Lewis Bailey		640	St. Mary's river	1819	1827
4	Elizabeth Hughes		640	South side St. Mary's river, Camp Pinkney	1817	1827
5	Ellis Stafford		640	South side St. Mary's river, Dunn's creek	1819	1827
6	Reuben Lasseter		300	St. Mary's river	1817	1827
7	Daniel J. Barton		550	Smith, west side St. John's river	1813	1827
8	Joseph Haddock		250	Cabbage swamp, St. Mary's river	1817	1827
9	Rafael Oliveros		640	Two miles north of Doctor's lake, St. John's	1815	1827
10	Seymour Picket		640	On Lain's branch, Trout creek	1815	1827
11	Jonathan Watson		500	Right bank of Trout creek, near Six-mile creek	1818	1827
12	James Sharber		400	Calico Hill, St. Mary's river	1819	1827
13	Jesse Long		300	On the waters of St. Mary's river	1819	1827
14	William Hogan		300	Headwaters of Little St. Mary's river	1819	1827
15	Levi Collar		300	Head of Pigeon creek, St. Mary's	1819	1827
16	William Daniels		300	St. Mary's river	1818	1827
17	Thomas King		640	do	1819	1827
18	James Walker		640	Big St. Mary's river, below Camp Pinkney	1819	1827
19	George Branning		640	North side Black creek, north of Forks	1817	1827

CH'S DOWNING, *Register Land Office.*
W. H. ALLEN, *Receiver.*

REPORT C.

Register of claims to lands which have been rejected by the register and receiver for the district of East Florida.

No.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.
					Acres.						
1	Isaac Sasportas	Eusebio Gomez	May 6, 1818		425	Coppinger	1815		Oct. 1, 1818	And. Burgevin	Scipio swamp, St. John's river.
2	The widow and heirs of L. Solana.	Lorenzo Solana	May 27, 1819		1,000	do	1815		July 1, 1821	do	St. John's river, east side.
3	Michael Salome	Michael Salome			200				Mar. 18, 1821	Geo. J. F. Clarke	Five-mile branch, Trout creek.
4	James G. Smith	James G. Smith			500				Oct. 3, 1818	do	McQueen's swamp, St. Mary's river.
5	Ellis Stafford	Ellis Stafford			500				Oct. 12, and Nov. 4, 1818	do	Dunn's creek, St. Mary's river.
6	Jacob Summeral	Jacob Summeral			200				Jan. 18, 1820	do	St. Mary's river.
7	John Bellamy	John Bellamy			500				Oct. 28, 1820	do	McGirt's creek.
8	The heirs of D. Garvin	David Garvin			500				Dec. 4, 1817	do	Pope's hammock, St. John's river.
9	Carlos Clarke	Carlos Clarke			300				Mar. 22, 1821	do	East side of Lake George.
10	Charles Breward	Charles Breward			100				Dec. 4, 1818	do	Lofton's branch, Nassau river.
11	Lewis Bailey	Lewis Bailey			392				Nov. 5, 1818	do	Turkey branch, St. Mary's river.
12	Ezekiel Haddock	Ezekiel Haddock			150				Nov. 20, 1817	do	Cabbage swamp, St. Mary's river.
13	Jesse Newton	Jesse Newton			350				Nov. 27, 1818	do	Live Oak landing, St. Mary's.
14	Simeon Dell	Simeon Dell			696					Geo. J. F. Clarke, in 3 surveys.	96 acres, St. Mary's river; 400 acres, Paine's savannah; 200 acres head of Nassau river.
15	R. McHardy's trustee	Robert McHardy		Jan. 29, 1818	600				Sept. 24, 1818	And. Burgevin	McDougall's swamp, west of St. John's.
16	Ezekiel Haddock	Ezekiel Haddock			150				Nov. 20, 1817	Geo. J. F. Clarke	Cabbage swamp, St. Mary's river.
17	William Hartley	William Hartley			250				July 10, 1819	do	Willis' swamp, St. John's river.
18	John Houston	John C. Houston			170				May 16, 1816	do	Star island, Nassau river.
19	James Dell	James Dell			500				Jan. 8, 1818	do	Mezell's lake, Alachua.
20	William Drummond	William Drummond			200				Nov. 20, 1817	do	Bird pond, St. Mary's river.
21	do	Henry Groves			100				Dec. 12, 1818	do	Big bend, Trout creek.
22	do	William Drummond			400				Nov. 1, 1817	do	Wilder's swamp, St. Mary's river.
23	Westerly Low	Westerly Low			400				June 19, 1821	do	Plummer's swamp, Nassau river.
24	Horatio Low	Horatio Low			400				June 12, 1821	do	Colerain, St. Mary's river.
25	Reuben Lasseter	Reuben Lasseter			250				Oct. 13, 1818	do	Great Dunn's creek, St. Mary's.
26	do	do			50				Oct. 14, 1818	do	Do.
27	John Hampton	John Hampton			535				May 8, 1818	do	St. Mary's river.
28	William Hogans	William Hogans			300				May 13, 1818	do	Do.
29	Charles Homer	Charles Homer			200				April 14, 1821	do	Boggy swamp, Nassau river.
30	Louisa A. Christopher	John Houston, sen.			180				April 9, 1817	do	Mouth of Dunn's creek, St. John's.
31	Theophilus Woods, jr	Theophilus Woods, jr			256				Dec. 11, 12, 1820	do	Two tracts for 160 and 96 acres, St. Mary's.
32	Theophilus Williams	George Vincent			200					do	St. Mary's river, near Camp Pinkney.
33	John Birks	John Birks			300				June 16, 1818	do	Trout creek, St John's river.

REPORT C.—*Register of claims to lands which have been rejected by the register and receiver for the district of East Florida*—Continued.

No.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.
					Acres.						
34	William Eubanks	William Eubanks			100				Dec. 12, 1818	Geo. J. F. Clarke	St. John's river, near Trout creek.
35	José Bernardo Reyes	José B. Reyes	June 20, 1818		1,000	Coppinger	1815		Oct. 3, 1818	Robt. McHardy	Bella Vista river, Okelewaha.
36	Charles Deshon	Walter Drumer		April 5, 1793	350	Quesada	1790		July 20, 1819	Geo. J. F. Clarke	Mouth of Julington creek, St. John's.
37	The heirs of M. Crosby	Michael Crosby	Mar. 2, 1818		500	Coppinger	1790		April 10, 1818	do	Mount Tucker, St. John's river.
38	Patrick Lynch	Patrick Lynch		May 26, 1818	1,100	do	1790				West side of Haulover, Mosquito.
39	Estevan Arnau	Estevan Arnau	June 19, 1818		200	do	1815				St. Mark's pond, north of St. Augustine.
40	Charles Edmonson	Francis Gué		May 18, 1818	500	do	1815		Aug. 14, 1818	And. Burgevin	East side of St. John's river.
41	do	do	June 12, 1818		500	do	1815		do	do	West side of St. John's.
42	William Drummond	Solomon King			500						Green hill, St. John's river.
43	Antelm Gay	Lewis Mattair	Jan. 3, 1821		500	Coppinger	1815		Dec. 30, 1820	And. Burgevin	West side of Indian river.
44	do	Joaquin Sanchez	June 15, 1818		500	do	1815		Aug. 16, 1820	do	Governor Grant, 18 miles north of St. Augustine.
45	Petrona Martinez	Matthias Martinez		Jan. 26, 1818	1,000	do	1815				Big hammock, west of St. John's.
46	Zephaniah Kingsley	James Martinelly		April 16, 1818	300	do					White Oak landing, St. Mary's.

General remarks.—No. 15. In two tracts of 300 acres each.

CHARLES DOWNING, *Register Land Office.*
WILLIAM H. ALLEN, *Receiver.*

C.

REPORT OF LAND CLAIMS DECIDED BY THE REGISTER AND RECEIVER OF EAST FLORIDA.

No. 1.—*Four hundred and twenty-five acres of land. Isaac Sasportas, claimant.*

A royal title for lands under the ordinances of 1815. These grants for services require no previous cultivation to perfect them, and are not usually preceded by a concession. The date of this grant is May 6, 1818. It is therefore barred by the treaty and rejected.

No. 2.—*One thousand acres of land. The widow and heirs of L. Solana, claimants.*

This is a grant made January 24, 1818, for military services, without any preceding concession, and by the treaty of cession is excluded. It is rejected.

No. 3.—*Two hundred acres of land. Michael Salome, claimant.*

This is a survey of George J. F. Clarke, without any concession or royal title. It is unaccompanied by evidence of cultivation or occupancy, and seems, if it be anything but the unauthorized act of Clarke, the mere inchoate ground or basis for a title never granted. It is rejected.

No. 4.—*Five hundred acres of land. James G. Smith, claimant.*

A survey of George J. F. Clarke, without concession, grant, or evidence of occupation. It is rejected.

No. 5.—*Five hundred acres of land. Ellis Stafford, claimant.*

Another of Clarke's surveys. No grant. No occupancy proved. Rejected.

No. 6.—*Two hundred acres of land. Jacob Summeral, claimant.*

Clarke's survey, dated January 18, 1820; barred by the treaty, if it were as valid as a royal title. Rejected.

No. 7.—*Five hundred acres of land. John Bellamy, claimant.*

Clarke's survey, dated October, 1820, without grant or proof of occupancy, and barred by the treaty. Rejected.

No. 8.—*Five hundred acres of land. The heirs of David Garvin, claimants.*

Clarke's survey of December 4, 1817. No grant and no proof of occupancy. Rejected.

No. 9.—*Three hundred acres of land. Carlos Clarke, claimant.*

The same as No. 8. Clarke's survey, dated March 22, 1821. Rejected.

No. 10.—*One hundred acres of land. Charles Brevard, claimant.*

Similar to No. 9. Clarke's survey of December 14, 1818. Rejected.

No. 11.—*Three hundred and ninety-two acres of land. Lewis Bailey, claimant.*

Clarke's survey, November 15, 1818. Rejected.

No. 12.—*One hundred and fifty acres of land. Ezekiel Haddock, claimant.*

Another of Clarke's surveys, with no evidence of title and no proof of cultivation. Rejected.

No. 13.—*Three hundred and fifty acres of land. Jesse Newton, claimant.*

Jesse Newton claims three hundred and fifty acres of land on the St. Mary's river. He shows no title but a survey of George Clarke, and even that is after the date specified in the treaty at which the powers of the governors to grant lands should cease. The survey is dated November 27, 1818. It is therefore rejected.

No. 14.—*Six hundred and ninety-six acres of land. Simeon Dell, claimant.*

This claim embraces three surveys of Clarke at different places, making the aggregate amount of six hundred and ninety-six acres, without any accompanying evidence of cultivation, and the surveys themselves dated in 1820. There is no title shown. The claim is rejected.

No. 15.—*Six hundred acres of land. Robert McHardy's trustee, claimant.*

The basis of this claim is a concession granted by Governor Coppinger January 28, 1818. It is therefore bad by the provisions of the treaty. There is no evidence before this board of occupancy. It is rejected.

No. 16.—*One hundred and fifty acres of land. Ezekiel Haddock, claimant.*

A survey of Clarke, without other documents to show titles, or evidence to show cultivation. Rejected.

No. 17.—*Two hundred and fifty acres of land. William Hartley, claimant.*

Clarke's survey alone, dated July 10, 1819. Rejected.

No. 18.—*One hundred and seventy acres of land. John Houston, claimant.*

Clarke's survey alone. No title and no occupancy proved. It appears by a deed filed in the papers that this land has been sold by John Houston, the first claimant, as he is named in the survey, or John Carrol Houston, as he calls himself in the deed, to another John Houston, both of this Territory, at the date of the deed mentioned, to wit: June 3, 1822. It is rejected.

No. 19.—*Five hundred acres of land. James Dell, claimant.*

Clarke's survey alone of September 8, 1818. Rejected.

No. 20.—*Two hundred acres of land. William Drummond, claimant.*

No title and no proof of cultivation. Clarke's survey, dated November 20, 1817. Rejected.

No. 21.—*One hundred acres of land. William Drummond, claimant.*

Clarke's survey to Henry Groves, the first claimant, dated December 12, 1818, and a deed from Groves to William Drummond, are the only papers before the board. No evidence has been taken in the case. The survey is too late, even though it were otherwise good. The claim is rejected.

No. 22.—*Four hundred acres of land. William Drummond, claimant.*

On November 1, 1817, George J. F. Clarke certifies that he had measured and laid off to W. Drummond four hundred acres of land on the river St. Mary's, which he declares that he has performed "by order of the government, in part of those which correspond to him and the persons appertaining to him." To support this claim there is no other document, and no evidence adduced. It must be rejected.

No. 23.—*Four hundred acres of land. Westley Low, claimant.*

Clarke's survey, dated June 19, 1821. Rejected.

No. 24.—*Four hundred acres of land. Horatio Low, claimant.*

Clarke's survey alone, dated 1821. Rejected.

No. 25.—*Two hundred and fifty acres of land. Reuben Lasseter, claimant.*

Clarke's survey alone, dated October 13, 1818. Rejected.

No. 26.—*Fifty acres of land. Reuben Lasseter, claimant.*

Clarke's survey of October 14, 1818. Rejected.

No. 27.—*Five hundred and thirty-five acres of land. John Hampton, claimant.*

Clarke's survey, dated May 8, 1818. Rejected.

No. 28.—*Three hundred acres of land. William Hogans, claimant.*

George Clarke's survey alone, dated May 13, 1818. Rejected.

No. 29.—*Two hundred acres of land. Charles Homer, claimant.*

No title exhibited but Clarke's survey, dated April 14, 1821. Therefore rejected.

No. 30.—*One hundred and eighty acres of land. Louisa A. Christopher, claimant.*

This claim is founded on Clarke's survey alone, dated April 9, 1817. There is also filed in the papers a conveyance from one John Carrol Houston to present claimant, dated June 3, 1822, but no proof of occupation or cultivation. It is therefore rejected.

No. 31.—*Two hundred and fifty-six acres of land. Theophilus Woods, jr., claimant.*

Two surveys of George Clarke, dated December 11 and 12, 1820, one for one hundred and sixty and the other for ninety-six acres, making the aggregate amount of two hundred and fifty-six acres of land, without any evidence of cultivation. The same is therefore rejected.

No. 32.—*Two hundred acres of land. Theophilus Williams, claimant.*

The only title produced in this claim is a permission from one Fernando de la Puenta, military commandant at Amelia island, to George Vincent, to make use of two hundred acres of pine land for the purpose of rearing stock; which permission is dated October 20, 1805. This land was afterwards sold to present claimant in 1818, and, although James Hall and Britton Knight testify that said Vincent was in possession of said land from 1802 to 1818, yet the board do not consider said Puenta vested with any authority to grant lands, and therefore reject the claim.

No. 33.—*Three hundred acres of land. John Birks, claimant.*

This is a claim based on Clarke's survey, dated June 16, 1818, with no evidence of cultivation. It is rejected.

No. 34.—*One hundred acres of land. William Eubanks, claimant.*

A survey by Clarke, dated December 12, 1818. No occupation or cultivation proved. Rejected.

No. 35.—*One thousand acres of land. José Bernardo Reyes, claimant.*

José Bernardo Reyes petitioned the government June 1, 1818, for one thousand acres of land situated on the river Okelewaha, under the royal order of 1815, and is decreed in his favor by Governor Coppinger on the same day, month, and year. It was afterwards surveyed by Robert McHardy October 3, 1818. As this grant is subsequent to January 24, 1818, as specified by the treaty, it is therefore rejected.

No. 36.—*Three hundred and fifty acres of land. Charles Deshon, claimant.*

Don Carlos Howard, secretary of the government of East Florida, certifies that, to a memorial presented by Walter Drumer, dated April 5, 1793, soliciting lands on the river St. John's for head-rights, the

following decree was placed thereon by Governor Quesada, with the same date: "Let the interested appear and take the necessary oath of allegiance; which done, Captain Don Pedro Marrot, appointed for the general distribution of lands, distribute those which correspond to himself and family on the river St. John's, without injury to a third person, agreeing with the interested on the place which may be most convenient, and does not oppose the orders and instructions which the said commissioner has from this government." George Clarke surveys to William Drummond three hundred and fifty acres of land on the south side of the mouth of the Julington creek, St. John's river, July 20, 1819. William Drummond afterwards conveys the same to present claimant. There is no proof before the board that the original grantee ever took possession of the land, as his name is not on the list of the inhabitants on St. John's river, by Pedro Marrot. It is therefore rejected.

No. 37.—*Five hundred acres of land. The heirs of Michael Crosby, claimants.*

This claim is founded on a royal title, dated March 2, 1818, under the royal order of 1790, for headrights. Surveyed by George J. F. Clarke April 10, 1818. As there is no previous concession filed in the papers, and as the date of the above royal title is subsequent to that specified in the treaty, the same is rejected.

No. 38.—*Eleven hundred acres of land. Patrick Lynch, claimant.*

The grant of this land, by royal title, bears date in May, 1818. It is therefore rejected.

No. 39.—*Two hundred acres of land. Estevan Arnau, claimant.*

This is a royal title bearing date June 19, 1818, and is bad by the treaty. Therefore rejected.

No. 40.—*Five hundred acres of land. Charles Edmonston, claimant.*

The same as the next claim. A grant made to Francis Gué, under whom Edmonston claims, May 18, 1818. It is barred by the treaty of cession and rejected.

No. 41.—*Five hundred acres of land. Charles Edmonston, claimant.*

Charles Edmonston claims under Francis Gué, to whom a grant of these lands was made June 18, 1818. It is therefore rejected.

No. 42.—*Five hundred acres of land. William Drummond, claimant.*

This claim was rejected because there was no evidence of title or possession. It was afterwards renewed in the name of Isaac Hendricks, who had purchased of Drummond, and to whom, on the production of the necessary proof and documents, it has been confirmed.—(*Vide* report A, No. 92.)

No. 43.—*Five hundred acres of land. Antelm Gay, claimant.*

Gay claims under Lewis Mattair; which grant, by royal title for military services, is dated April 9, 1818. It is rejected.

No. 44.—*Five hundred acres of land. Antelm Gay, claimant.*

This grant was made by Governor Coppinger to Joaquin Sanchez April 6, 1818, under the royal order of 1815. Sanchez sold to Gay, the present claimant. It is barred by treaty and rejected.

No. 45.—*One thousand acres of land. Petrona Martinez, claimant.*

This grant, by concession, is made for military services. It is dated January 26, 1818, and is therefore rejected.

No. 46.—*Three hundred acres of land. Zephaniah Kingsley, claimant.*

In this claim the only evidence of title produced is a bill of sale from James Martinelly to Zephaniah Kingsley. We can find no grant from Governor Coppinger to the land; and if there ever was one, it is acknowledged to have been made after January 24, 1818. It is rejected.

REPORT D.

Register of claims to town lots which have been confirmed by the register and receiver for the district of East Florida.

Number.	Names of—		Date of the patent or royal title.	Date of concession or order of survey.	Quantity of land.		By whom conceded.	Conditions.	By whom surveyed.	Where situated.
	Present claimants.	Original claimants.			No. of lot.	100ths.				
1	Mary Dewees....	Jos. Fenwick	Mar. 2,1814	.....	5th of 5th sq...	578 sq. yds.	Kindelan.	.....	Geo. J. F. Clarke.	Fernandina, Amelia.
2	Maria Mills.....	Samuel Betts.....	..... do.....	.....	1 and 2 of 5th sq.	.... do.....	... do....	.....	....do	....do .....
3	George Atkinson.	Antoine Estefanopoly	.....	Feb. 27,1811	10 of 10th sq...	.....	White...	Complied with.	....do	....do .....
4	.....do	Antoine Triay	.....	Jan. 31,1811	11 of 8th sq....	.....	... do....	... do....	....do	....do .....
5	.....do	G. Atkinson	.....	Sep. 12,1810	7 of 9th sq.....	5,000 sq. ft.	... do....	... do....	....do	....do .....

CHARLES DOWNING, *Register of Land Office.*
W. H. ALLEN, *Receiver.*

REPORT E.

Register of mill grants.

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.
					Acr s.						
1	George Atkinson	George Atkinson		April 21, 1817	1.000	Coppinger			Mar. 10, 1821	George J. F. Clarke	McGirt's creek, St. John's river.
2	Zephaniah Kingsley	Zephaniah Kingsley		Dec. 2, 1816	10,880	do			Feb. 8, 1821	do	North and west of Doctor's lake.
3	do	do		do	2,560	do			April 2, 1818	do	West of Twelve-mile swamp.
4	do	do		do	2,560	do			Mar. 27, 1818	do	Boggy swamp, Clapboard creek.
5	Wm. Hobkirk	Wm. Hobkirk		Sept. 18, 1816	16,000	do					Creighton's creek, St. Mary's river.
6	Wm. Drummond	Wm. Drummond		Sept. 12, 1816	5,760	do					Buck branch, St. Mary's river.
7	The heirs of Robt. Pritchard	Robert Pritchard		Oct. 10, 1803	16,000	White			July 20, 1819	do	Julington creek, St. John's river.
8	The heirs of E. Waterman	Eleazer Waterman		Feb. 15, 1816	5,460	Coppinger			Mar. 21, 1821	do	Lofton and McQueen's swamp.
9	Horatio S. Dexter	Eusebio Bushnell		Oct. 27, 1801	2,560	White					Moultrie creek.
10	Francis Richard	Francis Richard		June 4, 1817	16,000	Coppinger			Dec. 1, 1824	And. Burgevin	Pottsburg creek, St. John's river.
11	Andrew Burgevin	Andrew Burgevin		Jan. 13, 1818	16,000	do					Pellicer's creek, south of St. Augustine.
12	Marquis de Fougères	José Argote Villalobos		Oct. 29, 1817	16,000	do					Part surveyed by George Clarke, viz: 6,000 acres on Black creek, and 5,000 on Indian river.
13	Charles Sibbald	Charles Sibbald		Aug. 2, 1816	16,000	do				George J. F. Clarke	10,000 acres on Trout creek, 4,000 on Turnbull's swamp, and 2,000 on Rowley's hammock.
14	John Breward	John Breward		Aug. 24, 1816	16,000	do					10,000 acs. on Little Cedar ck., and 6,000 on Cedar swamp.
15	Bernardo Segui	Bernardo Segui		Dec. 6, 1814	16,000	Kindelan			Sept. 2, 1818	Robt. McHardy	Head of Indian river.
16	Charles Seton	Charles Seton		May 8, 1816	16,000	Coppinger			Nov. 1, 1816	George J. F. Clarke	River Nassau.
17	The heirs of Wm. Garvin	Wm. Garvin		Oct. 21, 1817	16,000	do					Head of Okelawaha creek.
18	Farquhar Bethune	Farquhar Bethune		April 22, 1817	16,000	do				do	9,572 acres on Black creek, 5,000 on Turnbull's swamp, and 1,428 on St. Mary's river.
19	Samuel Miles	Samuel Miles		July 19, 1813	16,000	Kindelan			May 7, 1815	Robt. McHardy	Indian river.
20	John Underwood	John Underwood		July 15, 1816	8,476	Coppinger			July 17, 1819	George J. F. Clarke	River St. Mary's.
21	Horatio S. Dexter	Horatio S. Dexter			16,000				Aug. 15, 1819	do	West of Indian river.
22	Charles W. Clarke	Charles W. Clarke		Oct. 29, 1817	16,000	do					Black creek, St. John's river.
23	Geo. J. F. Clarke	George J. F. Clarke	April 6, 1816		11,000	do				And. Burgevin	8,000 acs. on White spring, and 3,000 in Cone's hammock.
24	D. L. Clinch	do			5,000	do			Mar. 10, 1819	do	Lang's hammock, Mezell's lake.
25	do	do	do		1,000	do			Mar. 12, 1819	do	Cone's hammock, Alachua.
26	John Low	John Low	do	April 6, 1816	16,000	do					Doctor's branch, Bell's river, head of Indian river.
27	Henry Young	Henry Young			16,000				June 15, 1816	George J. F. Clarke	Black creek.
28	Wm. Mills	Wm. Mills		Jan. 4, 1805	16,000	White					Mulberry creek, Mosquito.*
29	James Dell	James Dell		Mar. 29, 1816	16,000	Coppinger					Rushey creek, St. Mary's river.
30	William Travers	Patrick Travers		May 16, 1795	Undefined.	Morales					On a creek two miles south of Pottsburg creek.

* This claim was recommended by the land commissioners.

O. DOWNING, *Register Land Office.*
W. H. ALLEN, *Receiver.*

Water saw-mill rights.

LAND OFFICE, *St. Augustine, December* 12, 1827.

The grants of five miles square, or sixteen thousand acres of land, for the erection of a *water saw-mill*, present a class of claims totally distinct from any other in this office. It is to be regretted by us that our predecessors in office, although the whole body of these claims was before them, have never decided a single one by which the principles that would have governed the whole class could have been settled. It is left, then, for us to decide on the validity of these grants, and the interests intended to be conveyed by them, without reference to or assistance from any other source of predecision.

We beg leave to present a short historical abstract of these grants in the order in which they were made.

The first claim of this sort that appears to have been presented to the governor of East Florida is that of Horatio S Dexter, for 2,500 acres.

On October 24, 1801, Don Eusebio Bushnell and D. Seth Stubblefield, both inhabitants of the city of St. Augustine, presented their petition to Governor White, stating "that they desire to build a water saw-mill to saw wood at the head of the creek of Moultrie, or at the crossing-place which goes to Matanzas;" but they go on to say, "to enjoy the end proposed, they have occasion for the superior permission of your excellency, as also to be able to cut *the necessary logs* in *said wood*, that by these means they may provide this neighborhood with plank, &c., from its being useful to the petitioners and the public." They ask "the necessary license to be able to effect the building of a water saw-mill."

To this petition Governor White, on the same day, directs the "commandant of engineers to report."

The report of the engineer, Don Pedro Deaz Berrio, is rendered in two days after the order, and is favorable to the petitioners. It declares that "the mill does not [will not] injure the defence of the city;" and if there shall result a benefit to the inhabitants in having a supply of timber at prices more moderate, &c., then he "advises to grant" the license which they solicit, and permission that in the woods they may cut the pieces they may have occasion for.

The decree, dated October 27, 1801, closes the proceedings. It is as follows: "Let there be granted to the petitioners, without injury to a third person, permission to construct a water saw-mill, and to *cut timber* in the places which they solicit."

These are all the material papers in this case. It may be well to add that Bushnell sells to Cowan, and Cowan to Dexter, and that there is an anonymous survey made, so far as appears to the board, without order, and without authority, in a square of one hundred and sixty chains, and containing 2,500 acres. A mill was erected by Bushnell and Stubblefield.

Before our board no evidence has been taken in this case, nor will it be necessary at this time to notice the testimony of a general application on the subject of mill grants.

Let us examine this claim—the petition, the report, and the decree—the property and the rights demanded, as well as those which have been granted; for on the decision of this will depend the decision of all others of this class of claims.

It must be remembered that this city (St. Augustine) was a military fortress, and every application for lands, or for the privileges of building on and cultivating the lands of the crown, as in the case of the *mil quiniento*, was referred to the chief engineer for his opinion on the influence which the permission applied for might have on the defences of the city.

The application here is, first, for permission to build a mill on public lands: the leave, on reference to the engineer, is granted; secondly, to cut timber on public lands to saw: this, too, is granted.

It does not appear in any part of the preceding case, the first of the mill grants, that the soil is asked for, or that any definite number of acres is granted on which the applicants may cut their logs. They may build a saw-mill at Moultrie, and may cut logs in the woods. This is all that is asked, and all that is granted. If it be a conveyance of the soil, the limits of the grant are restricted alone to the woods of Florida, which are coextensive with the Territory; and the survey, if the grant had been surrounded by vacant lands, must have heen extended to sixteen, twenty, or fifty thousand acres, as well as to two thousand five hundred acres, the quantity claimed. If a permission to build a mill gives a fee to sixteen thousand acres, and if a license to cut timber in the woods gives a title to the soil, then these mill grants are good.

It would be an idle waste of your time, as well as ours, to reason further on this subject. Independently of the want of power in the governors to make such grants, if they were really made, it is evident, from all the papers or claims of this sort, that no title to the soil was intended to be given. Take up any case at hazard; the terms of all are alike: "you may build a mill, and you may cut timber in the woods," are the words used in every grant; nor was it ever pretended that more was asked or more was given. We have in vain attempted to discover the cause or reason for limiting these grants to sixteen thousand acres. No law, no authority is pretended, but the will of the governor; and it seems at first to have been a gratuitous act of Don George Clarke, who, as surveyor general, bestowed this quantity.

The next on the list, in point of time, is the claim of Robert Pritchard's heirs, for 16,000 acres.

In 1803 R. Pritchard obtains leave to build a saw-mill on Dewees' creek, "and the land necessary for it." This is all that is done before the year 1818. Pritchard dies, and there is no mill built. In 1818 James Hall, who had married his widow, renews the papers, as his copy had been lost. On June 29, 1818, James Hall presents his memorial to the governor; states "that the sickness and death of Pritchard, together with the many well-known delays and obstacles in which his testamentary estate was left, had thus far prevented the erection of the mill," and prays that "his excellency be pleased to grant him two miles and a half of *pine land* to each cardinal point of the compass, on the same terms and under the same conditions in which it has been made to others." On the 5th day of June, twenty-four days before the date of the petition, the governor grants the request "to carry into effect the erection of a water saw-mill, &c., but with the precise condition that, until he shall establish the said saw-mill, this concession shall be held as not made, and of no value or effect until that event takes place." Now, on this grant, we would observe, first, that in the grant made to Pritchard not one word is said of five miles square or sixteen thousand acres; second, that if it had been a valid grant for "head-rights," it would have been forfeited for fifteen years' abandonment and want of occupancy; third, that all of the parties seemed, in 1818, to consider that their claim was forfeited, and required to be renewed; fourth, that the last grant, under Coppinger, under which alone they can claim, the first being forfeited, though made by Coppinger

twenty-four days before it was asked for, was made six months after the date at which it is declared by the treaty the power of the governor on this subject shall cease; and, fifthly, that although the words of this grant are imperative "that this concession shall be held as not made, and of no value or effect until a mill is built," to this day no mill has been built. We would not dwell on this subject but to expose a gross attempt at fraud and imposition. In the petition of James Hall to Governor Coppinger in 1818, he expressly declares that "the mill was not set up in consequence of the illness and death of Pritchard;" yet has this same individual produced a witness to this board, one George Petty, to swear that in 1804 "he was hired by R. Pritchard to build a mill;" that said mill was put in operation, and that said Pritchard died in possession of said mill." Nay, more: this said James Hall (who says, in 1818, that no mill was built, and assigns reasons for the failure; now, when he believes that the performance of the conditions of the grant would place him in a more eligible position in 1827, in a memorial to the President of the United States, which is sworn to, and filed in this office,) solemnly avers that Pritchard did build a mill, and died possessed of it. This claim is bad by abandonment; is bad by the treaty; is suspicious from the relative dates of the memorial and concession, which suspicion is increased fourfold by the subsequent contradictions, on oath, of the several statements of the claimant; and if the governor had power to make such grants, conferred by law, and every other claim of this kind were good, we should pronounce this one *bad.* There is no pretence, even now, that a mill has been built since 1818.

The next claim, in point of time, is that of William Mills, for 16,000 acres of land.

In January, 1804, he applied, as do the rest, by memorial. "It is his intention," he says, "to build a water saw-mill;" and he asks "for the necessary land on a vacant place on Mulberry creek," granting him also the use of the pine land for the supply of said mill. On January 4, 1805, one year afterwards, Governor White says, "he may build a mill;" and as respects the cutting of timber, "there will be issued to him the permission to do so on vacant lands." And upon these papers the claimant demands sixteen thousand acres of land. It is needless to say one word on a subject like this. It is our present object to vindicate the governors from the charge of violating the law under which they acted. They could not make a grant of this kind, and, with one single exception of Governor Coppinger, they never have. In this case it is our duty to observe that four witnesses have been introduced to prove that the mill on this tract was built and in operation from twelve to nineteen years ago; but this cannot vary the principle of decision. If it demanded nothing more than the right to cut timber; if nothing more was granted or could be enjoyed when the mill was in the full tide of successful operation, surely now there is no just claim for sixteen thousand acres of land, unless it be that the loss of the mill is the acquisition of the soil. This, too, must be rejected, without reference to the powers of the governors. These three grants to Dexter, to Pritchard, and to Mills, are all the mill grants made by Governor White.

The next is a grant to Samuel Miles, by Governor Kindelan, in 1813. In this we find the first mention made of five miles square or sixteen thousand acres. The memorialist says that he is poor; that the government owed him money, and it was long before they paid him; that he had enjoyed a good reputation in the city; that he had contracted marriage with a young lady, (giving her name,) the daughter of a man of the greatest consideration for his character; that his father-in-law died, and his wife too, and he moved into the country; therefore he begs his excellency to give him sixteen thousand acres of land to build a mill, as he is a foreigner. Now, we see nothing in the royal order of 1790, the only ordinance under which a foreigner can claim, by which he is entitled, as such, to sixteen thousand acres of land, either because he is poor, because the government owed him money and had paid it, or because he had married a fine young lady; or because his wife and her father had died, and he had moved into the country. Independently of this want of power, we beg leave to remark that this is one of the claims supported by the certificate of Thomas Aguilar, over which so much suspicion has been thrown, and the original of which is not in the office. One witness has deposed that the grant was made by Kindelan, and the original was in the office; but this and some other of the unsupported certificates of Aguilar are the only grants in the office where no condition is prescribed. In this no mill has been erected.

Bernardo Segui, 16,000 acres. This is a mongrel grant "for taking charge of fugitive negroes," "for disbursing money in their maintenance," "for going to the city of Havana as elector," supporting a widowed mother and two maiden sisters, and for a saw-mill of five miles square of land at the west head of Indian river, "in absolute property." The governor is made to say that for the services and the merits of the interested, and for the advantages that will result to the province, "and according to what is provided in the royal order of 1790, relative to the concession of land to *new settlers,*" he grants "to the said memorialist, *in absolute property,* the five miles square of land which he asks for." Now, in the memorial to which the concession is attached Bernardo Segui describes himself as a native and resident of this city; and yet the governor declares that the grant is made by the order of 1790, which relates to foreigners—new settlers alone—is limited by the number of workers, and requires ten years' possession to give lands "*in absolute property.*" It is strange that a governor who meant to violate a law should, in doing so, refer to the law itself, and aver its applicability to foreigners alone, when Segui was a native. In vindication of Kindelan, we must add that this, too, is a certificate of Aguilar, though the original is in the office of the public archives.

The year 1816, in which Coppinger was governor, was prolific in these grants. In this year we have no less than eleven.

Zephaniah Kingsley.—Here we have a genuine grant made by Coppinger—a permission to build a mill—"but with the precise condition that until he shall establish said water saw-mill this concession shall be held void and of no effect." There is no pretence that the mill is built, and, by the very terms of the concession, the grant is void. The governor further says, "that then" (when the mill is built) "he may make use of the pine trees comprised within the five miles square." Thus it is clear that, as the mill is not built, he has nothing. If it were built, he would have nothing but a license to cut timber. We would now observe that in this case, as in many others, the surveyor has located these lands, these five miles square, in various parts of the Territory—seven thousand at one place, three thousand at another, and five thousand at a third—sometimes one hundred miles apart, without the possibility of transportation *to furnish lumber to a saw-mill.*

The case of William Hobkirk is precisely similar to that of Kingsley: a right to build a mill, to be void until erected, and *then* a right to cut timber in "the five miles square." There is no evidence that a mill has been built.

William Drummond asks for three miles square. It is conceded in the very words and on the very conditions of the two preceding, and no mill has been erected. Eleazer Waterman's claim is similar to the preceding, together with the accompanying certificate of Geo. J. F. Clarke, dated May, 1820, that

Don E. Waterman, of the district under my (Clarke's) command, has built a horse-mill. It will be remembered that in this, as in every other genuine grant, even of Coppinger, when the mill is erected nothing more is granted than a license to cut timber. Five thousand four hundred and sixty acres are surveyed to him by Clarke, and this alone is claimed by him.

Francis Richard.—A permission to build a saw-mill, and to make use of the pine trees which are comprised within a square of five miles. The mill has been built, and Richard, not content with the timber, contends for the land.

Andrew Burgevin.—This is a similar application and a similar concession—"no mill, no grant;" and when a mill, then leave to cut timber; and no mill has been built.

The Marquis Fougères.—This grant was made to Argote Villalobos to build a saw-mill, and to cut the pine trees in the five miles square. The marquis has built a mill, and George Clarke has surveyed to him six thousand acres of land on Indian river. Now, whether this tract of six thousand acres on Indian river, one hundred and fifty miles off, is comprised within a tract of five miles square on Black creek, or how the lumber on that tract can be serviceable to the marquis' mill, we are not advised.

Charles Sibbald.—This claim is divided into three surveys: two thousand in Rowley's hammock, four thousand in Turnbull's swamp, and ten thousand acres on Trout creek, on the St. John's, within five miles square, can never vest a right to the soil in Turnbull's swamp or Rowley's hammock, near one hundred miles off, although George Clarke has surveyed it to him; nor can a right to cut pine trees give Mr. Sibbald a right to the soil. But the board beg leave to remark in this case that if industry and zeal, if the erection of a steam saw-mill, which promises to benefit this section of the Territory more than anything else, will entitle an individual to security and indemnity, Mr. Sibbald has a claim to it; and although, in the opinion of this board, he has no title under the Spanish government or by the Spanish laws, yet, if acting meritoriously in good faith will enable him to come before Congress, he has a fair claim for ten thousand acres on Trout creek; and if we were permitted, we would recommend his relief by a private act of Congress.

The next claims are John Breward, Farquhar Bethune, Jehu Underwood, H. S. Dexter, Charles W. Clarke, John Low, Henry Young, and James Dell, who have not built mills, and Charles Seton, who has.

Of George Clarke's claim we shall speak presently. Breward's is a claim of a similar character to the others, with this difference to its prejudice, that it is supported only by a certificate of Aguilar, without any evidence that the original is in the office.

Bushnell, Mills & Seton have erected mills, which have long since been destroyed. How far the abandonment of a right like this to cut timber when the mill was built is annulled by the subsequent destruction of the mill, and long-continued failure to rebuild it, is not for us to decide. The Marquis Fougères, Mr. Richard, and Mr. Sibbald have mills now in successful operation.

In every other case no mill has been built, and the grant, wherever it is genuine, has declared, in as strong language as could be used, that the grant or license shall be void and considered as not made until the mill is built.

From what has gone before, we are warranted in coming to the following conclusions:

First. That the governors of this province were not authorized by any law, ordinance, or decree, in granting away sixteen thousand acres of land for a mill seat.

Second. That where there is no suspicion thrown over the claim they have never attempted to exercise that power, with the single exception afterwards to be mentioned.

Third. That all they have ever granted is leave to build a mill, and leave to cut timber.

Fourth. That Governor White gave a license to cut pine timber in the woods, and Governors Kindelan and Coppinger gave a license "to cut pine timber" within the five miles square, or sixteen thousand acres.

Fifth. That the building of a mill is made in every case a condition precedent to the license to cut timber.

The exception which we have above alluded to is a royal title to George J. F. Clarke, who claims to have performed all conditions for the sixteen thousand acres. George Clarke has for himself, as for others, surveyed this land in different parts of the Territory.

To give an idea of this claim by royal title, we beg leave to copy the preamble of the grant itself, to show the authority under which the governor acted by his own declaration:

"Don José Coppinger, lieutenant colonel of the royal army, civil and military governor *pro tem.*, and chief of the royal domain of this city and its province, &c.: Whereas, by a royal order communicated to this government, on October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, among other things, that to foreigners who, of their free will, present themselves to swear allegiance to our sovereign, there will be granted to them lands gratis in proportion to the workers that each family may have; and whereas Don George Clarke, inhabitant of the town of Fernandina, has presented himself, manifesting that he has constructed from his own ingenuity a machine that, with four horses, saws eight lines at one time, cutting two thousand superficial feet of timber in a day, and soliciting in virtue thereof a grant, in absolute property, of five miles square of land for a stock and supply of lumber, which is the portion that has been granted for water saw-mills," &c.

Now, Governor Coppinger gives this land under the order of 1790. That order restricts the granting of land to foreigners. George J. F. Clarke is described as an inhabitant of Fernardina, and for "headrights." This is for a saw-mill "in proportion to their workers." This says nothing of workers. So much for this royal title. The very preamble of the grant shows the governor's want of power.

The views we have taken on this subject we submit with great deference to Congress.

CHARLES DOWNING, *Register of Land Office.*
WILLIAM H. ALLEN, *Receiver.*

20TH CONGRESS.] No. 631. [1ST SESSION.

LAND FOR THE SUPPORT OF SCHOOLS IN THE CONNECTICUT RESERVE, IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 30, 1828.

Mr. VINTON, from the Committee on Public Lands, to whom was referred the resolution of the 27th of December last, concerning a further grant of land for the support of schools in the Connecticut Western Reserve, in the State of Ohio, reported:

That, by reference to the compact between the United States and the State of Ohio, entered into at the time of the admission of that State into the Union, the committee find that it was agreed that the United States should cede to the State of Ohio, for the support of schools, a quantity of land equal to one thirty-sixth part of the lands within said State, to which the Indian title had been then extinguished; and, also, that a like proportion should be granted for the residue, upon the extinguishment of the Indian title. At that time the Indian title had been extinguished to that part only of the Connecticut Western Reserve which lies east of the Cuyahoga river, and it is believed that the appropriation of land then made was made with reference to the part of the reserve to which the Indian title was then extinct, leaving the residue to be provided for when the aboriginal title should be extinguished. The Indian title to the residue was extinguished many years since; but no provision for the support of schools has yet been made. The committee are of opinion that the spirit of the compact, and the reason of the case, require that this tract of country should be placed upon an equal footing with the rest of the State of Ohio, and, indeed, of all the western States, in the provision that has been made for the support of schools.

20TH CONGRESS.] No. 632. [1ST SESSION.

SALE OF LEAD MINES IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 30, 1828.

Mr. JENNINGS, from the Committee on Public Lands, in obedience to a resolution of the 11th ultimo, inquiring "into the expediency of repealing such parts of the laws of Congress as prohibits the sale of public lands in the State of Missouri which contain, or are supposed to contain, lead mines," reported:

That it has been the policy of the United States government, ever since the acquisition of Louisiana, to retain under its own immediate control the *lead mines* of Missouri, by withholding from sales the public lands within which those mines exist, and by declining to perfect inchoate titles to land, for the same reason, which were derived from the French and Spanish governments. The original motives which led to the adoption of this policy, as is believed, cannot be traced to any documentary source.

It is understood that the government of the United States were informed that there were lead mines in Upper Louisiana when acquired from France; but of their number, their value, or locality, no general or authentic information was then in the possession of the government. The mineral lands were therefore reserved from sale "for the future disposal of the United States." One object of the government in this measure, no doubt, was to ascertain the extent and character of those mines, with a view to prevent a monopoly by individuals, who might otherwise have been enabled to regulate both the supply as well as the price of the manufactured article, as interest or caprice might dictate, and likewise to afford time to enable the government, with more precision, to make such disposition of them as would best comport with the character and interest of the United States.

The committee are of opinion that these motives of prudence and policy no longer exist. The rapid population of the Missouri country, and the knowledge derived from the experience of more than twenty years, sufficiently evince the impossibility of monopolizing the lead ore of that region. The committee have not the advantage of detailed and accurate statements, but, from the best information, they are induced to believe that the mineral district in Missouri extends from the Mississippi, on the east, as far westward as the western limit of the county of Washington, and from the headwaters of the river St. Francis, in the south, as far to the north as the Gasconade and Osage rivers, embracing a region of country variously estimated from sixty to an hundred miles square. In this extensive district it cannot be doubted that there are considerable tracts of land in which no lead has yet been discovered; but, from the best information in their reach, the committee assume it as a fact that the external indications of lead exist in almost every part of that district, and that the metal itself has been procured, in greater or less quantities, at so many various places, and so scattered and diversified through the country bounded by the limits above indicated, that it may fairly be said to pervade the whole district.

As to the value of the mines, the committee will only remark that the district in which they are situate is surrounded by settlements, and is in the centre of a rising State, rapidly increasing, and containing already a population of nearly an hundred thousand souls. And hence the committee infer that their value must be sufficiently known to be rightly appreciated by those who wish to purchase such property from the government.

By the report of the United States agent for lead mines, recently made to the War Department, and

to which they refer the House, the committee are informed that the product of the public mines in Missouri has not increased, in consequence of the superior richness of the mines on the upper Mississippi and the exhaustion of the upper veins of ore in the mines of Missouri. Yet the same report informs them that there is no doubt that there are veins of ore in the strata of rock below the usual depth of mining in Missouri, which, though known, are abandoned for the hope of more accessible veins at the Fever river mines. This, the committee suppose, must ever be the case so long as those who work the mines have only a limited and temporary interest in them, and are under the necessity of receiving an immediate remuneration for the capital vested in, and the labor bestowed upon, their mining operations. The ore will remain in its natural bed, and never be drawn forth to mingle with and increase the aggregate mass of national wealth, until subjected to the unimpeded action of exclusive individual interest.

There is another view of the subject, which the committee believe entitled to great consideration. The lead mines of Missouri and of the upper Mississippi, as now known, are numerous and extensive, and new discoveries are making from day to day. If all these are to be occupied by tenants of the government, there will be created a numerous band of dependents, who, however they may affect the general government, cannot but be viewed by the local authorities with distrust and jealousy. A population thus dependent upon the federal government and its officers for the continuance of their avocations must of necessity be unsettled and fluctuating, and the products of their temporary and irregular labors will afford a limited compensation for the exclusion from so large a portion of the State of a more settled, permanent, and useful class of citizens.

Believing that the laws prohibiting the sale of the public lands in Missouri which contain lead mines ought to be repealed, the committee report a bill.

20TH CONGRESS.] No. 633. [1ST SESSION.

LAND CLAIM IN ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 1, 1827.

Mr. BATES, of Missouri, from the Committee on Private Land Claims, to whom was referred the claim of the heirs of Philip Renaut to a tract of land of one league in front by five leagues in depth, situate on Lake Pemiteau, or Peoria, in the State of Illinois, reported:

That this claim was referred to the same committee in the year 1817, who, on February 18 of that year, made a favorable report thereon, accompanied by a bill for the relief of the claimants. To that report the committee beg leave to refer the House; and, as far as it contains a statement of facts relating to the particular tract of land in question, or to the history of the country in which it is situate, they adopt the same as part of this report.

The grant to Philip Renaut, under which his heirs now claim the land in question, bears date in the year 1723. At that period the geography of the Illinois country was very imperfectly known, and very few, even of the prominent features of that region, its lakes and rivers, were then designated by the names which they now bear. These circumstances, coupled with the indistinct phraseology of the grant itself, rendered it difficult for the committee to give precise locality to the claim. But by a careful examination of the earliest authentic history of Louisiana, and of various charts and maps of the first explorers of the Illinois, the committee are entirely satisfied that the grant is properly located on the west side of Lake Peoria, (which is but an enlargement of the Illinois river,) and embraces the site of the old fort and village.

The report of the committee made in 1817, and above referred to, sets forth most of the facts upon which the heirs of Renaut must rest their present claim; the committee will therefore content themselves with stating a single additional fact, by which the principle involved in this case is, in their opinion, settled. This government has already passed upon and ratified the legal validity of Renaut's grant. By the same *act of grant* under which the present claim is made, another tract situate at a place called the *Grande Marias*, on the Mississippi, was also conceded to Renaut. A considerable part of this last tract was sold out by Renaut in small parcels. The derivative titles of his vendees have been recognized and favorably reported by the land commissioners of the United States, at Kaskaskia. That report has been confirmed by an act of Congress, and the committee are informed that patents are now in course of emission to those assignees of Renaut.

They have not been able to make up a definitive judgment on this claim entirely free from doubt on the minds of some of the members of the committee. Nevertheless, it is the opinion of the committee that the claim is founded in justice, and is in conformity with the laws and practice of the colony at the date of the grant, and that it ought to be confirmed; and for that purpose they report a bill.

Report of the Committee on Private Land Claims on the petition of the heirs of Philip Renaut, accompanied by a bill for their relief, made February 18, 1817.

That in the year 1717 the King of France granted to the "Company of the West" all the country watered by the Mississippi under the name of Louisiana; that in the year 1723 the agent of the company and the officer of the crown granted in free allodial tenure to the said Philip Renaut "one league in front at the Pemiteau village, on the river of the Illinois, looking to the east, and bounding on the lake which bears the same name as the village, and on the other side by the bluffs opposite the village, a half a league above by five leagues in depth; the point of the compass following the river Illinois, down the same on one side,

and ascending by the river Arcony, which forms the middle, through the rest of the depth." The committee are fully satisfied that the grant to Renaut is genuine, and made by competent authority. It is not thought necessary to trace Renaut and his heirs to this period. The Company of the West failed in 1730, and in the following year the country was reannexed to the crown of France, without prejudice to grants made in the meantime by the company. Other land was granted in 1723 to Renaut by the same authority, which he disposed of about twenty years thereafter.

In 1763 that part of Louisiana east of the Mississippi, and north of the 33d degree of north latitude, passed under the dominion of Great Britain, and by the treaty of 1783 was acquired by the United States.

By the act of Congress of March 26, 1804, any person claiming land "by virtue of any legal grant made by the French government prior to the treaty of Paris of February 10, 1753, is authorized to file with the register of the land office of the district a notice of his claim." By this act *full power* is given to the register and receiver of public moneys to determine, according to *justice and equity*, upon all claims that shall be so filed. Under this act the representatives of Renaut exhibited to the register and receiver this claim. A special report was made by them on this claim on February 24, 1810, in which they detailed the facts, but declined giving a decision. Mr. Gallatin, then Secretary of the Treasury, addressed a letter to them requiring them to make up a decision. In answer, they express doubts of their power at that time to act; but, they say, if we have such power, we declare our opinions to be in favor of the claim. Their letter is not to be found, but its existence is positively proven by the Hon. Jeremiah Morrow and Samuel McKee, who were formerly members of the Committee on Public Lands.

Upon the whole, the members of the committee are *unanimously* of opinion that the claim ought to be confirmed, and report a bill for that purpose.

20TH CONGRESS.] No. 634. [1ST SESSION.

EXTENSION OF TIME FOR ADJUSTING PRIVATE LAND CLAIMS IN MISSISSIPPI.

COMMUNICATED TO THE SENATE FEBRUARY 1, 1828.

GENERAL LAND OFFICE, *January* 23, 1828.

SIR: I return herewith the memorial of the general assembly of the State of Mississippi in relation to an extension of the time for adjusting private land claims in that part of the State south of the 31st degree of latitude, and have the honor to state that the first act providing for the adjustment of the land titles in that section of the State was passed April 25, 1812. This act does not expressly limit the period in which the reports of the Commissioner should be made to the Treasury Department; but by the 9th section of the act the period for which compensation shall be allowed to the commissioner for that district is limited to eighteen months.

On the 18th of April, 1814, an act supplementary to that of April 25, 1812, was passed, and the period for filing claims was extended to September 1, 1814, and that for making the reports to November 1, 1814. Mr. Crawford, the commissioner, states that his reports were completed October 20, 1814. The act of March 3, 1819, confirms the reports made in favor of claimants under the act of 1812, and allows the claimants who had not filed their notices of claim, and those whose claims had been rejected under the former laws, to enter them with the commissioners until July 1, 1820, for their decision thereon.

It may be proper to remark, that the acts of 1812, 1814, and 1819, above referred to, embraced all the claims in those parts of the States of Louisiana, Mississippi, and Alabama, south of the 31st degree of latitude, between the Mississippi and Perdido. By the act of May 26, 1824, the claimants to lands between the Mississippi and Pearl rivers (St. Helena district) were allowed until January 1, 1825, and by the act of March 3, 1827, the claimants in that part of Alabama south of the 31st degree were allowed until the 1st of September last to file their claims. No act has passed since that of 1819 giving to the claimants in Mississippi further time to establish their claims.

Very repectfully, sir, your obedient servant,

GEORGE GRAHAM.

Hon. P. ELLIS, *Senate of the United States.*

20TH CONGRESS.] No. 635. [1ST SESSION.

REORGANIZATION OF THE SURVEYING DEPARTMENT IN THE DISTRICT SOUTH OF TENNESSEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 2, 1828.

TREASURY DEPARTMENT, *January* 30, 1828.

SIR: In obedience to a resolution of the House of Representatives of the 22d instant, "requiring the Secretary of the Treasury to transmit to the House a statement showing whether any, and if any, what,

difficulties exist in the surveyor's district south of Tennessee which prevent the public lands in that portion of the United States from being seasonably brought into market, and whether any further legal provisions are necessary to facilitate the proper operation of the land system in that quarter," I have the honor to enclose a communication from the Commissioner of the General Land Office, which, with the accompanying documents, contain the information required by the resolution.

I have the honor to be, very respectfully, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *January* 24, 1828.

SIR: In compliance with the resolution passed by the House of Representatives on the 22d instant, requiring the Secretary of the Treasury to transmit to that House "a statement showing whether any, and if any, what, difficulties exist in the surveying district south of Tennessee which prevent the public lands in that portion of the United States from being seasonably brought into market, and whether any further legal provisions are necessary to facilitate the proper operations of the land system in that quarter," and which has been referred by you to this office, I have the honor to state that the legal provisions which have been deemed necessary to facilitate the proper operation of the land system in that quarter are—

1st. A new organization of the surveying department, by which the offices of principal deputy surveyor should be abolished.

2d. A higher maximum price for the survey of the alluvial lands, and for the surveying of such lines as may be necessary to ascertain and connect the private claims with the township lines.

3d. Additional provision relative to the mode of proceeding in relation to claims confirmed on fraudulent papers, and relative to the survey of claims the locality of which is not so specifically designated in the documents on which they have been confirmed as to enable the surveyor to locate and survey them.

On these several points I beg leave to refer you to the following reports and statements, and to make them a part of this report: Report made to the Secretary of the Treasury, dated December 17, 1824.—(See State Papers, 2d session 18th Congress, vol. 2, No. 24.) Letter to the Hon. John Scott, chairman of the Land Committee, dated December 10, 1825, marked A. Letter addressed to the Secretary of the Treasury, dated December 14, 1827, and the documents accompanying it, marked 1, 2, 3, 4, 5, 6, and 7.

The surveyor of the lands south of Tennessee has stated various other deficiencies in the laws relative to the survey of the lands in his district which have created difficulties. These difficulties, so far as they are the proper subject for legislative interposition, it is believed, may be removed by legal provision on the several points above suggested, and by a fair construction of the existing laws.

It will, however, be proper to notice in this report a difficulty which the surveyor south of Tennessee has lately suggested, as one that may possibly delay the return of the surveys made in the southeastern district of Louisiana until that district shall have been surveyed into townships and sections. This particular land district is confined exclusively to the Mississippi swamp, nineteen-twentieths of it overflowed or covered with water the greater part of the year; and although destined to become one of the most productive districts of country in the world, yet at present the lands fit, or that can be made by embankment fit, for cultivation are confined to very narrow slips of land along the margins of the Mississippi, or some of the various bayous connected with it. To attempt to survey such a district of country, in its present situation, into townships and sections, would be a useless waste of time and money, and indeed impracticable at any reasonable expense. The second section of the act approved March 3, 1811, (Laws U. S., vol. 4, p. 356,) was drawn with the express view of adapting the surveys to the nature of this particular district of country.

In pursuance of the provisions of this section, a large number of tracts of land were surveyed in 1816 and 1817 along the margins of the various water-courses within the Mississippi swamp, with narrow fronts, and running as far back as the nature of the land would admit. These lands were withheld from sale for a time, under some doubts as to the propriety of selling them, until the country should be surveyed into townships in the ordinary mode. In 1823, however, Governor Robertson having, in an address to the legislature of Louisiana, complained of the delay on the part of the general government in bringing into market the public lands, and in perfecting the titles of private claims that had been confirmed in that State, it was determined to proclaim for sale the lands that had been thus surveyed into lots, and to patent them, agreeably to the series of the numbers they bore on the respective water-courses, and to cause the private claims and back concessions when surveyed to be patented in a similar manner. The paper marked B contains extracts from the instructions given to the surveyor.

The surveying now required to be executed in this district is the survey of a portion of the private claims and back concessions, and connecting them together in such series of surveys as will enable this office to issue patents for them. These series of surveys will exhibit such of the public lands as may be interspersed among the private claims; and should any legislative measures be necessary in relation to them, they can be had, with a better knowledge of the subject, when the surveys are returned.

The surveying now required to be executed in the southwestern district, and the district north of Red river, in Louisiana, is confined almost exclusively to alluvial lands, and to the surveying of a portion of the private claims, and connecting the private claims which have heretofore been surveyed with the township lines. It is this description of surveying which the surveyor south of Tennessee represents that he cannot procure surveyors to execute for the price allowed by law.

In the St. Helena district, lying in Louisiana east of the Mississippi, and that part of the Augusta district in the State of Mississippi lying south of the thirty-first degree of latitude, which include a large portion of poor and piney barrens, no difficulties have arisen, in executing the surveys, from the price allowed for surveying, or from the manner of laying down the private claims—the law applicable to this district having made special provision on this subject. The causes for delay in completing the township plats for those lands are attributable to the continuance of the laws giving further time to the claimants to file their claims, and to the detention of the papers belonging to the office by the late principal deputy surveyor for nearly two years. A very large portion of the public lands and private claims in these districts has been surveyed at an unusual and extraordinary expense to the public, arising out of the improper survey of them into sections previous to surveying the private claims. Since December,

1826, when the papers of the office were obtained by the present principal deputy surveyor, it is understood that great progress has been made by him in preparing the township plats both of the public lands and those containing private claims. The difficulties which have occurred to prevent the approval and return of those plats by the surveyor south of Tennessee to this office have, from time to time, been communicated to you, and as the remedy is presumed to be entirely within the sphere of executive authority, they are not considered as coming within the scope of the present resolution.

In that part of the Augusta land district which lies in the State of Mississippi, and north of the thirty-first degree of latitude, the lands have long since been surveyed and brought into market.

In the Washington land district lying west of Pearl river the public and private lands have been surveyed and the public lands brought into market. When patents, however, for those lands were required to be issued, such discrepancies were found to exist between the plats returned by the surveyor south of Tennessee to this office and the returns of the register as to make it necessary to return a large proportion of the plats, so long ago as 1822, to the surveyor, to be compared with those in his office and those in the office of the register, and the necessary corrections made. But a very small portion of these plats have as yet been retransmitted to this office, and I am advised by the present surveyor that he is under an impression that a large proportion of these surveys were never actually made, (and he has, in a few instances, furnished satisfactory proof of this fact;) that the necessary corrections cannot be made without resurveys; and that he cannot procure such resurveys to be executed at the prices now allowed by law.

In the Choctaw district all the public lands, it is understood, have been surveyed, except an extensive body of alluvial and overflowed lands lying between the Yazoo and Mississippi rivers. The surveyor was instructed not to section such of these lands as were unfit for cultivation, and to survey those fronting on the Mississippi and on Lake Washington in conformity to the provisions of the act of May 24, 1824. These surveys, he also states, cannot be now executed for the price allowed by law.

From this review it will appear that, with the exception of some overflowed lands, there is little or no public land to be surveyed in the State of Mississippi. The duties of the surveyor general relative to the returns yet required to be made to this office, in relation to lands in that State, consist in examining and certifying the township plats prepared by the principal deputy of the lands in that part of the State south of the thirty-first degree of latitude, and in preparing the township plats in the district west of Pearl river, which were returned from this office for correction.

In the State of Louisiana there is not much public land now required to be surveyed, except such as is interspersed among the private claims; but nearly the whole mass of returns relative to the private claims in this State, the surveying of which has been in progress for nearly twenty years, is yet to be prepared and returned to this office.

In the surveying district south of Tennessee there is now a surveyor with a salary of $2,000, and an allowance of $1,700 for clerk hire; three principal deputy surveyors with salaries of $500 each, and an allowance of 25 cents a mile for examining and recording surveys.

As the great mass of the landed property in Louisiana and a large portion of that in Mississippi is founded on claims derived from other sources than the United States, and as the removal of any of the evidence in relation to these claims, or the surveys of them, from the districts in which they lie, would probably be productive of dissatisfaction to the claimants, I take leave to suggest the following organization of the surveying department south of Tennessee, viz: to limit the powers and duties of the surveyor south of Tennessee, under the title of surveyor for Mississippi, to that part of the State lying north of the thirty-first degree of latitude; to establish a surveyor's office in each of the districts in which there are principal deputies, annexing that part of Louisiana lying north of Red river to the southwestern district; the surveyors to be appointed by the President, and invested with all the powers of the surveyor general; to allow to each of them, including the surveyor of Mississippi, a salary of five hundred dollars, limiting the fees for examining and recording surveys to the surveys of private claims; and granting them fees for copies of any survey or certificate that may be required, except such as may be necessary to obtain patents, and a further allowance each of a sum not exceeding nine hundred dollars for clerk hire.

Such an organization, it is believed, would very much facilitate the returns to this office, and would simplify the business, now very complex; would afford great facilities to the claimants, and would be less expensive than the present organization of that surveying department.

All which is respectfully submitted.

GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

DECEMBER 14, 1827.

The Commissioner of the General Land Office has the honor to submit for the consideration of the Secretary of the Treasury the papers numbered from 1 to 7, in relation to certain claims which are stated to have been recommended for confirmation by the register of the land office at New Orleans on forged documents. The Secretary is also referred to the report made from the Treasury Department to Congress on the 24th of December, 1824, with which there were transmitted several documents relative to the fraudulent claims reported by the register north of Red river, and confirmed by the act of Congress passed the 28th day of February, 1823.—(See State Papers, 2d session, 18th Congress, volume 2, No. 24.)

The particular claims designated in the letter of Mr. Harper, dated the 24th of May, 1827, cover about twenty-six thousand acres of land, much of it believed to be of great intrinsic value; and having understood from Mr. Davis, the surveyor south of Tennessee, that many, if not all, of these claims had been surveyed, and that there was reason to believe that the late principal deputy surveyor for the southeastern district of Louisiana had improperly or inadvertently delivered certificates of such surveys to the claimants, it has become indispensably necessary for the executive government to decide the following point, viz: whether patents shall or shall not be issued for those claims confirmed by Congress on the recommendation of the register, but which claims the register subsequently represents to have been recommended by him on documents which, on more particular investigation, are found to be forgeries. If it be decided not to issue patents for claims thus situated, it will then be necessary to take such measures as will enable the claimants to obtain a judicial decision on the validity of their claims. This may be done in two modes: 1st, by an act of Congress providing specially for this purpose; or by an executive

instruction, founded on the principle that the proceedings were rendered null and void, *ab initio*, in consequence of fraud, directing the land claimed under title papers represented to be fraudulent to be surveyed and sold as other public lands. In this event, the parties claiming under presumed fraudulent papers would be enabled to obtain a judicial decision by instituting suits against the individual purchasers. On reference to Mr. Harper's letter of the 29th August, 1827, it will appear that the original title papers have been withdrawn in all the cases he specifies, except that in the name of Wilson. It is understood that the papers in this case are evidently forgeries, and that Mr. Wilson, who was the assignee, has become so satisfied of the fact that he has taken no measures to avail himself of the confirmation.

It appears, also, from the letter of Mr. Hughes, the present register of the land office north of Red river, that the original papers on which his predecessor reported in favor of claims founded on written evidence, and derived from the Spanish government, have also been withdrawn.

All which is respectfully submitted.

GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

No. 1.

TREASURY DEPARTMENT, *February* 7, 1824.

SIR: It has been stated at this place that you have said that you had made a report to this department upon the fraudulent grants which were confirmed by the act of the last session of Congress; but as no such communication has been received at this office, I am directed by the Secretary of the Treasury to request that you will furnish him, as soon as practicable, with a copy of the document in question.

I am, very respectfully, your obedient servant,

EDWARD JONES, *Chief Clerk.*

SAM. H. HARPER, Esq., *Register Land Office, New Orleans.*

No. 2.

REGISTER'S OFFICE, *New Orleans, March* 9, 1824.

SIR: In answer to a letter just received from Edward Jones, esq., clerk in the Treasury Department, I have to state that on the 9th of March, 1821, I had the honor of addressing a letter to you, of which the following is a copy:

"REGISTER'S OFFICE, *New Orleans, March* 9, 1821.

"SIR: In my report on land claims, dated 6th of January last, which I had the honor of transmitting to you, I reported favorably on the following claims, which I have since discovered to be forgeries, viz: Nos. 24, 33, 34 35, 36, 37, 65, 66, and 67. These claims purport to be founded on orders of survey granted by Governors Miro, Guyoso, Galvez, and Carondelet. At the time I received these claims I was much pressed with the business of other claimants; and, besides, they were presented by persons of so respectable characters, to whom they had been transmitted for the purpose, that I did not suspect any fraud was intended; and thus, without minute investigation, I reported in their favor. But since arranging and recording the various land titles presented, I have discovered that the whole of the claims above mentioned are feigned and fraudulent. From a comparison of signatures, and other circumstances connected with the papers, I had no doubt myself of their being forged; but, lest I might be mistaken, I have submitted them to the inspection of several persons, and particularly to former clerks of those governors, who have all concurred in their condemnation. I had always been extremely scrupulous with regard to receiving land titles, and, from the length of time I have been in office, I cannot well be deceived in signatures, several of which I detected on presentation; but, for the reasons above mentioned, I did not bestow the proper attention upon those. I hope, however, that, even if those reports of mine have been adopted by Congress, those spurious claims may be still corrected. So far from wishing them sanctioned, I am determined to prosecute the persons concerned in this nefarious transaction, if, in the opinion of the Attorney General, prosecution can be maintained. Since discovering the frauds practiced on me, I have examined minutely with the translator (who, by-the-by, was not present when these papers were received) every other claim reported on, none of which I have any reason to suspect.

"I have the honor to be your obedient servant,

"SAM. H. HARPER.

"Hon. WM. H. CRAWFORD, *Secretary of the Treasury United States.*"

No. 3.

REGISTER'S OFFICE, *New Orleans, May* 24, 1827.

SIR: In my reports on land claims, dated January 6, 1821, and transmitted to the Secretary of the Treasury, and which, I presume, are now in your office, in common with others, I reported favorably on the claims Nos. 24, 33, 34, 35, 36, 37, 65, 66, and 67, believing the titles exhibited at the time to be genuine; but, some short time afterwards, the clerk and translator, being engaged in recording the land titles which I had received, on examining the papers relating to the above numbers, suspected them to be forged, which suspicion he communicated to me. Not being a competent judge of the signatures of the Spanish governors whose names were signed to those papers, I submitted them to the inspection of some gentlemen who were better acquainted with those signatures than myself, who pronounced them to be forgeries.

Thereupon, I wrote a letter to the Secretary of the Treasury, counteracting the reports which I had made on those claims; but it appears, through some unaccountable circumstance, that letter was not laid before Congress, and the whole of my original reports were confirmed.

I have been lately informed that some of the persons concerned in those claims (with a view, no doubt, to induce people to buy them) have said that positive orders had been given by "the department" to the surveyor general to survey those lands, and that the surveys had been returned to my office. The first of these statements I do not believe, and the latter I know to be false. Not knowing what extraordinary measures may be taken to procure patents, I think proper to apprise you that I have not, nor will not, issue patent certificates for those lands without your express order, or unless I shall be compelled so to do by judicial authority.

Please to reply to this letter.

I am, &c.,

SAM. H. HARPER.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

No. 4.

No. 24.—Bernado de Deva claims a tract of land situated as follows: in the parish of Lafourche Interior, behind a depth of forty arpents, granted by the King of Spain to Carlos Gauhcan, Lucia Bruse, and others, fronting the property or lands of one Jacente Bernard, and lying on a bayou distant about six leagues from the Mississippi, on the right side thereof; being in the whole a league square.

The claimant produces a request (petition) to the Baron de Carondelet, in which he states that he being appointed by the said baron a curate for the said parish of Lafourche, and that, having gone there, he found neither church nor house to live in, and the inhabitants so poor as to be unable to support him. Under these circumstances, he asks for a league square of land, which, under date of the 14th of March, 1793, Carondelet granted him, and ordered the surveyor to put him in possession. I am, therefore, of opinion his claim ought to be confirmed.

No. 33.—Robert Martin claims a tract of land situated on the Bayou Bœuf, in the county of Lafourche, having a front of forty arpents on said bayou, with a depth of forty arpents, bounded above by land of Pilboro, and below by vacant land.

This land is claimed by purchase under François Flores, in whose favor an order of survey was made by Governor Galvez on the 7th of August, 1777. I am of opinion this claim ought to be confirmed.

No. 34.—Robert Martin claims a tract of land situated on the Bayou Blake, in the county of Lafourche, having a front of fifty arpents on both sides of said bayou, with a depth of forty arpents. This land is claimed by purchase under Miguel Saturnine, in whose favor an order of survey was made by Governor Guyoso on the 2d of November, 1798. I am of opinion this claim ought to be confirmed.

No. 35.—Robert Martin claims a tract of land situated on the Bayou Bœuf, in the county of Lafourche, having a front of forty arpents on both sides of said bayou, with a depth of forty arpents, bounded above by land of Montaran, and below by land of domain. This land is claimed in right of purchase under Antoine Pilboro, in whose favor an order of survey was made by Governor Galvez on the 2d day of July, 1776. I am of opinion this claim ought to be confirmed.

No. 36.—Robert Martin claims a tract of land situated in the interior of Lafourche, on the Bayou Bœuf, having a front of thirty arpents on both sides of said bayou, with the ordinary depth of forty arpents, bounded above and below by public lands. This land is claimed by right of purchase under Jaques Monteran, in whose favor an order of survey was made by Governor Galvez on the 5th of May, 1775. I am of opinion this claim ought to be confirmed.

No. 65.—Louis Cossier claims, for the use of Robert Martin, a tract of land situated in the parish of Lafourche Interior, fronting on the Bayou Catton, and containing forty arpents front on each side of said bayou, and forty arpents in depth, bounded, in the year 1788, above and below by vacant land. This land is claimed by purchase under an order of survey made by Governor Miro in the year 1788. I am of opinion this claim ought to be confirmed.

No. 66.—Louis Duma, for the use of Robert Martin, claims a tract of land situated in the parish of Lafourche Interior, containing fifty arpents front on each side of the Bayou Catton, and forty arpents in depth, bounded, in the year 1798, above by vacant lands, and below by lands of Cossier. This land is claimed by purchase under an order of survey made by Governor Guyoso on the 7th of March, 1798. I am of opinion this claim ought to be confirmed.

No. 67.—Jacques Lambez, for the use of Robert Martin, claims a tract of land situated in the parish of Lafourche Interior, containing a front of thirty arpents on each side of Bayou Catton, and forty in depth, bounded, in the year 1789, by Cossier above, and below by vacant land. This land is claimed by purchase under an order of survey made by Governor Miro in the year 1789. I am of opinion this claim ought to be confirmed.

No. 37.—William Wilson claims a tract of land situated on both sides of the Bayou Blake, having a front of forty arpents on both sides of said bayou, with a depth of forty arpents, bounded on one side by lands of Miguel Saturnine, and on the other by vacant land. This land is claimed by purchase under John Llano, in whose favor an order of survey was made by Governor Guyoso on the 8th of August, 1798. I am of opinion this claim ought to be confirmed.

No. 5.

LEXINGTON, *August* 29, 1827.

SIR: I have this morning received your letters of the 16th instant. Your letter of the 21st June I have not seen, being absent from New Orleans at the time it probably reached that place. I was not aware, before the reception of your last letter, that the lands claimed by Wilson and others had been surveyed. I never furnished the surveyor with any special orders of survey for those lands, and if they have been

surveyed, it must have been done under the authority of my general reports, a copy of the whole of which I furnished to the principal deputy surveyor, after the confirmation of those reports by Congress.

When I left home, no surveys for these lands had been returned to my office; and if they had, I should not have issued patent certificates upon them without orders from you.

After being satisfied that the documents on which these claims are founded were fraudulent, I applied to the district attorney of the United States, and also to the attorney general of the State of Louisiana, to inform me whether there was any law of the United States, or of the State, which would authorize a criminal prosecution against the parties concerned in this transaction, and was informed by both these gentlemen that no such law existed; and when those claims were subsequently confirmed by Congress, (which I conceived at the time irrevocably vested the title in the claimants,) and not being able to use these documents in support of a criminal prosecution, I delivered them (one excepted) to James Bowie, who left with me his power of attorney from Robert Martin for that purpose. The original paper in the case of Wilson, not being demanded, is still in my possession. Some of these papers were recorded by the clerk before suspicion attached to them, when I ordered the clerk not to record the remainder, so that if any contestation shall hereafter take place in relation to those title papers, I should suppose the originals would be required to be produced, inasmuch as no certified copy of them can be given from this record book. The fact of my having written a letter to the then Secretary of the Treasury, counteracting my reports upon those claims, has been mentioned in a former communication.

These are all the material facts on this subject which I can at present collect from memory.

I am, &c.,

SAM. H. HARPER.

GEORGE GRAHAM, Esq., *Commissioner General Land Office.*

No. 6.

WASHITA, *May* 20, 1825.

SIR: I have to acknowledge the receipt of your letter of the 24th March last, requesting me to send to your department before the next session of Congress all the original papers filed with Mr. Sutton, late register, &c.

I received his books, papers, &c., a few days since. On examination, I find there is not one original document amongst the claims recommended by him for confirmation, and confirmed by an act of Congress approved February 28, 1823. The claimants have been suffered to withdraw the original titles.

I remain, with great respect, &c.,

JOHN HUGHES.

GEORGE GRAHAM, Esq., *Commissioner General Land Office, Washington.*

No. 7.

Extract of a letter from the Commissioner of the General Land Office to G. Davis, esq., surveyor, &c., at Washington, Missouri, dated December 26, 1824.

"I enclose a copy of a report made to the House of Representatives on the subject of surveying the public and private lands in the district north and south of Red river, and will forward you a copy of the documents accompanying it so soon as they are printed. They consist principally of your late letters, your correspondence with Mr. Wailes relative to the fraudulent claims, and extracts from your private letter of the 29th of October.

"Until Congress shall take some measures in relation to the frauds and attempts to make improper locations, it will be necessary for yourself and principal deputy surveyors to exercise the greatest possible precaution in relation to the approval of surveys for private claims; the deputy surveyors should be instructed to make no surveys without satisfactory evidence that the land surveyed was that intended to be confirmed, which evidence should be returned with the surveys; and if there is reason to believe that the claim is fraudulent or improperly confirmed, or that imposition is attempted in the location of it, all such cases, together with the evidence, should be submitted through you to this office, to be laid before Congress.

"This arrangement will not retard the completion of the township plats and series of surveys, as the claim will be laid down on them as required to be surveyed by the claimant, and the lands will therefore be reserved from sale until Congress shall decide, or point out some mode of deciding, on the suspended and difficult claims.

"In relation to the fraudulent claims in the New Orleans district, no information has been regularly filed in this office. I understand that Mr. Harper says that he wrote to the Secretary of the Treasury on the subject, but his letter does not appear to have been received. They were confirmed, I believe, in the names of Martin and Wilson."

A.

Extract from a letter from the Commissioner of the General Land Office to Hon. John Scott, chairman of the Committee on Public Lands of the House of Representatives, dated December 19, 1825.

"SIR: In reply to your letter of the 16th instant, enclosing two resolutions of the House of Representatives: the one relating to the expediency of erecting the State of Louisiana into a separate surveying

district, and the other allowing compensation to the land officers for extra services performed under the act passed March 2, 1821—I have the honor, in reference to the first resolution, to enclose an extract from a report made to the Secretary of the Treasury relative to the surveying district to which Louisiana is attached at present.

"The surveying of the lands in Alabama south of the 31st degree of north latitude by a late act was placed under the superintendence of the surveyor of Alabama, but that act did not repeal the previous law, which had placed the surveying of the private claims under the immediate superintendence of the principal deputy surveyor, appointed under the provisions of the 11th section of the act of March 3, 1819, volume 6, page 434, whose powers extended to that district of country south of the 31st degree of latitude and east of the Mississippi river, in the States of Louisiana, Mississippi, and Alabama. Should it be deemed expedient to abolish the office of the principal deputy surveyor, it will be necessary to make provision for placing the surveying of the private claims under the superintendency of the surveyors of the respective States, and for the arranging and transporting the papers and records. The records in relation to the private claims in Alabama south of the 31st degree of latitude are deposited with the register and receiver of the Jackson Cotta district, in Mississippi, and with the principal deputy surveyor. Special provision will be required to be made in relation to them. I have, in my report to the Secretary, suggested the propriety of making provision by law for compelling the officers to surrender up the public papers. It was made in consequence of the refusal of two of the principal deputies, who had been superseded by the surveyor south of Tennessee, to surrender the papers belonging to their office; in one case the papers have been obtained, but in the other they are yet withheld on the plea that they form a part of the vouchers of the account of the principal deputy which has not been settled."

B No. 1.

Extract from a letter from the Commissioner of the General Land Office to Levin Wailes, esq., surveyor general, Washington, Mississippi, dated July 27, 1823.

"SIR: Your letter of the 30th of April last, relative to the surveying of the private and public lands in the State of Louisiana west of the Mississippi, was, I find, not answered when I came into this office, and I have taken it up with a view of giving you such general instructions relative to the surveying of the lands in the several land districts of that State as will enable us to bring into market as soon as practicable all the unappropriated land—an event particularly desirable, as the delay has been productive of great loss to the public, and afforded ground of complaint to some of the constituted authorities of that State.

"The act of April 18, 1814, having in a great measure removed the difficulties relative to the surveying of the claims confirmed by the commissioners, and the previous acts having authorized complete grants to be surveyed at public expense when necessary, I perceive no reason why all the private claims in the southwestern district of Louisiana may not be promptly surveyed and connected with the township lines, and their proper numbers given them, except that which may arise from the act of the last session of Congress extending the time for entering back concessions to eighteen months, from the 28th of February last; and, to obviate the difficulty, you are authorized to survey all the lands in this district which might be claimed as back concessions under the 5th section of the act passed March 2, 1811, and the two subsequent acts reviving and continuing that section, in the same manner as if they had been entered as back concessions, giving them their proper numbers; and if they shall not have been claimed as such previous to the expiration of the time limited, they may then be considered as tracts surveyed under the discretionary authority vested in the surveyor by the act of March 3, 1811, and sold at public sale as other public lands.

"I am not aware that there are any public lands in this district which may not be divided, agreeably to the general provisions of the laws, into townships and sections, without incurring extraordinary expense, except in that portion of the district which lies east of the Teché and Bayou Bœuf, and perhaps some small portion of land on those bayous emptying into the Gulf of Mexico, between the Teché and Vermilion rivers. Whatever public lands there may be within these portions of the district fit for cultivation you will cause to be surveyed agreeably to the provisions of the 2d section of the act of March 3, 1811, page 141 of the volume of Land Laws, varying the front and depth as circumstances may make necessary. These surveys it would be desirable to connect with the township lines where they have been extended, but where they have not, and where either the nature of the country makes it impracticable, or deputy surveyors cannot be had to run those lines for the sum allowed by law, it may be dispensed with, and the surveys made in conformity to "the instructions given by your predecessor for surveying the public lands adjoining navigable streams, lakes, bayous, &c., in the Orleans Territory, under the 2d section of the act of March 3, 1811," and in conformity to such other instructions as your greater experience may suggest—describing the surveys and giving them their numbers as circumstances may require.

"In the southeastern district there appears to have been surveyed 1,570 tracts between the Lafourche and Chaffalia, in compliance with the provisions of the 2d section of the act of March 3, 1811, and in conformity to the instructions of your predecessor, alluded to in the former part of this letter. These lands, although surveyed many years ago, have not been brought into market, I understand, because the township lines were not run, and they, of course, could not take their sectional numbers. I am confident, from the nature of the country and the prices of labor, that it will be impracticable to obtain surveyors to run the township lines at present for the compensation allowed by law; it is decided, therefore, to bring those lands into the market as soon as practicable, without running all the township lines, and to designate them in the proclamation by the number of each survey, and the particular water-course on which they lie.

"You will proceed to survey immediately the lands in this district, including the island of New Orleans, which are subject to pre-emption as back concessions, whether claimed or not, in the forms that would be given them if claimed, assigning numbers to them in such manner as will completely identify them, and marking particularly in the plats those numbers which are not claimed as pre-emptions. To do this, it would be advisable to divide them into several series of surveys, beginning the numbers in each at some well-known and unchangeable point. Within the island of New Orleans I presume that no

other surveys will be for the present required, except those last mentioned, and of some private claims; should there, however, be any public lands within the island which it would be desirable to bring into market, you will cause such to be surveyed in conformity to the 2d section of the act of March 3, 1811, giving them their numbers as above stated.

"The surveys for private claims in the southeastern district will be numbered with the same numbers by which they are designated in the several reports on which they were confirmed."

B No. 2.

Extract of a letter from George Davis, surveyor general, dated Washington, Mississippi, April 12, 1826, *to George Graham, Commissioner of the General Land Office.*

"In reply to the part of your letter of the 15th ultimo, received this morning, which relates to the surveying and numbering of back concessions in the southeastern district of Louisiana, I enclose herewith an extract of a letter from Mr. Turner, principal deputy surveyor of that district, dated the 11th ultimo, and will observe, as I have observed heretofore, that I did not happen to know until lately, if, indeed, I now know, that the system of series of surveys suggested in your instructions to Mr. Wailes on the subject had not been carried into operation before I came into office. This should have been done fifteen years ago, when it might have been very practicable. The difficulty of doing it now is fully exhibited in the enclosed extract, which I do not think can be rendered more plain by anything that can be further said on the subject. The delay of which you speak, and in the regret you express upon the subject I deeply participate, is, as I have just said, of fifteen years' standing, and has at length grown into an evil which it is beyond the powers of this office to remedy, in my opinion, without the aid of additional laws. The connected map of each series of which you speak, you will have perceived, is what is implied in my instructions to Mr. Turner, and which is obviously as necessary as township maps of other parts of the country; but what can now be done?"

Copy of the extract of Mr. Turner's letter, referred to in the foregoing letter of George Davis, dated Donaldsonville, March 11, 1826.

"I have deferred writing to you on the subject of numbering the double concessions till the present, from an expectation that I might, by some labor and expense, succeed in collecting such field notes as would enable me to proceed in making some important connexions, and in laying out the district into series, and to attach the proper numbers to those surveys. In this attempt I have succeeded but partially. I cannot conceive that there is any other possible method of numbering them legally than by making entire connexions of all the series comprised in this district. Under existing circumstances, this appears impracticable, as the most convenient and profitable portion of this work was completed prior to my appointment for this office; so that what yet remains unfinished is both inconvenient and unprofitable, and interspersed throughout the district; consequently, no deputy surveyor would engage to execute, on condition that he must make the connexion for the distance of eight or ten miles, for probably the advantage of surveying three or four double concessions. Had Wilson, at the commencement of surveying these lands, have subdivided the district into series, and enjoined it upon the undertaker to accomplish the surveys of all the double concessions included in such series, and to return such notes as would have enabled him, or any other incumbent of this office, to form connected plans at that time—to have done this, the additional labor would have been comparatively trifling; but at present it is a difficulty of considerable magnitude."

B No. 3.

Extract of a letter from the Commissioner of the General Land Office to George Davis, esq., surveyor general, dated May 29, 1826.

"I deeply regret that the surveys in the southeastern district have been made in such a manner as to make it difficult, if not impracticable, to form them into a series as will enable you to issue patents for private claims. I still hope, however, that this can be done, at least to a great extent; take the Bayou Lafourche for instance, and I should think there was no insuperable obstacle to laying down and connecting the private confirmed claims, the donation claims, pre-emption rights, and the public lands on each side of the bayou, in such a manner as to give them separate numbers, by which they could be patented. In making these connexions, it is probable that you would in some instances be under the necessity of paying more than four dollars a mile for running these lines. The savings that you may make in your contracts for the Choctaw district will create a fund applicable to the cases where you may be compelled to exceed four dollars a mile for running these lines."

B No. 4.

Extract of a letter from the Commissioner of the General Land Office, dated March 2, 1827, *to George Davis, surveyor general, at Washington, Mississippi.*

"The difficulties suggested by you, in relation to the surveys of the back concessions or pre-emptions, granted by the 5th section of the act passed March 3, 1811, and those reviving the same, were stated to the Hon. Wm. L. Brent, of Louisiana; and, under some expectation that he might procure an explanatory act, I have deferred giving an answer to your inquiries.

"My own opinion is, that, under the provisions of the act above referred to, and in conformity to the general construction which has been given to all the acts granting pre-emptions, the back pre-emption must be equal in quantity to the front claim, on which it is founded; provided such pre-emption does not exceed forty arpents in depth, and provided it does not cover land claimed by other persons; and provided it does not extend so far in depth as to include land fit for cultivation, bordering on another river, creek, bayou, or water-course.

"No surveys having been made at the time when the law permitting entries to be made expired, and payments having been made on the estimates of the individuals making the entries, such payments will rarely correspond with the quantities which will be contained in the actual surveys. Legislative interposition will, therefore, be necessary. In the meantime, however, the surveys should progress agreeably to the law, and in those cases where the claimant has paid for less than he claims, or claims less land than he has paid for, or than he ought to have paid for, the land thus claimed can be protracted in the mode he claims it, within the regular survey, and designated by dotted or colored lines.

"When a series of surveys in the southeast district, or a township plat in the southwest district, shall have been completed in this mode, they will, if necessary, be submitted to Congress, and such measures taken as to them may seem fit."

C.

Extract of a letter from the Commissioner of the General Land Office, dated December 15, 1825.

"The surveying of the public lands has progressed regularly and satisfactorily, with the exception of the public lands and private claims in the State of Louisiana, and that part of Alabama south of 31° of latitude. In this section of the country but little progress has been made in surveying the private claims, and such parts of the public lands as it is desirable to bring into market. A variety of causes has occasioned, and will continue to occasion, much embarrassment and difficulty in completing the surveying of this section of the country; much of this embarassment is attributable, however, to the extension of the laws for the adjustment of private claims in Louisiana, to the organization of the surveying department, and to the difficulty of procuring surveyors to survey the public and private lands, and to connect the private surveys which have been made with the township lines, in certain portions of this section of the country, for the compensation allowed by law.

"The surveying of the lands in Louisiana is by the law placed under the superintendence of the surveyor south of the State of Tennessee, who resides at Washington, Mississippi, and the surveying of those in Alabama south of 31° of latitude, by a late act of Congress, was placed under the superintendence of the surveyor for that State; but within this district of country there are three principal deputy surveyors, who are appointed by the surveyor of the lands south of Tennessee, the duties and powers of one of which officers extend to the surveying of the private claims in that part of Alabama lying south of 31° of latitude. In a report formerly made from this office, and submitted to Congress, it was stated that this organization was defective, and further experience has confirmed that impression. It is therefore respectfully recommended that the offices of the surveyor of lands south of Tennessee, and those of the principal deputy surveyors of Louisiana, be abolished; that a surveyor be appointed for the State of Louisiana, whose duties and powers shall be limited to the surveying of the lands within that State; that a principal deputy surveyor be appointed for the State of Mississippi, invested with the powers, and who shall perform the duties required of the surveyor south of Tennessee, in relation to the surveying of the lands within the limits of the State of Mississippi; that the surveying of all the lands south of the 31° of latitude in Alabama be placed under the direction of the surveyor of that State.

"Such an organization, it is believed, would expedite the ultimate completion of the surveying of the lands; would give more general satisfaction to the citizens immediately interested, and might be made more economical. The salaries and clerk hire for the surveyor and principal deputies now amount to $5,200. The principal deputies are allowed, in addition, a fee of 25 cents a mile for every mile of the boundary line of each survey examined by them, and 25 cents for every certificate; allowing to the surveyor for Louisiana, for his own compensation and clerk hire, $3,500, and to the principal deputy for Mississippi, for his compensation and clerk hire, $1,500, the expense under the proposed organization would be $5,000.

"The objection to the abolishing of the office of the principal deputy surveyors in Louisiana, and consolidating the surveying department for both the States of Louisiana and Mississippi under one office, is, that a large portion of the best lands in each of those States is held as private claims, much of the evidence of the titles to which is to be found in the files and on the records of the surveyors' offices; and if they were removed from one or the other of these States, it would subject the claimants to inconvenience, and would produce great excitement among the citizens of the State from which they were removed.

"The public lands in Mississippi, so far as the Indian title has been extinguished, have nearly all been surveyed, and no difficulty exists in relation to the surveying to be executed in that State, except as to the surveying required for the correction of errors. The organization proposed is believed to be entirely adequate for all the purposes of a surveying department located in and confined to the limits of that State.

"Under the existing laws the maximum price allowed for surveying is four dollars per mile, and that sum has been given, indiscriminately, for the surveying of all lands for which contracts have been made. It is represented that much of the alluvial lands in Louisiana, and the surveying and connecting the private claims generally, cannot be contracted for at that price; it is therefore recommended that provision be made by law for increasing the maximum price for surveying the alluvial lands, and for surveying private claims and connecting them with the township lines in that section of the country within the limits of the land district south of Tennessee, and in that part of Alabama south of 31° of latitude; and, if it is deemed necessary, the price now allowed by law for surveying the other description of lands within those districts might be reduced. Should any new organization of the surveying department in this district be made, it will be necessary to provide for the removal and arranging of the papers, and for the infliction of a penalty on any officer refusing to give up the records and papers of his office."

Hon. Richard Rush, *Secretary of the Treasury.*

20TH CONGRESS.] No. 636. [1ST SESSION.

LAND CLAIM OF THE MARQUIS DE MAISON ROUGE IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 4, 1828.

Mr. WHIPPLE, from the Committee on Public Lands, to whom was referred the claim of the Marquis de Maison Rouge to a tract of land in the State of Louisiana, reported:

The committee do not deem it necessary to enter into an examination of the evidence which has been filed, either in support of or against the claim of the Marquis de Maison Rouge to several tracts of land situated in the parishes of Ouachita and Catahoola, in the State of Louisiana, and said to contain thirty leagues square. It is sufficient, perhaps, for the committee to state that the claimant or claimants set up title to the land in question by virtue of a grant, or pretended grant, issued by the Baron de Carondelet, dated June 20, 1797, and that the government of the United States resist the claim: firstly, because the documents to establish the claim of those who set up title under the Marquis de Maison Rouge, if authentic and genuine, (which is not admitted,) do not show that a grant has ever been made to the Marquis de Maison Rouge in his own individual right; and that it was only a contract with him as agent of the persons whom he was to bring with him as settlers upon the said land, by which the Spanish government bound itself to grant to each of such persons a certain number of acres of land, and that De Maison Rouge did not acquire, by said contract, a right to dispose of the land in question by sale, deed, or last will and testament, or in any other way.

Secondly. That the conditions of said contract were never fulfilled by the said Marquis de Maison Rouge.

Thirdly. That the said land was never surveyed, and that the settlements have not been made, as became requisite by the conditions of the grant, if a grant was made.

Fourthly. That the said land never was located as pretended by the representatives of the Marquis de Maison Rouge, but was at a different place.

The documents and testimony before the committee do not enable them to decide either upon the genuineness of the grant or the validity of it, according to the forms which governed grants legally emanating from the authorities of the then province of Louisiana.

The question arising in this case, as to the validity of the title set up by the representatives of the Marquis de Maison Rouge, is one which, in the opinion of the committee, can only be brought to a termination by the adjudication of some tribunal which can act with deliberation, and under such favoring circumstances as will enable such tribunal, of whatsoever constitution it may be, to avail itself of every requisite, both in law and fact, which may be attainable, to enable it to form a correct judgment respecting the validity of the claim in dispute. It does not occur to the committee that a resort can be had, either by the claimants or the United States, to any tribunal except the following:

1st. The Congress of the United States.

2d. A special commission, constituted by a law of Congress, for the purpose of deciding upon this and other claims similarly situated in the State of Louisiana.

3d. The judicial tribunals of the United States.

Firstly. The committee are aware that it is a delicate duty which they feel themselves bound to perform, when they sanction the opinion that the two houses of Congress do not, by their very constitution, unite all those qualities which are necessary to a thorough, dispassionate, and full investigation of delicate questions of judicature.

It is to questions of policy, expediency, and constitutional provision, rather than the weighing of testimony, the inspection of seals and signatures, and the minute attention which should be given to discrepancies in dates, and the declarations of witnesses, that the capacities of the two houses of Congress are best adapted. For reasons like these, and to exclude interest and passion, the framers of our constitutional code separated the judicial from the legislative powers of the government.

A committee, which is an emanation from the House or Senate, possesses, on account of its limitation of numbers and its quiet and undisturbed sittings, greater facilities for the investigation of judicial questions than the House or Senate in session can be supposed to possess; and yet such is the nature of the testimony presented, even to the committees of either branch of the legislature, that great difficulties are felt in coming to satisfactory conclusions, even upon questions which seem very just to those who present them. *Ex parte* testimony, designed colorings, omission of facts, and circumstances which might and would explain the transaction if openly and fully stated, and that inability, always felt and acknowledged, of being able to learn from papers what may be inferred or known from the truth-telling or non-truth-telling manner of a witness, place obstacles in the way of just and satisfactory decision, which can only be felt by those who are aware of the unsatisfactory and too frequently unjust decisions of popular assemblies.

The claims of the individuals now under consideration involve in themselves many points which it would be extremely difficult for the two houses of Congress satisfactorily to investigate; such as, firstly, whether the grant in question was genuine in its origin and the title papers authentic.

Secondly. If genuine, whether the title was in due form and valid by the laws of the government from which it originated.

Thirdly. Was the grant absolute or conditional? and if conditional, have its conditions been complied with by the grantee or his representatives?

Fourthly. Was the grant of such a nature as to vest in the grantee any rights in his individual capacity?

The committee are of the opinion that any decision of the two houses of Congress would be unavailing, because, if adverse to the claimants, it would be unsatisfactory, and the right to petition, being always open to the applicant for justice from the government, will be continually resorted to; and the claim, being thus liable to perpetual revision by Congress, would never have a determinate decision. If at any period the government of the United States should direct the lands in question to be surveyed and sold, the claimants would then, with at least a color of justice, demand payment, and insist that they had been deprived of their property without the judgment of their peers, and not according to the laws of the land. In every light in which the committee have been able to view this subject, the opinion is entertained by them

that the two houses of Congress do not constitute the tribunal which can most satisfactorily and successfully decide upon the title of those who claim under the Marquis de Maison Rouge.

The second tribunal which suggests itself for the purpose of a final adjustment of these claims is a special commission. The institution of such a tribunal would probably be quite as expensive, if not more expensive, than any other mode which might be resorted to by the government.

Other considerations may also be urged against this mode of adjusting these claims.

A commission may be composed of such individuals as to render it little competent to the able decision of claims like those under consideration. It may also be influenced by local considerations; by improper attachments or personal considerations; by interest, remote or immediate; or by undue solicitations of claimants. Nor can the same reliance be at all times reposed in commissioners which may be in independent judges who hold their offices during good behavior.

This claim, under the act of March 3, 1807, was, by the commissioners appointed in pursuance thereof, reported for confirmation, and yet the government of the United States has not confirmed the claim; and from the lapse of time since the making of that report, and the repeated subsequent applications of the claimants, it would seem that the government has not considered that report as of any authority, and such might and probably would be the result were another special commission to be instituted.

The above considerations induce the committee to consider it inexpedient to recommend the institution of another special commission for the adjudication of the claim in question.

If, then, the question of title to the lands claimed under the grant, or supposed grant, of the Marquis de Maison Rouge *cannot* be adjudicated by Congress, either on account of its ill adaptation to the discharge of such duties, or on account of its indisposition to perform them, and if a special commission ought not a second time to be instituted for the purpose, then, most assuredly, the claimants ought to be permitted, as a dernier resort, to apply to the judicial tribunals of the country for the final disposition of this long-contested question. The interests of the United States, those of Louisiana, as well as those of the claimants, require that a termination should be made to the state of abeyance which has been permitted to continue up to the present time. The United States, if the rightful owner of this tract of land, ought to provide for its sale, so as to prevent the population of the State of Louisiana from being retarded; and the claimants under De Maison Rouge ought to be put in a condition to avail themselves of their rights, if rights they have.

The committee do not deem it necessary to enter into detailed reasoning to show the propriety, necessity, or safety of the reference of this question to the judicial tribunals of the Union. The reasons for this course are such as must suggest themselves to the minds of all, and must be left to produce that decision at which each member will claim the right to arrive for himself.

The committee report a bill to refer these claims to the United States courts for adjudication.

20TH CONGRESS.] No. 637. [1ST SESSION.

LAND FOR THE SUPPORT OF COLLEGES IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 4, 1828.

Mr. ISACKS, from the Committee on Public Lands, to whom has been referred the resolution of the House of the 11th of December last, instructing them to inquire into the expediency of granting, for the support of colleges in Ohio, a quantity of land equal to that which has been granted to the other new States and Territories for that purpose, reported:

That the rule early adopted and generally followed by the United States in regard to the appropriation of land for the purposes of education has been to set apart the 36th part of each township for the maintenance of common schools, and two townships in each of the new States for the use of seminaries of learning therein; and in districts where previous appropriations have interfered with the common school allotment, that deficit has been supplied elsewhere. By the ordinance of the old Congress, passed May 20, 1785, for ascertaining the mode of disposing of lands in the western territory, the common school reservations, and the purposes for which they were designed, are pointed out. By a resolution of the same Congress, adopted July 23, 1787, the board of treasury was authorized to contract for the grant of a tract of country, the boundaries of which are therein described. This is called the sale to the Ohio Company. Among other conditions required of the purchasers by the resolution, the lot numbered 16, in each township, should be given perpetually for the purposes contained in the ordinance of 1785. And further, "not more than two complete townships to be given perpetually for the purposes of an university, to be laid off by the purchaser or purchasers, as near the centre as may be, so that the same shall be of good land, *to be applied to the intended object by the legislature of the State.*" This is the first example for the course which has since been pursued of granting lands for colleges or universities; and two townships has been the quantity granted in the new States. There is no mention made in the compact between the United States and Ohio of two townships of land, or any other quantity, to be granted to the State for the use of seminaries of learning; although the 16th section for common schools is one of the stipulations, and the grant of two townships for seminaries of learning is one of the propositions contained in all the compacts of admission of new States in the west and southwest since that time except Louisiana and Mississippi. From all which the committee infer that the two townships out of the grant to the Ohio Company which were required to be "given perpetually for the purposes of an university," and "to be applied to the intended object by the legislature of the State," were, at the time of the compact, and perhaps long since, understood and considered, both by the United States and Ohio, to be, in effect, a grant to the State and people thereof, and as capable of being beneficially directed to the purposes of education as though

the grant had been made directly to the State, or a university established therein. And this, in the opinion of the committee, was a correct understanding of the subject.

At the time the title passed from the government to the company the reservation had not been, perhaps could not be, made by identity; it was therefore included in the grant; but a condition upon which that was made is, that the grantees are to give two townships "perpetually," &c., by which it must be meant that if the title is not formally to be conveyed, at least the entire use and benefit of the property is, by the legislature, to be applied to the purposes of education at a university.

That this perpetual and entire use belongs to the people of the State, and not to the grantees or their assignees exclusively, is a proposition which, in the view of the committee, is further supported by the act of April 21, 1792, in which the contract between the government and company is recited, so far as relates to the description of the land, and in which the quantity of land is stated at 750,000 acres, besides the several lots and parcels of land in the said contract reserved and appropriated to other purposes; clearly showing that this, with other reservations, constituted no part of the land actually bought and paid for, and, for the reason that it had been reserved and appropriated to other purposes, it was "besides" the quantity that the grantees bought for purposes of their own.

There is no complaint that the two townships have not been set apart and received the proper attention of the legislature. From the letter of the Commissioner of the General Land Office, made part of this report, it is understood the former has been done; the latter cannot be a subject of inquiry here; yet the claim is made on the ground that those two townships ought not to be taken into the account or considered in the nature of a donation to the State. The committee could not for a moment question the expediency of granting, for the support of colleges in Ohio, a quantity of land equal to that which has been granted to other new States and Territories for that purpose; yet they feel convinced, upon the best examination they have been able to give to the subject, that the State of Ohio has, from the reservation of the two townships in the grant to the Ohio Company, the same benefits substantially secured to her which the other States have by the grants to them or their universities.

This opinion has been formed independently of another important fact in the history of appropriations for the promotion of education in the State of Ohio; and as a different conclusion would not likely be produced thereby in the committee, it will be sufficient merely to refer the House to it. By the act of May 5, 1792, the President was authorized to grant to John Cleves Symmes and others, for the purpose of establishing an academy, one township of land within the district of country sold to Symmes. The object of this grant not having been carried into effect, by the act of March 3, 1803, another township was granted to the State of Ohio, in the Cincinnati district, for the purpose of establishing an academy, in lieu of the township granted to Symmes for that purpose.

The view thus taken of the subject induces the committee to recommend the following resolution:

Resolved, That it is not expedient to make a further grant of land for the use of seminaries of learning in the State of Ohio.

TREASURY DEPARTMENT, *General Land Office, January* 11, 1828.

SIR: In reply to the inquiry of your letter of yesterday "for information showing the quantity of land *enjoyed* by the State of Ohio for the support of colleges or seminaries of learning, as distinct from those reserved for the use of common schools," I have the honor to state that by the act of March 3, 1803, entitled "An act in addition to and in modification of the propositions contained in the act entitled 'An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, &c., &c.,'" (sec. 4 of the act,) there is vested in the legislature of the State of Ohio *one complete township*, to be located under the direction of the legislature, for the purpose of establishing an academy, *in lieu* of the township granted for the same purpose by virtue of the act entitled "An act authorizing the grant and conveyance of certain lands to John Cleve Symmes and his associates." The township selected for this object is No. 5, of range 1 east. In the purchase made by the "Ohio Company," under the provisions of the resolution of July 23, 1787, there are *two townships* reserved for the purposes of an university, which the resolution provides shall be applied to the intended object by the legislature of the State.—(See Land Laws, page 212.) Townships 8 and 9, of range 14, have been selected.

It would therefore appear that there are *three townships* of land, containing an aggregate quantity of about 69,120 acres, appropriated for college purposes, the right of applying which, to the object intended, was vested in the legislature of the State of Ohio, originally.

I am not aware, however, of what control the legislature has at any time exercised over the lands in question.

I am, very respectfully, sir, your obedient servant,

GEORGE GRAHAM.

Hon. J. C. ISACKS, *Chairman of the Committee on Public Lands, House of Representatives.*

20TH CONGRESS.] No. 638. [1ST SESSION.

APPLICATION OF ALABAMA TO PURCHASE THE PUBLIC LAND WITHIN THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 4, 1828.

A JOINT MEMORIAL to Congress on the subject of public lands.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The general assembly of Alabama feel constrained by the dictates of duty again to present their views to Congress on the subject of the public lands in this State. It is with great deference that your memorialists submit to the consideration of Congress the propriety of selling to the State the whole of the public lands within our boundaries, for such price, and upon such terms and conditions, as may be agreed on by the parties. Many considerations would render such an arrangement desirable if suitable terms can be obtained. In the first place, it is a public inconvenience of no small magnitude for the citizens of this State to have the muniments of their titles at so great a distance as Washington. If titles emanated from the State, the loss of a patent could be supplied by a copy from the proper office at home, instead of Washington city. The convenience of obtaining titles would be greatly increased, and the United States had better have one account with the State than the trouble of dealing with individual purchasers.

The idea of a purchase, however, is founded on the liberality of Congress in adjusting the terms; for if the State is to give the full value, the arrangement, of course, would not be desired. Your memorialists rely on the liberality of Congress, and on that reliance rests the proposition to purchase. Connected with this subject, your memorialists beg leave to represent that nature has furnished objects of internal improvements of great magnitude, to which the enterprise of the State must be shortly called. Feeling a laudable wish to participate in the great efforts of internal improvement that so eminently distinguish the present age, your memorialists, finding the means of the State inadequate to the objects, look with confidence to the general government for assistance in some shape, and the sale of the public domain at a low price seems to be the most suitable means to effect an object so desirable to all.

The Muscle shoals and Colbert's shoals, in the Tennessee river, present obstructions to the navigation of that stream that requires a canal or a railway for the distance of perhaps thirty miles. The immense extent of country to be connected by that improvement at once bespeaks its importance, and stamps it with a national character. It is emphatically a link of great importance in the chain of defence projected by the government. The transportation of troops, munitions of war, &c., as well as the commerce that would necessarily flow through that vein if properly opened, point out claims to the united exertions of the general and State governments. The connexion of the navigable waters of the Tennessee river and the Mobile bay by a canal or railway is another object worthy of national exertion. The great Erie canal shows how far the beneficial effects of opening these veins of internal communication surpass the calculations of the most sanguine. The projected canals in Ohio once finished, and the obstructions of the Tennessee river removed, and a railway constructed between the steamboat navigation of that stream and the Alabama, or some of its tributaries, and a back country will at once be opened of such extent and fertility as to raise our infant seaport into rapid and respectable commercial importance, and reflect the greatest and most permanent benefits on the country at large. These difficulties, though great, are not beyond human powers. They are truly beyond the unaided means of Alabama at this early period of her existence, but if the generous assistance of the United States can be commanded, success will be rendered certain. When the United States were in the germ of existence, and weighed down by the debts of the revolutionary war, the States, with patriotic generosity, extended a helping hand. The revenue from foreign commerce was surrendered by the States, and, in addition to that ample resource, several of the States surrendered a large portion of their public domain. On these pillars the genius of the immortal Hamilton erected the fabric of public credit; under the influence of the system projected by him, and adopted by his cotemporaries, the public debt is annually diminishing by the action of the sinking fund. The public domain is no longer necessary to preserve the credit of the general government. The receipts from commerce will be more than ample to defray the expenses of the civil list, and extinguish the public debt in the lapse of a few years. A large surplus will be left at the disposal of Congress, and the mode of its employment must become a matter of the deepest concern to the States and the people. That the surplus shall be dormant in the Treasury is neither to be wished nor expected. Governments likewise will spend money according to their means; common opinion looks to the application of the surplus funds of the government to the purposes of internal improvement and general education. This must be done, if at all, under the direction and management of the general or the State governments. Many considerations that need not to be now mentioned lead to the anticipation of happier results, by the application of the means under the executive direction of the State authorities, than can be expected under the direction of the general government. So far as education is concerned, it is obvious that the control belongs to the State governments, and it is believed that all the objects of internal improvement can be effected by supplying the States with the means much more to the satisfaction and benefit of the people than by asserting a controverted power to the general government to operate even for public good within the States without their consent. As the United States were sustained and aided by the liberality of the States in the hour of need, and the means then furnished have been found much more than sufficient to effect the object of concession, and the States in turn need the assistance of the general government to enable them to effect objects of the greatest utility to the present and future ages, it is confidently believed that Congress will promptly accord the aid so necessary to the fame and prosperity of the States. The sums given by the United States to Georgia and the Indians for the lands included in Alabama, it is believed, have already been more than reimbursed by the sales already made, so that the unsold lands in our limits have cost the United States nothing. Allowing due weight to all these considerations, your memorialists indulge a hope that the proposition to purchase the public domain will meet with a favorable consideration by Congress, and that it will be sold upon terms that will enable the State to realize a profit, on selling it out to the citizens, sufficient in amount, with the other resources at our command, to accomplish the great objects of internal improvement herein mentioned, and so

necessary to the prosperity and greatness of the State, and so beneficial to the present and future generations.

We repeat that the purchase of the whole of the public domain in this State, upon suitable terms, would be the most desirable means of accomplishing the great objects in view. As to terms, it can only be now said that the means of payment must arise out of the sale of the lands, as payment cannot be otherwise made. Should the proposal to purchase be considered inadmissible or inexpedient by Congress, your memorialists beg leave to urge the claims of the State for a suitable donation in lands to aid the State in carrying on the important improvements before mentioned, and more especially the Muscle shoals and other obstructions in the Tennessee river. The practicability of that improvement is no longer doubtful, and your memorialists cherish a hope that the engineers of the United States will be instructed, in the course of the ensuing season, to make a more detailed survey with a view to locate the route, and determine the character and cost of the improvement, and whether a canal or railway will be most advisable; and that a suitable donation in lands will be made to the State for the purpose of effecting an object so desirable. While upon this subject your memorialists beg leave to state that it is doubted by some whether the State would be authorized to charge a toll or duty on boats and other craft, after improving the navigation of the Tennessee river, on account of the stipulation on our admission to the Union that our navigable streams should continue public highways, free for the passage of all the citizens of the United States; and as such doubts are calculated to dissuade the timid from embarking in the removal of obstructions, we respectfully pray that said stipulation may be so explained as to allow a reasonable toll to be charged whenever valuable improvements shall be made in any of our navigable bays and rivers, either by canal or the removal of obstructions from the channel, at great expense

In whatever way it may be the pleasure of Congress to grant us aid in promoting our views, the funds will be faithfully applied to the object for which they may be granted.

The liberal aid afforded to the northwestern States for similar purposes assures us that our application will meet with similar success. We cannot close this communication without presenting the condition of many of the purchasers of public land in this State to the favorable consideration of Congress. Many have been prevented by accident from availing themselves of the laws heretofore passed for their relief, and incurred forfeitures in the course of the present year, after having paid all but the last instalment, and made valuable improvements on the land; some by omitting to notice the time limited for final payment, and many from inability to raise the means of payment, owing to the joint operation of two causes beyond their control. Unusual droughts have prevailed for two successive seasons in many parts of the State, reducing the produce of the soil nearly or quite one-half, and the unexpected and unparalleled reduction in the price of the staple commodity. Forfeitures thus incurred by a people struggling with adversity cannot be retained by a just government. Further time must be allowed them to make payment, or they must be ruined. One of the banks in this State has failed in the course of the present year, which has augmented the public distress and diminished the means of payment. There is another class of citizens entitled to the favorable consideration of Congress. They have been urged by the necessities of the times to sell the certificates of purchase for their homes improved by their labor, and run the hazard of repurchasing. They continue to cultivate the soil and support the government. The law that passed the Senate at the last session proposed to give the person making the relinquishment on the legal holder of the certificate a pre-emption right to the land from which the certificate had been withdrawn. Such a provision would operate most unfairly. In many instances the certificate was sold for half the sum that had been paid on it or less, not with a view to own the soil it covered, but with the express view of relinquishing it in payment for other lands. Under such circumstances, to give a pre-emption right to the person making the relinquishment would give what he never bought or expected to own, and would be giving a boon without regard to merit, at the expense of the cultivator, whose necessities had driven him into the measure of selling his certificate. We repeat that, under such circumstances, the cultivator is the meritorious man, and should have the right of pre-emption. It must be apparent that the purchase of a certificate, in order to relinquish it in payment for other land, changes that inceptive muniment of title into a kind of *quasi* currency receivable in payment of debts, and dissolves all connexion between the title and the soil it covered. When possession has been left and remained with the seller, and he has continued to improve and cultivate the soil, surely the man who has already obtained by a relinquishment all the benefits he expected under his contract ought not to be allowed a preference in acquiring a new title to the soil. Your memorialists beg leave further to represent that many of the 16th sections allowed for the use of schools are of no value, and they persuade themselves that Congress cannot attach any magic to the particular number of the section, but, on the contrary, will be disposed to give the munificence of the government a practical operation, by allowing other land to be selected where the 16th sections are of little or no value.

Your memorialists beg leave to call the attention of Congress to the views submitted in 1825 on the subject of classifying and graduating the public lands, and allow them to be entered, instead of offering them for sale at auction, and reducing the price from time to time, until all the lands fit for cultivation shall be sold and become liable to taxation, and contribute to the support of government. Presuming that memorial is on file, we forbear to repeat the reasons then submitted in favor of the change proposed, but beg leave to refer to the same. There is another subject which, with due respect, your memorialists beg leave to present to the favorable consideration of Congress. We have some valuable seats for iron works, surrounded by large bodies of poor land suitable for fuel, but totally unfit for cultivation. The minimum price of public lands, as applied to the poor land in question, is unjust, and inasmuch as the State has no means of encouraging the manufacture of an article so necessary, it is respectfully requested that the United States would allow iron-masters to enter a reasonable quantity of poor land unfit for cultivation at a price so low as to afford the desired encouragement.

Resolved, That our senators be instructed, and our representatives requested, to use their best endeavors to procure the relief contemplated by this memorial.

And be it further resolved, That the governor transmit a copy of the foregoing memorial to our senators in Congress and another to our representatives.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*
NICHOLAS DAVIS, *President of the Senate.*

Approved January 15, 1828. JOHN MURPHY.

TREASURY DEPARTMENT, *General Land Office, January* 29, 1828.

SIR: Your letter of the 16th instant to the Secretary of the Treasury, requesting information relative to relinquished lands in the Huntsville land district, and to the unappropriated lands in Jackson county, Alabama, was duly referred to this office; but, from the circumstance of its having been misplaced, this answer has been delayed. The quantity of unappropriated lands in the county of Jackson, *including school lands*, is 712,307.13 acres. The whole quantity of land relinquished to the United States in the Huntsville land district is 551,357.94 acres. It is impracticable to ascertain the relinquished within the limits of the respective counties you designate, without having other means of information than the office now possesses as to the boundaries of those counties.

With great respect, your obedient servant, GEORGE GRAHAM.

Hon. WILLIAM R. KING, *Senate.*

GENERAL LAND OFFICE, *February* 8, 1828.

SIR: In compliance with your request of this date, I communicate the information required, in the form of answers to your several interrogatories.

First interrogatory. How much public land remains unsold in the State of Alabama?

Answer. Above the 31st degree of north latitude there remains unsold of the public lands 19,776,870.64½ acres of the lands ceded by the Indians, and it is estimated that there are 9,492,041 acres within the limits of Alabama unceded by the Indians. That part of Alabama south of the 31st degree of north latitude includes 1,658,880 acres. No surveys of this section of country have been returned to this office, and the private claims are yet in a course of adjudication; I am therefore unable to state the quantity of land that will be subject to sale by the United States in this portion of the State.

Second interrogatory. How much land has been relinquished and remains unsold in Alabama?

Answer. There has been relinquished in the State under the act of 1831 and those supplementary thereto, and under acts of 1824 and 1826, 1,482,718.66 acres, the original purchase money of which amounted to $7,578,840 26.

The land relinquished at the land office of Cahaba and at St. Stephen's, under the provisions of the acts of 1821, amounted to about 400,000 acres, were offered at public sale in 1824, and did not generally sell for more than the minimum price. The exact quantity of these lands which have since been sold cannot be ascertained except by a laborious investigation which would occupy much time. It may be proper, however, to state that the fractional sections on the Alabama relinquished as above stated, which sold generally at the highest prices, were not offered at the public sale in consequence of the absence of the surveys of the subdivisions.

The whole of the lands relinquished at any time at Huntsville, and those relinquished at Cahaba and at St. Stephen's since October 1, 1821, are not subject to be offered at public sale; they amount to 1,091,829.61 acres, and sold originally for $5,922,422 10¼. From this quantity, however, there will be a deduction of a small portion of the lands relinquished at St. Stephen's under the act of 1826, which lie in the State of Mississippi, the exact amount of which is not yet ascertained.

Third interrogatory. How much of the land surveyed has not been offered for sale?

Answer. Four millions four hundred and sixty-one thousand one hundred and forty-seven acres, lying above the 31st degree of north latitude, exclusive of the relinquished lands.

With great respect, &c., GEORGE GRAHAM.

Hon. J. MCKINLEY, *Senate.*

20TH CONGRESS.] No. 639. [1ST SESSION.

REDUCTION AND GRADUATION OF THE PRICE OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 5, 1828.

Mr. DUNCAN, from the Committee on Public Lands, to whom was referred a resolution directing an inquiry into the expediency of reducing and graduating the price of public lands, and of making donations to actual settlers, reported:

That their most diligent attention to the subject has been excited, as well on account of the magnitude of the national interests involved in the inquiry as on account of the strong solicitations of the legislative memorials of the several States and Territories of the United States, and the petitions of the people which have been presented to Congress so repeatedly upon this subject.

It appears by the report of the Secretary of the Treasury, made to Congress at the commencement of their present session, that more than two hundred and sixty-one millions of acres, lying within the States and Territories, have become the absolute property of the United States, free from Indian claim, since the organization of the government, and that during this time only about nineteen millions have been sold to individuals. Thus, in a period of about forty years, the amount of land sold constitutes the one-thirteenth part of the quantity subject to sale. Calculating upon the future from the past, then, a period of more than five centuries must elapse before the whole public domain of the Union, now within the unrestrained control of Congress, will become the property of individuals. None but the best lands have been sold, nor is it believed that, under the present system, much, if any, of an inferior quality will sell until the best shall have been exhausted. Considering how large a portion of the public lands is of small and no value; that nearly fifty-six millions of acres, to which the aborigines yet have title, will, in the course of a

few years, be added to the vast quantity before named, making a total of more than three hundred and sixteen millions of acres, we cannot reasonably expect that, under the existing plan, the government can dispose of them in any number of years within our power to enumerate. That so much territory should be withheld from sale for countless generations presents very forcibly the prospect of infinite injury both to the federal government and the States within which they are situated; to the former, on account of the unproductiveness of an immense capital; to the latter, on account of the interminable suspension imposed upon cultivation and improvement, and upon the rights of eminent domain and taxation; presenting withal the anomaly of the exercise on the part of a powerful government of sovereignty in fact over about twelve-thirteenths of the whole territory of seven States declared to be sovereign and independent by treaties, compacts, and constitutions of government. To every citizen of the Union this state of things is injurious; whilst collectively they possess superabundant wealth, they are individually subject to a tax upon the conveniencies and necessities of life, in the form of duties upon imports, to sustain a necessary revenue and to pay the principal and interest of the public debt. A conclusive proof of the insufficiency of the system now regulating this great national interest is found in the fact that it has entirely failed to answer the end for which it was confessedly devised. We are told by documents accompanying the report before mentioned that the expenses on account of the public land up to January 1, 1826, including purchases, surveying, and incidental expenses, amounted to almost thirty-three millions of dollars; that there had been received in cash a little more than thirty-one millions; showing a difference of near two millions of dollars between the expenditures and receipts. If to this balance is added the interest at six per cent. upon the amount expended, we shall have a sum not less than fifteen millions withdrawn from the public treasury, leaving out of view the expenses annually accruing from legislating on account of these lands. It appears, therefore, to your committee that the present mode of selling the public lands has been, and will continue to be, attended with the worst results. The facts stated present the question, whether the interest of the federal government, of the people of the United States, and more especially of the new States, do not require that the sales shall be accelerated in time to come? and this question seems to admit of no other than an affirmative answer. A large part of these lands was ceded to the United States soon after the Revolution for the purpose of enabling the federal government to discharge the public debt. So far from having accomplished that object, the public lands have increased the public debt. The present amount of that debt is about sixty-nine millions of dollars; the interest thereon is about three millions five hundred thousand dollars; a sum more than double as large as the net receipts from the sales of public land during the last year. Is it political economy or sound policy to permit demands so heavy to press upon the people of this country, which yearly subjects the means of subsistence to the operation of indirect taxation, to remain undischarged, when, by giving proper encouragement to the sale and settlement of your immense regions of uncultivated soil, this debt would be quickly paid, the means of living increased, and the strength of the country advanced, by increasing its population and adding to its substantial wealth?

The sale of public land for the year 1826 amounted to $1,163,897 23. It is not probable that the amount of sales for any subsequent year will exceed that sum. Taking that sum, therefore, as a standard, deducting therefrom $111,212 45 for incidental expenses, and $58,444, the five per cent. payable to the States under the contract for their admission into the Union, and the remainder will exhibit the sum of $993,240 78 as the net proceeds of the sales of public lands for each year, which, at six per cent., is the interest upon less than sixteen millions of dollars; so your whole landed capital is worth a sum short of sixteen millions of dollars, and greatly less if the cost of legislation constantly attending subjects growing out of the lands be computed. The three hundred and sixteen millions of acres situated within the States and Territories, after deducting twenty millions, which is near the amount disposed of, if sold at six cents per acre, would produce the sum of $17,760,000, which would produce a clear gain to the government of near two millions of dollars; and if sold at twelve cents, your capital is more than doubled; and if sold at twenty-five cents, the minimum designed by the bill reported, your capital is quadrupled.

Is it not desirable, then, to the whole people of the United States so to apply their own means as to relieve their treasury from all embarrassment, or to change an unproductive into a productive fund? In the light of a question of mere national policy, your committee cannot hesitate to believe that some radical change ought to be made in a system which has for so many years, under some modifications, produced absolutely nothing. But there is a point of view in which the subject presents itself more imposing. The act of cession by which the United States acquired the soil of three States, of the Michigan and Northwest Territories, declares that the lands shall be "disposed of." These words confer the power of disposition in any mode which may consist with the interests of the nation. No doubt one great object was to strengthen the credit of the federal government, by putting it into the power of Congress to secure the public creditors. Here we find that these lands were pledged for the payment of the public debt. May not another motive for the cession be found in a willingness on the part of Virginia to relieve her own citizens from a portion of the taxes which would fall to their lot to pay this debt, and sustain the character and honor of the nation?

The situation of the new States is such as to claim a full portion of the consideration of this government in reference to this subject. To those States it is of pressing moment that the public lands should become the property of their citizens with the least delay compatible with the national interest. The numerous petitions, memorials, and legislative resolutions, heretofore presented from them, evince the lively and anxious concern with which the present state of things impresses them.

If these lands are to be withheld from sale, which is the effect of the present system, in vain may the people of these States expect the advantages of well-settled neighborhoods, so essential to the education of youth, and to the pleasures of social intercourse, and the advantages of religious instruction. Those States will for many generations, without some change, be retarded in endeavors to increase their comfort and wealth by means of works of internal improvement, because they have not the power, incident to all sovereign States, of taxing the soil to pay for the benefits conferred upon its owner by roads and canals.

When these States stipulated not to tax the lands of the United States until they were sold, they rested upon the implied engagement of Congress to cause them to be sold within a reasonable time. No just equivalent has been given those States for a surrender of an attribute of sovereignty so important to their welfare, and to an equal standing with the original States.

A remedy for such great evils may be found in carrying into effect the spirit of the federal Constitution, which knows of no inequality in the powers and rights of the several States, consulting at the same time the moneyed interests of the confederacy, by disposing of the means (in the exchange of lands for money) of the exercise of an undue share of federal influence over any. These purposes may be answered by

pursuing a plan so plain and obvious in itself that it would appear to your committee to meet the ready assent of all mankind, viz: sell public land upon the same principles that individuals sell private land and property of every sort, for what it is worth, considering its quality and locality. By adhering to a minimum you fix a price only upon the best, and leave that of less value a dead weight upon the hands of the nation, and upon the prosperity and population of the States. It appears to your committee that a scale of prices adapted to the various quality and value of lands furnishes the most reasonable and expedient system. This is the object of the many memorials before us, and is the essential proposition contained in the bill which has for some years past been under consideration in another branch of the legislature. The bill now presented embraces the same principle, and proposes—

1. That lands heretofore offered at public sale, and which remain unsold, should be offered at private sale at annual reductions of price, commencing at one dollar per acre, and abating twenty-five cents per acre every two years until a purchaser is found, or the lands fall to twenty-five cents. This provision is intended to operate upon such lands only as are now in market at $1 25; a portion of which has been in market for about forty years, and other portions for five, ten, fifteen, twenty, and twenty-five years.

2. That lands not heretofore offered for sale, and which may, by the proclamation of the President, be offered at public vendue, shall have the same rule applied to them.

3. That small tracts of eighty acres be given to the heads of such families as will cultivate, improve, and reside on the same for five years. This proposition has recommended itself to the consideration of your committee by a knowledge of the fact that there are many families who are neither void of industry nor of good moral habits, who have met with a usual share of the difficulties always accompanying the settlement of a new country, and who, living very remote from market, never expect to see the day arrive when they will be enabled to save enough, with all their efforts, from their means of actual support, to purchase a farm and pay for it in cash. Besides, your committee believe that such small earnings applied to the improvement and cultivation of small tracts, scattered through the public domain, would be as advantageous to the public as though they should be paid directly into the treasury. No axiom in political economy is sounder than the one which declares that the wealth and strength of a country, and more especially of a republic, consists not so much in the number of its citizens as in their employments, their capability of bearing arms, and of sustaining the burdens of taxation whenever the public exigencies shall require it. The poor furnish soldiers, and an experience shows that the patriotism which exists apart from an interested love of country cannot be relied upon. The affections of good citizens are always mingled with their homes and placed upon the country which contains their fields and their gardens.

4. The fourth clause of this bill applies to cessions of the refuse lands to the States in which they lie. It provides that all the land which shall remain unsold for two years after having been offered at twenty-five cents per acre shall be ceded to the States in which they lie, upon condition that said States pay into the treasury of the United States the costs of purchase and surveying of said land. The argument in favor of this cession lies in the difference between letting these refuse lands remain idle for the time they probably will remain so if retained in the hands of the federal government, where they are used alone for raising revenue, and the benefits which might be derived from them if passed into the hands of the State, where they would be used for the various purposes of raising revenue, making internal improvements, and for the encouragement of settlements. In the hands of the federal government they would probably remain idle and unproductive for centuries; they would pay no taxes into the federal or State treasuries; they would yield nothing to agriculture; they would be despoiled of their timber, a harbor for wild beasts; cause separations of neighborhoods—great portions of them consisting of lakes, ponds, marshes, and grounds subject to inundation, now the sources of disease and pestilence to the surrounding neighbors, even to those who live upon land bought of the federal government. On the other hand, if ceded to the States it would relieve Congress from the numerous and increasing causes for legislation in relation to them; it would leave them in the hands of a government intimately acquainted with their localities, consequently more capable of legislating upon the subject, and of turning them to the best account, in the promotion of education, improvements, and agriculture, the great purposes for which the God of nature designed them; and it will be seen that if those lands are sold promptly at six cents per acre, which is not far from the cost, that they will yield more than to sell them under the present system at $1 25.

It will be remembered that the government will still own, in the Territories, 101,482,870 acres, and within the limits of the United States, 700,000,000 of acres, which will be an ample fund to offer as bounties for soldiers to enlist in our armies, or to give to the officers or soldiers as an encouragement for the patriotic services of future generations.

To this report the committee have attached the following tables, exhibiting the operation of the system from the commencement up to the present time:

Statement of the lands of the United States which have been surveyed and sold; which have been surveyed and remain unsold; the whole quantity of land in the States and Territories, and the quantity without the limits of the States and Territories, and within the limits of the United States.

States and Territories.	Quantity surveyed and sold.	Quantity surveyed and not sold.	Whole quantity of land in the several States and Territories, and the quantity not included within their limits, and within the bounds of the U. States.
	Acres.	*Acres.*	*Acres.*
Ohio	7,488,359	7,734,769	26,000,000
Indiana	3,227,093	10,453,456	21,760,000
Illinois	1,403,482	19,684,186	39,000,000
Missouri	1,017,093	17,957,157	38,400,000
Alabama	3,685,244	16,612,600	32,512,000
Mississippi	1,198,969	6,015,182	29,024,000
Louisiana	153,277	2,679,186	30,540,000
Michigan Territory	146,320	4,669,890	17,280.000
Arkansas Territory	26,321	7,229,514	33,000,000
Florida Territory	55,689		30,000,000
Without the limits of the States and Territories, and within the United States.			700,000,000

Statement of receipts into the treasury from the sale of public lands, and of the amount annually paid for interest on the public debt, for the same period.

Years.	Amount paid for interest on the public debt.	Amount paid into the treasury from the sale of public lands.	Years.	Amount paid for interest on the public debt.	Amount paid into the treasury from the sale of public lands.
1796	$3,183,490 56	$4,836 13	1812	$2,451,272 57	$710,427 78
1797	3,220,043 06	83,540 60	1813	3,559,455 22	835,655 14
1798	3,053,281 28	11,963 11	1814	4,593,239 04	1,135,971 09
1799	3,186,287 60		1815	5,700,374 01	1,287,959 28
1800	3,374,704 72	443 75	1816	7,157,500 42	1,717,985 03
1801	4,396,998 69	167,726 06	1817	6,381,209 81	1,991,226 06
1802	4,120,038 95	188,628 02	1818	6,016,314 98	2,606,564 77
1803	3,790,113 41	165,675 69	1819	5,163,538 11	3,274,422 78
1804	4,259,582 55	487,526 79	1820	5,126,097 20	1,635,871 61
1805	4,140,998 82	540,193 80	1821	5,162,543 66	1,212,966 46
1806	3,694,409 88	765,245 73	1822	5,165,819 99	1,803,581 54
1807	3,369,578 48	466,163 27	1823	5,010,409 44	916,523 10
1808	3,428,152 87	647,939 06	1824	4,993,861 47	984,418 15
1809	2,866,074 90	442,252 33	1825	4,295,138 00	1,216,090 56
1810	2,845,427 53	696,548 82	1826		1,393,785 09
1811	2,465,733 16	1,040,237 53	1827	3,492,533 00	1,462,226 81
					29,894,595 94

N. B.—There may be a small addition to the amount paid into the treasury from the sale of public lands in 1827, as some of the distant offices are yet to be heard from.

JOSEPH NOURSE, *Register.*

TREASURY DEPARTMENT, *Register's Office, January* 20, 1828.

Statement showing the quantity of public land in each State and Territory to which the Indian title has been extinguished for the use of the United States, the quantity to which that title remains unextinguished, and the quantity sold.

States and Territories.	Indian title extinguished.	Indian title not extinguished.	Sold by the U. States.
	Acres.	*Acres.*	*Acres.*
Ohio	24,388,745	409,501	8,778,715
Indiana	16,060,036	6,399,632	3,068,868
Illinois	29,517,262	6,424,640	1,222,442
Michigan	17,561,470	7,339,360	291,839
Missouri	39,119,018		980,372
Alabama	24,482,159	9,520,496	3,496,369
Mississippi	14,188,454	14,188,454	1,155,652
Louisiana	31,463,040		150,375
Arkansas	33,661,120	7,634,160	39,177
Florida	31,254,120	4,032,640	55,689
Total	261,695,424	55,948,883	19,229,508

20TH CONGRESS.] No. 640. [1ST SESSION.

LAND CLAIMS ON ACCOUNT OF INDIAN RESERVATIONS OMITTED IN TREATY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 5, 1828.

Mr. SMITH, from the Committee on Indian Affairs, to whom were referred the petition of Angelia Cutaw, *alias*, in Indian, Mutamagoquo, a half-breed Chippewa, and also the petition of Cecille Boyer, *alias*, in Indian, Kawchichanoqui, of Indian descent, reported:

The petition of Angelia Cutaw, in substance, sets forth that Mutamagoquo, now deceased, the mother of the petitioner, a half-breed Chippewa, was at the treaty of Saginaw, in the Territory of Michigan, which treaty was concluded on September 24, 1819, between the United States, by their commissioner, Lewis Cass, and the Chippewa nation of Indians; that it was the intention of the Indians at the treaty to give her a reservation of one section of land on Flint river, in the Territory of Michigan, in the same manner that reservations were given to other Indians by the third article of the treaty aforesaid; that her mother always, during her lifetime, believed that her name was inserted in the third article of the treaty aforesaid, and that she had been given by said article, by way of reservation, a section of land; that the Indians and the interpreters told her that it should be so; but that, through fraud or accident,

her name was omitted to be inserted in the treaty. The deposition of Henry Conner, the interpreter, who acted as such at the treaty, in the opinion of your committee, fully proves the facts stated in the petition, so far as they are material to a decision of the question submitted. Your committee think proper to make an extract from his deposition a part of this report. He says "that he acted as interpreter; that he was employed on the part of the *United States as such;* that Angelia Cutaw, the mother of the petitioner, was well known to deponent, and was of Indian descent; and that the Indians intended to grant her a section of land on Flint river; that the Indians believed her name was included, as well as herself *and deponent;* but from misnomer, or otherwise, her Indian name appears not to be mentioned in the treaty, although at the time it was intended to be inserted. Deponent is sanguine in this statement, being called by the Indians specially to interpret in the case, as well as in all other cases alluded to in the petition; and, to the best of deponent's recollection, he understood and believed at the time that she was to have a section of land granted her on Flint river reservation." The other petitioner, Cecille Boyer, states, in substance, the same as is stated by the petitioner, Angelia Cutaw. The only difference between the cases is in the persons concerned, and the right under which they claim. In the former case, the petitioner claims as one of the heirs of her mother, Mutamagoquo, whose name was intended to have been inserted in the treaty; and in the latter case, the petitioner claims in her own right, and proves, by the interpreter who acted at the treaty, that her name was intended to have been inserted, but that it was omitted through fraud or mistake. The principles involved, it will therefore at once be seen, are precisely the same in the two cases. The facts set forth in the petitions being proved to the entire satisfaction of your committee, the conclusion to them is irresistible, that good faith on the part of the United States requires a specific performance of the contract on their part. It is conceived to be altogether immaterial to the justice of the claim of the petitioners whether their names were inserted in the treaty at the time or not, so that it was the intention of the contracting parties at the time that their names should be inserted. That it was the understanding of all parties at the time that reservations should be granted to the said Mutamagoquo, deceased, and the said Cecille Boyer, of one section of land each, lying on Flint river, in the Territory of Michigan, your committee cannot doubt, and therefore accompany this report with a bill for the relief of the said Cecille Boyer and the children of Mutamagoquo.

20TH CONGRESS.] No. 641. [1ST SESSION.

APPLICATION OF OHIO FOR ADDITIONAL SCHOOL LANDS IN THE CONNECTICUT RESERVE.

COMMUNICATED TO THE SENATE FEBRUARY 5, 1828.

RESOLUTION.

Resolved by the general assembly of the State of Ohio, That our senators in Congress be instructed, and our representatives requested, to use their best endeavors to procure a grant of so much land from the United States, for the use of schools in the Connecticut western reserve, as, together with the land heretofore granted for that purpose, shall be equal to one thirty-sixth part of the land contained in said reserve; and that the government of this State be requested to forward copies of the foregoing resolution to each of our senators and representatives in the Congress of the United States.

EDWARD KING, *Speaker of the House of Representatives.*
SAMUEL WHEELER, *Speaker of the Senate.*

JANUARY 5, 1828.

20TH CONGRESS.] No. 642. [1ST SESSION.

APPLICATION OF ALABAMA TO EXCHANGE THE SCHOOL LANDS WHEN BARREN FOR OTHER LANDS.

COMMUNICATED TO THE SENATE FEBRUARY 6, 1828.

JOINT RESOLUTIONS in relation to an exchange of sixteenth sections.

Whereas it is enacted, by the act providing for the admission of this State into the Union, that the section numbered sixteen in every township shall be granted to the inhabitants of such township for the use of schools: and whereas many of the sections so granted in some of the counties in this State are utterly barren and unproductive, so that the beneficent intentions of Congress will fail of their intended effects unless some relief be afforded: Therefore—

Resolved by the senate and house of representatives of the State of Alabama in general assembly convened, That our senators in Congress be instructed, and our representatives requested, to use their best endeavors

to obtain the passage of an act authorizing the inhabitants of the several townships in this State, wherein the section numbered sixteen (granted for the use of schools) is barren and unproductive, to relinquish the same, and enter in lieu thereof, with the register of the land office for the proper district, another section of land which shall have been offered for sale previously to the first day of January, one thousand eight hundred and twenty-eight, and remains unsold and subject to entry; and that in such townships (in which said section numbered sixteen may be barren and unproductive) as at present contain no inhabitants, the legally constituted authorities of the county in which such township or townships may be situated be authorized to make such entry, and to apply the emoluments arising from said section, selected in lieu of sections numbered sixteen, to the support of schools in said county, until such townships shall become populated.

And be it further resolved, That his excellency the governor be, and he is hereby, required to transmit a copy of the foregoing preamble and resolution to each of our senators and representatives in Congress.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*
NICH'S DAVIS, *President of the Senate.*

Approved January 7, 1828.

JOHN MURPHY.

20TH CONGRESS.] No. 643. [1ST SESSION.

RELATIVE TO A CHANGE IN THE ORIGINAL PLAN OF THE CITY OF DETROIT, IN MICHIGAN.

COMMUNICATED TO THE SENATE FEBRUARY 8, 1828.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned, inhabitants of Detroit and citizens of the United States in the Territory of Michigan, respectfully showeth: That by the provisions of an act of Congress entitled "An act to provide for the adjustment of titles to land in the town of Detroit and Territory of Michigan, and for other purposes," approved April 21, 1806, the governor and judges of the Territory were authorized to lay out a town, &c., and to grant to every citizen of the United States, under certain restrictions, who was an inhabitant of the old town of Detroit at the time of its conflagration, a donation lot not exceeding five thousand square feet; that, in pursuance of the provisions of the said act of Congress, the said governor and judges did lay out a town, embracing a large extent of ground, extending back from the river Detroit nearly one mile, and granted and sold all the lots so laid out by them, and gave deeds to the respective grantees and purchasers for the same. The said governor and judges did also expend large sums of money, and at repeated periods, to cause the said town or city to be surveyed and plats of said surveys to be made and recorded, on which the grants and public sales at auction of the said lots were made. Under those circumstances many of your memorialists became owners of lots, either as donations, or by purchase from the original grantees, or from the said governor and judges, at public auction. Your memorialists beg leave further to remark, that a period of nearly twenty-two years has elapsed since the laying out and establishing the plan of the said city of Detroit; that the titles of the respective owners of lots have for many years been recorded, agreeably to the statutory provisions of the said Territory; that many of your memorialists have expended large sums of money in labor, buildings, and improvements in and about the said lots and the streets on which they are situated; that your memorialists have been subjected to the payment of heavy taxes on the said lots, and have necessarily and unavoidably contributed large sums of money to roads, streets, public buildings, and other improvements within the said city; and, moreover, have been subjected to the depredations of savage enemies during the late war, and the consequences incident to such a state on a frontier Territory during the period of its occupation by the enemy. Your memorialists have, during many years, indulged the hope that a period would arrive when they would be in some measure remunerated and indemnified by the enjoyment of the fruits of their privations and economical savings during so long a period of time, by realizing the benefits of the increase in value of the said property; but just at the dawning of this prospect your memorialists, with mingled emotions of regret and disappointment, find that their hopes and expectations are suddenly obscured and in a great measure dissipated by an attack on their vested rights, entirely unexpected and unlooked for from the source from which it has emanated. It never entered into the minds of your memorialists that, as soon as a supposed improvement in the legislative authority of the Territory should be obtained, legislative enactments, under frivolous and delusive pretences, would be passed to impair and take away *rights* which we had fondly cherished as inalienable and permanent; but, to the great surprise and disquietude of your memorialists, the legislative council of the said Territory did, by an act entitled "An act relative to the city of Detroit," (see sections 13, 14, 15, 16, 17, 18, and 19 of said act,) approved April 4, 1827, authorize the mayor, recorder, aldermen, and freemen of this city to pass such laws and ordinances as they might think proper; to vacate and alter diametrically the recorded plan of said city; and the act of the said legislative council contains several other arbitrary provisions, intended to impair and take away the legal, vested, and constitutional rights of your memorialists to their property, lawfully acquired; and notwithstanding the remonstrances of your memorialists, directed both to the said legislative council and to the said mayor, recorder, aldermen, and freemen of Detroit, an ordinance of said corporation has been passed vacating the recorded plan of the city of Detroit, and authorizing streets and alleys to be run, in directions entirely different, over the private property of your memorialists, throwing everything into the utmost confusion, and thereby impairing and destroying the property and rights of your memorialists without any kind of expediency or necessity for the public good, but merely to gratify the whim and caprice of some men who pretend to have a great predilection to a rectangular

plan, instead of the old plan, which is on the basis of an equilateral triangle. Your memorialists would also observe that by such unwarrantable alteration it will be unsafe to hold any ground within the limits so altered, as the lots, agreeably to the new plan, will frequently be made up of parts of lots owned by various individuals, some of whom are absent from the country and in foreign parts, and others are owned by minors and heirs of the original grantees. It has been speciously urged by those who have planned the alteration that there were errors and incongruities in the old plan. Your memorialists can only reply, in answer to such reasons, that such alteration will only tend to increase, instead of obviating, the confusion which otherwise might easily be remedied.

Your memorialists cannot but be persuaded that the course which has been commenced and pursued, relative to the plan of the city of Detroit, is replete with sinister consequences, and will operate injuriously and ruinously on many of its inhabitants. Such example will also have great weight over the whole Territory, and operate as a great discouragement to men of property in vesting their money in landed property within this city or Territory; for if this corporation has power to alter the plan diametrically this year, what guarantee have the owners of property against future and frequent alterations hereafter? What man of ordinary prudence would, under such circumstances, think of holding any real estate or of erecting buildings in a place under such circumstances?

Your memorialists are fully persuaded that much of the future prospects of this city must be founded on its commercial growth and importance, being the metropolis; and from its advantageous and central position there is reason to believe that it will continue to be the most important commercial entrepot for all the upper lakes and the country bordering on them. Any measure, therefore, having a tendency to unsettle the titles to lots in said city will always and lastingly be felt, and should, therefore, be deprecated as a great public as well as private misfortune.

Your memorialists, in conclusion, beg leave to observe that it is an axiom in civilized governments, as sound as it is wise and just, that much of the prosperity of all states must depend essentially upon the laws which secure and guarantee to private individuals the rights of property and the faithful administration of such protecting laws. Take away such protection and security, and what is there left to stimulate the faithful citizen to honest exertion, and industry, and economy, to acquire real estate? What becomes of private as well as public wealth? Is not the power of states and empires in a measure commensurate with the wealth and numbers of its population? Is not the secure tenure of real estate one of the greatest and most essential and prominent features in our great American bill of rights, the magna charta of American independence? Are not such rights recognized and guaranteed to the citizens of the United States residing under the territorial governments by the provisions of the articles of compact, declared to be unalterable, promulgated by the authority of Congress in their ordinance of July 13, 1787?

Your memorialists, therefore, for these and several other reasons which might with great propriety be urged in the premises, respectfully request that your honorable bodies will take this our memorial into consideration, and the reasons on which it is founded, and also pass in review the act of Congress hereinbefore mentioned, of April, 1806, and especially such part as relates to the duties imposed by the provisions of the said act on the governor and judges, requiring a report of their proceedings; and your memorialists further request that a confirmation by Congress of the acts of the said governor and judges, so far as relates to titles held under them, may be made; and that the original plan, as established by the said governor and judges, may also be approved; and that your honorable bodies will be further pleased to extend your paternal and protecting authority over the rights of your humble memorialists by repealing or annulling the act of the legislative council of this Territory of April 4, 1827, and all other acts supplemental or in addition thereto tending to impair, abridge, or take away the vested rights of your memorialists.

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

W. N. Deecriss.
Garry Spencer.
John Farmer.
D. Cooper.
Wm. Durell, jr.
Z. L. King.
Martin Booth.
W. H. St. Clair.
Jno. McKenney.
John Garrison.
Rufus Weller.
Jos. Coté.
Presque Coté.
Thomas Caquilar.
Eustache Chapoton.
Jno. R. Williams.
Chs. Jackson.
Alex. D. Fraser.
Jos. Campau.
Robert Smart.
Peter Demoyers.
B. Campau.
Wm. M. Coskry.
Oliver W. Miller.
M. Hanks.
Catharine McNiff.
Jno. Truax.
Jeremiah V. R. Ten Eyck.
D. C. Cannuff.
Jeremiah Moors.
John Cook.
Henry Chapoton.
Job Bodet.
Moses Girardin.
F. Letourno.
Leonard Loomis.
Wm. Brown.
Joseph Amlin.
Robert Abbott.
James May.
D. B. Cole.
W. De Grummond.
C. P. Cole.
Lewis B. Sturgis.
Theo. Williams.
Gildersleve Hurd.
Richard Butler.
Martin Story.
Harvey Williams.
Gilbert Bagnall.
Edward A. Trumbull.
J. B. D. Beaubier.
J. G. Navarre.

DETROIT, *January* 12, 1828.

MICHIGAN TERRITORY, *County of Wayne:*

I certify the within petition to be a true copy of the original, transmitted by General John R. Williams, of this city, to the honorable Mr. Van Ranssalear, of the House of Representatives.

JOHN McDONELL.

CITY OF DETROIT, *January* 20, 1828.

AN ORDINANCE.

DETROIT, *April* 23, 1827.

The following ordinance is published in conformity with the 17th section of the "Act relative to the city of Detroit;" notice will hereafter be given of the time and place appointed for bringing the same under the consideration of a public meeting of the freemen of said city:

AN ORDINANCE relative to a change of the plan of the city of Detroit, passed in conformity with the provisions of the 14th section of an act of the legislative council of the Territory of Michigan, entitled "An act relative to the city of Detroit," approved April 5, 1827.

SECTION 1. *Be it ordained by the mayor, recorder, and aldermen of the city of Detroit,* That so much of said city as is embraced within the limits set forth in the 13th section of the act mentioned in the title of this ordinance be laid out anew, agreeably to the plan draughted by John Mullett, under the direction of the mayor, recorder, and aldermen; of which the original shall be deposited with the city clerk, and a copy thereof shall be placed on the records of the city register. And all streets, alleys, public squares, &c., not therein specially recognized, shall henceforth cease to be such.

SEC. 2. That all owners of lots situated upon that part of the city plat mentioned in the foregoing section, who may approve of the provisions of the 13th, 14th, 15th, 16th, and 17th sections of the act of the legislative council mentioned in the title of this act, and may desire that the same be carried into effect, shall subscribe a paper to be deposited at the office of the city clerk, setting forth such assent, and thereupon the provisions of the act of the legislative council aforesaid shall be binding upon the lots of such assenting proprietors; and non-resident owners of lots may make known their assent by letter, or other written evidence. And it shall be the duty of the common council to appoint twelve freeholders of the city of Detroit, who shall proceed to affix a valuation to all lots laid out on that part of the plan heretofore established which is changed by this ordinance, and also a valuation to all lots as laid out in the plan adopted in the 1st section of this ordinance. And it shall be the duty of the mayor, recorder and aldermen to grant to such proprietors as may have expressed their assent to the act upon which this ordinance is founded, in the manner before prescribed, an equivalent in lots or money, at the option of such proprietors, upon quit-claim being made to the mayor, recorder, aldermen, and freemen of the city, of all lots for which equivalent is claimed.

SEC. 3. That before any street shall be opened and established on that part of the city plat of which the plan is altered by this ordinance, which shall affect the interest of such owners of lots as may not have declared their assent, as is before provided, the common council shall proceed in the manner prescribed in the 18th and 19th sections of the "Act relative to the city of Detroit," and such owners shall be entitled to the privileges and subject to the provisions thereof.

JOHN BIDDLE, *Mayor.*

Attest: JOHN J. DEMING, *Clerk of the Common Council.*

The following are the sections of the "Act relative to the city of Detroit" referred to in the preceding ordinance:

"SECTION 13. That the mayor, recorder, and aldermen of the city of Detroit, or a majority of them, be, and they are hereby, authorized to cause to be surveyed all that part of the said city lying northerly of Larned street, westwardly of Woodward avenue, southerly of the out-lots, and easterly of the Macomb line, so called, and also all that other part of the said city lying northerly of Larned street, westerly of the Brush line, so called, southerly of said out-lots, and eastwardly of said Woodward avenue, or so much thereof as they may deem expedient, and to relay out and divide the same into lots, streets, lanes, and squares, so that every street running easterly and westerly shall be parallel to said Larned street, and every street running northerly and southerly shall be parallel to said Woodward avenue, or as nearly so as practicable.

"SEC. 14. That it shall be competent for the mayor, recorder, and aldermen of the said city of Detroit, or a majority of them, and they or a majority of them are hereby authorized to provide, by an ordinance to be by them passed, for assessing the value of all the lots owned by individuals or corporations, or held in trust by the governor and judges of the Territory of Michigan under an act of the Congress of the United States, approved in April, 1806, in that part of the said city which they, the said mayor, recorder and aldermen, or a majority of them, shall cause to be surveyed, relaid out, and divided, as aforesaid, and for assigning to the owners of such lots other lot or lots to the value assessed, if such owner or owners shall consent to take such lots, and for the payment of said value, or any part thereof, in money: *Provided,* That a right of appeal be allowed to the circuit court of the county of Wayne; and said court shall cause an issue to be made up, and the amount of damages to be assessed by a jury, from the decision on the value of any lot, if said appeal shall be prosecuted within one year after such value shall be assessed, and not otherwise.

"SEC. 15. That when the value of any lot or lots ascertained and determined, pursuant to the provisions of the ordinance to be passed as aforesaid, or so much thereof as shall be covered by any street or alley, shall be paid or tendered to the owner or owners thereof; or when any other lot or lots to the said value shall be assigned to such owner or owners, the said owner or owners shall thereupon release and quit-claim to the mayor, recorder, aldermen, and freemen of the city of Detroit all title to his, her, or their lot or lots, the value of which has been paid or tendered, or some other lot or lots assigned to the value thereof, as aforesaid; and if such owner or owners, after such payment or tender, or assignment, as aforesaid, shall neglect or refuse, for the space of one year, to execute and deliver to the said mayor, recorder, aldermen, and freemen of the city of Detroit, good and valid release and quit-claim of all his, her, or their title in and to the lot and lots aforesaid, then, and in such case, the deed and deeds of such owner or owners of the lots aforesaid shall be void, and shall not be given in evidence of title in any court of law or equity in this Territory. And the deed and deeds which may thereafter be executed and delivered for conveying title to the lot and lots, or any part thereof, of such owner or owners, shall be deemed and taken to be, in all courts of law and equity in said Territory, conclusive evidence of legal title in fee of the premises described in such deed and deeds, any law or usage to the contrary notwithstanding: *Provided,* That nothing herein contained shall be so construed as to deprive or debar the owner and owners aforesaid from having the value of his, her, or their said lot and lots so ascertained as aforesaid and in

manner aforesaid: *Provided, also,* That for recording and registering all deeds and other instruments necessary and proper to be recorded and registered in the fulfilment of the change of the plan of the said city in manner aforesaid, the common council of said city shall, at the expense of the said city, procure such record books and blanks as the said common council may deem suitable; and the city register shall be, and he is hereby, required, when said record books and blanks shall be procured, as aforesaid, to make therein all records and registry of all deeds and other instruments that may be deemed necessary by said common council; and the city register shall receive 6¼ cents for every one hundred words actually written, and no more.

"SEC. 16. That all the expenses which shall accrue for surveying, relaying out, and dividing said city as aforesaid; for assessing the value of lots, and for making all transfers necessary to give this act effect, and for recording the same, shall be paid by the mayor, recorder, aldermen, and freemen of the city of Detroit; and all the lots within the limits mentioned in the 13th section of this act, remaining after all the claims of the owner and owners thereof are satisfied and adjusted in the way and manner as aforesaid, shall become the property and be and remain to the mayor, recorder, aldermen, and freemen of the city of Detroit and their successors in fee: *Provided, however,* That a lot of suitable size, to be designated by the common council of said city, with the approbation and consent of the governor of this Territory, shall be reserved around the court-house and another around the jail.

"SEC. 17. That it shall be the duty of the mayor, recorder, and aldermen of said city, as soon as convenient after the passing of this act, to make and publish the ordinance prescribed in the 14th section of this act, and thereupon to call a public meeting of the freemen for the purpose of taking the same into consideration, and a majority of said freemen shall approve of such ordinance, or alter and amend the same until approved of; whereupon the said mayor, recorder, and aldermen shall proceed to carry the same into effect.

"SEC. 18. That the common council of the said city, or a majority of them, shall have full power and authority to lay out, establish, open, and make such streets, lanes, alleys, side-walks, highways, water-courses and bridges, within the limit and agreeably to the plan of said city as they may deem necessary for the public convenience: *Provided,* That notice of the intention to lay out, open, establish, and make such street, lane, alley, or side-walk, highway, water-course, or bridge, shall be given, either personally to those interested or by publication in some newspaper published in said city, previous to the meeting of the common council for that purpose.

"SEC. 19. That when the owner or occupant of any lot, tenement, or premises, through or adjacent to which any street, lane, alley, side-walk, highway, or bridge is proposed to be opened or made, shall claim damages therefor, such owner or occupant shall present his claim in writing, to be filed with the clerk of said city, previous to the meeting of the common council for the purpose aforesaid; and if the common council shall determine that such improvements shall be made, they shall issue their precept in the nature of a *venire facias,* directed to the marshal of said city, requiring him to summon six disinterested freeholders of said city, who shall assess the damages under oath which the party so claiming may sustain thereby; which sum so assessed, together with all costs, shall be paid or fully tendered before such street, lane, or alley, side-walk, highway, or bridge shall be made, opened, or established; and the marshal is hereby authorized and empowered to administer the oath aforesaid to the said jurors, well and truly to inquire of and assess the damages in the premises: *Provided, nevertheless,* That the party claiming damages shall have the right to remove such proceedings by *certiorari* or appeal to the supreme or circuit court of this Territory, upon giving notice of such intention of appeal to said common council in writing within three days after the award of the freeholders aforesaid; but no *certiorari,* appeal, supersedeas, injunction, or other process from said court shall prevent the immediate making, laying out, or opening such street, lane, alley, side-walk, highway or bridge; and the said supreme or circuit court, on hearing such *certiorari* or appeal, shall award such damages as may be deemed just, and may render judgment for the same in the same manner as in a suit against the corporation of said city; and if the said supreme or circuit court shall not give judgment for greater damages than those awarded by the freeholders aforesaid, the party removing such suit shall not be entitled to costs."

20TH CONGRESS.] No. 644. [1ST SESSION.

RELATIVE TO A GRANT OF LAND TO OHIO FOR PAYING DEBT INCURRED FOR MAKING CANALS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 11, 1828.

Mr. ISACKS, from the Committee on Public Lands, to whom was referred the resolution of the House of the 3d of January last, with instruction "to inquire into the justice and expediency of appropriating a portion of the public lands to the State of Ohio to aid the said State in the payment of the debt contracted for the canals authorized by the laws of said State," reported:

That the interesting nature of the work to which the attention of your committee has been directed, and the certainty of its being capable of successful execution, are sufficiently obvious without presenting, in detail, the result of inquiry.

The Ohio canal passes entirely through that State. The length of its main stem is about three hundred miles. Its points of termination are in the Ohio river, at the mouth of Scioto, and in Lake Erie, at the mouth of Cuyahoga. It will afford navigation to the extensive and productive country through which it runs. It will connect the whole eastern, northern, and middle regions of the Union with the valley of the west; uniting the Mississippi and all its streams with the northern lakes and the great rivers through

which they discharge themselves—the Atlantic with the Gulf of Mexico. The men, munitions, and provisions in war, the trade and intercourse in peace, that must pour through this channel of inland commerce claim for it a very high degree of national advantage.

The reports of the canal commissioners have been before the committee, which show that funds for the completion of the whole work have been obtained by loan; that near two hundred miles of the line have been not only placed under contract, but are now in a state of forwardness, and that the undertaking is conducted with great skill, enterprise, and economy. That this improvement, commenced in 1825, will likely be finished in less time to come than it has already been in progress. On this ground the assurance will be deemed sufficient, when it is recollected that the State of Ohio, after the most accurate surveys and careful estimates, upon her own responsibility, has engaged to effect the object, and without actual funds has embarked upwards of three millions of dollars in the enterprise, and for the payment of the debt, with the accruing interest, has pledged the property of her citizens and the faith of the State. Her only means (as it is understood) of paying the current interest is by levying an *ad valorem* tax upon private property and chiefly real estate, which, including the cost of collection, cannot fall much short of twenty thousand dollars a year. Such contributions must be seriously felt by the population of a country recently settled, and which, by continued industry, is but gradually opening to cultivation. These difficulties must be greatly increased by the constant and heavy drains of money which have been and will be made from that State by the purchase of government lands; for Ohio has paid to the United States for lands upwards of sixteen millions of dollars, and now owes between two and three hundred thousand dollars.

Taxes can only be raised off of lands that have been purchased more than five years, because, by the compact, no land is subject to taxation within that period after sale. Under such circumstances, the efforts of a State in such a cause, in the opinion of the committee, deserve to be seconded by the helping hand of the general government.

If precedents are consulted, the appropriations of land made by Congress to the States of Indiana and Illinois, to aid in the construction of canals not commenced, will, it is hoped, fully justify the course here proposed. On the score of interest as well as equal justice, it is believed, the United States might well bear a portion of this expense. The perpetual right which this grant is intended to secure to the government, of carrying on the canal its property and troops free from toll, may, to a great degree, be considered an equivalent. But, in addition to this, the government is still a landholder in the State of Ohio to the amount of seven millions of acres; and though but little of the public land is situated immediately on the line of the canal, yet, in the general increase of value which that improvement will give to property in the State, the government will derive its proportionate advantage. This channel will also aid in the procurement of means to purchase the unsold lands, and greatly facilitate the migration not only to such of them as lie in Ohio, but still further westward. And again: the people of Ohio, owning fifteen millions of acres, have, with a view to enhance the value thereof, incurred a debt of three millions of dollars; the United States own land there to near half that quantity, (of less value, perhaps,) to which more worth will thereby be added with other important advantages. Then is it not reasonable and proper that they should offer at least half a million's worth of that property, which they hold for sale, to aid in paying the debt? The committee would answer in the affirmative; and therefore report a bill to appropriate five hundred thousand acres for that purpose.

20TH CONGRESS.] No. 645. [1ST SESSION.

LAND CLAIM IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 12, 1828.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of Thomas B. Magruder, of the State of Mississippi, reported:

The petitioner states that in the year 1788 a grant was made by the Spanish government to a Mrs. Ann Brashears, at that time and ever since a resident of that part of Mississippi in which the land lies, for eight hundred arpents of land lying on the waters of Bayou Pierre, in what is now Claiborne county, in said State. He states that an order and warrant of survey issued from the Spanish government, some time in that year or the year following, for said quantity of land, in favor of said Ann, by the said government; that William Thomas, as acting deputy surveyor for William Vausdan, at that time surveyor for the Natchez district, did, by virtue of said warrant, survey the aforesaid quantity of land for her, on the north side of the north fork of said bayou, including a place known by the name of the White Ground Lick, in said county. He states that she improved and cultivated said tract for several years, being then a widow, and above the age of twenty-one years; and that she resided upon and cultivated said tract of land on October 22, 1795, and for some time anterior and previous thereto; that she confided to the care of said Thomas the above-mentioned order of survey, and patent or grant, and that she never regained the possession of them, having been, as she supposes, accidentally lost or destroyed; that she had procured testimony of the foregoing facts and delivered it to the Hon. George Poindexter, at that time a representative to Congress from said State, to be laid before Congress, accompanying a petition which she had prepared for relief, but that she has reasons to believe they were not presented, and that she knows not what has become of them. He also alleges that on or about November 11, 1788, the said William Vausdan undertook to survey said tract of land for said Ann, but that he surveyed only three hundred acres instead of the quantity which had been granted as aforesaid, without alleging any reason therefor. He also states that thereafter, to wit, about August 29, 1791, a patent issued from the Spanish government to one Benjamin Foy for five hundred arpents of land; that he erected a camp near said White Ground Lick, and on or about the centre of

the land so granted to said Ann; that he, the said Foy, then agreed with the said Ann that he would have surveyed for himself only three hundred and twenty arpents, and that his patent should be filled up for that quantity only, instead of five hundred arpents; which compromise and arrangement were made at the request of the then Spanish governor, who assured said Ann that she should have the quantity so granted to said Foy located at some other place; and that the said Foy never claimed any more of said tract so originally granted to said Mrs. Brashears.

He states, further, that in the beginning of the fall of the year 1804 she authorized Major Stephen Minor (at that time a late Spanish governor in that part of the Spanish government) to present for confirmation, to the board of commissioners appointed for examining claims to land by the government of the United States, in the district west of Pearl river, her said claim, upon which land she, the said Ann, then resided. He also alleges that the said Minor claimed for her only three hundred arpents, part of said original grant, because he understood that the part of the said original grant to Mrs. Brashears which had been granted to said Foy was five hundred arpents, and because the survey made for said Ann was for only three hundred arpents, making, in the meantime, no communication to Mrs. Brashears as to the testimony which was necessary to the confirmation of her said claim, and that it was rejected by said board for the want of evidence of said patent. He also states that no part of said land has been claimed by any other person, except, as above set forth, by said Foy, in part. That the said Mrs. Brashears has always been considered as the owner of the residue of said tract, after deducting the aforesaid quantity of three hundred and twenty arpents claimed by said Foy, amounting by estimation to four hundred and ninety-three acres, for which she has regularly paid the taxes for many years down to 1813. He states that she has never conveyed her right thereto to any one, except by deed, to take effect upon her death, to her daughter Elizabeth, who has intermarried with the petitioner. It is also stated in said petition that on or about June 12, 1806, one Richard Sparks produced to the said board of commissioners a claim for three hundred and twenty arpents of land, relying upon a patent to said Benjamin Foy, of date August 29, 1791, and a conveyance from said Foy to him, (Sparks,) dated June 28, 1802, and the evidence of one William Barland that the said Foy was a resident in the Mississippi Territory on October 27, 1795, which claim was confirmed by said board in August, 1806, and a certificate (letter A, No. 786) was issued to him (Sparks) for the same; which said claim of Sparks is located at the upper end and within the boundaries of the original patent to Mrs. Brashears. He states that the residue of the said tract is unclaimed and unoccupied by any person except said Ann Brashears, unless it has been located by some late entry under authority from the general government. He finally prays that the government will confirm the title of said Ann Brashears to four hundred and eighty arpents, or four hundred and ninety three acres, being the quantity for which she has paid taxes, and being the residue of the tract originally granted to her, after deducting the quantity of three hundred and twenty arpents confirmed to said Sparks, or such portion thereof as may yet remain subject to the government of the United States, or that such other relief be granted to her as the justice of her case may warrant.

Stephen Minor certifies, not on oath, that Mrs. Brashears did present a petition for eight hundred acres of land, on the Bayou Pierre, known by the name of the White Ground Lick, and that she obtained a *grant* or order of *survey* for only five hundred acres, which he put into the hands of William Vausdan, which he (Vausdan) surveyed sometime in 1788; that he paid him the fees for surveying and obtaining the patent, which he engaged to do. A certificate of survey is presented, signed with the name of William Vausdan, D. S., dated November 11, 1788, for three hundred acres of land, in the name of Ann Brashears, on the north side of the Bayou Pierre, about fifty miles from Natchez; annexed thereto is an extract from the register's office west of Pearl river, showing that Stephen B. Minor, for Ann Brashears, claimed three hundred arpents of land in Claiborne county, Mississippi Territory, on the Bayou Pierre, represented in said plat of survey, by virtue of an order of survey from the Spanish government for eight hundred arpents, including said three hundred arpents, bearing date in 1788, at which time it is asserted she was at the head of a family and above twenty-one years of age, and inhabited and cultivated said tract on the 27th day of October, in 1795; which claim was laid in by said Minor March 22, 1804. This, with the plat of survey, is certified as extracts by B. R. Grayson, register.

It appears that in support of the claim so laid in, one William Thomas made oath that Ann Brashears obtained a warrant of survey from the Spanish government upwards of fourteen years previous thereto for 800 arpents of land; that the witness, as the deputy of said Vausdan under said warrant, surveyed for her that quantity on the north fork of Bayou Pierre, including the place called the White Ground Lick, near to which one Benjamin Foy resided in a camp, which was near the centre of the land; and that the present claim of 300 arpents is within said survey of 800 arpents; and that he knows not why Vausdan failed to return the survey which he had so made.

John Girault, on oath, stated that after said Vausdan resigned as surveyor aforesaid, William Dunbar was appointed to supply the vacancy, and that he, the witness, as his deputy, surveyed for one Benjamin Foy, under the order of the Spanish government, a tract of land of three hundred and twenty arpents within the survey of the said 800 arpents. That said Foy, being interpreter for said government and a favorite, obtained a grant for five hundred arpents, as he understood, but that, as Mrs. Brashears had a prior right, he agreed to take only 320 arpents out of the 800, which he surveyed on the upper end of said 800 arpents.

Stephen Minor made oath that a warrant of survey issued from the Spanish government to Mrs. Ann Brashears for 800 arpents fourteen or fifteen years before the said time. The board of commissioners rejected the claim for want of evidence May 12, 1807.

The affidavit of Gepsen Clark, taken December 10, 1816, shows that he was present twenty-five or thirty years previous thereto, when the survey at the place called the White Ground Lick was made by a properly authorized surveyor for Mrs. Brashears, who then and ever since has resided in the county of Claiborne, in said State of Mississippi, and that he believes she always paid the taxes on said land.

From the foregoing testimony this committee are not willing to recommend that the claim of said Ann Brashears should be confirmed. If there issued from the Spanish government, at the time alleged, a patent or grant, the claim would not require confirmation; but it is apparent, from the history of the case, that no grant was obtained, and that both the petitioner and some of the witnesses use the terms "order of survey" and "grant" as synonymous. That the former did issue from the Spanish government is sworn by both Thomas and Minor. The language employed is too general to be as satisfactory as it might have been. What officer of the Spanish government issued the order of survey, and how the witnesses were satisfied of its genuineness, are matters about which we are left to conjecture. The witnesses who swear to the fact, however, are Minor and Thomas, a deputy surveyor in that quarter of the country,

whose testimony, therefore, should have great weight. What has become of Vausdan, and why the papers delivered to him, as well as those delivered to Poindexter, have not been applied for and obtained, is not accounted for. Nevertheless, as it is proven, although not in the most unexceptionable manner, that the order of survey was granted by the Spanish government to said Ann for 800 arpents, and that Foy, who had once claimed 500 arpents, had not insisted on his claim, except as to 320 arpents, on account of Mrs. Brashears's claim thereto; and as it is alleged that there is no claim to the residue, and as one witness swears that he has long resided as a neighbor to her, and has reasons to believe that she has regularly paid the tax thereon, the committee recommend to Congress that the government shall relinquish, as a gratuity, all title with which it is now vested to said Ann, to the residue of the original survey of eight hundred arpents, after deducting therefrom the quantity confirmed, as above stated, to said Sparks; and that upon a plat and certificate of survey of said land being returned to the General Land Office a patent be granted to her for said quantity, saving the rights of others. For this purpose they have reported a bill.

20TH CONGRESS.] No. 646. [1ST SESSION.

LAND TITLES IN MISSOURI.

COMMUNICATED TO THE SENATE FEBRUARY 13, 1828.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The petition of the undersigned citizens of the State of Missouri respectfully showeth: That at the date of the cession of Louisiana to the United States the titles to land in that province were universally derived from the Kings of France or of Spain, through their official representatives, and were of the following descriptions, to wit:

1. Complete titles (after location and survey) by the supreme authority at New Orleans.
2. Grants or orders of survey made by the supreme authority at New Orleans in the first instance.
3. Grants or orders of survey made by the lieutenant-governor of Upper Louisiana, and by other commandants exercising the functions of sub-delegates.

Your petitioners show that very few titles of the first class existed in Upper Louisiana at the date of the treaty of cession.

Incomplete titles, which constituted the second and third classes, formed more than nineteen-twentieths of the whole, and were considered as secure as those of the first class. Your petitioners show that the second class, namely, that of incomplete titles, originating with the supreme authority at New Orleans, were but few in number; and that the third class, namely, that of incomplete titles, proceeding in the first instance from the lieutenant-governor of Upper Louisiana, and the other officers exercising the functions of sub-delegates, was by far the most numerous, and constituted the principal and most valuable property of the inhabitants. Your petitioners show that of these incomplete titles some were surveyed; others, though not actually surveyed, were special in their description of the land granted; and others, again, were only what was termed floating concessions, which authorized the grantee to locate a certain quantity of land when and where he thought proper, provided he did not interfere with the rights of other proprietors.

Your petitioners show that, at and previous to the date of the cession of Louisiana to the United States, the second and third classes of titles, whether surveyed, special, or floating, were in a constant course of exchange, sale, distribution, and inheritance.

Your petitioners beg leave to refer to the records of the French and Spanish tribunals in Louisiana for the conclusive proof of this allegation. The original deeds of sale or exchange, *inter vivos*, the schedules and sales of the property of bankrupts and insolvents, and, lastly, the inventories and sales of the property of intestates, now existing among the Spanish archives at St. Louis, demonstrate that incomplete titles, as above described, were a valuable and convertible property, and in every instance recognized as such, not only by the French and Spanish authorities in Upper Louisiana, but by the governor general and the superior tribunal at New Orleans.

Your petitioners show that they, your petitioners, form a part of that numerous class of the citizens of the State of Missouri who are proprietors of, and interested in, those incomplete titles, and who have become vested with them either as original grantees, or by descent, or by purchase. Your petitioners respectfully submit that those incomplete titles so vested in them constitute a species of property as much entitled to the protection of laws, constitutions, or treaties, as any other right or property whatsoever.

Your petitioners show to your honorable bodies that the third article of the treaty of cession guarantees to the inhabitants of Louisiana their property of every description.

Your petitioners further show that not only by the treaty of cession, but also by the treaty of Fontainbleau, in 1762, and that of San Ildefonso, in 1800, the property comprehended in, and consisting of, incomplete titles was distinctly and unequivocally protected.

Your petitioners beg leave to refer your honorable bodies to the letter addressed by Louis XV to M. D'Abadie, director general and commandant of Louisiana, and to the proclamation of Don Manuel Salcédo and the Marquis of Case Calvo, commissioners of the King of Spain, to the inhabitants of Louisiana, for proof of the intention of the high contracting parties in the respective treaties of Fontainbleau and San Ildefonso.

Your petitioners show that the commissioners of the King of Spain, in their proclamation, use the following unequivocal language, to wit: "That *all concessions or property* of any kind soever, given by *the governors of those provinces*, be confirmed, though it had not been done by his Majesty."

Your petitioners show that this proclamation was published on the 18th of May, 1803, at New Orleans, after the date of the treaty of cession to the United States, in the presence of the French commissioners, and has never been objected to by either the French or American governments. That the letter to M.

D'Abadie is to be found in the appendix to the United States land laws, and the proclamation of Salcédo and Case Calvo is on the files of the Department of State at Washington city.

Your petitioners further show that the Congress of the United States, influenced no doubt by a sense of justice and the obligation of solemn treaties, has at different periods since the treaty of cession enacted laws for the settlement and adjudication of claims to land in Louisiana, founded on Spanish or French grants and orders of survey.

That the first of those laws was passed March 26, 1804, and the last May 26, 1824.

Your petitioners show that under the laws passed between March 26, 1804, and April 12, 1814, inclusive, a considerable number of those claims have been confirmed, either by the direct operation of the law itself, or through the medium of a recorder or commissioners appointed for that purpose.

That in consequence of the limited provisions of those laws, or of their non-application by the officers appointed to administer them, a great many claims remained undisposed of and unconfirmed, which were based precisely on the same species of original title, and were possessed of equal (and often superior) merits with those that had been confirmed.

That in order to obviate this inconsistency and injustice, and to extend relief to the holders of *bona fide* French and Spanish incomplete titles, the law of 1824, above mentioned, was enacted.

Your petitioners show that the act of 1824 was intended to be more remedial than the former acts, inasmuch as it did not affix any limit to the quantity of land that might be confirmed under it in Missouri; whereas the former acts restricted that quantity within a league square, or six thousand and two superficial acres.

That the act of 1824 was also more remedial, inasmuch as it authorized the court to adjudicate and confirm, with reference to "the laws of nations, the stipulations of treaties, the proceedings under the same, the several acts of Congress," and lastly, "the laws and ordinances, customs and usages, of Upper Louisiana;" whereas the former acts only referred to the "laws and established usages and customs of the French and Spanish governments," and limited the quantity, as has been observed, within a league square.

Your petitioners further show that under the act of 1824 a great number of petitions have been filed in the district court of the United States for the district of Missouri.

Your petitioners show that the first court under the above law was held in November, 1824, since which time only three final decisions have been made.

The decree in those three causes was against the petitioner; and in two of them, to wit: the widow and heirs of Soulard *vs.* The United States, and J. Smith, under St. Vrin, against The United States, appeals have been taken to the Supreme Court of the United States, which appeals have not yet been heard or decided.

Your petitioners show that by the law of 1824 the time for filing petitions was limited to two years from May 26, 1824, the date of the act, and the time for taking an appeal, if the decree should be against the petitioner, to one year from the date of such decree.

That by an act of Congress of 1826 the time for filing petitions was extended to May 26, 1828, leaving the time within which an appeal was to be taken the same as before.

Your petitioners further show that the judge of the said district court, in his decisions on the above cases, appears to have totally lost sight of that part of the act under which he adjudicated, which refers him to "the law of nations, the stipulations of treaties, the proceedings under the same, the several acts of Congress, the laws and ordinances and the customs and usages of Upper Louisiana," and has thought proper to declare the titles before him "illegal in their origin, and invalid," because they were not conformable to certain regulations made by Count O'Reilly, governor general of Louisiana, on February 18, 1770; to certain other regulations made by Governor Gayoso, of September 8, 1797; and lastly, to regulations made by Morales, the intendant general of Louisiana, of July 17, 1799.

Your petitioners show that the objection taken by the said judge against the title of the petitioners in the three causes in which he has made a decision might be urged with equal propriety against the titles of your petitioners, and, as your petitioners conscientiously believe, against every incomplete title that exists, or has ever existed, in Upper Louisiana.

That your petitioners, therefore, together with all the other persons who had instituted proceedings, with the exception of two, have withdrawn their petitions from before said judge, and paid the costs that have accrued, rather than submit to a decree against them, which, as has been stated, would compel each of them to appeal within one year from the date of the decree or be forever barred.

Your petitioners show that the expenses of such proceedings would, in many instances, be more than the land or title in question was worth; and that the claimant, though he should succeed in reversing the decree against him, would, after all, instead of obtaining redress, have made a disadvantageous and perhaps a ruinous purchase.

Your petitioners further show that if the law of 1824, instead of the construction put upon it, had received the most remedial and liberal interpretation, it would, nevertheless, have operated most grievously upon the claimants.

That under this law the proceedings are to be conducted according to the rules of chancery, thereby subjecting the claimant to all the vexations, delays, and expenses of such a practice.

That under this law it is not only the question of right to confirmation as against the United States, but the title as between private individuals that is to be decided upon.

That by this law the petitioner is obliged to make every adverse occupant claiming even under a title posterior to the date of the concession and survey a party.

That the delay and expense resulting from such a provision to the claimant are manifest and intolerable.

Your petitioners submit that the only question which should be tried by the court is that of the right of the original grantee as against the United States, and that the question of title should be left to be afterwards decided by the proper tribunal between private parties.

That by the terms of this law the petitioner, though he be a resident of Missouri, is bound before he proceeds to file security for costs—a provision which has been found embarrassing and oppressive, and which, even in ordinary litigation between private suitors, is only called for under peculiar circumstances, to be laid before the court upon the oath of the party requesting such security, or upon the oath of some competent witness for him.

That the claimant in all cases, and although he may have a decree in favor of his title, is liable to all such costs as shall accrue upon his own part of the proceedings.

That when the decree is against the claimant, or if he does not within a limited time prosecute his

cause to a final decree, or where it shall appear that his claim has heretofore been unfavorably reported upon by the recorder or commissioners, he pays not only his own costs but those of the United States and of every other defendant.

That inasmuch as the judge of the United States district court of Missouri is of opinion that a single rejection is an unfavorable report within the meaning of the act, the consequence will be that in ninety-nine cases in the hundred which have been before the board of commissioners or recorder the claimant will be subjected to all the costs, even though the decree of the district judge should confirm his title.

Your petitioners respectfully submit that under such a law, so construed, delays and obstacles of every sort may be multiplied at the will of the defendants, who, it is obvious, are entirely free from that control which the liability to costs, in the ordinary administration of justice, imposes on the dishonest litigant.

That the law, as it now stands, not only violates the faith of treaties, but the vital principle of all our institutions, which ordains that justice shall not be sold, delayed, or denied to any citizen.

That the effect of the law, as far as it has yet operated, has only been to extort money from your petitioners to the benefit of the officers of the United States district court, who have already received from your petitioners several thousand dollars.

Your petitioners having thus stated as briefly as they could the grievances under which they suffer, and the nature of their rights, beg leave to submit, in the language of the President of the United States in his message to Congress at its last session, that "public faith, no less than the just rights of individuals, and the interest of the community itself, appears to require further provisions for the speedy settlement of their claims."

Wherefore your petitioners respectfully pray that the act of Congress of May 26, 1824, entitled "An act enabling the claimants to land within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," may be so amended as to secure to your petitioners, and the other proprietors of authentic and *bona fide* French and Spanish grants and orders of survey, a final confirmation of their titles, and so as to exempt your petitioners from the delays, litigation, and costs to which the law in its present shape has subjected and would again subject them; and your petitioners pray that, if the above relief should not be granted to them, the time, at least, for filing their petitions, which, by the act of 1826, expires on May 26, 1828, may be extended for two years from that date, or until the decision of the Supreme Court on the appeal taken in the case of widow and heirs of Antoine Soulard against the United States shall have been pronounced and published in Missouri.

And your petitioners will pray.

20TH CONGRESS.] No. 647. [1ST SESSION.

LAND CLAIMS IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 18, 1828.

SIR: The enclosed papers will show the importance of revising the laws for the settlement of the private land claims in the State of Mississippi.

The causes that have retarded the settlement of the claims in the State of Mississippi have been owing to a misconstruction of the act of Congress of May, 1822.

2. Ignorance as to the limitation of the laws for the prompt settlement of claims.

3. Absence of the claimants, who reside in different States, and who were unacquainted with the mode of proceeding, and the difficulty in obtaining commissions to take testimony from the commissioners.

4. Minors who had no person to represent their claims.

5. Spanish and French inhabitants who were ignorant of the laws.

6. The slow progress in the surveys so as to distinguish private from public claims.

Annexed to this letter you will find a resolution of the legislature of Mississippi on this subject, together with a letter from the register and receiver, to which I refer the committee for further information.

This class of claimants are precisely in the same situation with those in Alabama, for whose benefit a further time was extended by an act of Congress of the last session.

With respect, your obedient servant,

W. HAILE.

Hon. Mr. ISACKS, *Chairman of the Committee on Public Lands.*

A RESOLUTION.

Whereas it has been represented to this general assembly that a number of individuals who would have been entitled to lands lying and being in the land district of Jackson county, under the various laws of the United States on the subject of public lands, had they been able to avail themselves of the benefit and intention thereof within the periods prescribed by said laws; but owing to various causes growing out of events over which many of them could have no control, one of which causes was the want of regularity and neglect of duty on the part of the commissioners appointed for the purpose of receiving and reporting evidence of claims, and another of which causes was owing to a want of information on the subject of the time and place appointed by said commissioners for the purpose aforesaid, together with a want of information in relation to the evidence necessary to entitle them to the benefit of the laws afore-

said; all of which causes have operated to the manifest injury of a number of the citizens of this State; and it being very desirable, as well to the claimants aforesaid as to the people of this State, that the above description of claims should be equitably disposed of: Therefore—

Be it resolved by the senate and house of representatives of the State of Mississippi in general assembly convened, That our senators in the Congress of the United States be instructed, and our representatives be requested, to use their influence to procure the passage of a law authorizing the commissioners of the land district aforesaid to receive evidence of all such claims in their district, under such regulations as may be deemed equitable and just, allowing a sufficient time for the promulgation thereof, and also for the adjustment of said claims.

Approved January 27, 1827.

AUGUSTA, *Mississippi, December* 25, 1827.

DEAR SIR: At the particular request of some of the persons interested, we enclose the copy of a resolution passed by the general assembly of this State at their last session. The preamble of this resolution we deem sufficiently explanatory of its object. We will, therefore, only remark that at the time of the passage of this resolution it was not known that the claimants in Alabama within this district would be provided for by a law of the last Congress. The resolution must therefore be considered as applying exclusively to the claims in Mississippi.

We further beg leave to refer you to the report of the several commissioners, and particularly to report No. 6 of Mr. Crawford, (to be found in the office of the Commissioner of the General Land Office,) on a considerable number of claims entered under written evidence of title and reported unfavorably of, for all such claims as appear, from the reports, to have been inhabited and cultivated prior to April 15, 1813. The former register and receiver have issued certificates of confirmation for the quantity of 640 acres. The law, however, on which this class of claims must rest for confirmation being the third section of the act of May 8, 1822, entitled "An act supplementary to the several acts for adjusting the claims to land and establishing land offices in the district east of the island of New Orleans," we have considerable doubts whether the above-described claims are confirmed by this law; and from the expression of an opinion by the Commissioner of the General Land Office on the claim of Wm. E. Kennedy, it would seem that this class of claims, although we believe them equitably entitled, are not confirmed under the existing laws on the subject. We would therefore recommend for your consideration the propriety (in the event of your not being able to effect the object of the before-mentioned resolution) of procuring a law of Congress allowing to such claimants as have heretofore entered their claims with the former commissioners, under written evidence of title, and which have been reported unfavorably of, and who had inhabited or cultivated the same prior to April 15, 1813, a donation of 640 acres.

With great respect, dear sir, your most obedient servants,

WM. HOWZE.
G. B. DAMERON.

Hon. WM. HAILE, *Washington City.*

GENERAL LAND OFFICE, *January* 23, 1828.

SIR: I return herewith the memorial of the general assembly of the State of Mississippi in relation to an extension of the time for adjusting private land claims in that part of the State south of the thirty-first degree of latitude, and have the honor to state that the first act providing for the adjustment of the land titles in that section of the State was passed on the 25th day of April, 1812. This act does not expressly limit the period in which the reports of the commissioner should be made to the Treasury Department; but, by the ninth section of the act, the period for which compensation shall be allowed to the commissioners for that district is limited to eighteen months.

On April 18, 1814, an act supplementary to that of April 25, 1812, was passed, and the period for filing claims was extended to September 1, 1814, and that for making the reports to November 1, 1814. Mr. Crawford, the commissioner, states that his reports were completed October 20, 1814. The act of March 3, 1819, confirms the reports made in favor of claimants under the act of 1812, and allows the claimants who had not filed their notices of claims, and those whose claims had been rejected under the former laws, to enter them with the commissioners until July 1, 1820, for their decision thereon.

It may be proper to remark that the acts of 1812, 1814, and 1819, above referred to, embraced all the claims in those parts of the States of Louisiana, Mississippi, and Alabama, south of the thirty-first degree of latitude, between the Mississippi and Perdido. By the act of May 26, 1824, the claimants to lands between the Mississippi and Pearl river (St. Helena district) were allowed until January 1, 1825; and by the act of March 3, 1827, the claimants in that part of Alabama south of the thirty-first degree were allowed until the 1st of September last to file their claims. No act has passed since that of 1819 giving to the claimants in Mississippi further time to establish their claims.

Very respectfully, sir, your obedient servant,

GEORGE GRAHAM.

Hon. P. ELLIS, *United States Senate.*

20TH CONGRESS.] No. 648. [1ST SESSION.

CONDITION OF THE OFFICE OF THE SURVEYOR OF THE PUBLIC LANDS IN ILLINOIS, MISSOURI, AND ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 18, 1828.

TREASURY DEPARTMENT, *February* 14, 1828.

SIR: In obedience to a resolution of the House of Representatives of the 11th instant, "directing the Secretary of the Treasury to lay before the House any information in his department tending to show the actual condition of the office of the surveyor of the public lands in the States of Illinois and Missouri and the Territory of Arkansas, and whether that office, in its present organization and with its present allowance of clerical labor, is competent to discharge the duties, and afford the public and private information required from it by law, and to bring up and complete the unfinished business of the said office now in arrears," I have the honor to submit a letter from the Commissioner of the General Land Office, which, with the accompanying documents, contains the information required by the resolution.

I have the honor to remain, very respectfully, your most obedient servant,

RICHARD RUSH.

Hon. the SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *February* 13, 1828.

SIR: In compliance with a resolution of the House of Representatives, dated the 11th instant, requiring the Secretary of the Treasury to furnish "any information in his department tending to show the actual condition of the office of surveyor of the public lands in the States of Illinois and Missouri and the Territory of Arkansas, and whether that office, in its present organization and with its present allowance of clerical labor, is competent to discharge the duties, and afford the public and private information required from it by law, and to bring up and complete the unfinished business of the said office now in arrears," and which resolution has been referred to this office, I have now to submit the correspondence marked from No. 1 to No. 6. It will be proper to add that the original communication referred to in the letter from Colonel McRee, of January 30, 1827, was submitted to the Committee on Finance of the Senate, and that it will be found on the files of that committee, or those of the Committee of Ways and Means of the House of Representatives.

With great respect, your obedient servant,

GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

No. 1.

Copy of a letter from Colonel W. McRee, surveyor general, dated St. Louis, Missouri, January 11, 1826, *to George Graham, Commissioner of the General Land Office.*

SIR: In my estimate of the expenses of this office for the present year, forwarded to you on the 26th of September last, an item was introduced for *extra clerk hire.* This was done with a view to a special and, I thought, an indispensable object. It was for the purpose of enabling me to put the documents contained in this office into such order, and to take such descriptive accounts of them, as must precede any attempt to record them correctly; and, in short, to post up the work before it can be ascertained with sufficient certainty what has been done in each township, and when, and by whom; all of which is essential not only to accuracy in the transaction of the ordinary business here, but as preliminary in supplying the demands of the General Land Office, or either of the States or the Territory interested, with a correct copy of the surveys that have been executed by the United States within their respective limits. I perceive by the papers of the last mail that Mr. Barton, of the Senate, has handed in a memorial of the legislature of Missouri, asking for additional clerks to be allowed to the surveyor's office in this place for the purpose of furnishing the State of Missouri with copies of the public surveys that lie within it; and that the memorial has been referred. Any attempt to copy the surveys in question while yet the records of the office are in their present condition will but multiply existing errors, and add to the confusion which prevails, without effecting the ostensible object with that degree of accuracy which I presume is, and which certainly ought to be, desirable on the part of the State, and which may be attained if the office is permitted to take the necessary measures to be correct. Of the propriety of the views here stated, I trust you will become fully sensible on the receipt of the estimate called for in your letter of the 20th of October last, and which will shortly be made out and transmitted. In the meanwhile, if the allowance for extra clerk hire is made, I hope it may be done without rendering it a source of future difficulty and mischief, by prescribing its application to an object that cannot be accomplished in the way contemplated, nor undertaken without injury.

I am, &c.

No. 2.

Extract from a letter from Colonel William McRee to George Graham, esq., dated St. Louis, May 2, 1826.

"I find it necessary to state, for the information of the department at Washington, that this office, as now organized, is wholly inadequate to the correct performance of a fourth part of the duties that have devolved upon it, and are required of it by the express terms of the law, independent of those which are incidental, including a large portion of the requisitions of the General Land Office.

"Your letter of the 2d of June last, directing the worn out plats of the different land offices to be renewed with all possible despatch, has not been complied with except in one instance. I found it impossible to execute those instructions, and, after the first effort, gave up the attempt as hopeless. Most if not all the plats sent to the several land offices will require to be renewed within a very few years; a great number of them require to be renewed now. The register of the land office at Kaskaskia reported that all the plats in his office came within the description given in your circular of May 31, 1825, and demand the renewal of the whole number. There are near four thousand wanting in this office under an express injunction of the law, that is to say, several hundred which, from various causes, ought to be renewed, and an entire new set (to be of record, besides those which are now kept in compliance with another enactment) for the use and inspection of the public. And your letter of the 14th of October last contemplates a future demand of some three thousand three hundred for the use of the General Land Office at Washington. But these are mere items. There is near ten years' arrearage of other work on hand, which must be performed before either accuracy or promptness can characterize the operations of this office. Until then I am working in the dark, and the correctness of my intentions affords no guarantee to the government for that of my performance.

"The current duties of conducting the annual surveys of the public lands, &c., and keeping a record of them, are fully equal, and, if properly performed, are perhaps more than equal, to the constant employment of all the means at the disposal of the surveyor. It is apparent, therefore, that the labor bestowed on work of a former period is so much taken from that of the time being, which must be postponed and neglected in consequence.

"I might also mention another class of duties which demand some labor, and obstructs a great deal more—I mean the surveys, &c., of private claims, and from which there is no escape. In relation to all these duties, and to others not enumerated, the law is positive in its injunctions, while it withholds the means of executing them, and is at once imperative and impossible to obey."

No. 3.

GENERAL LAND OFFICE, *November* 8, 1826.

SIR: In the estimate of the expenses of the surveying department for the year 1827, I have inserted an item of $1,700 for extra clerk hire in your office; but, as such an appropriation will not be granted by Congress unless it shall be satisfactorily shown that the interests of the government require it, I will thank you to furnish me with a statement in detail of the business required to be done in your office, in order that it may be submitted to the committee of Congress to whom the estimates will be referred.

I am, &c.,

GEORGE GRAHAM.

Colonel WILLIAM MCREE, *Surveyor General, St. Louis, Mo.*

No. 4.

SURVEYOR'S OFFICE, *St. Louis, January* 30, 1828.

SIR: I had the honor of transmitting to you on the 25th instant an estimate of so much of the current business of this office (exclusive of the old unfinished work) as could be ascertained and stated with precision. I was obliged, however, to defer making some explanations which ought to have accompanied it, and which I now beg leave to offer.

The first circumstance that will probably excite your attention on looking over the estimate is the great amount of labor that is required compared with the amount of surveys to be executed and returned; the former being stated at two thousand three hundred and seventy-one days' work, which (allowing three hundred and twelve working days to the year) would therefore occupy eight persons almost a whole year; and, for the most part, in performing the duties incident to directing and to the reception of a less amount of surveys than has frequently been received in the office in one year, with the assistance of only three clerks. It is, notwithstanding, evident that there is no description of work introduced into the estimate, except such as the law directs shall be performed in this office; that the greater part is of urgent necessity, and that none of it can be postponed without inconvenience to the service; and (although, from the nature of the work, it is impossible that the labor necessary to accomplish it can be determined with much accuracy) it might, perhaps, be sufficient to add that the rate of performance has not been gratuitously assumed, but regulated and scaled with care by actual and recent experience. But a more direct and satisfactory explanation may be given. The estimate includes the making out of 809 township plats, and 621 descriptions, in consequence of surveys and resurveys that will be executed under previous contracts, and returned in the course of the present year. And heretofore the plats and descriptions of all original surveys have been made or furnished by the deputy surveyors. This procedure, however, was not the result of choice, but grew out of the excessive disproportion between the duties required of the office and the comparatively trifling means that were assigned to it for their performance. It was physically impossible for the principal surveyor of this district to comply with all the requisitions of the law; and, indeed, there was no alternative left to him but to suspend the public surveys, or to exact the necessary plats and descriptions of the contracting deputies. The latter was

adopted; and I need not point out the consequences that ensued, nor remind you of its having been disapproved of and pronounced to be irregular, if not illegal. I have, therefore, not required either plats or descriptions of any deputy surveyor in the contracts of last year; and the labor of making out those documents exceeds, as you will perceive, that of all the other items enumerated in the estimate.

The deputy surveyors, however, do not profit by being relieved of the trouble and expense of furnishing the plats and descriptions; but render at least a full equivalent by obligating themselves, 1st, to survey their lines with the assistance of a flag or fore-vaneman; 2d, to resurvey and correct, before leaving the ground, all lines, the errors of which may exceed the prescribed limits, and to furnish a *sketch* of each township, showing the connexions of the several water-courses therein, (in order that gross mistakes may be avoided in connecting them on the plats;) and 3d, to establish stone corners to sections and townships where bearing trees are not at hand; or, if stone of the prescribed dimensions cannot be obtained, to erect large and more permanent mounds than those heretofore in use, and to deposit beneath them, and below the natural level of the ground, durable witness materials, which shall be particularly described in the field notes. So that, in future, the discovery of the witness materials (charcoal, or stones of prescribed dimensions) will identify the corner, after the mound may have decayed or been destroyed. A compliance with these and some other conditions set forth in their contracts and instructions will impose on the deputy surveyors the expense of employing an additional hand; of performing more work per mile of their surveys; and of being more exact, both in their operations on the ground and in making their returns. They will therefore not gain anything by the exchange of duties effected under the present arrangement; and the United States, I hope, will not lose by granting to this office the means of enabling it to perform the part it has undertaken in obedience to the law.

The estimate also includes *four* plats of each township, in lieu of three that were heretofore furnished by the deputy surveyors; two of the former are intended for the use of this office; one of them to be placed on record, and the other to be kept for the inspection of the public, agreeably to an act of Congress. Daily experience shows the advantages that would be derived from this measure, independent of the propriety of complying with a provision of the act referred to. The township plats that are used in common by the public and by the office finally become so worn or mutilated as to be unfit to copy from; and to reconstruct a plat from the field notes will frequently occupy more than twice the time that is required to make out a mere copy. Besides, a correct set of plats placed on record and properly preserved would, in a great measure, prevent the mutilation and loss of portions of field notes, to which they are now exposed in consequence of being obliged to use them on every occasion requiring a new plat, where the one on file happens to be either inaccurate or much injured. The fourth township plat is, notwithstanding, among the least essential of the several objects comprised in the estimate, and, together with the duplicates of the general plats of township exteriors, and the four connected plats of land districts, (amounting in all to about three hundred days' work,) may be dispensed with or postponed with less inconvenience than any other.

I have already intimated that, in some respects, the estimate is necessarily inaccurate. The following considerations will make it apparent that its errors (in rating the labor) are not those of excess. The time that may be occupied in the reception, &c., of any given amount of surveys depends essentially on the character of the work. The number, nature, and extent of the errors that may have been committed on the ground or in the returns of the deputy surveyor influence on every step in the progress of the examinations; making out the plats and descriptions, memoranda of the parts that are erroneous, instructions for their resurvey or correction, &c. The simplest operations may be rendered laborious by the repetitions and various delays that are unavoidable, where the work to be received is badly executed and the returns carelessly made. At the same time it is nearly impossible to make any reasonable calculation whatever concerning those contingencies. It may be objected, perhaps, that the public surveys ought not to be of the description that is here alluded to, and that it would be improper for the United States to provide beforehand for expenses which can only be incurred through the negligence or disobedience of its agents. The estimate is made in conformity with these views; it is, throughout, supposed that none of the surveys will be seriously objectionable; and hence a very probable cause of its inaccuracy, and of its calculations falling below the truth, notwithstanding the precautions that have been taken to insure a faithful and correct execution of the surveys under last year's contracts.

It will not escape your observation that the time which is required to perform the whole of each description of work is estimated according to the quantity which can be done correctly by one person in one day; and that experience does not warrant the supposition that any individual can continue to perform during a whole year at the same rate per diem that he may achieve in a single day.

Some objections may be made to the estimated time required to make out the plats and descriptions exhibited in the table B. On this head I have to remark that the respective times of performance, as set down in that table, are the results of actual trials; and if the time required to complete a plat and description exceeds what has been usual in making out those documents, the quantity of work contemplated to be done on them is also greater. And it would not be difficult to show that it is very necessary to put more work upon the plats. If the distances across, or the dimensions of all the ponds, lakes, swamps, marshes, &c., in the States of Illinois and Missouri, as reported by the deputy surveyors, had been correctly and uniformly set down on the township plats on file in this office, the necessity of examining the field notes of more than 250 townships during the past season would have been avoided; the labor and loss of time which it occasioned would have been saved; and an early (if not a very satisfactory) report, in compliance with the resolution of the Senate of the 4th of last April, might then have been practicable.

I will now proceed to give some account of those portions of work which were omitted in the estimate in consequence either of the difficulty of ascertaining their amount, or of their being looked upon as less urgent than the rest.

First. Recording the field notes of the surveys of public land that will be returned under contracts of the last year. The labor of recording these notes might have been stated with as much accuracy as that of any item in the estimate, but, however useful and requisite the performance of this work may be in other respects, it was not considered necessary, at this time, to the despatch of the ordinary and more pressing business of the office. It is properly a part of a much greater undertaking, and may be delayed until the whole body of the field notes shall be recorded.

Second. Examining and making out plats and descriptions of surveys of public land that may be executed and returned under contracts of the present year.

Third. Repairing or making out plats and descriptions (not heretofore furnished to the land office) of townships that have been surveyed, and which may be advertised for sale during the present year.

There are about 651 townships that have been surveyed, but not advertised for sale, exclusive of those surveyed under contracts of 1825 and 1826, and exclusive of those embraced in Mr. Messinger's contract in the Illinois military bounty tract. Of the above 651 townships, there are 619 of which duplicate plats are on file in this office, but the plats of only 77 are authenticated; and there are 32 townships of which only one plat of each is on file, and of these only eight that are authenticated; so that there are 32 townships of which new plats must be made, 24 of them, perhaps, in duplicate; and 542 townships, the duplicate plats of which must be examined and corrected, or made out anew from the field notes, as may be found necessary, whenever they shall be called for.

Fourth. Resurveys of private claims, in addition to those referred to in the estimate, and correcting or making out new township plats and descriptions that may be required in consequence of such additional resurveys. The decision of the Attorney General in the case of Musick, and in that of Henington, opens a wide field for similar demands on the part of other land claimants. In surveying private claims, this office had heretofore been governed by the terms of the confirmations that were furnished to it by the several boards of commissioners and the recorder of land titles; and, consequently, when a claim was confirmed for a specific quantity, the survey was made to include that quantity and no more, the excess of the old Spanish survey being thrown off from any one of its sides, at the option of the claimants, or the deficiency, if any, made good in the same manner. But, according to the decision of the Attorney General, it appears that in certain cases the claimant is entitled to hold, agreeably to the original Spanish survey, without reference to the quantity specified in the confirmation. The surveys formerly made by this office are therefore void in all such cases, and require to be corrected, and to resurvey them at this time must be necessarily attended with great difficulty. The side of a former survey, on which an excess had been cut off, may have subsequently become the boundary to the survey of another claim; and, in every instance of the resurvey of a claim so circumstanced, it is evident that the re-establishment of the old Spanish boundary line must push the resurvey on the adjoining claim, and the latter may, in turn, be made to encroach on one or more of those which may happen to bind on it. The errors in the several lists of confirmations furnished to this office, and the very inadequate descriptions given of the claims, have occasioned erroneous surveys to be made, which it will also be necessary to correct or resurvey on application of the claimants; and in proof of this I might cite several cases that have already occurred within your own knowledge, and others that have not yet been brought before you by the parties concerned.

Fifth. Making out township plats for the land offices, to replace those that are worn out and useless, agreeably to the instructions received from the General Land Office June 2, 1825.

Several other registers have already applied for new plats. The register of Kaskaskia reports the whole of those in his office to be unfit for use. A considerable number might, therefore, have been included in the estimate; but it was believed to be less important to renew the plats of townships that had been many years in market, and probably contained but very little land unsold, for which there existed any present demand, than to complete those of townships that were about being offered for sale, or which might be brought into market before the close of the year.

Sixth. Miscellaneous work of various descriptions, including such as may be occasioned by unforeseen requisitions of the General Land Office, furnishing information and copies of surveys, &c., to private individuals, and the correspondence of the office. There is a great deal of time that is either occupied or lost by attending to business which may properly be considered as miscellaneous. The law makes the certificate of the principal surveyor, in relation to all surveys executed by the office, receivable as evidence in the courts; and it also directs a set of plats of the public surveys to be kept open for the inspection of the public. Of both these provisions the community avails itself, without stint, to the interruption and great delay of other work. Almost every man that has, or thinks he has, any business with the office, commands its attention, tells his own story in his own way, but too frequently making it necessary to cross-question him before the state of his case can be learned, and possibly, after all, it may result that his affair has no concern with the surveyor's office.

Under the six foregoing heads is comprised a body of work that cannot be brought within the limits of any probable calculation; but however uncertain the amount, a part of it will be indispensable to perform in preference to much that is included in the estimate. Before closing these remarks, I would observe that such is the character of the business of the office, and of its present situation, that whatever may be the description or quantity of current work to be done in it in any one year, the means allowed for its performance should always exceed the estimated labor. There would be no more danger then than now of losing any time; for, if the ordinary business should be accomplished with more ease than had been anticipated, the recording of the field notes and making out plats of about three thousand townships of the old surveys would, alone, furnish objects enough to occupy every individual in the office, and its operations might then be conducted with some regularity. The distribution of labor might be so arranged as to secure greater despatch, and much more accuracy, than can be hoped for at present. Many errors that are now overlooked, many that are committed, would be detected or avoided. In short, all the consequences of being continually in arrears in the performance of ordinary duties, and of having a mass of constantly accumulating unfinished business on hand, would necessarily cease.

I have the honor to be, very respectfully, your most obedient servant,

W. McREE.

No. 5.

GENERAL LAND OFFICE, *February* 15, 1827.

SIR: I have this moment received from Colonel McRee the letter and statement enclosed, and, not having time to copy them, I must request you to return them. In making my estimate for the Treasury Department, I suggested the necessity of allowing $1,760 to Colonel McRee, in addition to the usual clerk hire for the year 1827, and submitted the enclosed copy of a letter from Colonel McRee, dated May 2, 1826. I have just been informed that, although the clerk hire was inserted in the bill sent from the Treasury, the submission was not made to the Committee on Finance, nor was the letter of Colonel McRee sent to the committee. As the bill is now before your committee, the object of this communication is to request that you will submit those papers to the committee, and endeavor to obtain the appropriation for extra clerk

hire. The office was much in arrears when Colonel McRee took possession of it; and although he has made application for clerk hire, none was allowed him. An allowance was made to Mr. Davis, in Mississippi, of $1,760.

I am, &c.,

GEORGE GRAHAM.

Col. THOMAS H. BENTON, *Senate of the United States.*

No. 6.

SENATE CHAMBER, *February* 16, 1827.

SIR: Your note and papers relative to Colonel McRee's claim for clerk hire were duly received, and by me turned over to General Smith, chairman of the Committee on Finance, who has promised to attend to it, and to return the papers to you.

Yours, respectfully,

THOMAS H. BENTON.

Mr. GRAHAM, *Commissioner General Land Office.*

20TH CONGRESS.] No. 649. [1ST SESSION.

GRANTS MADE TO FRENCH EMIGRANTS FOR THE CULTIVATION OF THE VINE AND THE OLIVE.

COMMUNICATED TO THE SENATE FEBRUARY 18, 1828.

TREASURY DEPARTMENT, *February* 14, 1828.

SIR: Since the report which, in obedience to a resolution of the Senate, I had the honor to make December 21, 1827, in relation to the lands set apart for the cultivation of the vine and olive, (see No. 558, page 674,) some further information has been received, showing more particularly how far the conditions of the contract for the sale of those lands have been complied with in respect to each individual allotment of land; which information I respectfully submit to the Senate as supplemental to the above report. It is contained in a letter and report addressed to this department on the 16th ultimo by the agent of the association to whom the lands were sold. In elucidation of that report, it is deemed proper to accompany it with the instructions under which it was prepared. These, it will be perceived, were addressed to Mr. W. L. Adams, by whom the former report was made; but, in consequence of his decease, the information requested by them has been furnished by the agent of the association.

I have the honor to remain, very respectfully, your most obedient servant,

RICHARD RUSH.

Hon. the PRESIDENT *of the Senate.*

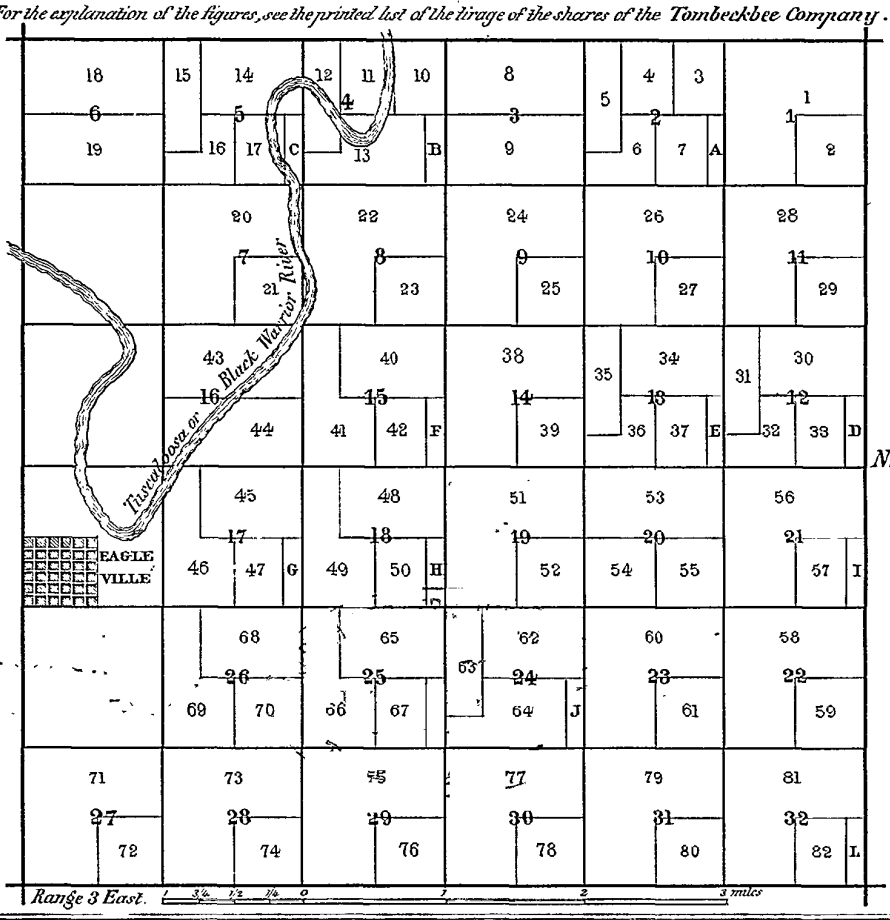
AIGLEVILLE, *January* 16, 1828.

SIR: I have the honor to acknowledge the receipt, at Philadelphia, of your letter of July 30, 1827, enclosing a duplicate of your communication of the 19th June last, and have deferred answering it until my arrival home, being then on my way hither; on my return, which was the last of November last, the original of the 19th June had arrived during my absence, and that since its reception, and before my return, another letter was received from the Treasury Department, which was taken out of the post office by Mr. Charles D. Connor, our secretary, and who, when I arrived, was gone on a journey to North Carolina, and consequently I cannot procure this second letter. I was informed that by it some further information was called for by the department, and understanding that Mr. W. L. Adams (now deceased) had been written to on the same subject, I immediately made application to the administrators of Mr. Adams for a copy of your communication to him, and have, a very few days since, been furnished with a copy of your letter to him of May 17, 1827, in which you ask further information—first, relative to the number of acres cleared and cultivated, including those cultivated in vines on each allotment; second, the number of acres cultivated in vines in each; and, third, where olive trees have been planted, the number planted to each allotment. I therefore hasten to transmit you the particular information called for upon those three points, so far as I am enabled from the individual reports heretofore submitted to the committee, which you will find in the enclosed file marked A; from which you will discover, in the different columns, the various information which was required from the late agent. In the first column will be found the numbers of the sections; the second exhibits the numerical numbers of the shareholders; the third the number of acres planted in vines; the fourth the number of acres of land cleared; and the fifth the number of olive trees planted. Whenever the word "planted" occurs in the third column, it is intended to show that the conditions have been performed upon some other allotment therein referred to; also, whenever the word "clearing" is mentioned in the fourth column, it is intended to show that an improvement is at this time making, but the quantum of land cleared unknown to me. I have deemed it necessary to be thus explicit with your honor upon this particular point, inasmuch as many new improvements have been commenced since our report was made last year to the agent.

MAP OF TOWNSHIP 18, RANGE 3.

** *The different creeks have not been laid down on this map; their courses may be seen in the general map*

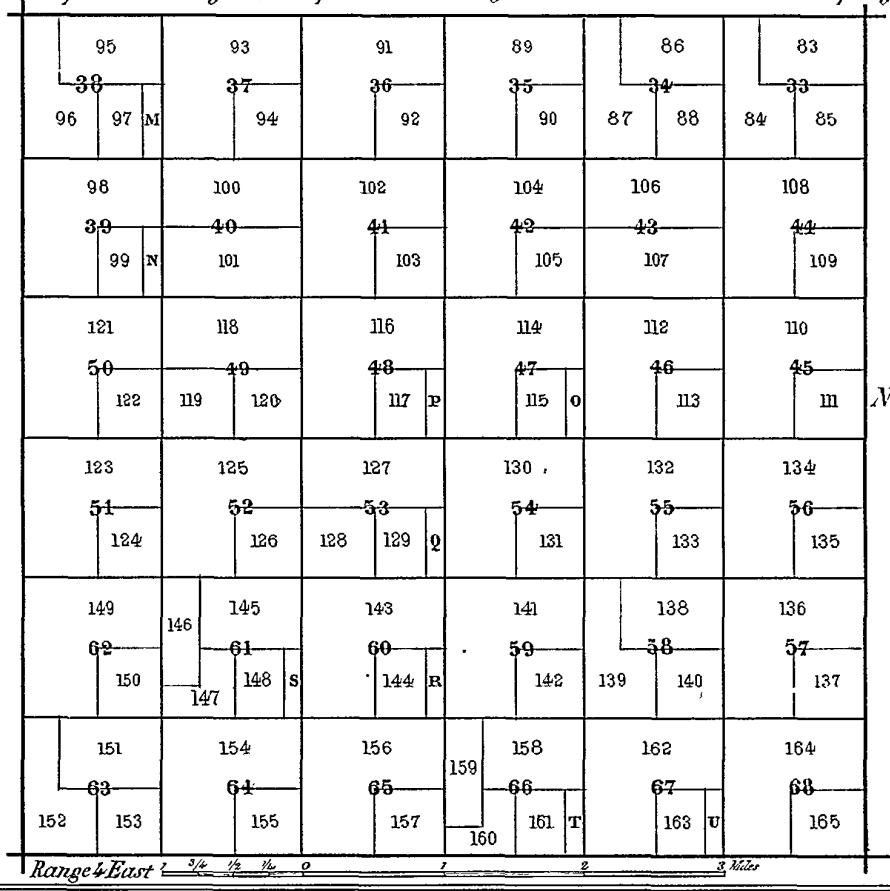
For the explanation of the figures, see the printed list of the tirage of the shares of the Tombeckbee Company.



MAP OF TOWNSHIP 18, RANGE 4

** *The different creeks have not been laid down on this map; their courses may be seen in the general map*

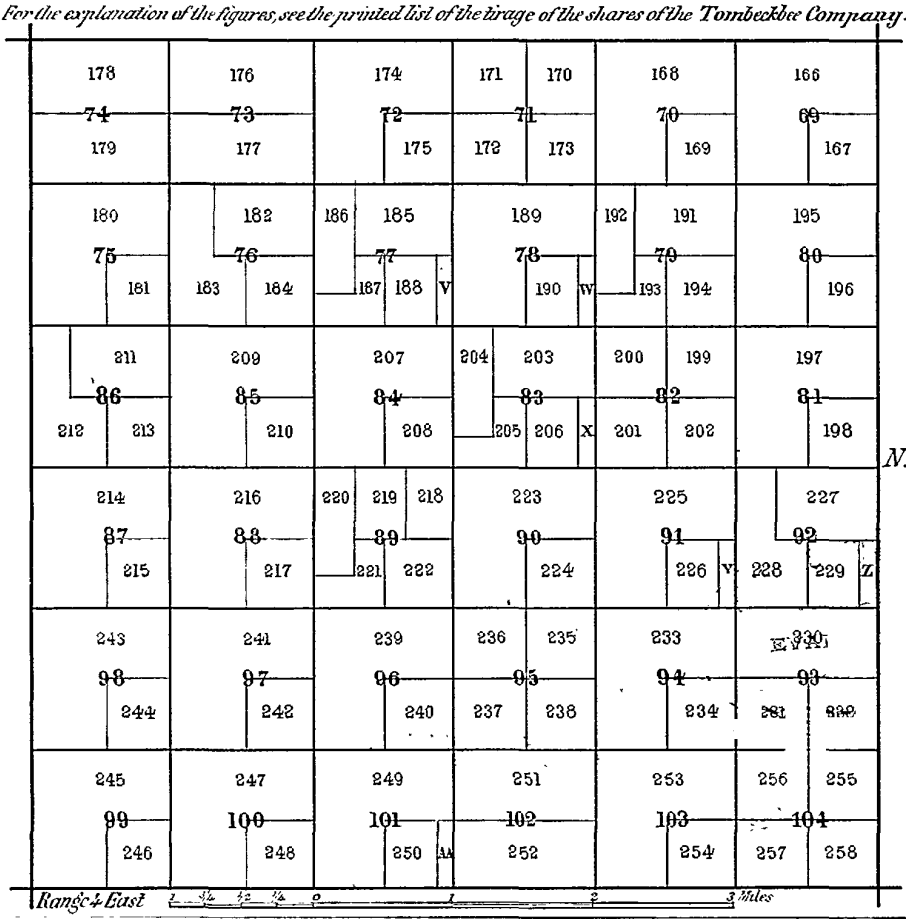
For the explanation of the figures, see the printed list of the tirage of the shares of the Tombeckbee Company



MAP OF TOWNSHIP 19, RANGE 4.

The different creeks have not been laid down on this map; their courses may be seen in the general map.

For the explanation of the figures, see the printed list of the tirage of the shares of the Tombeckbee Company.

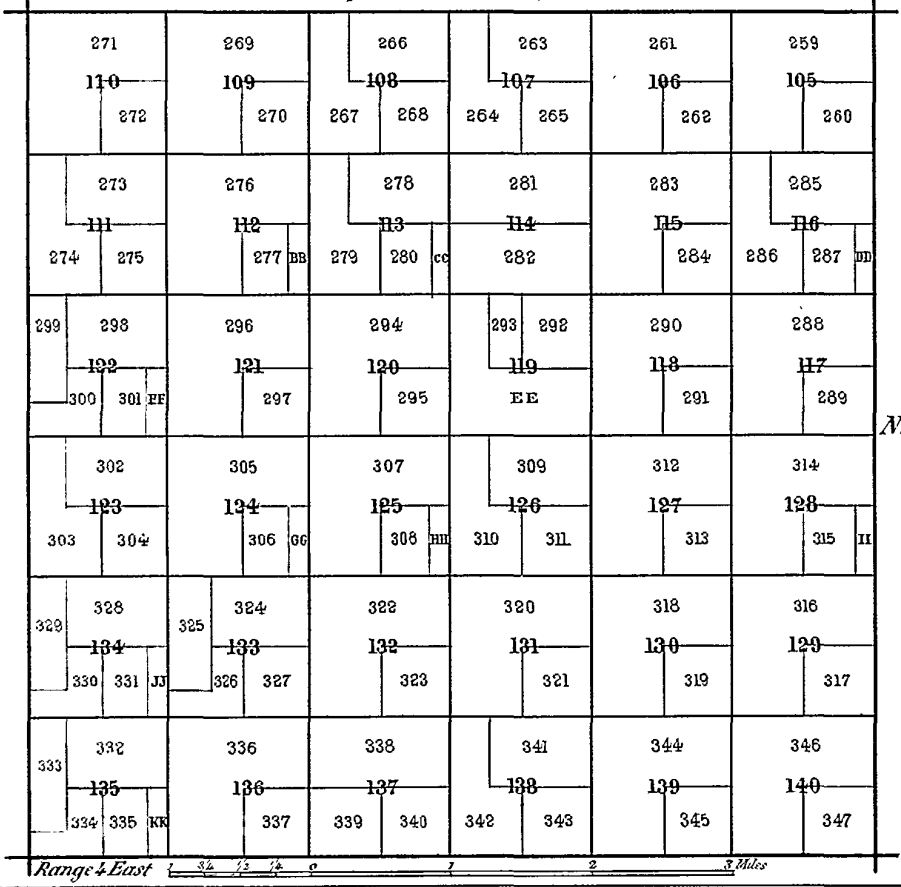


N°19

MAP OF TOWNSHIP 20, RANGE 4.

*** *The different creeks have not been laid down on this map; their courses may be seen in the general map.*

For the explanation of the figures, see the printed list of the tirage of the shares of the Tombeckbee Company.



N°20.

I have also endeavored to exhibit as correct a view of the particular condition of the reserves as the nature of their situation will permit; showing where any performance has taken place, together with any fulfilments which may have been made upon any other allotment to represent them.

It is with great pleasure that we see that the government has determined to remove the trespassers who have so much annoyed us, as well by their actual occupations as by their constant efforts, tending to our prejudice in every way; and I am in hopes the mere knowledge of the President's orders on that subject will be sufficient to induce them to depart, as several have already consented to do, and that it will be necessary only in a few instances, indeed, to apply the remedy provided.

We have prepared a petition to be presented to Congress this session, and have transmitted it to each branch of the legislative body, through our representatives and senators, as you suggest in your letter of the 19th of June, a copy of which I beg leave to send to your excellency here enclosed, and we hope we will receive some share of the favors which it appears government is disposed to grant to the State of Alabama by the indulgence extended to the land purchasers in the new States, and particularly to ours, which is, in fact, much oppressed by the weight of the landed debt due by her citizens, and which is felt by us all.

I deem it my duty, under the requisition of your excellency's first communication to the Tombeckbee Association, occasionally to advise you of the general state of the colony, and, upon that point, have to inform you that we have suffered severely from the unparalleled drought of the last summer; many of our largest and finest looking vines, which had just commenced bearing luxuriantly, were totally killed by the dry hot weather. Yet, notwithstanding this misfortune, the grantees, with increased diligence, are using every exertion to procure others which are thought to be more congenial to the soil and climate, and are now generally engaged in replanting.

I beg your excellency to receive our thanks for the expression of your good feeling towards us; and with the full belief of a continuance of your good offices towards us,

I have the honor to be, with due respect, your excellency's most obedient, humble servant,

F. RAVESIES, *Agent of the Tombeckbee Association.*

TREASURY DEPARTMENT, *May* 17, 1827.

SIR: Your report dated February, and the papers which accompanied it, together with the letter of Mr. Ravesies, were fully received; but not until some time after the adjournment of Congress. The information collected and transmitted by you is on most points satisfactory; on others, however, some further details are desirable. These are: 1st, the number of acres cleared and cultivated (including those cultivated in vines) in each allotment; 2d, the number of acres cultivated in vines, in each; and, 3d, (where olive trees have been planted,) the number of olive trees planted in each allotment.

As you have stated with great exactness the aggregate of these numbers, it is presumed you are in possession of the particulars. These may be formed into a supplementary report, or may be incorporated in that which you have already made, which should, in that case, be recopied. The report will be returned to you for the purpose, if you desire it.

By referring to my letter of instructions, in connexion with the act of April, 1822, and the contract, you will perceive that the detailed information now required was clearly called for in the following paragraph: "It will therefore be necessary for you to examine how far each associate has performed his own individual obligations under the first condition, and how far he has performed his proportion of the general obligations of the association under the other conditions of the contract." But your illness having prevented your report from being made in time for the last session of Congress, no great inconvenience has yet been experienced for the want of this information. You are requested, however, to transmit it as early as practicable, that a full knowledge of the subject may be in possession of the government.

The charge for your services is allowed, and an account for the same, in proper form, is enclosed, which you will sign. You will perceive that, agreeably to your request, the receiver at Tuscaloosa is instructed to pay it; and you will accordingly present it to him for that purpose.

I am, very respectfully, your obedient servant,

RICHARD RUSH.

WM. L. ADAMS, Esq., *Tuscaloosa, Alabama.*

A.

Report in addition and explanatory to the one made by the late Wm. L. Adams, esq., relative to the Tombeckbee Association, made in obedience to the request of the Secretary of the Treasury in his letter to Mr. Adams bearing date May 17, 1827.

Numbers of the sections.	Numerical numbers of the shareholders.	Number of acres planted in vine.	Number of acres cleared	Number of olive trees planted.	Numbers of the sections.	Numerical numbers of the shareholders.	Number of acres planted in vine.	Number of acres cleared.	Number of olive trees planted.
1	1	3	125		27	71		25	
	2	Planted No. 28	10			72		25	
2	3	Planted No. 8	50		28	73	Planted on 259	1	
	4	do	40			74			
	5		4		29	75		3	
	6		4			76		2	
	7	Planted No. 28			30	77			
3	8	5 for 8, 3, 4 and 10	80	8		78	1	50	
	9	Planted No. 214	2		31	79		5	
4	10	Planted No. 8	20			80			
	11				32	81			
	12		2			82			
5	13				33	83			
	14					84			
	15					85			
	16		3		34	86	Planting	Clearing.	
	17		8			87	Planted No. 305		
6	18					88			
	19				35	89			
7	20		15			90	Planted No. 259		
	21				36	91		3	
8	22	4 for 22 and 23	50			92		6	
	23	Planted No. 22	10		37	93	Planted No. 273	3	
9	24	3	3			94			
	25				38	95			
10	26		4			96		30	
	27		2			97			
11	28	6¾ for this, and 2, 7 and 29	125	4	39	98	Planting	Clearing.	
	29	Planted No. 28	1			99	1	1	
12	30	1¼	3		40	100		3	
	31					101		14	
	32				41	102		35	
	33	1	2			103	1	40	
13	34				42	104			
	35	1	2	4		105		14	
	36		3		43	106			
	37					107			
14	38		15		44	108			
	39					109			
15	40		3		45	110	Planted No. 278	3	
	41		20			111			
	42				46	112			
16	43		3			113	Planting	1	
	44	Planted No. 45	1		47	114		3	
17	45	8 for this, and Nos. 44, 46 and 47	116			115			
	46				48	116	5 for 116, 117 and 119	30	
	47					117	Planted No. 116	15	
18	48		20		49	118	2	15	
	49		15			119	Planted No. 116	15	
	50		25			120	1	25	
19	51	Planted No. 273	3		50	121	Planted on 214	3	
	52	Planted No. 257	3			122			
20	53				51	123		4	
	54					124		6	
	55				52	125	3	80	
21	56	Planted No. 259	3			126	Planted on small lot	1	
	57	Planted No. 174	3		53	127	Planted No. 278	3	
22	58		3			128			
	59					129			
23	60				54	130		3	
	61					131	1	6	
24	62				55	132	4	35	
	63					133			
	64				56	134		3	
25	65					135			
	66				57	136			
	67		1			137			
26	68	2	45		58	138	Planted No. 278	3	
	69	1	20			139			
	70	1 on small lot	1			140	Planted on small lot		

A.—*Report in addition and explanatory to the one made by the late Wm. L. Adams, &c.*—Continued.

Numbers of the sections.	Numerical numbers of the shareholders.	Number of acres planted in vine.	Number of acres cleared.	Number of olive trees planted.	Numbers of the sections.	Numerical numbers of the shareholders.	Number of acres planted in vine.	Number of acres cleared.	Number of olive trees planted.
59	141	Planted on 184	40		87	215			
	142	do	1		88	216	Planted on 259	15	
60	143					217			
	144				89	218	Planted on 296	5	
61	145					219	1	1	
	146					220			
	147					221			
	148					222	Planted on 296		
62	149		2		90	223	3	50	
	150					224	Planted on 259		
63	151	Planted No. 308			91	225	Planted on 214	1	
	152					226	do	3	
	153		1		92	227			
64	154					228			
	155					229			
65	156				93	230	3 for this, and 231 and 232	80	200*
	157					231	Planted on 230		
66	158					232	do		
	159				94	233			
	160					234			
	161				95	235	Planted on 278	3	
67	162	Planted on 259	3			236	do		
	163					237			
68	164	Planted on small lot	8			238	Planted on 174		
	165				96	239	3	30	
69	166		15			240	Planted on 259		
	167				97	241			
70	168	Planted on small lot	80			242	Planted on 259	2	
	169		15		98	243		30	
71	170					244	Planted on 259		
	171	1	15	On 124.	99	245	Planted on 278	3	
	172	1	10	On 124.		246			
	173	1	14		100	247			
72	174					248			
	175				101	249		3	
73	176					250			
	177	Planted on 278	3		102	251	Planted on 259	4	
74	178	2	50			252	do	10	
	179				103	253	3	8	
75	180	3	65	1		254	1	3	
	181	1	15	1	104	255	Planted on 278	3	
76	182		3			256	do	3	
	183					257	do	3	
	184	5 for this, 141 and 142	32	2		258	do	3	
77	185		1		105	259	30, Nos. 73, 90, 224, 240, 242, 244, 52, 252, 56, 216, 251, 260, 317.	115	73
	186		2						
	187					260	Planted on 259	15	
	188				106	261	Planting	65	
78	189	Planting	70			262	1	45	
	190				107	263	1½	50	
79	191	1¼	60			264	1½	80	2
	192		1			265	1	100	
	193				108	266	2	40	2
	194					267	2½	30	2
80	195		60			268	5	60	
	196				109	269	3	35	3
81	197	Planted on 214	2			270			
	198				110	271	4 for this and 272	300	4
82	199	Planted on 278	3			272	Planted on 271	50	
	200	do	3		111	273	1½	30	
	201	do	3			274			
	202	do	3			275	Planted on 296	40	
83	203				112	276	3	106	
	204					277	1	30	
	205	1	1		113	278	30, Nos. 51, 93, 110, 127, 128, 177, 199, 200, 201, 202, 235, 236, 245, 255, 256, 257, 258, 321, 327.	80	
	206	1	2						
84	207	3	50	3					
	208		20			279		30	
85	209	3	33	3		280	4	85	
	210				114	281	2	100	2
86	211		3			282	2	100	
	212				115	283	3½	180	
	213					284	1	120	
87	214	14 for this, and Nos. 9, 197, 125, 225 226	75	25	116	285	1¼	12	

* Planted on small lot.

A.—*Report in addition and explanatory to the one made by the late Wm. L. Adams, &c.*—Continued.

Numbers of the sections.	Numerical numbers of the shareholders.	Number of acres planted in vine	Number of acres cleared.	Number of olive trees planted.
116	286	1½	100	
	287	1	50	
117	288	3	150	
	289	1	40	
118	290	8	300	1
	291	1	50	
119	292	1	80	
	293	Planting	80	
120	294	3	100	
	295	1	20	
121	296	10, Nos. 218, 275, 304 and 297	300	22
	297	Planted on 296	Clearing.	
122	298	1½	30	
	299		40	
	300			
	301	1	50	
123	302	8	50	10
	303			
	304	Planted on 296	30	
124	305	5½, Nos. 87, 271, 172 and 306	110	40
	306	Planted on 305	20	
125	307			
	308	2½	20	
126	309	1½	100	
	310	1½	30	
	311	1	60	
127	312	3	250	
	313	Planted on 318	30	
128	314	3	150	
	315	1	80	
129	316			
129	317	Planted on 259	40	
130	318	7 for this, and 319 and 313	150	63
	319	Planted on 318	20	
131	320		30	
	321	Planted on 278	3	
	322			
132	323			
133	324			
	325			
	326			
	327	Planted on 278	3	
134	328			
	329			
	330			
	331			
135	332			
	333			
135	334			
	335			
136	336	3	70	3
	337			
137	338			
	339		3	
	340		3	
138	341	1½	40	
	342			
	343	1	30	
139	344		80	
	345		3	
140	346			
	347			

RESERVES.

Numbers of the sections.	Numerical numbers and names of the shareholders.	Number of acres planted in vine.	Number of acres cleared.	Number of olive trees planted.
2	Calomel			
4	Latapie			
5	Payanfreres			
12	Barthelemy	Planted on 266		
13	Bettos			
15	Fouguet & Moulin			
17				
18	Glenville			
21	Dupuy & Ragon			
24	No. 62	¼ on small lot		
	Pavat			
25	No. 65	Planted on 256		
25		No report		
30	No. 77	4 planted on small lot.		
31	No. 80			
32	No. 81	Planted on 256		
33	No. 84			
33	No. 187	3	3	
33	No. 77			
38	Mignon			
39	Roudet			
47	Delaunay			
48	Fougeret			
53	Pennard & Amidde			
60	Desafre			
61				
63	No. 152			
66	No. 158			
67	David			
67	Blancon & Taberly			
72	No. 174	8 for 57, 238	145	5
77	Mahe			
78	Labrousse			
80	No. 195			
83	Devangen			
86	No. 213			
91	Mayer			
92	No. 29			
101	Movin		8	
111	Lagay	¼	10	
116	Payen	¼		
119	John Hurtel	Planted on 280	200	
122	Couchet			
124				
125	No. 307	No vines planted		
125	Bonneva	Planted on 308	3	
128	Chapotin			
129	No. 316	1	30	
129	Haez	1	40	
129	No. 318	1½	75	1
132	No. 322			
132	Guillot			
132	Guessart			
132	Verien			
134	Rapin			
135	Allouard & Achard			
140	No. 346	1½	30	
	Bogy			

AIGLEVILLE, *January* 16, 1828.

F. RAVESIES, *Agent of the Tombeckbee Association.*

20TH CONGRESS.] No. 650. [1ST SESSION.

APPLICATION OF INDIANA FOR FURTHER RELIEF TO PURCHASERS OF PUBLIC LANDS.

COMMUNICATED TO THE SENATE FEBRUARY 20, 1828.

Whereas all the reasons which have heretofore operated on the general assembly of this State in prompting them to solicit the indulgence of the general government towards the purchasers of public lands exist in undiminished force, this general assembly therefore beg leave to reiterate the sentiments of their predecessors on this subject, and, in addition to what has been urged by preceding legislatures, to call the attention of the general government to a measure of deep and prominent interest to a large portion of our fellow-citizens. The general assembly allude to the situation of those individuals who have purchased lands from the general government, made one or more payments thereon, and, after improving the same, have been compelled, by unforeseen misfortunes or the pressure of the times, to suffer their lands to be forfeited. Nor can they pass unnoticed large numbers of their fellow-citizens who, anxious to close their accounts with the government, to escape from a debt that was a perpetual lien on their homestead, and to avail themselves of the power of relinquishing a part of their lands prior to July 4, 1827, under the apprehension that the door of relief would then be closed, have relinquished large portions of valuable and improved lands merely to secure to themselves a house and home, and have thus sacrificed the hard earnings and toilsome sacrifices of younger and better days.

The existing laws of Congress make no provision by which the unfortunate citizen who has expended time, labor, and money on lands thus forfeited or relinquished can have the least preference over the stranger or alien in regaining his forfeited or relinquished property.

It cannot be the policy of a just and wise government to take advantage of the misfortunes of its citizens. The value of labor expended by the unfortunate citizen on the property of the nation will never be appropriated by a magnanimous government without rendering therefor a full equivalent. As little will such a government be disposed to suffer the iron grasp of the heartless speculator to monopolize the scanty earnings of the indigent and unfortunate cultivator of the soil. For these reasons they cannot but believe that the justice and magnanimity of the general government will, in extending relief to those purchasers who, in consequence of inability to complete their payments, have suffered or are liable to the forfeiture of their lands, recognize the propriety of allowing full credit for all sums actually paid, and of exacting no more than a sum which, added to former payments, shall amount to the *minimum* price of Congress lands.

The general assembly, deeming further detail unnecessary, impressed with gratitude for the *past*, and confiding implicitly in the *future* liberality of a protecting government, adopt the following resolutions, viz:

Resolved by the general assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure the passage of a law to extend the time of payment on all lands now forfeited or liable to forfeiture, and to authorize each and every purchaser whose lands are either forfeited or liable to forfeiture to redeem the same on making prompt payment therefor, at a price the amount of which, including forfeited payments, shall not exceed the *minimum* price of Congress lands.

Resolved further, That our senators and representatives aforesaid be requested to procure, if possible, the passage of a law giving to every purchaser and occupant of Congress lands who has made one or more payments, and whose lands have been forfeited or relinquished, or which are liable to forfeiture, a privilege, in the nature of a right of pre-mption, for ——— years, to repurchase the same, or other lands of equal value, at a sum which, added to his former payments, shall make the amount per acre not to exceed the *minimum* price of Congress lands; and that in the *interim*, and before government has disposed of the same, every purchaser who has improved his lands, without completing the payments, shall have the privilege of occupying the same, and enjoying the proceeds thereof.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing preamble and joint resolutions to each of our senators and representatives in Congress.

H. H. MOORE, *Speaker of the House of Representatives.*
JOHN H. THOMPSON, *President of the Senate.*

Approved December 25, A. D. 1827.

J. BROWN RAY.

20TH CONGRESS.] No. 651. [1ST SESSION.

CLAIM FOR RIGHT OF DOWER ON LAND IN THE DISTRICT OF COLUMBIA BELONGING TO THE GOVERNMENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 22, 1828.

Mr. LIVINGSTON, from the Committee on the Judiciary, to whom was referred the petition of Rebecca Blodget, reported:

Rebecca Blodget's petition.

She claims her right of dower in two lots of land, and the buildings erected thereon, under the following circumstances:

On March 18, 1793, David Burns conveyed to Samuel Blodget, the husband of the petitioner, lot No. 1, in square No. 430.

On the same day, by another deed, Burns conveys to Blodget lot No. 4, in the same square.

Both these deeds were acknowledged the day of their date, but were not recorded until August 29, 1794.

On January 8, 1794, Blodget conveyed this, together with other property, to Thomas Peter, in trust, to secure the payment of the prizes in the Hotel Lottery, and to indemnify the managers of the said lottery.

The hotel, built partly on No. 4, and having No. 1 annexed to it as an appurtenance, formed the highest prize in the lottery. It was drawn by Robert S. Beckley, who filed a bill in chancery, for the conveyance of it, against Blodget and Peter, his trustee; this was decreed accordingly; and

On January 2, 1805, Peter and Blodget conveyed the premises to Beckley, to whom, also, Munro, the superintendent of the city, conveyed that part of the land on which the hotel stood that belonged to the city.

On May 21, 1810, Beckley, in consideration of $10,000, conveys the whole premises to the United States, excepting, from his general warranty, any defect of title that may arise from the delay in recording the deed from Burns to Blodget, and expressly declaring that he held under those deeds.

The marriage of the petitioner with Blodget, in the year 1790, and his death in 1814, appear to the satisfaction of the committee. But the circumstance that the deeds to Blodget from Burns had not been recorded in the time required by the act of the State of Maryland, (six months,) created a doubt with the Attorney General, (to whom this case has heretofore been referred,) whether there was such a seizin in Blodget as would entitle his widow to claim her dower.

It is understood that, at the time of the purchase by Blodget, an equitable estate alone in the husband would not entitle the widow to dower; but that, by a law passed since that period, the law in this respect is changed; and that, as the law of Maryland now stands, such equitable estate in the husband would entitle the widow to her dower. Some of the committee think that this alone would entitle the petitioner to relief, and that, whenever there is a clear claim binding, according to good conscience, the public ought to act as a conscientious individual would do under similar circumstances; and that, therefore, if Blodget's legal estate, by his neglect to register his deed, had been reduced to a mere equitable right, the United States, who have enjoyed the benefit of that equity, which, joined to a possession of more than twenty years, gives them an indefeasible title, cannot, with propriety, defeat the claim of the widow by taking advantage of any legal bar.

It is also believed that, as Blodget was, during the first six months after the date of Burns' deed to him, undoubtedly seized of a fee in the property, liable to be defeated by not registering his deed within that time, therefore such seizure, although temporary, was sufficient to endow the wife. If Blodget, the day after receiving the deed, and without recording it, had conveyed to another, with a covenant that he was lawfully seized, and the purchaser should have afterwards lost the land by neglecting to register the title, it appears to the committee that no recovery could be had against Blodget on the covenant. If so, then Blodget was lawfully seized, and if he was so seized for a day only the widow is entitled to her dower.

There is another ground on which some of the committee think that the petitioner is entitled. It is this: that the United States hold under Blodget's title, and that, therefore, they are not permitted to get rid of the claim of his widow by denying his title; if she has no title they have none; but they assert a title, and enjoy the benefits of it by possession, and there would be absurdity, as well as injustice, in saying, at the same time, Blodget had a title, and he had none; he had a title for our benefit; he had none for that of his wife. That they hold under Blodget appears clearly from the deduction of title.

The Attorney General, by his report, seemed to think negative proof that the petitioner had not released her dower ought to be furnished; this has been done, as far as was possible, by the oath of a person who examined the records and found none.

Coming to the conclusion that the petitioner was entitled to her dower, the committee found some difficulty in determining in what mode it should be assigned. The building occupied as the General Post Office covers two lots of fifty feet front each; the most valuable of which, being the corner lot, is No. 4, held under Blodget, and it is proved that he expended $27,949 in the building. As it is incapable of division with any convenience, the only resource was an apportionment of the rent; but the size and construction of the building being such as to make it not well fitted for a dwelling-house, it was difficult to fix upon a sum as the exact yearly value. Some of the witnesses fix on ten per cent. of the cost in building as the usual rate; this would give $2,794, taking the sum expended by Blodget as the rule; another witness estimates the yearly value, as it now stands, at two thousand dollars. This does not include No. 1, also a corner lot on which there is no improvement; supposing, therefore, the rent to be $2,000, and placing the lot No. 1 and the superior value of lot No. 4 as an offset against the sums laid out by the United States, a majority of the committee have fixed upon that as the basis of the allowance, and made their calculations as follows:

Whole yearly rent	$2,000
Deduct one-half for the part not owned by Blodget	1,000
	1,000

And have allowed one-third of this sum to the petitioner during her natural life, commencing from February 20, 1826, when she presented her petition, the committee considering that as analogous to the commencement in the ordinary case of a suit at law; for which purpose they present a bill.

20TH CONGRESS.] No. 652. [1ST SESSION.

PURCHASER OF LAND INDEMNIFIED FOR DEFICIENCY IN QUANTITY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 25, 1828.

Mr. WM. R. DAVIS, from the Committee on Public Lands, to whom was referred the petition of Robert L. Kennon, reported:

That they have duly considered the same, and find the statements of the petitioner true: That on January 21, 1826, he purchased at the sale of public lands at the land office at Tuscaloosa a certain tract of land, designated by the register of the said office as the fraction north of section eighteen, township twenty-four, and range five east, and containing one hundred and forty-six acres; and that he made payment in full for the same, as required by law, at the rate of five dollars and five cents per acre; that it has since been ascertained by an officer of this government, the surveyor general, that the said tract of land contains but seventy-five acres and eighty-eight hundredths. It appears to the committee that the government ought to refund to the petitioner the amount he has overpaid, as he was misled by the error of an officer of the government, and was thereby induced to purchase and pay for nearly double the quantity of land that he has received. It is only because this was a fractional section, and the difference great, that the committee have deemed it a proper exception from the general rule.

The committee recommend that the prayer of the petitioner be granted; and for this purpose report a bill.

20TH CONGRESS.] No. 653. [1ST SESSION.

ADVERSE TO SALE OF SCHOOL LANDS IN MISSOURI ON THE MEMORIAL OF CITIZENS.

COMMUNICATED TO THE SENATE FEBRUARY 25, 1828.

Mr. BARTON made the following report:

The Committee on Public Lands have had under consideration the recommendation of several citizens of Missouri that a law be passed authorizing the sale of the school lands in that State, and are of the opinion that, until the general assembly of that State, to whom the guardianship of those lands appertains, shall request such a change of the laws, it would be inexpedient to legislate upon the subject, and therefore recommend the adoption of the following:

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

20TH CONGRESS.] No. 654. [1ST SESSION.

PRE-EMPTION RIGHTS IN MICHIGAN AND INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 29, 1828.

Mr. JENNINGS, from the Committee on Public Lands, to whom was referred the petition of sundry inhabitants of the Territory of Michigan and northern limit of Indiana, reported:

That, from the best information the committee have obtained, a portion of the petitioners have resided on the borders of the St. Joseph's of Lake Michigan, as traders, previous to the extinguishment of the Indian title by the United States, and most of them for some years past; that the lands on which they made settlements are now ordered to be surveyed by the proper authority, and will be brought into market as soon after survey as existing laws will permit.

The object of the petitioners is, to be secured against competition, by being allowed a pre-emption of one hundred and sixty acres each, to include, respectively, their improvements, in whole or in part, so far as it may be practicable The prayer of the petitioners, if it shall ultimately obtain, will enable them to secure, as far as may be practicable, without interfering with the lines of the public surveys, the labor and improvements they have made and bestowed on the soil they inhabit, without paying a price therefor, enhanced by such improvements, and as well by the great convenience they afford to those emigrating to frontier settlements.

The committee conceive that the limited amount above the minimum price per acre which might accrue to the government by refusing the prayer of the petitioners should not be an inducement in coming to the conclusion that the prayer is reasonable and ought to be granted. The committee therefore report a bill.

20TH CONGRESS.] No. 655. [1ST SESSION.

LAND CLAIMS IN FLORIDA.

COMMUNICATED TO THE SENATE FEBRUARY 29, 1828.

Mr. KING, from the Committee on Public Lands, to whom were referred the reports of the commissioners appointed to ascertain claims and titles to land in Florida, and of the register and receiver of East Florida, reported:

That the boards of commissioners appointed under several acts of Congress were vested with powers to receive claims of every description derived from the Spanish government in the Floridas prior to January 24, 1818, the period subsequent to which all claims made by that government were interdicted by the treaty. The commissioners were required to decide upon claims to the amount of 3,500 acres, and to report to Congress all claims over that amount, with the evidence in support of the same, with their opinion upon their validity. They have performed the duty assigned them, and their reports for claims within their jurisdiction, to wit, of 3,500 acres and less, have been confirmed. Those recommended for confirmation, the title papers to which have been ascertained to be genuine, now remain to be disposed of by Congress. The United States have stipulated in the treaty to confirm them to the same extent that they would have been confirmed under the Spanish government. If the powers of the local tribunals and provincial officers were clearly ascertained, there would be no difficulty on the subject. If the titles were perfect by complete grant, there would be no obstacle to a recognition of their rights. These claims, however, have originated by the concessions of the governors and intendants, some upon condition, and others for public services. The committee cannot doubt that there are valid claims over the quantity of 3,500 acres, as well as those under it, which the United States are bound to confirm under the eighth article of the treaty. The provincial officers of Spain had an undoubted authority to grant the domain of the King under certain restrictions, one of which, in many instances, was the approbation of the superior authorities. Where that assent was not obtained before the change of government, we can only conjecture what Spain would have done from her ordinances, practices, and policy. That it was a matter of common occurrence for the Spanish authorities to reward its favorites for services rendered, is attested by the history of all their provinces, and by the grants of the King himself. The United States cannot inquire how far Spain ought or ought not to have so rewarded them, where the grants are perfect. When they are not consummated by a complete grant, the committee are of opinion that the higher authorities of Spain had the power, and would have execised it, to limit in their decrees of approbation the concessions of the local officers. The United States stand in the place of the King of Spain, and it is believed can exercise that discretion which they would have done. The committee have therefore confirmed, to the extent of a league square, the quantity fixed upon in the law for the settlement of private land claims in Louisiana, (4th volume Laws of the United States, page 680.) This law was passed after a report of the Secretary of the Treasury, Mr. Gallatin, in which he declares it to be his opinion that this was the limit of the jurisdiction of a provincial governor. The committee have provided for that quantity. They are aware that the claimant is not bound to accept it.

Referring, however, to the precedent established in the cases referred to in Louisiana, and believing that the same ought to be granted to the claimants in Florida, and considering it an object of great importance to have the surveys completed, the treaty carried into effect, and the private separated from the public lands, they have reported so much in relation to the commissioners' reports.

They have also provided for the extension of time for the settlement of private land claims in East Florida, and for the confirmation of those under the jurisdiction of the register and receiver, whose report they have examined, and find that the duties were well performed by them.

20TH CONGRESS.] No. 656. [1ST SESSION.

ADVERSE TO CORRECTION OF ERROR IN SURVEY OF PUBLIC LAND AFTER THE ISSUE OF A PATENT.

COMMUNICATED TO THE SENATE MARCH 10, 1828.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the resolution of the Senate of the 28th January last, directing an inquiry into the expediency of authorizing the Secretary of the Treasury to refund to James Reeves, of Indiana, thirty dollars and fifty-seven and a half cents paid for a certain fractional quarter section of land over the sum to which the quantity really contained in it would have amounted, and also the accompanying documents, reported:

That the fractional quarter was calculated and returned by the proper surveyor to the General Land Office as containing 158.28 acres, and was so bought and paid for by Mr. Reeves, and a patent issued to him accordingly.

It now appears, by a subsequent calculation, that that fraction contains only 133.72 acres; wherefore the applicant claims the surplus.

The act of Congress of February 11, 1805, (3d vol. U. S. Laws, page 637,) declares that the divisions and subdivisions of the public lands "shall be held and considered as containing the exact quantity expressed in such return or returns" of the public surveyors; and this purchase was made under that act.

The practice of the Treasury Department has been to permit all such corrections as that now asked at any time before the issuing of the patent, but not afterwards.

The committee, believing the above-mentioned act to have been intended to put an end to disputations respecting the precise quantity of such divisions of the public lands, and believing that such detections of error in the public surveys would be endless, as the many obstructions to exact measurement and calculation shall be removed by time and improvements, recommend the adoption of the following:

Resolved, That it is not expedient to legislate upon the subject of the above-mentioned resolution.

20TH CONGRESS.] No. 657. [1ST SESSION.

AMOUNT OF PAYMENTS MADE BY THE PURCHASERS OF PUBLIC LANDS AND MODE OF APPLYING OR ACCOUNTING FOR THE SAME.

COMMUNICATED TO THE SENATE MARCH 12, 1828.

TREASURY DEPARTMENT, *General Land Office, March* 10, 1828.

SIR: I have the honor to transmit for your information the two enclosed statements: the one exhibiting the amount of payments made by purchasers of the public lands to June 30, 1827; the other showing the mode in which those payments are accounted for, brought down to the same period.

These statements having been prepared with a view to correct erroneous impressions as to what have been the avails of the public domain, I would suggest that it may be useful to cause them to be filed among the archives of the Land Committee.

With great respect,

GEORGE GRAHAM.

HON. DAVID BARTON, *Chairman of the Land Committee, Senate of the United States.*

Statement showing the amount of payments made by purchasers of public lands to June 30, 1827.

Payment made on sales at New York in 1787	$117,108 24
Payment made by the Ohio Company in 1792	642,856 66
Payment made by John C. Symmes in 1792	189,693 00
Payment made by the State of Pennsylvania for the triangle on Lake Erie in 1792	151,640 25
Payment made on sales at Pittsburg in 1796	100,427 53
Aggregate of payments prior to the opening of the land offices	1,201,725 68
Amount of payments made at land offices from the opening thereof to December 31, 1825, as per treasury report, Doc. 63, 2d session, 19th Congress	31,345,963 73
To which must be added the amount of three items therein omitted, in consequence of the receivers' returns not having been fully rendered to the period to which said report was made, viz: the accounts from the offices at Cahaba, St. Stephen's, and St Louis	240,743 79
Payments made during the year 1826	1,163,898 23
Payments made from January 1 to June 30, 1827	922,156 90
Aggregate of payments to June 30, 1827	34,874,488 33

Statement showing the mode in which the payments made by purchasers of public lands are accounted for.

Amount of payments made in certificates of public debt, and by purchasers at the sales at New York, by John Cleves Symmes, and by the Ohio Company		$949,657 90
Amount of payments made by the State of Pennsylvania, in certificates of public debt, for the triangle on Lake Erie		151,640 25
Amount of moneys paid into the treasury of the United States, on account of public lands, to January 1, 1828, as per statement of the Register of the Treasury, dated January 30, 1828, deducting therefrom the amount paid during the third and fourth quarters of the year 1827		29,197,749 26
Amount of Mississippi stock surrendered at the land offices in Mississippi and Alabama.		2,447,539 39
Amount of United States stock surrendered at the land offices in Ohio		257,660 73
Incidental expenses.		
To December 31, 1825, as per the treasury report above referred to	$1,154,951 84	
During the year 1826	111,212 65	
From January 1 to June 30, 1827	62,829 62	
		1,328,994 11
Aggregate of payments accounted for to June 30, 1827		34,333,241 64

Brought forward.....	$34,333,241 64
To which add balance in the hands of receivers in office on June 30, 1827.....	384,852 70
	34,718,094 34
Leaving a difference between the amount of payments made by purchasers and the amount of payments accounted for, as above, which difference remains to be accounted for by *receivers out of office*.....	156,393 99
Total amount of payments made by purchasers to June 30, 1827.....	34,874,488 33

20TH CONGRESS.] No. 658. [1ST SESSION.

CLAIM OF A DESERTER FROM THE ARMY TO BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 14, 1828.

Mr. STERIGERE, from the Committee on Private Land Claims, to whom was referred the petition of Chad Miller, reported:

That the petitioner states that he enlisted as a private in Captain McIntosh's company of flying artillery on or about July 13, 1814, to serve during the war, and then received fifty dollars bounty; that he deserted three days after joining his company, on Saturday night; that on the next Saturday night he delivered himself up to Captain Riley Sweet, of the 37th regiment of infantry, in consequence of the President's proclamation respecting deserters, and continued in the service till April 10, 1815, when he went home, but returned in a few weeks. On his return he found the other soldiers had been paid off and discharged; and Captain Sweet informed him he thought he had lost his pay by being absent; that he would assist him to get his pay, but could not give him any other discharge than the certificate marked A. That the petitioner made application for his back pay and bounty, amounting to sixty-four dollars, at the Treasury Department, in 1819, but his claim was rejected on account of his having been a deserter. He prays Congress to grant him his back pay and bounty and bounty land.

By records in the War Department it appears that the petitioner enlisted, July 13, 1814, to serve during the war; that he deserted on the 27th of the same month, and was returned to the department as a deserter; that on the 10th of August following he delivered himself up to Captain Sweet, of the 37th regiment of infantry, at Fort Trumbull; that the petitioner deserted a second time, April 10, 1815, and was again returned by Captain Sweet as a deserter; that the company to which the petitioner belonged was paid off and discharged, April 30, 1815, by order of the President of the United States, and the petitioner is marked on the pay-roll as a deserter; that the petitioner made application for his back pay and bounty in 1819; and that his claim was rejected, as no back pay or bounty is ever allowed to soldiers who have been returned as deserters.

It appears that the President issued a proclamation, dated June 17, 1814, promising a pardon to such individuals as *had deserted* from the army who should surrender themselves to the commanding officer of any military post within three months from its date. It is this proclamation under which the petitioner pretends to have delivered himself up, and which pardons his desertion. But this proclamation was issued long before Miller's first desertion, and even before his enlistment, and does not embrace his case, unless we suppose it to have a prospective operation, which would be contrary to the very terms of the proclamation and all sound legal principles, and at variance with the construction uniformly given to such proclamation by the department. But supposing the proclamation did embrace the petitioner's case, as the committee are informed by the War Department, "it could have no effect but to screen him from punishment, and not to restore him to rights which he had forfeited."

Without giving any opinion about the sufficiency of his justification for his second desertion in April, 1815, enough appears to satisfy the committee that the petitioner is not entitled to relief.

By the acts of Congress under which the petitioner enlisted he was not entitled to bounty land or extra pay unless honorably discharged. Hence, as Miller was not thus discharged, and, instead of having faithfully performed his duty, had twice been returned as a deserter, he has no claim by his contract for bounty land or back bounty; and it has been uniformly determined by the War Department that deserters from the army are not entitled to bounty land.

The forfeiture of bounty land and back pay and bounty for desertion is founded in good policy, and should not be departed from. The government is now, in time of peace, sustaining annually a loss of about sixty thousand dollars by desertions from the army: the allowance of this claim would make a bad precedent, and would open a door to a flood of claims of the like kind, and would operate as a bounty for desertion, which it should be our policy to check by every practicable means. No claim of a like kind has ever before been allowed, to the knowledge of this committee.

This committee are aware that the Committee on Private Land Claims of the House of Representatives, at the last session of Congress, reported in favor of this claim, but this committee cannot accord with the principles on which that committee appear to have predicated their report. They state that Miller's desertion in July, 1814, was, under the circumstances of the case, purged by his delivering himself up at Fort Trumbull, in August, 1814, under the proclamation of the President of June 17, 1814. In this that committee are certainly mistaken. For the reasons before given, and which need not be repeated, the committee are satisfied that, under the circumstances of the case, Miller's delivering himself up, as before stated, did not purge his desertion in 1814 Without entering further into the examination of the said report, the committee are of opinion, from the facts of this case, that the petitioner is not entitled to

bounty land or to back pay and bounty, either by the terms of his contract with the government, or on any principle of law, usage, justice, or policy. They therefore offer the following resolution:

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

20TH CONGRESS.] No. 659. [1ST SESSION.

LAND TITLES IN EAST FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 17, 1828.

At a numerous and respectable meeting of proprietors of lands in East Florida, held, pursuant to public notice, at the new Masonic Hall in Broadway, in the city of New York, on Wednesday, March 5, 1828, Dr. Nehemiah Brush was appointed chairman, and Alexander M. Muir, secretary. The following resolutions were submitted to the meeting, and, after consideration, unanimously adopted:

Resolved, That the proprietors now present became purchasers of lands in East Florida in the full faith and confidence that the following clause, contained in the eighth article of the treaty between the United States and Spain, dated February 22, 1819, would have been carried into effect shortly after the ratification of that treaty: "All the grants of land made before January 24, 1819, by his Catholic Majesty, or by his lawful authorities in the said Territories (East and West Florida) ceded by his Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the Territories had remained under the dominion of his Catholic Majesty:" and, in the same confidence, have not only expended considerable sums in the purchase of those lands, but many of the proprietors have, in addition, expended large sums of money in establishing settlements, making roads, building houses, and other beneficial improvements; and others of the proprietors, with a view to induce respectable farmers and mechanics to settle in East Florida, have entered into engagements to convey to them certain quantities of land in fee-simple on the condition of such settlement.

Resolved further, That in consequence of the omission of Congress to confirm titles of land in East Florida, or to act upon the reports of the Florida commissioners, all the proprietors have sustained great loss and damage, their capital having remained wholly unproductive for several years in consequence of not having been able to dispose of their lands while the title remained without confirmation; and others of the proprietors have sustained additional loss, and been put to considerable expense, from inability to comply with their contracts made with the first settlers, (of conveying to them certain portions of land in fee-simple,) and the result is that the settlement and further improvement of that Territory is suspended, purchasers not being willing to wait an uncertain and indefinite period for the confirmation of their titles, and settlers not being willing to expend their time and money in making improvements upon lands of which, by possibility, they may be hereafter divested.

Resolved further, That while the proprietors now present repose every confidence in the disposition of Congress to do them justice, they cannot but most seriously regret that the confirmation of titles to lands in East Florida has been delayed for so many years, not only on account of the individual losses of the proprietors, but on account of the injury sustained by the Territory and its inhabitants; and they beg leave most respectfully to represent that should the confirmation be longer suspended, there is the greatest danger that the whole country will be overrun by squatters, and that the live-oak timber, which constitutes a very valuable, and in some instances the sole value of the land, will be cut off and sold, or girdled and destroyed, by which the proprietors will suffer irremediable injury.

Resolved further, As the sense of this meeting, that inasmuch as most of the titles to lands in East Florida have been examined and reported upon by the different boards of commissioners appointed under the authority of Congress to investigate and examine those titles, and inasmuch, also, as the grant made by the intendant of Cuba to F. M. Arredondo & Son, under which most of those present derive title, was examined and reported for confirmation in the year 1825, and has again been reviewed by a subsequent board, and classed in a report made to Congress at the present session as class No. 2 of land titles, it would be unjust, and would occasion great delay and expense to the present proprietors, to require them to bring actions in the courts of the United States to sustain their titles as proposed by a bill reported to the House of Representatives by the Committee on Private Land Claims; and it is respectfully suggested that the provisions of the above-mentioned bill ought only to apply to such claims as have been rejected or reported against by the board of commissioners.

Resolved further, That, in the opinion of the proprietors present at this meeting, further delay in the confirmation of their respective titles will be productive of most serious injury, and that Congress be, and they are hereby, most seriously and earnestly invited to take the subject into consideration, and to devise some speedy mode for giving relief to the proprietors.

Resolved, That the preceding resolutions be printed, and copies thereof transmitted to the members of Congress.

By order of the meeting: NEHEMIAH BRUSH, *Chairman.*

ALEXANDER M. MUIR, *Secretary.*

20TH CONGRESS.] No. 660. [1ST SESSION.

LAND CLAIM IN EAST FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 19, 1828.

Mr. WM. R. DAVIS, from the Committee on Public Lands, to whom was referred the petition of Hannah Drayton and others, heirs-at-law and devisees of William Drayton, deceased, reported:

That the father of the petitioners, the late William Drayton, a native citizen of the State of South Carolina, who died in the city of Charleston, in the said State, in the year 1792, was possessed, in his life-time, of several plantations and tracts of land in the Territory of East Florida, derived from British grants, whilst that Territory was attached to the British dominions; that when that Territory was ceded to Spain by Great Britain the said William Drayton received no compensation from the British government for the value of his estates in Florida, in consequence of his having sided with his own country in the war of the Revolution; that since the cession of Florida by Spain to the United States the heirs-at-law and devisees of the said William Drayton preferred their claims to the lands aforesaid before the United States commissioners for East Florida, who pronounced no decision in their cases, as their jurisdiction was limited to grants either made or recognized by the Spanish crown. The commissioners, nevertheless, clearly manifest their opinions of the equity and justice of their claims, as the following extract from their report will show:

Extract from Executive papers, 2d session, 18th Congress, part 2, vol. 7.

"We have duly examined and considered the claims, (among which those of Hannah Drayton, &c., &c., are specified.) It does not appear that they were recognized by the Spanish government, and we are therefore of opinion that at the period of the cession of the province to the United States the memorialists had not a valid claim against the Spanish government. It is in proof in all the cases herewith reported, with the exception of two, (Prince and wife, for two tracts,) that the present claimants are citizens of the United States, and that neither they nor those under whom they claim had ever received any compensation from the British government. Although the commissioners do not feel themselves called on to express any opinion on the merits or equity of these claims, they cannot close this report without remarking that many of the ancestors of the present claimants embarked in the revolutionary struggle, and by that act deprived themselves of the right to claim compensation for their land from the British government.

"DAVIS FLOYD.
"GEORGE MURRAY.
"W. H. ALLEN.

"ST. AUGUSTINE, *December* 29, 1824."

The petitioners do not ask any grant from the United States or recognition of title to the lands of their ancestor, but merely, under the circumstances detailed, that the United States should relinquish the rights which are vested in them to the said lands by the treaty with Spain, February 22, 1819.

The committee are of opinion that the prayer of the petitioners ought to be granted, and for this purpose report a bill.

20TH CONGRESS.] No. 661. [1ST SESSION.

LOCATION OF THE LAND GRANTED TO THE KENTUCKY ASYLUM FOR TEACHING THE DEAF AND DUMB.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 20, 1828.

TREASURY DEPARTMENT, *March* 19, 1828.

SIR: In obedience to a resolution of the House of Representatives of the 8th instant, "directing the Secretary of the Treasury to communicate to the House the instructions given to the agent for locating the township of land granted to the Kentucky Asylum for teaching the deaf and dumb, his proceedings under them, and any correspondence in the department relative to the same," I have the honor to transmit herewith documents numbered from 1 to 10—2, inclusive, which contain the information and correspondence required by the resolution.

I have the honor to be, very respectfully, sir, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER *of the House of Representatives.*

No. 1.

DANVILLE, *April* 15, 1826.

SIR: The board of trustees of the Kentucky Asylum for the tuition of the deaf and dumb have been advised by the Hon. Thomas P. Moore of the passage of an act of the present Congress, granting to that

institution a township of land, to be located under your direction. The board, understanding it to be the usage of the department over which you preside to permit the parties immediately interested in such cases to make their own selections of land, have appointed the Rev. Samuel K. Nelson, of this place, their agent and attorney for that purpose.

It is the wish of the board that this land should be located in Florida, and deeming it highly important to the institution that there should be as little delay as possible in making the selections, they have directed me to express those wishes to you, and to request that you will be pleased to give the necessary orders to enable their agent, immediately on his arrival in Florida, to proceed to execute the trust confided to him. Mr. Nelson will set out in a few days for Tallahassee, and will, on his arrival, wait upon Governor Duval, to whose care the board desire that the orders from your department may be directed.

I am, sir, with sentiments of the highest consideration, your obedient servant,

J. BIRNEY, *Chairman pro tem.*

Hon. the SECRETARY *of the Treasury.*

No. 2.

TREASURY DEPARTMENT, *May* 4, 1826.

SIR: A communication has been received at this department from Mr. Birney, on behalf of the managers of the Kentucky Asylum for the tuition of the deaf and dumb, stating that the board had appointed you its agent to locate the township of land granted to that institution by an act of Congress passed April 5, 1826, and requesting that the necessary instructions might be transmitted to you at Tallahassee to enable you to execute the trust confided to you.

I have, accordingly, the honor to state that you are at liberty to proceed to locate the said township in any of the Territories of the United States, upon land to which the Indian title has been extinguished. Your location may embrace one entire township, except the section numbered sixteen, set apart for the use of schools; or, if it be preferred, the quantity of a township may be obtained by locations in smaller tracts, it being understood that the whole shall be located in the same Territory, and that the tracts shall consist of not less than four entire and contiguous sections. By the term contiguous, it is not understood that the sections should necessarily form a perfect square; if their relative positions shall constitute an oblong square, there will be no objection to the locations; but sections touching each other at their diagonal corners are not contiguous within the meaning of this instruction.

For your further information I enclose a copy of the act alluded to, and request that, after the necessary selections are made, you will be pleased to submit the same for the approbation of this department.

I am, very respectfully, your obedient servant,

RICHARD RUSH.

Rev. S. K. NELSON, *Tallahassee.*

No. 3.

DANVILLE, *Kentucky, August* 3, 1826.

SIR: The passage of the law granting the right of pre-emption to actual settlers in Florida, and the title that it conferred on them to a specific tract of land, to the exclusion of the grant to the Deaf and Dumb Asylum of Kentucky, (being unlocated at the time of its enactment,) has rendered inoperative the location made by the institution under the instructions from your department, and placed them in a situation that will not enable them for a long time to dispose of the small part which is not covered by the claims of those entitled to pre-emptive rights. The institution is in such a condition as to require, in a short time, some part of the means that were intended for its aid, and they have supposed that my assent would be of some avail in changing or modifying the location and the instructions under which it was made. I should deem it impertinent to offer an opinion on the construction of the law, or any instructions you might be disposed to give under it, and my only motive for troubling you is the official relation that exists between the inhabitants of that Territory and myself, and the desire I feel, on all occasions, to protect their interests, and the advancement of the country; having this object in view, I should be willing (if, in your judgment, the law authorizes such a construction) to allow the agent of the institution to locate other lands in lieu of those within the present locations covered by the claims of settlers upon any unappropriated lands; upon this express condition, that they be sold at the same time, and by the receiver and register, for the benefit of the institution, and on such conditions as it will prescribe. I could not, in justice to my constituents and the Territory, agree to such a change of location, so far as any little influence that my opinion, as the representative of the Territory, might have on any other condition than a positive covenant on their part to allow the sale of the whole at the next January sale. To permit a change of location to them, with the privilege of holding up the lands for five years, would retard the population, paralyze the energies, and destroy the prosperity of the Territory; against which course, or any policy that would lead to it, I feel it my duty to protest; and, with this view, I addressed the Commissioner of the General Land Office some weeks since, to which letter I respectfully invite your attention.

I have the honor to be your most obedient servant,

JOS. M. WHITE.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

No. 4.

DANVILLE, *Kentucky, August* 18, 1826.

SIR: Mr. Graham's communication, advising me of the decision of your department in relation to the selection which I, as agent for the Kentucy Asylum for teaching the deaf and dumb, had made of lands, has been duly received.

It is scarcely necessary for me to inform you that I felt great disappointment and regret upon finding that decision against us on every important point, and such as must necessarily defeat what we conceived the benevolent intention of Congress, blast our prospects, and utterly disappoint the sanguine hopes of its numerous friends. The instructions, in the first place, restricted us beyond what (as we believe) was the design of Congress. This we think obvious by the promptness by which the clause in the bill granting pre-emption rights to the settlers in Florida, which provided that "the lands granted to our institution should be located in tracts of not less than four entire sections, any law to the contrary notwithstanding," was rejected. In the second place, as our selections had been made under instructions which did not direct the avoidance of the claims of settlers under pre-emptive rights, and being also under an elder grant, we believe that under such an approval as we had a right, under existing circumstances, to expect, we would have had a right to at least that part which you admit to have been made in conformity with those instructions. Mr. Graham, to whom you referred me, informed me explicitly that the approval would be so expressed as not to *decide* between the parties as to their rights of preference; yet it is obvious that the approval, as made, will deprive us of every legal claim which we might otherwise have had. In the third place, it is the opinion of the board, and of every member of Congress that I have seen, (not excepting Colonel White,) that the selection (excepting the two detached sections) has been made according to the most plain and natural construction of the instructions. The object of the restriction was certainly to prevent our dispersing the claim to an unreasonable extent over the country. The instructions would have admitted of our taking the quantity in nine different tracts. With the exception before mentioned, we have taken it in three. By the addition of the half and quarter sections to the larger tracts, consisting of sections, &c., I really conceived that I was but complying more fully with the spirit and intention of my instructions. Two of the tracts selected contain eight, and the least six "entire and contiguous sections." But, admitting that our zeal may have blinded us, and that we are mistaken on all those points, I still hope that the unforeseen circumstances which now exist will induce you to permit the present location to stand (with the exception made) as to the residue. In relation to the settlers: The face of the country, together with the pre-emption claims, render it absolutely impossible to make it differently without a sacrifice of half the value of the grant. If we are sent to another Territory, it will be to locate lands that will not be worth the minimum price fixed by Congress within the five years in which we are bound to sell. If compelled to complete our locations in Florida under the present constructions, we will be obliged to take lands that will *never* be worth that price. When the present necessities of this benevolent institution, the face of the country, the preference given to settlers, and especially the fact that all the good lands in the Territory are ordered into market already, and will be sold before Congress will have time to do anything on our behalf—when all these things are considered, may I not hope that you will approve of the location as now made, except so far as it may be hereafter found to interfere with the vested rights of individuals; also, permit us to locate, before the sales, such quantities as may be taken from us by the pre-emptive rights of actual settlers, in similar sized tracts, on the understanding and agreement specified in Colonel White's letter, herewith transmitted. If this is granted, the settlers will obtain all they can claim. The Territory of Florida cannot complain, as the lands will be sold at the *same time* as if belonging to the United States. Being sold on a credit of four or five years, it will accommodate the citizens of the Territory, and will *accelerate*, instead of *retarding*, its population. Our institution will obtain the aid which its present situation so imperiously demands, and be content. You will also be pleased to take into consideration that on our hands will be left all the *worthless* land included in the present location, a great portion of which was taken to make out the connexion; and I hope you will consider the exercise of the discretion vested in you as not only just, but satisfactory as suggested. Should the best of our lands be taken out by pre-emption rights, it is but just that we should be permitted to replace it with the best that we can *then* procure, which must necessarily be inferior in quality to the land lost. For a variety of reasons, not necessary now to specify, it is of immense importance to the institution that we should be immediately informed whether or not the locations will be approved with these conditions. If so, I will add the residue to one or other of the three tracts; if not, the time will scarcely admit of our taking the only remaining alternatives.

A speedy reply will not only much oblige the institution, but your obedient, humble servant,

SAM'L K. NELSON.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

P. S.—Should you deem it proper to approve the location, under the circumstances now existing, and with the engagement we have made to have the land sold *immediately*, (as I almost earnestly hope you will,) to prevent its being disposed of to others than actual settlers it is desirable that the register and receiver at Tallahassee be immediately apprised of our location. I hope that before this time you will have found it convenient to do so in relation to fifteen or sixteen sections approved.

Very respectfully, your obedient servant,

SAM'L K. NELSON.

P. S.—Was not section 25, in township 6 north, range 12 west, omitted (through inadvertence) to be approved?

No. 5.

DANVILLE, *Kentucky, August* 21, 1826.

SIR: The communication from your department, through Mr. Graham, was duly received by our agent, the Rev. S. K. Nelson, and by him laid before the trustees of the Kentucky Asylum for teaching the deaf and dumb, who have charged the undersigned committee to express to you their views.

It was with no little regret that the board found that the selections of their agent had been only partially approved. They had hoped that your department, taking all things into consideration, would have given the most liberal construction which the terms of the grant would have warranted. They were induced and led to expect this from many considerations, some of which they will mention. Between the years —— and 1820 the American Asylum at Hartford, Connecticut, was instituted, after some years' experience, in order to test the practicability of imparting useful knowledge to deaf mutes, a project, at

that time, by many considered doubtful. The *national* legislature was induced to foster and patronize such a laudable design by a grant of a township of land, which has placed that institution upon a firm basis. To show that the grant was not made to a particular *State*, or that particular institution, Congress has uniformly refused to make a similar grant to New York or Pennsylvania, those States being situated within reach of the national endowment at Hartford. Hartford, situated at a convenient point in the northeastern section of the Union, can supply the demand for the instruction of deaf mutes in that section of the Union.

The object of Congress, in the grant to Hartford, seems to be well understood in that quarter, as *all* the States east of the Hudson have made provision, by legislative enactment, for the education of their deaf and dumb at Hartford. The wisdom of this course can be easily made manifest by a reference to the annual reports of that institution, particularly those of the last four or five years, and to which we respectfully invite your attention. Entertaining these views of the intention of Congress in making the grant to that institution, situated in the northeast, *we*, situated near the centre of the southwestern section of the Union, petitioned Congress for the *national* bounty. In our petition and documents accompanying it, which are on file in Mr. Clarke's (Clerk of the House of Representatives) office, we claimed the national bounty, to answer what we hope may not improperly be called national objects, and to which we earnestly invite you attention.

We further beg leave to urge upon your consideration the vast importance to us of the discretion vested in you.

With all these views plainly and distinctly expressed, Congress has made the grant; may we not, therefore, hope that, considering the extent of country and number of the population looking to us for instruction, (no institution of the kind existing west of Alleghany,) you will be induced to exercise the discretion vested in you, in the manner best calculated to answer the laudable and benevolent design of Congress in making the donation.

The State of Kentucky has done everything which the embarrassed state of her treasury permitted to foster and sustain the institution; she has passed all laws necessary to enable any sister State to enjoy the benefits of the institution upon the *same* terms as her own citizens. We have seen Mr. Nelson's letter to you on this subject, and inasmuch as *all* the reasons urged for a liberal construction were made known to Congress *before* the grant, and as Col. White (whose constituents are most deeply interested) is satisfied, as expressed in his and Mr. N.'s letters, we confidently hope there may be no further difficulties in realizing the donation.

Very respectfully, your obedient servants,

D. G. COWAN.
J. BARBOUR.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

No. 6.

TREASURY DEPARTMENT, *September* 5, 1826.

SIR: I have had the honor to receive your letter of the 18th ultimo, in relation to the lands located by you in West Florida for the use of the Kentucky Asylum for the Deaf and Dumb, and requesting, for the reasons therein set forth, that the selections which were not sanctioned by the letter of the Commissioner of the General Land Office of June 26 might now be confirmed. I have also received letters from Messrs. Cowan and Barbour, as a committee on behalf of the asylum, and from Messrs. Moore and White, upon the same subject.

These communications have received all the attention on my part so justly due to the sources whence they come and the interesting character of the institution to which they refer. But with every disposition to favor, as far as may be in my power, the interests of this establishment, I cannot find, in the considerations they present, sufficient grounds for acceding to your proposition.

My instructions of May 4, 1826, were conceived to have been framed in a spirit of much liberality, as applicable to the construction of the act of Congress upon which they were founded, and the manner of your location is still thought to have involved a deviation from the instructions; nevertheless I am not unwilling to sanction those parts of the location lying within townships six and seven, ranges eleven and twelve, (except the detached section No. 3, township six, range eleven,) believing that this course will produce no public inconvenience, and being desirous of going to the utmost extent of the law for the sake of accommodating the institution.

Your request to be permitted to withdraw such portions of your selections as may be found to conflict with pre-emption claims, and to relocate them in small tracts, cannot be acceded to. If the interests of the asylum should be in danger of suffering from these pre-emption claims, Congress must be looked to for the remedy, and would, probably, not be indisposed to grant it. It may also be proper to add that if, on a final adjustment of the line between the State of Alabama and Territory of Florida, it should be found that any portion of your selections should fall within Alabama, a similar resort to Congress will become necessary to confirm such selections.

I am, very respectfully, your obedient servant,

RICHARD RUSH.

Rev. S. K. NELSON, *Danville, Ky.*

No. 7.

WASHINGTON, *January* 27, 1827.

SIR: A bill passed the Senate and House of Representatives on yesterday authorizing the completion of the location of a township of land for the Deaf and Dumb Asylum of Kentucky, for so much as was covered by the claims of those entitled to the right of pre-emption.

By a reference to that act you will perceive that the pre-emptioners are only required to establish their claims two weeks before the public sale, which is now postponed until the third Monday in May; the consequence of which is that the interference cannot be ascertained until that day. It follows necessarily that no instructions can issue for a relocation until that period, and no patent can issue for any quantity already located until that time, and of such portion as is not offered for sale until that shall be done. My object is to call your attention to these points whenever applications are made to you on the subject. I have also to request that you will direct the location of the remainder in Arkansas.

The act of 1823, directing the location of a township of land in East Florida, has been so far altered as to authorize its location "east of the Apalachicola in sections," and the completion of the location of that in West Florida. I have to request that immediate instructions be given to the governor to locate that township in sections, and the other as soon as the interference shall be ascertained.

I will thank you to order to be forwarded to me a copy of the instructions as soon as they are issued.

I have the honor to be your obedient servant,

JOSEPH M. WHITE.

Hon. R. RUSH, *Secretary of the Treasury.*

No. 8.

WASHINGTON, *March* 10, 1828.

SIR: I learn that the persons who are interested in maintaining the claim of the Deaf and Dumb Asylum of Kentucky to a larger grant of land than Congress ever intended to give the institution endeavor to sustain it by an argument drawn from the circumstances under which the law was passed. To one who is so familiar with the interpretation of laws as yourself, I conceive it would be an unnecessary consumption of your time to form an argument to repel a construction founded on the intention of the legislature, when the statute itself admits of no diversity of opinion from its plain and obvious meaning. If there is no ambiguity in the words or the context, any resort to the previous proceedings of Congress to ascertain the intention will be inadmissible, as my argument was considered to be predicated on the intention of the parties in construing the ninth article of the Spanish treaty. I do not regret, however, that this attempt has been made, as it enables me to sustain, by the sense of the Senate deliberately expressed, the argument I addressed to the President on the subject. The bill, as reported in the House of Representatives, was a grant of "one township of land, or a quantity equal thereto, to be located, &c., in one entire tract;" a motion was made to strike out "a quantity equal thereto," which was carried; a motion was then made to except section sixteen, which was carried. The bill, as it went to the Senate, provided for a grant of "a township in one entire tract." The committee of the Senate proposed two amendments—one was that it should be located in *one of the Territories*, and another that it should be sold *in five years*. These were the only amendments proposed by the committee or any senator. The Vice-President, in inserting the amendment after the word township to be located in one of the Territories, inadvertently struck out or run his pencil across "one entire tract." The error was not discovered; the amendments came to the House, and some member suggested it might be located in small bodies; and when this debate was seen by the Senate, such an intention was disclaimed, and such a feeling excited that a senator proposed an amendment to a bill, on the third of April, giving the right of pre-emption to certain settlers in Florida, providing that the township granted to the asylum *should "be located in one entire tract,* any law to the contrary notwithstanding." No one contended against it, the error was explained, and the proviso carried by a vote of four-fifths. I thought the amendment would injure the bill, or delay it, and, as it did not appropriately belong to it, I prevailed on a senator to move to recommit the bill for the purpose of striking out that proviso; and the argument I then employed was the one addressed to the President: that under the law none but an entire township could be selected, and the impropriety of attaching such tails to my bills; it was stricken out for these reasons, upon an assurance that none but an entire tract could be located, and that the addenda would be superfluous. From the vote of the House and the Senate it is clearly indicated that there was no intention on the part of either to give the land in small tracts. The vote to strike out "a quantity equal thereto" in the House, and the proviso of the Senate, carried by such a majority, speak a stronger language than the old bill with a pencil mark across an "entire tract," which I pledge myself to prove was done by accident, if necessary. Even if the motion had been made to strike those words from the bill, the conclusion justly to be inferred would be that they were surplusage, and that the bill was sufficiently explicit without them. Those who are unacquainted with the divisions and subdivisions of our surveys, in Congress, might entertain different opinions of their meaning. I think, however, upon a full view of the whole subject, you can find no difficulty in deciding that they are not entitled to the patent. I think it due to the government whose interest is so largely concerned, and to the people I represent, to refer it to the Attorney General for his opinion.

I have the honor to be your most obedient servant,

JOSEPH M. WHITE.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

No. 9.

MRS. TURNER'S, *March* 11, 1828.

SIR: In addition to the arguments offered by the Hon. Mr. White to show that the location in Florida of a township of land made for the Deaf and Dumb Asylum of Kentucky is invalid, I beg leave to call your attention to a fact to which I believe he has not adverted, either in his communication to the President or to yourself.

The law granting to this institution a township of land expressly excepts from the grant the 16th section, and consequently conveyed the right to thirty-five sections only; but, by a reference to the location

made by the agent, as designated upon the map, I think it will be found that full thirty-six sections have been taken. If this be true, (as I am informed it is,) the location of one section is, independent of every other objection, clearly void, as having no grant to support it; and I would respectfully ask how is it now to be ascertained to which section the void location applies? To my mind the objection would apply as well to one section as another, and would render the location upon every one inoperative until the error is corrected. If so, the contended priority of location over the pre-emption claimants is unquestionably removed.

Permit me to remark that I have no feelings adverse to the Kentucky Asylum, nor do I ask or wish that the *whole* location made for its benefit should be set aside. It is only in those cases in which a conflict exists between the claims of that institution and these settlers that I am concerned. But as the claims of the asylum, adverse to those of the settlers, are placed for support principally upon the ground of priority of location, it is my duty to show that a legal priority does not exist. In attempting this, however, I do not abandon the other grounds occupied by me in support of the rights of the pre-emption claimants, but, understanding that this matter would be probably referred to the Attorney General for his opinion, I thought it proper that this fact, in addition to the objections suggested by Colonel White, should be placed before him.

I have the honor to be, with feelings of high respect and consideration, your most obedient servant,

JAMES WEBB.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

No. 10.

GENERAL LAND OFFICE, *March* 12, 1828.

SIR: In compliance with the resolution of the House of Representatives of the 8th instant, referred by you to this office, in relation to the locating the township of land granted to the Kentucky Asylum for Deaf and Dumb, I have the honor to transmit herewith copies of the correspondence in this office relative to the same.

I have the honor to be, sir, your obedient servant, GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

No. 10—1.

Correspondence of the Commissioner of the General Land Office with the agent of the Kentucky Deaf and Dumb Asylum, and the register and receiver of the land office at Tallahassee.

Geo. Graham, commissioner, &c., to Rev. S. K. Nelson, dated June 26, 1826.
Same to same, dated October 9, 1826.
Same to register and receiver, dated November 11, 1826.
Same to S. K. Nelson, agent, dated November 11, 1826.
Same to register and receiver, dated April 9, 1827.
Same to register at Tallahassee, dated May 1, 1827.
Same to Sam'l K. Nelson, agent, dated May 10, 1827.
Same to David Thomas, attorney, dated May 31, 1827.
Same to register and receiver, dated June 8, 1827.
Same to David Thomas, attorney, dated July 20, 1827.
Same to register and receiver, dated September 21, 1827.
Same to David Thomas, attorney, dated September 21, 1827.
Same to G. W. Ward, register, dated December 10, 1827.

Copy of a letter from the Commissioner of the General Land Office to the Rev. S. K. Nelson, dated June 26, 1826.

SIR: Your letter of the 20th instant, specifying the locations which you had made for lands in the Territory of Florida, as agent for the Kentucky Asylum for the Deaf and Dumb, has been referred by the Secretary of the Treasury to this office; and I am instructed by the Secretary of the Treasury to inform you that those selections have not been made in conformity to the instructions given to you from his office, as will be evident on reference to the enclosed plat. The instructions were that the lands should be selected in tracts of not less than four entire contiguous sections.

In township seven north, of range twelve west, sections twenty, twenty-one, twenty-two, twenty-six, twenty-seven, twenty-eight, thirty-three, and thirty-four, and in township six north, of ranges eleven and twelve west, sections eighteen, nineteen, twenty, twenty-nine, thirty, thirty-two, and thirty-three, have been selected and located in conformity to the instructions; the residue of the selections specified in your letter are not made in conformity to those instructions, which do not admit of the division of a section.

I am further directed by the Secretary to inform you that whenever you have completed your selections in conformity to the instructions, and shall return the same to his office, they will be approved so far as they may not be found hereafter to interfere with the claims of individuals entitled under the act of the last session of Congress to pre-emption rights. As it is possible such interferences may exist, no patent will be issued for any part of the lands selected by you until that fact shall be distinctly ascertained.

With great respect, &c., GEORGE GRAHAM.

Copy of the letter from the Commissioner of the General Land Office to the Rev. Samuel K. Nelson, at Danville, Kentucky, dated October 9, 1826.

SIR: Your letter of the 24th September, addressed to the Secretary of the Treasury, has been referred to this office, with instructions to inform you that the mode in which you now propose to make your selec-

tions in township five, range ten, will be approved, provided the quarter sections heretofore proposed to be located in section twenty-three and in section thirty-one of that township be united, and so located as to join any of the other sections selected in their whole length. The officers of the land office at Tallahassee have been advised of the locations which have heretofore been approved by the Secretary of the Treasury, and will be advised of the approval of the location now proposed to be made, so soon as information is received of the manner in which you prefer the two quarter sections above referred to to be located. Colonel McRee has been authorized to contract for the surveying of sixteen or twenty townships of land in what has been called Lovely's purchase; and it is probable that the surveys will be made in the course of the present year.

On the other subjects treated of in your letter, you are referred to the previous communication from the Secretary of the Treasury.

Copy of a letter from the Commissioner of the General Land Office to the register and receiver at Tallahassee, Florida, dated November 11, 1826.

GENTLEMEN: I now enclose you a list of the residue of the locations made and approved by the Secretary of the Treasury for the Kentucky Asylum for the Deaf and Dumb, subject to the restrictions and reservations stated in my letter forwarding a list of locations heretofore approved.

In the list of pre-emption claims approved by you, and which you have been requested to forward to this office, you will designate such claims as interfere with the locations made for the Kentucky Asylum.

I am, &c., GEORGE GRAHAM.

Copy of a letter from the Commissioner of the General Land Office to the Rev. Samuel K. Nelson, at Danville, Kentucky, dated November 11, 1826.

SIR: Your letter has been received and submitted to the Secretary of the Treasury, and I now enclose you a complete list of the tracts of land, as located by him, for the Kentucky Asylum for the Deaf and Dumb, subject to the restrictions and reservations heretofore communicated to you; the excess in quantity is not deemed material, as a portion of the land will be taken by the claimants under pre-emption rights.

A list of the selections in township five, range ten west, will be forwarded to-day to the register and receiver at Tallahassee, who have been previously advised of the selections heretofore approved.

Statement of selections made by Samuel K. Nelson, for the Deaf and Dumb Asylum of Kentucky, giving the true quantity of each section, in the district of Tallahassee, Florida.

In township 7 north, range 12 west.

Section 18	400.00
Section 17	422.00
Section 20	639.50
Section 21	639.00
Section 22	639.25
South half of section 23	319.88
South half of section 24	320.12
West half of section 25	320.12
Section 26	640.50
Section 27	642.25
Section 28	640.50
North half of section 29	319.25
Southeast quarter of section 29	159.62
East half of section 32	319.62
Section 33	639.75
Section 34	640.50
Acres	7,701.86

In township 6, range 12 west.

North half of section 3	319.00
North half of section 4	321.00
Northeast quarter of section 5	160.31
South half of section 13	320.37
Southeast quarter of section 14	160.19
East half of section 24	319.75
Section 25	640.75
Acres	2,241.37

In township 6 north, range 11 west.

South half of section 17	320.50
Section 18	641.00
Section 19	640.50
Section 20	640.75
West half of section 28	319.88
Section 29	640.75
Section 30	639.75
East half of section 31	319.75
Section 32	640.50
Section 33	640.50
West half of section 34	320.00
Acres	5,763.88

In township 5 north, range 10 west.

Section 4	630.00
Section 7	640.25
Section 8	639.00
Section 9	640.00
Section 17	640.50
Section 18	640.75
Section 20	640.75
Section 21	639.50
Section 22	939.50
West half of section 23	319.00
North half of section 27	319.37
Section 29	640.25
Southeast quarter of section 30	159.50
Northeast quarter of section 30	159.50

	Acres.
In township 5 north, range 10 west	7,347.87
In township 6 north, range 11 west	5,763.88
In township 6 north, range 12 west	2,241.37
In township 7 north, range 12 west	7,701.86
Total	23,054.98

Endorsement by the honorable Secretary of the Treasury.

Approved, subject to the limitations heretofore expressed in the letters of this department and the General Land Office to the Rev. Samuel K. Nelson, agent for the Deaf and Dumb Asylum of Kentucky, under the act of Congress of April 5, 1826.

NOVEMBER 11, 1826. R. R.

[Here follows "a map of public surveys, exhibiting, by color, the selections originally approved, for the Deaf and Dumb Asylum of Kentucky, of which there are about 1,219 acres lying north of Ellicott's line. These selections amount to 23,054.98 acres, (including the 1,219 acres lying north of Ellicott's line.)

"Within the limits of these selections there appears, from the returns of the register and receiver, to be 13,919 acres claimed by pre-emption rights, which are subject to relocation under the act of Congress of January 29, 1827."

"GENERAL LAND OFFICE, *March* 14, 1828."]

Copy of a letter to the register and receiver of the land office at Tallahassee from the Commissioner of the General Land Office, dated April 9, 1827.

GENTLEMEN: I enclose a copy of the 3d section of an act passed on the 29th of January last, and am requested by the Secretary of the Treasury to instruct you to have the same carried into effect, by permitting the Rev. Mr. Nelson, or his authorized agent, to locate, in entire sections, for the use and benefit of the Deaf and Dumb Asylum of Kentucky, such quantity of land as may be taken from the locations heretofore made at your office, for the benefit of said asylum, by the interference of pre-emption claims, which have been granted by you, and which are not subject to revision.

I am also requested by the Secretary to inform you that he has approved of the location of township five, range eleven, north and west, as made by Governor Duval, for the use of a seminary, and to request that you will make the necessary entries in your books and reserve the lands from sale, except so far as they may be claimed by pre-emption rights.

With great respect, &c.,

GEORGE GRAHAM.

GENERAL LAND OFFICE, *May* 1, 1827.

SIR: On referring to the record of the lists of selections made by the agent of the Kentucky Deaf and Dumb Asylum, reported in my letter to the register and receiver of November 11, 1826, the southeast quarter of section six north, twelve west, appears to have been erroneously stated the northeast quarter of the same section, which is the tract colored in the map. Be pleased to correct the list.

I am, &c.,

GEORGE GRAHAM.

G. W. WARD, Esq., *Register and Receiver, Tallahassee, Florida.*

Copy of a letter from the Commissioner of the General Land Office to Samuel K. Nelson, at Tallahassee, Florida, dated May 10, 1827.

SIR: Your letter postmarked April 18 has been received. My communications to the register and receiver at Tallahassee will have anticipated your request as to the patenting of the pre-emption claims.

My own opinion is that the lands granted to the Deaf and Dumb Asylum of Kentucky were appropriated from the date of the approval of the location by the Secretary of the Treasury, which appears to have been given November 11, 1826, and that therefore no location of a pre-emption claim under the 4th section of the act of April 22, 1826, could be legally made on any of the lands appropriated for the asylum after the above date, to wit: November 11, 1826.

You may communicate this letter to the land officers at Tallahassee. I know of no other claims founded on pre-emption rights, except those arising under the 4th section of the act, which can be termed "floating claims." The claims under the 3d section of the act should be located contiguous to the quarter section on which the settlements were made; and if, in doing so, they interfere with the lands selected for the asylum, they would have the preference; but if locations for pre-emption rights granted under the 3d section of the act have been at a distance from and disconnected with the section or quarter section on which the settlement was made, and interfering with the asylum lands, then patents will be withheld for such pre-emption claims until there shall have been a judicial decision.

With, &c.,

GEORGE GRAHAM.

GENERAL LAND OFFICE, *May* 31, 1827.

SIR: The papers forwarded by you have been filed in this office as caveats, on the part of the Deaf and Dumb Asylum, to await such legal decision as may be had.

I am, &c., G. G.

DAVID THOMAS, Esq., *Attorney for the Kentucky Asylum for Deaf and Dumb, Tallahassee, Florida.*

NOTE.—The caveats above referred to amounted to seventeen.

Copy of a letter from the Commissioner of the General Land Office to the register and receiver at Tallahassee, dated June 8, 1827.

GENTLEMEN: I perceive, from a communication made to this office by the agent of the Deaf and Dumb Asylum of Kentucky, that he states that pre-emptions have been granted in Florida to persons living above the line of demarcation, but within the surveys made by Colonel Butler, who was instructed to connect his surveys with those of General Coffee, under an impression that these surveys would correspond nearly with the true line; but in cases where the surveys of Colonel Butler run above the line of demarcation these lands should be considered as within the limits of Alabama, and should be withheld from sale.

If you have sold any of these lands, or if you allowed pre-emptions within them, you will be so obliging as to furnish a particular list of the same, with the amounts respectively for which they were sold, as patents will be withheld until the sales are legalized. There was an omission in this office to caution you on this subject.

Copy of a letter from the Commissioner of the General Land Office to David Thomas, esq., attorney for Kentucky Asylum, at Tallahassee, Florida, dated July 20, 1827.

SIR: Your letter of the 3d of July, enclosing descriptions of eleven cases of pre-emptions in which you request patents to be suspended, has been received and caveats entered in those cases.

All the evidence of title which the Deaf and Dumb Asylum of Kentucky has at present or can have in relation to the disputed cases which you have reported to this office is the law granting the pre-emption, the authority to the agent to locate, and the approval of the same by the Secretary of the Treasury.

The manner in which they are to proceed under such title is a question on which the trustees or agent will take proper legal advice. I presume, however, that the evidence of title is entirely sufficient to enable them to institute suits in chancery against the parties holding pre-emption certificates, issued by the register and receiver for the purpose of trying the right of title.

The extent to which the Executive can act in those cases where pre-emption certificates have been issued is to withhold patents where the certificates have been *irregularly* issued.

The register and receiver have been requested to report all cases where, on a revision of the testimony, they are of opinion that the certificate has been irregularly granted, and patents will be withheld in the cases thus reported by them.

With, &c., G. G.

GENERAL LAND OFFICE, *September* 21, 1827.

GENTLEMEN: By a letter dated at Danville, Kentucky, June 5, 1827, from the chairman of the board of trustees of the Deaf and Dumb Asylum of Kentucky, it appears that Richard C. Allen, esq., has been appointed their agent and attorney in fact, who has been advised that he will be recognized as such.

The enclosed letter from David Thomas is transmitted for your consideration.

I am, &c,

GEORGE GRAHAM.

The REGISTER and RECEIVER *at Tallahassee, Florida.*

GENERAL LAND OFFICE, *September* 21, 1827.

SIR: Your letter of the 30th ultimo has been received and submitted to the register and receiver of the land office at Tallahassee. By a letter received from the board of trustees of the Deaf and Dumb Asylum of Kentucky it appears that Richard C. Allen, esq., has been appointed attorney in fact, who has been advised that he will be recognized as such.

I am, &c.,

GEORGE GRAHAM.

DAVID THOMAS, Esq., *Tallahassee, Florida.*

GENERAL LAND OFFICE, *December* 10, 1827.

SIR: The letter addressed by R. C. Allen, esq., agent for the Deaf and Dumb Asylum of Kentucky, to the Secretary of the Treasury, on the 20th of November, covering a copy of the notice filed in your office

by the late Mr. Nelson, in pursuance of the act "approved January 29, 1827," has been referred to this office, with directions to inform you that the locations of the entire sections stated in the letter for the benefit of the Deaf and Dumb Asylum will be approved, provided it shall appear that the quantity of land contained in those sections has been taken by the claims of those who are entitled to the right of pre-emption in Florida from the locations previously made for the Deaf and Dumb Asylum, but that the locations of the *fractional* sections cannot be approved.

You are requested to make out a descriptive list of such tracts of land lying within the locations heretofore approved by the Secretary of the Treasury, for the Deaf and Dumb Asylum, as have been taken by pre-emption claims, and forward it to this office, certified by yourself and the receiver; on the receipt of which, patents will be issued for the lands located for the benefit of the asylum.

You will please communicate this information to Mr. Allen.

With, &c.,

GEORGE GRAHAM.

GEO. W. WARD, Esq., *Register, Tallahassee, Florida.*

Extract from a letter from the Hon. Joseph M. White to the Commissioner of the General Land Office, dated Harrodsburg, Kentucky, August 12, 1826.

"At the request of the Kentucky Asylum, who are by no means *dumb* on the subject of their land, I have written to the Secretary, in substance, that if the United States *choose* to let them sell the best lands in the country and take the proceeds, I have no objection to make, provided it is sold at public auction by the register and receiver, without reserve, as other public lands are sold; but the people of the Territory have powerful objections to their selecting in quarter sections, with the privileges of extorting high prices and holding it up *five* years."

No. 10—2.

Correspondence of the agent of the Deaf and Dumb Asylum of the State of Kentucky with the Treasury Department and General Land Office.

Samuel K. Nelson's letter to Hon. Richard Rush, dated June 20, 1826.
Same to same, dated September 24, 1826.
Same to George Graham, dated October 25, 1826.
David Thomas, attorney, to same, dated May 9, 1827.
Same to same, dated July 3, 1827.
R. C. Allen, agent, to Hon. R. Rush, dated November 20, 1827.
Letter from register and receiver at Tallahassee to G. Graham, dated January 22, 1828.

WASHINGTON CITY, *June* 20, 1826.

SIR: In conformity to the instructions which, as agent of the Kentucky Asylum for the tuition of the deaf and dumb, I had the honor to receive from you while at Tallahassee, I have proceeded to select the township of land granted to the said institution from the Chippola lands, in West Florida, in townships, ranges, and parcels, as follows, viz: sections 20, 21, 22, 26, 27, 28, 33, 34, and fractional sections 17 and 18; east half of section 32; west half of section 25; south half of section 23; south half of section 24; north half of section 29; and southeast quarter of section 29, of township 7, range 12, north and west. Section 25; east half of section 24; south half of section 13; southeast quarter of section 14; north half of section 3; north half of section 4; and northeast quarter of section 5, of township 6, range 12, north and west. Sections 3, 18, 19, 29, 30, 32, 33; west half of section 34; east half of section 31; west half of section 28; and south half of section 17, of township 6, range 11, north and west. Sections 4, 7, 18, 20, 29, 22; north half of section 27; southwest quarter of section 23; north half of section 21; southeast quarter of section 30; northeast quarter of section 31; west half of section 17; north half of section 8; and north half of section 9, of township 5, range 10, north and west. Section 32, and so much of the most contiguous part of section 33, of township 5, range 9, north and west, as may be necessary to complete the complement. I hope, sir, that this selection will obtain your approval, and that the title of the above-described lands will be perfected to the institution.

I am, very respectfully, your obedient servant,

SAMUEL K. NELSON.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

DANVILLE, *September* 24, 1826.

SIR: I have just had the honor of receiving yours of the 5th instant. I cannot express the disappointment and regret we feel at finding that our request to replace, in similar sized tracts, such portions of our locations as may be taken away by pre-emption claims cannot be acceded to. We have no doubt that Congress would readily grant the permission we ask; but the misfortune is, all the valuable land of the Territory will be sold before they can act upon the subject. We are, indeed, in a great strait. If we should withdraw our location altogether, and place it on western lands, in another Territory, our institu-

tion must sink for want of present funds. If we continue it under present circumstances and prospects, although we shall be able to realize what will afford present aid, the ultimate object, viz: such an endowment as will render it extensively useful, and a blessing to millions yet unborn, must and will be defeated. This is the first congressional donation of this kind to the southwestern district of the Union. Were all we ask granted, it would not make the endowment worth *one-half* of what has been realized from a similar grant for the same purpose to the northeast. That request being denied, it is impossible, under the existing circumstances of the case, that it can now *ever* be worth one-twentieth part of that amount. Still, as in duty bound, I would bow submissively to whatever may be the decision of your department. You have been good enough to express your willingness to sanction those parts of the location which lie in townships 6 and 7, ranges 11 and 12, except sections in township 6, range 11. By adverting to the map of the locations as made, I have concluded that, by dropping the two detached sections—the one first mentioned above, and the other sections, No. 32, township 5 north, range 9 west—and taking in their room those halves of sections Nos. 8, 9, 17, and 21, in township 5, range 10, which were excluded in my first selection, it will make out such a connexion as will, upon the same principles, authorize you to extend your approbation to the balance of my location in township 5, range 10 west, which will then contain *ten entire* and contiguous sections; and, with the one half and three quarter sections added thereto, complete the quantity, except 141.94 still due. This I have concluded to do, although I know that those four half sections are not worth twenty-five cents per acre—indeed; I would not give twenty-five cents for the whole of them—being principally a deep swamp. But, being anxious to complete the location, I offer this part, as thus amended, to complete the quantity, except the fraction mentioned above, which shall be either added to any part, or the whole, or taken separately, as you may direct. I must request again that you will be good enough to make the necessary communication to the register and receiver at Tallahassee, to prevent their being appropriated to the use of others besides actual settlers. This, I hope, has been done, as to a part at least, before this time. Please inform me whether the amendment made will secure to the balance of the location the sanction of your approbation, and whether I am mistaken in concluding that, should there be found to be more pre-emption claims than we apprehend, in that case there will be no difficulty in obtaining your permission to withdraw it altogether, and locate in another Territory.

Will you be kind enough also to inform me whether Lovely's Purchase, in Arkansas, is yet surveyed; and if not, when it is expected to be done?

I am, very respectfully, your obedient servant,

SAMUEL K. NELSON.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

DANVILLE, *Kentucky, October* 25, 1826.

SIR: Yours of the 9th instant has just been received. To secure the approbation of the Secretary of the Treasury to the remaining part of my selection, I would propose to remove the location of the quarter section in section 31, township 5, range 10, and take, in lieu of it, one in section 23 of the same township, which, in conjunction with the other quarter in that section, will then adjoin and extend the whole length of section 22.

I trust that this alteration will be satisfactory, and that the 141.94, marked on the map at first sent me, as still due the institution, will be attached to the quarter in section 30, so as to extend the whole length of section 26. Also that no time will be lost in informing the officers at Tallahassee of this part of our location. I fear that the delay of this imformation will be found to have been greatly prejudicial to our interests.

With great respect, your obedient servant,

SAMUEL K. NELSON.

GEORGE GRAHAM, Esq.

TALLAHASSEE, *May* 9, 1827.

SIR: The agent for the Deaf and Dumb Asylum of Kentucky arrived here sometime ago. On examination he found that the greater part of his location had or would be taken by pre-emptions, or, at least, all the valuable part of it; and, from the manner he is compelled to relocate, it will be impossible to get lands of equal value. He is induced to believe, from information and from the practice pursued in the register and receiver's office, that a great many claims have been passed upon and entered on the lands located by him which were illegal and fraudulent, an imposition on the government and the institution he represents; that the construction given to the law by the register and receiver is, in many respects, erroneous; by means of which many entries have been made on his location which are unjust. Being under that belief, and that many would be made that were illegal, he employed me as an attorney to appear before the register and receiver and oppose any entry on the location which I thought illegal, or where the party applying was not entitled; and also to contest such entries that had been made which interfere with his location that were not legally made, and those that were obtained by improper testimony. Being engaged, as I am, to attend to the interest of an institution established on charitable principles, I have taken the liberty of applying to you for a decision on many questions which have arisen and will arise on the investigation of many of those claims, and appealing to you where I think injustice has been done. I have the utmost confidence in the integrity of the register and receiver; yet their partiality for the settlers has induced them to give a construction to the law which cannot be warrantable. They say I am at liberty to appeal from their decision, which I certainly do in every case where it appears to me to be wrong. The agent has instructed me to file in your office caveats against all entries which I consider have been improperly obtained. It would be desirable, could the issuing of the patents be delayed on all entries made within the lands aforesaid, as many fraudulent claims, I have no doubt, will yet be discovered. It has been the uniform practice of the office here to determine upon the rights of persons on affidavits taken before a justice of the peace; and in all cases where any person produced an affidavit of his having inhabited and cultivated previous to January, 1825, they granted him a pre-emption. The consequence was, that many

got pre-emptions who inhabited only as overseers, tenants, &c. It appears to me the affidavits should have set forth the circumstances of their habitation and cultivation. Then it is for the register and receiver to determine whether it is such a habitation and cultivation as is required by law. In many cases the witness who proved the right would be the best witness to set aside by a fair statement of all the facts in relation to it.

The register and receiver say they have no power to compel witnesses to appear before them and give testimony either to establish or invalidate a pre-emption right. I made an attempt to take depositions lately in Jackson county in relation to some claims which I was convinced were fraudulent; but those who were concerned were clamorous in opposition to it, and, by their management, prevailed on many of the persons who were witnesses not to give their testimony, on the ground that they were not compelled to swear; and prevailed so far over the justice of the peace as to induce him to refuse to swear those who were willing to be qualified. As these are cases in which the United States are concerned, and also the corporation in Kentucky, could not commissioners to take depositions be obtained from the judges of the United States court? When a caveat is filed in your office, is it not such a proceeding as would authorize the issuing commissions to take testimony? This is a subject which I hope will meet some attention. If the testimony of persons cannot be had, and those interested are instrumental in preventing it, those persons whose claims are contested should be required to re-establish their claims by bringing their witnesses before the register and receiver, and there examined; by which the persons interested would have an opportunity of cross-examination.

I enclose to you the affidavit of the sheriff of Jackson county, which will prove that my statement is correct. I have impeached one claim on the ground that the person had removed from the Territory long before he made his entry or gave any notice of his claim. The law appears to me to be very plain, ("who shall not have removed from the Territory shall be entitled to enter," &c.) If I understand the English language, it means not removed previous to making the entry. I objected before the register and receiver against all removed claims, whether originating within or without the location, on the ground the pre-emption rights could have no preference to the location of the institution only on the tract on which they originated. So soon as they are removed they lose all priority or preference; their claim only commences at the time they make their entry. The location being made, and the land appropriated long previous, it cannot be taken by any removed claim. They sustained me in my objections, so far as it related to those claims originating without the location; and none originating without the location have been removed upon it since I made the objection; but many were removed before, which we insist must be set aside. But I cannot see the difference myself between the claims originating within or without the location: therefore I protest against all floating pre-emptions, as they are called in the country, whether floating from the lands of the institution or from the public lands. It would be unnecessary for me here to give my reasons.

There have been some cases in which persons have been permitted to remove when only one-half of the quarter from which they removed had been entered, the other remaining vacant and unappropriated. It appears to me, if they can remove, the whole of the quarter from which they do remove must be taken; otherwise their entry would be void. To this I wish your particular attention. I wish to appeal to your decision respecting the right of those persons who live north of what is called Ellicot's line, and south of the line to which the surveys in Alabama were extended, to pre-emptions; many have removed their claims into Florida, upon the land of the institution I represent. It appears to me to be a fact well understood and known, that the southern line is the true line; there are mounds thrown up on it at every mile. The line to which the surveys in Alabama have been extended is nothing more than a guide line run by Ellicot's surveyor.

Alabama claims to the line on which the mounds are thrown up. It is certainly the true line. Those persons who live between the two lines are citizens of Alabama, therefore are not entitled to pre-emptions; at least they can have no right to remove their claims into Florida on lands already appropriated. I transmit to your office protests against a number of entries, the returns of which, I presume, have been received. There are a number of other claims on entries which stand in the same situation as some of those, a part of which have not been sent to your office.

The United States and an institution established upon the most charitable principles are interested in these cases and the questions I have set forth. I hope they will command the attention they merit.

I am, with the greatest respect, your obedient servant,

DAVID THOMAS.

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office.*

TALLAHASSEE, *July* 3, 1827.

SIR: I received your letter, post-dated Washington, June 1, acknowledging the receipt of the papers forwarded by me. I have enclosed to you a package by this day's mail, in which eleven cases are impeached, which I hope you will also file as caveats in the claims set forth. You say in your letter that you have filed them as caveats, to await such legal decisions as may be had thereon. From that expression I would infer that the validity of those entries must be determined by the judiciary. It has been the practice of the register and receiver, after granting certificates, to reinvestigate claims, and set aside entries where, in their judgment, they had been obtained on incorrect testimony or by any other improper means.

From what I have understood from them, an entry made under pre-emption claim might be made void either at their office or at yours any time previous to the issuing of the patent, which opinion, I supposed, they had obtained by a correspondence with you.

If the validity of these entries and justness of these claims are to be determined by legal decisions, I am at some loss to know in what way it is to be had. Some of the cases depend on testimony, others on questions of law arising out of facts which appear in the office of the register and receiver.

If the institution I represent had such evidence of title as could be read in a court of justice, these questions could be tried by bringing actions against those who are in possession of the land. Will a decision be had here or at Washington, and in what way will the question be brought up?

Will you do me the favor to give me some information on these subjects, or your opinion? I expected

you would have answered my letter which accompanied the papers you acknowledged the receipt of. Perhaps you considered it unnecessary, or out of the line of your business.

I am, respectfully, your obedient servant,

DAVID THOMAS.

GEORGE GRAHAM, Esq.

TALLAHASSEE, *November* 20, 1827.

SIR: Samuel K. Nelson, late agent of the "Asylum for the tuition of the deaf and dumb of Kentucky," filed with the register of the land office at this place an official notice, specifying the particular sections which he had selected for that institution, dated April 18, 1827, and requested that it be forwarded for your approval. This request, for some cause, was not attended to. As the necessary entries were made in the register's office, and the locations respected by the officers at the sale of public lands in May last, the asylum has sustained no material injury. I have requested that those locations be immediately forwarded and submitted for your confirmation, and have obtained from the register an official copy, which I enclose. In regard to the fractional sections specified, it will be seen by reference to the plats that they are in connexion with entire sections, and that the locations including them are large and compact. I hope, therefore, that these locations will meet your approbation. As those lands are now for sale, and the law requires that they be sold within a short period, it is desirable that the patents issue, and be forwarded to the agent at Tallahassee as early as convenient. The possession of the patents by the agent will allay any fears entertained by persons wishing to purchase as to the legality of title, &c.

Very respectfully, your obedient servant,

R. C. ALLEN, *Agent Deaf and Dumb Asylum, Kentucky.*

Hon. RICHARD RUSH, *Secretary of the Treasury, U. S.*

APRIL 18, 1827.

SIR: You will please take notice that, according to the provisions of a law of the last Congress entitled "An act to provide for the location of the two townships of land reserved for a seminary of learning in the Territory of Florida, and to complete the location of the grants to the Deaf and Dumb Asylum of Kentucky," approved January 29, 1827, I, as agent of the said asylum, have located, and do now locate, the following sections, viz: in township No. 2, range No. 4, north and west, sections 20, 27, and fractional sections 28 and 34; in township 1, range 3, north and west, section 1, and fractional sections 12 and 2; in township 1, range 8, south and east, sections 2, 3, 4, 5, 8, and 19; in township 1, range 8, north and east, section 34; in township 1, range 9, south and east, section 7; in township 1, range 5, south and east, sections 21 and 32; in township 2, range 6, north and east, section No. 4.

Besides making the necessary entries in your office, you will be good enough, also, to report this location to the General Land Office.

Very respectfully, your obedient servant,

SAM'L K. NELSON, *Agent Deaf and Dumb Asylum of Kentucky.*

GEORGE W. WARD, Esq., *Register of the Land Office at Tallahassee, Florida.*

REGISTER'S OFFICE, *Tallahassee, November* 19, 1827.

I certify that the foregoing is a correct copy of the notice filed in my office by the late Mr. Nelson, agent for the Deaf and Dumb Asylum in Kentucky. Given under my hand the day and date above written.

G. W. WARD, *Register.*

Copy of the endorsement by the Hon. Secretary of the Treasury.

The whole sections selected are approved, provided the Deaf and Dumb Asylum are found to be entitled to that quantity of land. The selection of the fractional sections is not approved.

R. R.

TREASURY DEPARTMENT, *December* 11, 1827.

NOTE.—Mr. Nelson on filing this notice requested it might not be forwarded to the Department for a few days, in which time he hoped to complete his locations. He, however, died before he had an opportunity of doing anything more.

G. W. WARD.

TALLAHASSEE, *January* 22, 1828.

SIR: I herewith enclose you the list required by your letter of the 10th December last, and hope the same may be satisfactory.

With great respect, &c.,

G. W. WARD.

G. GRAHAM, Esq., *Commissioner, &c.*

Extract from the list above referred to, showing the amount of land taken by pre-emption claims within the original location of the Deaf and Dumb Asylum of Kentucky, as approved by the Secretary of the Treasury.

LAND OFFICE, *Tallahassee, January* 22, 1828

In township 5, range 10 northwest,	3,914.23	acres taken by pre-emptions.
Do .... 6,..do.. 10, north and west,	4,083.75	..... do .....do.
Do .... 6,..do.. 12, north and west,	960.95	..... .do..... .do.
Do .... 7,..do.. 12, north and west,	4,960.13	..... do..... .do.
Acres.....	13,919.06	

G. W. WARD, *Register.*
R. K. CALL, *Receiver.*

20TH CONGRESS.] No. 662. [1ST SESSION.

LOCATION OF VIRGINIA MILITARY LAND WARRANTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 22, 1828.

Mr. BATES, of Missouri, from the Committee on Private Land Claims, to whom were referred the petition of Francis Preston, with the accompanying documents, reported:

This case has been before Congress almost continually from 1808 to the present time; and although several favorable reports have been made by the different committees to which it has been referred, no relief has yet been extended to the claimant. On May 5, 1826, the Committee on Public Lands made a favorable report (see No. 524, vol. 4) upon this claim, and introduced a bill for the relief of the petitioner, based upon principles which this committee think would have insured its passage if more convenient time and opportunity had been afforded for its consideration. For the facts of the case the committee refer to that report; and in extending relief to the petitioner they would confine themselves to the terms of the bill then reported; but that, by the information of persons whose pursuits and local position give much weight to their opinions, although there be a sufficiency of land remaining vacant in the Virginia reservation between the Scioto and Miami rivers, yet it is of a quality so inferior that to confine the location of the petitioner's warrant to that district would be almost a mockery of his claim. They have therefore thought it expedient to recommend that the petitioner be allowed to locate four sections (equal to 2,560 acres) on any of the public lands of the United States, between the Ohio and Mississippi rivers, which have been ineffectually offered for sale, and are now subject to entry; and that he be allowed to locate the residue (2,440 acres) in the district reserved by Virginia, between the Scioto and Miami rivers; and for that purpose they report a bill.

20TH CONGRESS.] No. 663. [1ST SESSION.

INDEMNITY TO THE OWNER OF LAND IN ARKANSAS INCLUDED IN A CESSION MADE TO THE CHEROKEE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 22, 1828.

Mr. BATES, of Missouri, from the Committee on Private Land Claims, to whom was referred the petition of James Russel, reported:

It appears, by the petition and documents submitted, that while Louisiana was under the government of Spain there was granted to one John Baptiste Dardenne a tract of land containing 640 *arpents*, which is equal (within a very small fraction) to 544½ acres, situate on the northern bank of the river Arkansas, at a place called "Chactas Prairie." The title to this land has been confirmed by this government, and the land has been surveyed by authority of the United States, but the title has not yet been perfected by the issuing of a patent. It also appears to the satisfaction of the committee, though not by evidence strictly judicial, that the title and interest of John Baptiste Dardenne have passed to, and are vested in, James Russel, the petitioner. By the treaty of July 8, 1817, between the United States and the Cherokee Indians, there is ceded to the Cherokees a large district of country, in the now Territory of Arkansas, extending from the Arkansas river to White river, and embracing the tract of land now in question; and the United States by that treaty stipulated that all citizens of the United States, except John P.

Lovely, should be removed from within the bounds of the lands thereby ceded. The United States having, without the consent of the petitioner, deprived him of his property, and bound themselves to remove him from the possession and enjoyment of it, it is entirely obvious that the government is bound, in common justice, and by the letter of the Constitution, to make him an adequate and full compensation. Yet the committee have had some difficulty in deciding upon the nature and degree of the compensation which it becomes their duty to recommend; for the petitioner has not followed the accustomed method of asking for general relief, but, confident in the strength of his claim, he has considered himself in condition to make terms with the government. He offers three alternative propositions, either of which he professes a willingness to accept, although he prefers the first. His propositions are: *first*, that the United States shall restore to him his land, by repurchasing from the Cherokees the tract ceded to them by the above-mentioned treaty of July 8, 1817, and placing it under the civil government of the Territory of Arkansas, within whose limits it is situated; *second*, that the United States shall pay to him the specific sum of $10,000, either in cash or in certificates receivable as cash, in payment for public lands; or, *third*, that he shall be allowed to locate the quantity of 544.44 acres of the public lands in the Lawrence land district of Arkansas Territory, before the same shall be offered for sale; and also the right of pre-emption for the like quantity of land in the same district, at the minimum price. To all these propositions the committee believe there are valid objections. Nevertheless, the petitioner's property being taken for public use, the committee believe it is the duty of Congress to provide for him a just compensation; and they conceive that the ends of justice will be answered by permitting him to locate the like quantity of land on any of the public lands of the United States which shall have been surveyed, and the sale of which is authorized by law; and for that purpose they report a bill.

20TH CONGRESS[No. 664. [1ST SESSION.

LAND CLAIM IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 25, 1828.

Mr. MOORE, of Alabama, from the Committee on Private Land Claims, to whom was referred the petition of Jeremiah Walker, reported:

That the petitioner claims title to a certain tract of land in the State aforesaid, and parish of East Feliciana, as "a head-right or donation," and sets forth that the land was settled in the year 1805, under special permit by the Spanish authority, by one Thomas Smith, under whom he derives his title by regular gradation of transfers from Smith to Sullivan, from Sullivan to White, and from White to the petitioner. The committee are of opinion that the evidence exhibited in support of the claim, as to the time of settlement and continued occupation and cultivation from that time to the present, is ample and satisfactory, and therefore report a bill for his benefit.

20TH CONGRESS.] No. 665. [1ST SESSION.

COMPENSATION TO LAND OFFICERS IN ARKANSAS FOR EXTRA SERVICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 27, 1828.

GENERAL LAND OFFICE, *March* 27, 1828.

SIR: In reply to your letter of the 25th instant, requesting to be informed of the nature and extent of the extra services alleged to have been rendered by the register and receiver at Batesville, under the provisions of the act of May 22, 1826, I have to state that it appears from the records of this office that only six cases have been reported to this office for patents where soldiers have surrendered their bounty lands under the provisions of the act of May 22, 1826. I understand, however, that in a number of cases the application to surrender the patent has been delayed under an expectation that Congress would pass an act by which the applicants would be permitted to make their relocations on any lands between the St. Francis and Arkansas rivers. If such an act were passed it would probably be productive of much speculation, and necessarily very much increase the labors of the register and receiver.

The services required of the register and receiver under the act referred to are: 1st. To decide, on the evidence adduced, whether the land proposed to be relinquished is unfit for cultivation. 2d. To require the production of such evidence as may satisfy them that the party proposing to surrender his patent has removed to Arkansas with the view of actual settlement. 3d. To require satisfactory evidence that the party has not been divested of his interest in the lands proposed to be surrendered, either by his own act or by the operation of law. 4th. To file away their evidence and make their returns to this office.

For these services the register and receiver receive no compensation except their regular salary of

$500 per annum. I would therefore recommend a specific allowance for each case decided on, or the same percentage on the land re-entered (estimating it at the minimum price) as is now allowed by law on lands sold.

I enclose for your information extracts from the instructions which have been given to the land officers under the provisions of the act of May, 1826.

I have the honor to be your obedient servant,

GEORGE GRAHAM.

Hon. JONATHAN JENNINGS, *Committee on Public Lands, House of Representatives.*

GENERAL LAND OFFICE, *May* 25, 1826.

SIR: I enclose for your information the copy of an act authorizing certain soldiers of the late war to surrender the bounty land drawn by them, and to locate others in lieu thereof.

The requisites of this act are—

First. That the land patented is unfit for cultivation.

Second. That the party claiming has removed to the said Territory with a view of actual settlement on the lands drawn.

Third. That the party claiming shall not have divested himself of his interest in the land, and that it shall not have been sold for taxes.

On these points satisfactory proof must be adduced to you previous to permitting a new entry.

The proof of the lands being unfit for cultivation should be the affidavit of some disinterested and responsible person or persons who had actually examined the whole of the land; the affidavit to be taken before a magistrate or by yourselves.

The proof that the party had removed to the Territory for the purpose of actual settlement must be such as shall be entirely satisfactory to yourselves.

The evidence that the party had not divested himself of his interest in the land, or that it had not been sold for taxes, should be the certificate of the proper officer that there was no deed of record, and the certificate of the auditor of the Territory that the land had not been sold for taxes.

The patents must be surrendered with a deed of relinquishment properly recorded and certified, and both of them forwarded to this office, with the certificate of re-entry.

I am, &c., GEORGE GRAHAM.

The REGISTER and RECEIVER *at Batesville, Arkansas Territory.*

20TH CONGRESS.] No. 666. [1ST SESSION.

LAND CLAIMS IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 28, 1828.

TREASURY DEPARTMENT, *March* 27, 1828.

SIR: I have the honor to submit copies of two reports made to this department by the register and receiver of the land office for the district of St. Stephen's, in the State of Alabama, under the provisions of the act of Congress of March 3, 1827, both dated February 29, 1828. One report is accompanied by ten abstracts and four special reports, and the other is accompanied by a supplemental report on the claim of Lewis Judson, and a list of the names of the Spanish commandants of Mobile.

I have the honor to remain, very respectfully, your most obedient servant,

RICHARD RUSH.

Hon. the SPEAKER *of the House of Representatives.*

Board of commissioners for the adjustment of land claims in the State of Alabama.

ST. STEPHEN'S, *February* 29, 1828.

SIR: We have forwarded with this our report upon all the claims which have been presented to us, comprised in ten abstracts and four special reports.

The abstracts are classed from A No. 1 to F No. 2, as follows:

A No. 1. Claims from No. 1 to No. 2, inclusive.
B No. 1. Claims from No. 1 to No. 15, inclusive.
C No. 1. Claims from No. 1 to No. 18, inclusive.
D No. 1. Claims from No. 1 to No. 4, inclusive.
E No. 1. Claims from No. 1 to No. 20, inclusive.
F No. 1. Claims from No. 1 to No. 2, inclusive.
A No. 2. Claims from No. 1 to No. 20, inclusive.
D No. 2. Claims from No. 1 to No. 16, inclusive.
E No. 2. Claims from No. 1 to No. 3, inclusive.
F No. 2. Claims from No. 1 to No. 10, inclusive.

The evidence in each case is reported, and the reasons for our decisions annexed to each claim. In cases, however, where the right of the claimant is apparent from the testimony, and in cases where the claim is manifestly without foundation, we have deemed remarks unnecessary, as all the facts appear upon the abstracts.

Very respectfully, your obedient servants,

JOHN B. HAZARD.
JOHN HENRY OWEN.

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office.*

A No. 1.

Abstract of claims to land in that part of the former land district of Jackson Court-house which is embraced within the limits of the State of Alabama, presented to the commissioners appointed under the act of Congress of March 3, 1827, entitled "An act supplementary to the several acts providing for the adjustment of land claims in the State of Alabama," founded on orders of survey, requêtes, permissions to settle, or other written evidence of claim derived from the Spanish authorities, and recommended for confirmation in the same manner as if the titles were complete.

No.	By whom claimed.	Original claimant.	Nature of claim.	Date.	By whom granted.	Quantity.	Where situated.	Inhabitation and cultivation.	
								From—	To—
1	Peter H. Hobart	John McDonald	Spanish permit.	July 10, 1798	Gov. Manuel Gayoso de Lemos.	1,600 arpents.	On Bayou Sarah	1811.....	Present time.
2	Legal reps. of Louis Baudin.	Louis Baudin...	Spanish permit.	June 28, 1798	Gov. Manuel Gayoso de Lemos.	Unknown ...	On the Tensaw.	1777 or 1778	1806 or 1807..

REMARKS.

No. 1. By the second section of the act of March 3, 1819, this tract is entitled to confirmation for only 1,280 acres.
No. 2. By the second section of the act of March 3, 1819, this tract is entitled to confirmation for 1,280 acres only.

All which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN, } *Commissioners.*

B No. 1.

Abstract of claims to land in that part of the former land district of Jackson Court-house which lies within the State of Alabama, founded, as the claimants allege, on grants lost by time and accident, presented to the commissioners appointed under an act of Congress of March 3, 1827, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Alabama," which class of claims are not provided for by law, and therefore, in the opinion of the commissioners, not entitled to confirmation.

No.	By whom claimed.	Original claimant.	Quantity.	Where situated.	Inhabitation and cultivation.		Remarks.
					From—	To—	
1	Etienne Lalande	Etienne Lalande	800 arpents	West side Dog river	1799	Present time	
2	Edwin Lewis	Samuel Lyons	Unknown	20 miles southwest Mobile	1811	1812	
3	Legal representatives of C. Parent.	Jean Claude Dupont	6 arpents front, 40 deep.	East side Mobile bay	Several years previous to 1780.	1780	This claim is founded on a British grant to J. C. Dupont, bearing date December 2, 1772, as appears by an extract from one of the indexes of West Florida, furnished the claimants by the Commissioner of the General Land Office, but not reciting the general character of the grant, as a complete record of it does not appear to be in the possession of that officer. The tract named in the index appears to be situated on the river Mobile. The tract claimed, and in relation to which testimony has been adduced, is situated on the bay of Mobile, at about nine miles distant from the mouth of the river. From the uncertainty of the case, and from the circumstance that the land has not been inhabited or cultivated under this claim for the space of forty-seven years, the commissioners are of opinion that it is not entitled to confirmation.
4	Legal representatives of C. Parent.	Charles Parent	166 arpents	On the Tensaw river	Several years previous to 1780, but not certain that it was on the particular tract claimed.	1780	This claim is founded on the same evidence as the one which precedes it, that is, an index of a British grant to Charles Parent, bearing date June 16, 1777, extracted from one of the indexes of the records of West Florida. The evidence adduced in support of it does not prove satisfactorily that the tract claimed was ever inhabited or cultivated by the original grantee, or any person under him. As the character of the grant, from the evidence before the commissioners, cannot be ascertained, and as the tract does not appear to have been inhabited or cultivated for the last forty-seven years, they are of opinion that it is not entitled to confirmation.
5	Heirs of Joseph Badon	Montlima	Unknown	Montlima island, Dog river	None		
6	Heirs of Wm. E. Kennedy	John Baptist Laurendine	1,280 acres	North of Three-mile creek	None		
7	do	Pierre Chastang	Unknown	Cold Water creek	1808	1810	
8	Legal representatives of Jos. Collins.	Joseph Collins	do	Shell banks	1800	1820	
9	do	do	1,260 arpents	Red bluff, east side Mobile bay	None		
10	Nannette Mangula	Nicholas Mangula	Unknown	Bayou Forban	7 years under the British government.		
11	Joseph Durett	Joseph Durett	60 square arpents.	In Mobile	1802	1807	
12	John Greenwood	Vincente Crispo	800 arpents	Baldwin county, Alabama	1801	1813	
13	do	John Forbes & Co.	1,280 arpents	Baldwin county	1800	Present time	
14	Peter Shaw	Matthew Johnston	Unknown	East side Mobile	1818	do	
15	Louis & Catharine Durand	M. Durand, sr.	do	Durand island, Sawmill creek	1763, with intervals	do	

All which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN,
Commissioners.

C No. 1.

Abstract of claims to land in that part of the former land district of Jackson Court-house which lies within the State of Alabama, by virtue of inhabitation and cultivation, presented to the commissioners appointed by the act of Congress of March 3, 1827, entitled "An act supplementary to the several acts providing for the adjustment of land claims in the State of Alabama," which, in their opinion, are not provided for by law, and not entitled to confirmation.

No.	By whom claimed.	Original claimant.	Quantity.	Where situated.	Inhabitation and cultivation.	
					From—	To—
1	Thomas Keyton	Thomas Keyton	Not named	East side of Mobile bay	None	
2	Joshua Kennedy	Edward Larendine	640 acres	On Raft river	1812	1815.
3	Sarah Roberts	Sarah Roberts	Not named	Near Choctaw Point	1814	Present time.
4	William Richardson	William Richardson	....do.	Near Spring Hill	1813	Do.
5	William Fisher, jr.	William Fisher, jr.	....do.	Near Three-mile creek	Previous to 1813	Do.
6	William Turner	William Turner	....do.	Near Eight-mile creek	In the year 1814	
7	Heirs of Joseph Badon	Joseph Badon	....do.	Tensaw river	Previous to 1780	
8	Legal representatives of W. E. Kennedy	Nicholas Cook	3,200 arpents	On Three-mile creek	Two or three years previous to 1813*	
9	James Wilson	James Wilson	160 arpents	West side of Mobile bay	1814	Time not specified in relation to claimant.
10	John W. C. Fleming	John W. C. Fleming	600 arpents	.....do.....do.	1818	Do. do do.
11	Henry Stickney		160 arpents	.....do.....do.	1817 and 1818	Time not specified in relation to original claimant.
12	Joshua Collins	Joshua Collins	160 acres	Near Spring Hill	None	
13	Edwin Lewis	Edwin Lewis	Not named	.....do.	None	
14	Legal representatives of Salvador Baby	Margaret Gogee	30 to 35 square arpents	West side of Mobile bay	None	
15	John Dowell	John Dowell	Not named	Near Three-mile creek	1812	Unknown.
16	Samuel Lyons	Samuel Lyons	....do.	Twenty-six miles from Mobile	1812	
17	Jacob Page	Jacob Page	....do.	Five miles from Mobile	1813	Present time.
18	Heirs of Charles O. Demony	Charles O. Demony	640 acres	Southwest fork of Dog river	1793	Do.

* Written evidence of claim said to be filed in the Augusta land office.

All which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN, } *Commissioners.*

D No. 1.

Abstract of claims to lots in the town of Mobile, founded on orders of survey, requêtes, permissions to settle, or other written evidence of claim, derived from the French or Spanish authorities, presented to the commissioners appointed under the act of Congress of March 3, 1827, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Alabama," and recommend for confirmation in the same manner as if the titles were complete.

No.	By whom claimed.	Original claimant.	Nature of claim.	Date.	By whom granted.	Quantity.	Where situated.	When surveyed.	By whom surveyed.	Inhabitation and cultivation.	
										From—	To—
1	Heirs of Samuel Mims	Samuel Mims	Spanish permit	Aug. 12, 1796	Baron de Carondelet	438 by 222 feet	Royal street, Mobile	None		Built upon	in 1797.*
2	Louis Dolives	Louis Dolives	.....do.	Jan. 6, 1813	Commandant Cayetano Peres.	36 by 120 feet	Government street, Mobile	None		1810	Present time.
3	Sifroy Dolives	Silvain Nicholas	.....do.	May 17, 1811	.....do.....do.	60 by 120 feet	Dauphin street	None		1811	Present time.
4	Victor Gannard	Dennis Duffil	.....do.	Feb. 10, 1799	Manual Gayoso de Lemos	72 by 120 feet	St. Joseph street	None		1807	*May, 1813.*

* This grant contains a condition which requires that the lot should be built upon within one year of its date, and it appears from the testimony that the condition was complied with.

All which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN, } *Commissioners.*

E No. 1.

Abstract of claims to lots in the town of Mobile, presented to the commissioners appointed under an act of Congress of March 3, in the year 1827, entitled "An act supplementary to the several acts providing for the adjustment of land claims in the State of Alabama," founded, as the claimants allege, on grants lost by time and accident, and which are recommended for confirmation in the same manner as if the titles were in existence.

No.	By whom claimed.	Original claimant.	Quantity.	Where situated.	Inhabitation and cultivation.		Remarks.	
					From—	To—		
1	Joaquin Antuniz	Joaquin Antuniz	63 by 43 feet	St. Francis street	1809	Present time		
2	Legal repr's of Domingo Dolives	Domingo Dolives	107 feet on Royal street, and thence to the river.	Royal street	1792	do	Recommended for confirmation for a quantity not exceeding 7,200 square feet.	
3	Legal representatives of Jesse Embry	Andrew Barnard	72 feet by 120 feet	Conception street	Previous to 1813	do	Do.	do.
4	Legal repr's of Orbanne Demouy	Orbanne Demouy	264 by 115 feet	Royal, St. Michael, and St. Joseph streets	1780	do	Do.	do.
5	Margaritte Colin	Margaritte Colin	20 by 120 feet	St. Francis street	1797	do		
6	Cataline Motters	Cataline Motters	50 by 150 feet	Water street	1803	do	Do.	do.
7	Heirs of Miguel Eslava	Miguel Eslava	68 by 120 feet	St. Emanuel street	1807	1813	Do.	do.
8	Heirs of Miguel Eslava	John B. Lusser	41 by 128 feet	Conti street	1787	1825		
9	Genevieve Bozage	Genevieve Bozage	13 by 141 feet	Conti street	1803	Present time		
10	Marianne Dupont	Marianne Dupont	24 by 122 feet 14 by 144 feet	Dauphin and Conception streets	1803	do		
11	Rosette Mitchell	Rosette Mitchell	18 by 120 feet	Conti street	1808	do		
12	Marianne Dunwoody	Marianne Dunwoody	38 by 87 feet	Dauphin street	1777	do		
13	Francoise Chastang	Francoise Chastang	10 by 120 feet	Conception street	1807	do		
14	Jean Herpin	Jean Herpin	30 by 60 feet 34 by 70 feet	Conception and Conti streets	1787	do		
15	Pierre Laurendine	Pierre Laurendine	10 by 120 feet	Dauphin street	1810	do		
16	Jean Baptiste Trenin	J. B. Trenin	20 by 150 feet	Dauphin street	1806	do		
17	Rosette Collins	Rosette Collins	Not named	Conception and Conti streets	1791	do	Do.	do.
18	J. Durette and Clare Favre	Durette and Favre	27 by 120 feet	Conception and St. Francis streets	1797	do		
19	Soison Durant	Soison Durant	14 by 120 feet	Conception street	1794	do		
20	Rosalia J. Balistrier	R. J. Balistrier	Not named	Conception street	1797	do	Do.	do.

It is the opinion of the undersigned that if any of the foregoing claimants have heretofore received a donation by virtue of improvement and occupancy, or had any grant, alleged to have been lost by time and accident, confirmed to them, for any part of a lot now claimed by them in the foregoing abstract, or for any lot adjoining the one now claimed, that, in such cases, their present claim ought not to be confirmed.

All which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN, } *Commissioners.*

F No. 1.

Abstract of claims to lots in the town of Mobile, by virtue of improvement and occupancy, presented to the commissioners appointed under an act of Congress of March 3, 1827, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Alabama," and, in their opinion, entitled to confirmation.

No.	By whom claimed.	Original claimant.	Quantity.	Where situated.	Improvement and occupancy.		Remarks.
					From—	To—	
1	Littleton Lecat	Thomas Surtell	120 by 120 feet	Dauphin street	Previous to April, 1813	Present time	Recommended for confirmation, for not exceeding 7,200 square feet, to the legal representatives of Thomas Surtell.
2	Barbary Alvarez	Barbary Alvarez	40 by 150 feet	St. Joseph street	1797	do	

All which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN, } *Commissioners.*

A No. 2.

Abstract of claims to land in that part of the former land district of Jackson Court-house which lies within the State of Alabama, presented to the commissioners appointed under the act of Congress of March 3, 1827, entitled "An act supplementary to the several acts providing for the adjustment of land claims in the State of Alabama," founded on orders of survey, requêtes, permissions to settle, or other written evidences of claim, derived from the French or Spanish authorities, and, in the opinion of the commissioners, not entitled to confirmation.

No.	By whom claimed.	Original claimant.	Nature of claim.	Date.	By whom granted.	Quantity.	Where situated.	Survey.			Inhabitation and cultivation.	
								When.	By whom.	Date.	From—	To—
1	Heirs of Antonio Espajo	Antonio Espajo	Spanish permit	Feb. 17, 1803	Com'dt Joq'n de Orsono	800 arpents	1½ miles below Mobile				1803	1806
2	Miguel de Eslava	Miguel de Eslava	do	Mar. 26, 1803	do	800 arpents	West side Mobile bay				1816	Present time.
3	Heirs of Miguel Eslava	do	do	Dec. 23, 1802	Com'dt Cayetano Peres	648 feet front by 26 arpents deep.	South part of Mobile			Dec. 23, 1802		
4	do	do	do	Feb. 25, 1803	Com'dt Joq'n de Orsono	5,000 arpents	Bayou Duran	April 20, 1804	José Collins.		1804	Present time.
5	do	do	do	June 23, 1802	Com'dt Cayetano Peres	460 feet front by 30 arpents deep.	South part of Mobile					
6	Legal representatives of Jos. Collins.	Benjamin Dubroca	do	Feb. 26, 1803	Com'dt Joq'n de Orsono	800 arpents	3 miles west of Mobile	April 18, 1804	José Collins.	April 11, 1814		
7	Joshua Kennedy	John Linder, sen	do	Feb. 22, 1797	Baron de Carondelet	2,500 arpents	North half of Graveline isl'd.				1799	1820
8	do	William Weekly	do	Dec. 13, 1798	Com'dt Manl. de Lanzos	Unknown	South half of Graveline isl'd.					
9	do	Joshua Kennedy	Spanish order of survey.	Aug. 7, 1806	Intendant Morales	About 2,000 arpents	Turpelo island			Aug. 7, 1806		
10	do	William McBay	Spanish concession by way of sale.	Dec. 6, 1806	do	20.28 arpents	South part of Mobile	Nov. —, 1806	José Collins.	Aug. 18, 1806	Previous to 1813	Present time.
11	do	George Tucker	Spanish permit	Sept. 21, 1798	Gov. Manuel Gayoso de Lemos.	6,400 arpents	Dog river				Some years before 1803 1814	Indefinite Present time.
12	Heirs of Miguel Eslava and Wm. E. Kennedy.	Gutierrez de Arroyo	do	May 12, 1806	Com'dt Fran. Maximilian St. Maxent.	15,000 arpents	Island of Lona					
13	Legal repr's of Forbes & Co. and Joseph Collins.	Joseph Collins	Spanish survey	Oct. 21, 1799		684 arpents	Eastern branch of Fish river	Feb. —, 1800			Several years previous to 1802.	1803
14	Legal representatives of Jas. Wilkinson.	Joseph Moreau	Transfer before the commandant.	Mar. 29, 1806	Bernardo de Galves	Unknown	Dauphin island, mouth of Mobile bay.				Occupied some time in the year 1813.	
15	Legal representatives of Valentine Dubroca.	Count Pechon	French concession.	July —, 1760	Gov. Kolerick & Rockemore, com'y gen. of marine.	About 5,000 acres	Mobile river				About 1780: unknown	1788 1819
16	Charles Lalande	Charles Lalande	Spanish permit	May 29, 1800	Com'dt Cayetano Peres	160 square arpents	In Mobile				1810	1815
17	Heirs of Jo. McCandless	Dennis Bruen	do	Mar. 9, 1803	do	10,240 arpents	Three-mile creek				1812	1813
18	Legal represent'ves of Forbes & Co.	Margaret de Lusser	French grant	Jan. 24, 1737	Bienville and Salmon	5,040 arpents	On Tensaw river	Jan. 1, 1800	José Collins.	Unknown	Some years previous to 1805	1780 1809
19	Joshua Kennedy	Cornelius McCurtin	Spanish permit	Aug. 16, 1797	Gov. Stephen Miro	3,200 arpents	Tensaw river				1790	Present time.
20	Heirs of C. McCurtin	do	do	Dec. 20, 1783	Com'dt Grimarest	5,195 arpents	West side of Mobile bay	Mar. 9, 1807	José Collins.	Oct. 7, 1806	1783, and for several yrs.	

REMARKS.

No 1. Granted while the office of the assessor of the intendancy was vacant, and with a condition that application should be made to the intendancy for a title whenever that office should be filled. This condition was not performed; neither does it appear that the land was appraised or paid for according to the Spanish regulations for the allotment of lands at the date of the permit.—(See the letter of Morales, Appendix to Land Laws, page 24.)

No. 2. Granted under similar circumstances and with the same conditions as claim No. 1, and rejected upon the same grounds Inhabitation previous to April 15, 1813, not proven.

No. 3. Cayetano Peres not in office at the date of the grant; therefore rejected as antedated and fraudulent

No. 4. Granted under similar circumstances and with the same conditions as claim No. 1, and rejected upon the same grounds.

No. 5. Cayetano Peres not in office at the time of the grant; therefore rejected as antedated and fraudulent.

No. 6. Granted under similar circumstances and with the same conditions as claim No. 1, and rejected upon the same grounds No proof of inhabitation and cultivation.

No. 7. It appears from the statement of the claimant that this tract has been confirmed to the legal representatives of John Linder, sen., by a former board of commissioners. If thus confirmed, J. Kennedy has his legal remedy against the adverse claimant; therefore a confirmation *de novo* unnecessary.

No. 8. This grant purports to have been issued by Governor Gayoso de Lemos, directing the commandant to put the original claimant in possession of the land, but is signed by the commandant himself—possibly from a mistake of the copyist, the grant before us being a copy of the original. From its uncertainty, and for want of proof of inhabitation and cultivation, rejected.

No. 9. Petitioned for by way of sale, and granted upon conditions that the oath of fealty be taken by the applicant, and that an appraisement of the land be made; which conditions do not appear to have been complied with.

No. 10. This tract appears to have been paid for at the rate of two dollars per arpent, being the rate at which lands were sold under the third regulation of Morales, passed November 22, 1806, as recited by the commandant in one of the documents relating to this claim; but it appearing to the commissioners, from its boundaries, that it approaches within 33 feet of the old work of Fort Charlotte, and includes part of the parade ground, they are induced to believe that it never could have been the intention of the Spanish authorities to have made the grant.

No. 11. It appears from the statement of the claimant that he has received from a former board of commissioners a donation certificate for part of this tract, by virtue of inhabitation and cultivation of the same; and it is the opinion of the commissioners that in applying for and receiving said certificate, the claimant admitted that he had no written evidence of claim therefor.

No. 12. The instructions from the intendancy that this tract should be surveyed, appraised, and a return made to that tribunal, not obeyed; further, no proof of inhabitation or cultivation.

No. 13. No evidence of title, except the certificate of the provincial surveyor, founded on a survey made by some person not named: but from the circumstance of the survey being made in the presence of the original claimant, it was probably made by him.

No. 14. The transfer, before the commandant, from the devisee of the original claimant to Forbes & Co., merely states that it was obtained as a donation from Galves, the conqueror of it, and does not recite the date or any of the circumstances attending it The commissioners are not advised of any power in Galves, merely as conqueror, to grant the soil. If such power existed, the purchase by Forbes & Co. on March 29, 1806, solely for the use and benefit of General Wilkinson, as alleged by them in their conveyance to him, who was not a Spanish subject, is believed to have been in violation of the Spanish laws relating to lands.

No. 15. A part of this grant, together with the signatures of the French officers, destroyed. One of the claimants stated that this claim had been confirmed by a former board for 1,280 acres, the quantity of which was at that time allowed on the ground of mere inhabitation and cultivation. No additional testimony to set forth the character of the original grant being adduced, this board are of opinion that it is not entitled to confirmation for a further quantity.

No. 16. Cayetano Peres not in office at the time of the grant; therefore rejected as antedated and fraudulent.

No. 17. Cayetano Peres not in office at the date of the grant; therefore rejected as antedated and fraudulent.

No. 18. The strongest evidence adduced by the claimants in support of this claim is a confirmation by Morales, intendant *ad interim* of the province of West Florida, dated March 7, 1807. Towards the middle of the document, which terminates with the formal confirmation, the intendant *ad interim* refers to a French grant presented to him as its basis. This grant the intendant *ad interim* states to have been made to Madam Lusser as far back as the year 1738, and the surveyor general, Pintado, in his certificate of survey, more particularly designates its date as being May 27, 1738, this grant was, therefore, in existence in March, 1807, the date of the confirmation by the intendant *ad interim*. The claimants have not presented this grant before the present board, neither have they alleged its loss or destruction. In lieu thereof they have introduced a French permit to Madam Lusser, signed January 24, 1737, by Bienville and Salmon, allowing her to occupy a different tract from the one now claimed, and promising a formal grant when surveyed by the King's engineer at Mobile. We are induced to believe it a different tract, for the following reasons: the permit allows her to occupy that part of the island of the Tensaws which is abandoned by the savages of that name; the plat executed by Pintado shows the land now claimed to be situated on the main land, viz: the eastern bank of river Tensaw, and, as far as can be discovered from an inspection of the plat, the tract has nothing insular in its appearance or situation. Moreover, the intendant *ad interim*, at or about the middle of the document above alluded to, as terminating with the formal confirmation, after recognizing the right of Forbes & Co. to the tract thereinafter confirmed, expressly declares that such recognition was not to extend to the half of the island mentioned in another document, there not being the same grounds to support it. This other document, referred to by the intendant *ad interim*, is believed to have been the one on which the present claim is founded.

No. 19. Confirmed by a former board for 1,280 acres, and, in the opinion of the present board, not entitled to a further quantity.

No. 20. This claim is founded on a permit from the commandant at Mobile under date of December 20, 1783, and on a plat and certificate of survey dated March 9, 1807. In the field notes of the survey there are several alterations, which appear to have been made for the purpose or enlarging the tract. The undersigned are not advised of the quantity that a commandant could legally grant at the date of this permit; but as this greatly exceeds the quantity usually granted by such officers, and as the tract does not appear to have been inhabited or cultivated for about forty years, they are of opinion that it ought not to be confirmed.

All which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN,
Commissioners.

D No. 2.

Abstract of claims to lots in the town of Mobile, founded on orders of survey, requêtes, permissions to settle, or other written evidence of title, presented to the commissioners appointed under the act of Congress of March 3, 1827, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Alabama," which the claimants allege were derived from the French and Spanish authorities, and in the opinion of the commissioners are not entitled to confirmation.

No.	By whom claimed.	Original claimant.	Nature of claim.	Date.	By whom granted.	Quantity.	Where situated.	When surv'd.	By whom surveyed.	Inhabitation and cultivation.
1	Heirs of Wm. Pollard	William Pollard	Spanish permit	Dec. 12,1809	Comdt. Cayetano Peres	Not named	East of Water street	None	None	None.
2	Heirs of G. L. Townsley	Gertrude L. Eslava	do	Feb. 23,1803	Comdt. Joq. de Orsono	56 by 113 feet	Water street	May 12,1803	John Collins	From 1804 (fenced) to 1824.
3	Miguel D. Eslava	Miguel D. Eslava	do	April 5,1803	Comdt. Cayetano Peres	Not named	Royal and Government sts.	None		From Oct., 1823, to present time.
4	Heirs of M. Eslava	Miguel Eslava	do	April 14,1803	do	230 by 3,200 feet	South part of the town	None		From 1810 to the present time.
5	Josbua Kennedy	Henry Baudain	do	July 10,1798	Man'l Gayoso de Lemos	40 toises by 40 toises	Water street	None		From 1800 to about 1802.
6	do	Joshua Kennedy	Order of survey	July 16,1806	Morales	120 by 600 feet	Dauphin street	None		From 1800 to 1813.
7	do	Jean B. Laurendine	Spanish permit	July 17,1798	Man'l Gayoso de Lemos	50 toises front on the river	Conti and Water streets	None		Five or six years prior to 1813.
8	Heirs of Cornelius McCurtin	Swanson & McGilveray, and James de le Sousage.	Sale before the command't, but original grants not particularly recited.			Additional quantity of 12,000 feet.	St. Joseph street	None		From 1780 to the present time.
9	John W. C. Fleming	John Linder, senior	Spanish permit	Aug. 12,1796	Baron de Carondelet	81 by 149 feet	St. Charles street	None		From 1813 to the present time.
10	Legal reps. of J. Forbes & Co	John Forbes	do	July 8,1802	Governor Salcedo	Unknown	East of Water street	None		From 1803 to 1813.
11	Victor Gannard	Margaret Cogett	do	May 24,1800	Comdt. Cayetano Peres	60 by 120 feet	Royal street	None		From 1815 to the present time.
12	Legal reps. of Francis Collel	Francis Collel	do	Sept. 20,1806	Morales	On the river, 530 feet; on St. Michael's, 655; on Dauphin, 700.	St. Michael, Dauphin, and Water streets.	None		None.
13	W. H. Robertson and M. D. Eslava.	Francisco H. de Hevia	do	April 4,1799	Comdt. Man'l de Lanzos	297 by 121 feet	Government street	None		None.
14	Samuel Acre	Thomas Price	Spanish concession	Sept. 25,1806	Morales	Two lots	Gov't and St. Michael streets	None		From 1817 to the present time.
14½	Firmia Trenia	do	do	do	do	One lot	St. Joachim street	None		From 1814 to the present time.
15	Addin Lewis	McCurtin & Suary	Sale before the commandant	Oct. 20,1802	Unknown	5,400 additional quantity	St. Manuel	None		From 1802 to the present time.
16	Samuel Acre	Margaret Cogett	Spanish permit	May 22,1800	Comdt. Cayetano Peres	60 by 120 feet	Conception street	None		From 1814 to the present time.

REMARKS.

No. 1. This lot does not appear to have been improved or occupied by the grantee, or any person under him, prior to April 15, 1813, or to have been improved under this claim since that period.

No. 2. In granting this permit the commandant refers to a letter of Morales, (see Appendix to Land Laws, page 24,) notifying him that the tribunal for granting lands was closed, but the commandant assigns as a reason for making this grant, the benefit that would result to the health of the town from the lots being filled up, a condition in the grant which has not been complied with.

No. 3. Cayetano Peres not in office at the date of the grant; it is therefore considered as antedated and fraudulent.

No. 4. Cayetano Peres not in office at the date of the grant; it is therefore considered as antedated and fraudulent.

No. 5. Stated by the applicant to have been confirmed by a former board; and if only in part, there is nothing in the grant or testimony which entitles it to further confirmation.

No. 6. This claim is founded upon an order for survey and appraisement from Morales of a lot petitioned for by Joshua Kennedy, upon the condition that the petitioner took the oath of fealty to the Spanish crown. It does not appear that the petitioner took the oath, or that the lot was appraised, surveyed, or paid for.

No. 7. Stated by the applicant to have been confirmed by a former board; and if only in part, there is nothing in either the testimony or grant which entitles the applicant to a further quantity.

No. 8. This claim is founded on the purchase of two lots, the sales of which were acknowledged before the commandant. The contents of one lot were ascertained, and has heretofore been confirmed for its full quantity. The original contents of the other lot is not ascertainable, and has heretofore been confirmed for 7,200 square feet, the quantity allowed by law.

No. 9. This grant is made on the condition that the lot should be built upon within a year from the date of the grant, which does not appear to have been performed.

No. 10. This appears to have been a permit for temporary purposes only, the right of soil being neither petitioned for nor granted.

No. 11. Cayetano Peres not in the office of commandant at the date of the grant; it is therefore considered as antedated and fraudulent.

No. 12. Founded entirely upon evidence obtained in the Havana, under date of March 20, 1826, from officers of the government of Cuba. How far evidence of this sort is to be received as conclusive, from persons irresponsible for its correctness, is at least questionable. However, admitting the validity of such testimony, there is no proof of a survey having been made, or a valuation of the lot effected, in compliance with the conditions which the grant is stated to have contained.

No. 13. This permit contains a condition which requires the lot to be surveyed, and a return thereof made, which does not appear to have been performed, and the lot does not appear to have been improved or occupied.

No. 14. The titles to these lots are derived under the claim of Thomas Price, and depends on that claim for their validity; which claim is the subject of special report No. 1.

No. 15. Confirmed for 7,200 feet by a former board.

No. 16. Cayetano Peres not in office at the date of the permit; it is therefore considered as antedated and fraudulent.

All of which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN,
Commissioners.

E No. 2.

Abstract of claims to lots in the town of Mobile, presented to the commissioners appointed under an act of Congress of March 3, 1827, entitled "An act supplementary to the several acts providing for the adjustment of land claims in the State of Alabama," founded, as the claimants allege, on grants lost by time and accident, and which, in the opinion of the commissioners, are not entitled to confirmation.

No.	By whom claimed.	Original claimant.	Quantity.	Where situated.	Inhabitation and cultivation.	Remarks.
1	Joshua Kennedy	George Tucker	Indefinite	East of Water street	From 1813 to the present time.	The testimony in relation to inhabitation and cultivation does not prove with sufficient accuracy the spot where the improvement was made; and as the claimant admits that he had a lot adjoining the one he now claims, confirmed to him by a former board, it is possible that it might have been allowed to him upon the same testimony which he has adduced to support this claim.
2	Littleton Lecat	Thomas Surtell	60 by 160 feet	Joachim and St. Michael sts.	None	
3	Belozam Lalande	B. Lalande	120 by 120 feet	Joachim street	In 1798	

All which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN,
Commissioners.

F No. 2.

Abstract of claims to lots in the town of Mobile, by virtue of improvement and occupancy, presented to the commissioners under the act of Congress of March 3, 1827, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Alabama," which, in their opinion, are not entitled to confirmation.

No	By whom claimed.	Original claimant.	Quantity.	Where situated.	Inhabitation and cultivation.	Remarks.
1	Hagan and McLoskey	Hagan and McLoskey	141 feet	Water street	From 1820 to the present time.	
2	John French	John French	138 by 63 feet	Dauphin and Water streets	None	
3	do	do	125 by 452 feet	Government street	From 1818 to the present time.	
4	do	do	205 feet front	Jackson street	do	
5	do	do	95½ feet front on	Joachim street	do	
6	do	do	207 by 84 feet	St. Francis street	From 1817 to the present time.	
7	do	do	18 by 122½ feet	Dauphin street	None	
8	Thomas Richardson, jr.	Thomas Richardson, jr.	13 by 64 feet	do	None	
9	do	do	49 by 187 feet	Water street	None	
10	Legal reps. of S. Frazer		72 by 119⅔ feet	Dauphin street	None	Application for an extension of a claim heretofore confirmed, but no proof adduced.

All of which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN,
Commissioners.

SPECIAL REPORT No. 1.

Claim of the legal representatives of Thomas Price to a tract of land within the present corporate limits of the city of Mobile.

Thomas Price, English interpreter, residing in Mobile, petitioned the governor of Louisiana, Manuel Gayoso de Lemos, on April 19, 1798, for a tract of land having twenty arpents in front by thirty in depth, bounded on the north by lands anciently the property of Terry and Mazurie, on the east by the granted lots in the town of Mobile and by the river of that name, and on the west and south by vacant lands.

Manuel de Lanzos, the commandant of Mobile at that time, informed the governor, in furtherance of Price's petition, that the land thus applied for was vacant; that the petitioner was a useful person, had been for several years English interpreter, and that there was no obstacle to his having a grant of the land.

The governor, by a decree dated New Orleans, November 18, 1798, directed the commandant to put the petitioner in possession of the tract, and to forward the proceedings of survey for the purpose of procuring the petitioner a title in due form.

The proceeding is certified by St. Maxent, the commandant at Mobile, under date of December 22, 1805, to be a true copy from the archives.

After the cession of Louisiana, Spain still claimed the district of Mobile, which was subsequently attached to the province of West Florida, and came under the jurisdiction of the intendancy of Pensacola.

On September 1, 1806, Thomas Price, by his agent, Joshua Kennedy, presented to Morales, the intendant of Pensacola, a petition for a tract of five hundred arpents, bounded on the north by lands of Forbes & Co., on the east by the town of Mobile, on the south by lands of Simon Fabre, and on the west by lands of Antonio Espajo, praying the same to be granted to him by way of sale. The intendant directed an examination of the petition by the fiscal. The fiscal, after examining it, was of opinion that if the land was vacant and the petitioner a subject of his Catholic Majesty, to be certified by the commandant at Mobile, the intendant might grant his petition by ordering the commandant to have the land surveyed and appraised, and afterwards to forward the proceedings had thereon to the intendancy for the purpose of making out a formal title, payment into the treasury having been first ascertained.

The intendant, in conformity with the opinion of the fiscal, issued his order to the commandant at Mobile, which order is signed by himself and De Heredia, the assessor of the intendancy.

Sometime thereafter, Thomas Price, discovering that his agent had been mistaken as to the particular tract which he wished him to apply for, and also as to the terms on which he wished a grant of it, addressed a memorial to the commandant at Mobile, representing that on the 20th of August previous he had given a general power to his agent aforesaid to transact in his behalf all business relative to lands claimed by him, the memorialist, in the district of Mobile; and that on the 10th of September following he had sent said agent a copy of the grant of the 600 arpents made to him by Gayoso de Lemos, instructing him to obtain a complete title for the same from the intendancy, and likewise to procure for him a grant of the adjacent vacant lands as a remuneration for services rendered the government and in payment of his salary as interpreter, which he had not received for a period of more than three years; but that his agent aforesaid, prior to receiving said copy and instructions, had for his principal solicited of the intendancy 500 arpents by way of purchase, as appeared from the order above mentioned issued by the intendancy to the commandant, and also from an order of survey directed by the surveyor general, Pintado, to Joseph Collins, his deputy in the district of Mobile, in conformity therewith.

Thomas Price, in his memorial to the commandant, further states that the intendancy had granted, out of the 600 arpents conceded to him by Lemos, a tract of 20 arpents to William McBay, and had also granted to F. Collell a tract which was parcel of another claim belonging to him, your memorialist.

On these grounds Thomas Price requests of the commandant a confirmation of the grant issued by Gayoso; and in payment of the three years' salary due him as interpreter, and also as a compensation for the injury he had sustained by the grants above mentioned to McBay and Collell, solicits a tract of 500 arpents lying to the south and to the west of the former tract granted by Gayoso; with which confirmation and grant he would acknowledge himself entirely satisfied by the royal treasury for the amount due to him as interpreter, and fully indemnified for the grants made to McBay and Collell.

F. M. St. Maxent, the commandant at Mobile, recognizing the correctness of the several statements made by Thomas Price in his memorial, confirmed and ratified in his favor the tract granted by Gayoso, with the express condition that he should never, under any pretext whatever, lay claim to the tracts granted as above stated to McBay and Collell. He likewise granted him the tract of 500 arpents for which he had petitioned adjacent to the former tract, as much to compensate him for the injury resulting from the grants above mentioned as to satisfy his demand against the treasury for his salary as interpreter, the whole being in conformity with the plan presented to him, on which he had made his cipher that it might not be altered; said claim on the treasury to be considered as extinguished, and, with that view, timely notice would be given to the intendant of the province.

The surveyor general, V. S. Pintado, in his directions to his deputy at Mobile in relation to the survey of the tract thus granted, in substance recapitulates the memorial of Price, and the confirmation and grant by St. Maxent consequent thereon, and states that they had been examined by the intendant, and that he had approved of the same, and had ordered him to have the survey made, that a formal title might issue.

Among the documents laid before this board in support of the present claim is a certificate of the former Spanish storekeeper general at Mobile, from which it appears that, by the provincial regulations, the interpreter was allowed a yearly salary of one hundred and eighty dollars.

The evidence thus far consists of Spanish documents, the signatures to which are authenticated by the affidavits of five or six respectable witnesses, and by the certificate of the keeper of the public archives of West Florida at Pensacola; the latter declaring them to be genuine, as well from his own knowledge as from a collation of them with the signatures of the same officers to other documents in his care.

Price's inhabitation and cultivation of the tract granted him by Gayoso are proven for several years subsequent to 1798. His inhabitation and cultivation, and the inhabitation and cultivation of those holding under him, are proven in relation to both tracts, from 1807 to the present time.

The present claimant, probably anticipating the objection to his claim which would naturally arise from its contiguity to the town of Mobile, introduces the depositions of several respectable witnesses, inhabitants of Mobile at the period of the grant by St. Maxent, to show that the land in question was at

that time considered to be of little value, and would have been granted to any other person having equal claims upon the Spanish government if proper application had been made for it. It is mentioned in some of the affidavits as being the general belief of the inhabitants, and of the Spanish officers at that time, that the title of Price was genuine and valid.

The present claim was at first favorably reported by the former commissioner of land claims in the district east of Pearl river; but, subsequently, in a supplemental report of the same individual, was represented as not entitled to confirmation, on the belief that it embraced the site of Fort Charlotte and most of the public buildings in and near the town of Mobile. This presumption is alluded to in two of the affidavits introduced by the present claimant, and is followed in each of them by a declaration of the deponent that such is not the fact. For the purpose of arriving at certainty in this particular, the United States deputy surveyor at Mobile was requested to survey the eastern boundary of the claim; his plat and certificate of survey accompany the present report. From these it appears that a distance of two hundred and seventeen feet is its greatest approximation to the former site of Fort Charlotte.'

The preceding is a fair exhibit of the present claim as it stands on the records of this board.

Remarks.

The original claimant, in his petition to Gayoso de Lemos, specifies lands anciently the property of Terry and Mazurie as the northern boundary of the tract solicited. By reference to the plat furnished by the present claimant, marked with the cipher of St. Maxent, as stated in his grant to Price, and of which plat a copy is forwarded with the present report, it appears that a tract of about fourteen arpents in width from north to south, and represented as the property of Forbes & Co., intervenes between the tract laid down as granted to Price and the undefined tract on which is marked the name of Jeremias Terry or Ferry.

The grant to McBay, referred to by Price in his memorial to St. Maxent as a part of the original grant by Gayoso, is unfavorably reported by us in abstract marked A No. 2, claim No. 10, on account of its proximity to Fort Charlotte.

Said grant to McBay is laid down on the plat just mentioned, and also on that accompanying the present report; in the latter, the line of tract, which approaches within thirty-three feet of Fort Charlotte, is shaded with blue. The distance of this line is ascertained by computation founded on the plat drawn by the United States deputy surveyor.

Although it may be a matter of no importance, yet it is proper to state, in order that this may be fairly entitled to the character of a special report, that Price's memorial to St. Maxent is dated November 20, 1806; and that the document containing St. Maxent's confirmation and grant is dated the 25th of September of the same year.

It is also proper to observe that the plat furnished by the claimant is without any authentication whatever, except the cipher affixed by St. Maxent; and that in all the proceedings in relation to the present claim, from the commencement to the conclusion, there is no proof of a survey of the same having ever been effected under the Spanish government.

All of which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN,
Board of Commissioners for the adjustment of land claims in the State of Alabama.

ST. STEPHEN'S, *February* 23, 1828.

LAND OFFICE AT AUGUSTA,
District of Jackson County, Miss., December 27, 1826.

SIR: In consequence of the application of Joshua Kennedy, as the legal representative of William E. Kennedy, for a certificate of confirmation on claim No. 103, hereto attached, we have caused the survey of said claim to be made in strict conformity to the original title; and from a careful examination of the several references made by him in his first and second applications, hereto attached, and from all the testimony on the subject of this claim recorded in this office, we are of opinion that the claim is entitled to confirmation, and ought to be confirmed, for 971.85 acres, according to the survey of the same returned by James P. Turner, principal deputy surveyor, recorded in this office. It is manifest from the survey returned by Mr. Turner, and from the evidence before us, that this claim has been fairly obtained, and granted in good faith by the Spanish government; and that the inhabitation and cultivation has been made according to the usages and customs of said government, and does not *interfere with the public grounds of Fort Charlotte*, as stated in the supplementary report against the claim; and in compliance with the wish of the applicant, we beg leave to submit the subject for your consideration and await your instructions, or such other disposition as you may deem expedient.

Very respectfully, your most obedient servants,

WILLIAM HOUZE, *Register.*
G. B. DAMERON, *Receiver.*

GEORGE GRAHAM, Esq., *Com. Gen. Land Office, Washington City.*

To the register and receiver of the land office at Augusta, district of Jackson county:

GENTLEMEN: Please take notice that I, as present claimant, apply for a certificate of confirmation for the claim of William E. Kennedy, under Thomas Price, which claim is contained in the report of the commissioner, No. 3, and the evidence recorded in book C, pages 79 to 84, and is for a tract of land containing about six hundred arpents, and claimed under a concession issued by his excellency Manuel Gayoso de Lemos, in virtue of the confirmation of said claim under the act of Congress passed March 3, 1819.

JOSHUA KENNEDY.

AUGUSTA, *Miss., November* 6, 1826.

To the register and receiver at Augusta, district of Jackson county:

GENTLEMEN: The undersigned, Joshua Kennedy, present claimant of a tract of land containing 971.85 acres, original claimant Thomas Price, respectfully represents that the original concession and notice of the additional and confirmatory title was given in to William Crawford, late land commissioner; that said commissioner reported favorably of the concession, and after his office had expired, wrote an ex-officio letter against said claim, asserting that at the time he made the report the claim appeared to be a valid

one, and that he was not aware that the said claim took in Fort Charlotte, and most or all of the public buildings in and near Mobile. It will satisfactorily appear that the assertions contained in said letter are unfounded and erroneous, by reference to the survey of the same made by James P. Turner, principal deputy surveyor, and to the original Spanish order of survey herewith presented, and also by reference to claim No. 93, and survey of the same, recorded in evidence book C, page 7; which tract of land is situate between the site of Fort Charlotte—all the public buildings under the Spanish government in Mobile, and my claim under Thomas Price, and the western line of the survey of the claim No. 93, (report 6, evidence book C, from page 1 to 11,) is bounded and calls for the eastern boundary of the Spanish survey of my claim under Thomas Price. Additional evidence in relation to said claim was given in to the register and receiver, Barton and Barnett, who made a report thereon, and is recorded in the book of reports, page 313, by reference to which report, and the evidence of James Inerarity and Diego McBay, it will appear evident that the title is genuine, and that the inhabitation and cultivation were made according to the Spanish usages and customs. By reference to the report signed by Willoughby Barton, in the book of reports, page 325, and comparing that supplemental report with the supplemental report recorded in report book, page 330, and with the statement of W. Barton, late register, hereto annexed, and by comparing the survey returned by Colonel Dinsmore, the late principal deputy surveyor, (made under the report and order of Barton and Barnett,) with the survey returned by James P. Turner, a duplicate of which is hereto attached, and with the original Spanish survey now before you, it will appear that said report was made by W. Barton from erroneous impressions, and is so acknowledged in the supplemental report, page 330, and the annexed statement of W. Barton, late register, and that the survey made and returned by Silas Dinsmore, the then principal deputy surveyor, is evidently incorrect. All of the above facts go to prove that the late commissioner, and the late register and receiver acting as commissioners, have been under erroneous impressions in relation to this claim, and that the same is a genuine and valid claim, according to the usages and customs of the Spanish government.

He therefore solicits the favor that the whole of the title, together with the survey of the same returned by James P. Turner, principal deputy surveyor, and the whole of the evidence in relation to this claim may be examined by you; and if, in your opinion, the claim aforesaid be confirmed, to issue the certificate of confirmation for the same, or to make, in place of the supplemental report, *which in effect is no report*, (recorded in the book of reports, page 325, made by W. Barton, late register,) such a report or supplemental report as to you may be deemed equitable and just.

JOSHUA KENNEDY.

AUGUSTA, *December* 25, 1826.

[Here, in the original, is a plan of the survey.]

Pursuant to an order of survey from the principal deputy surveyor of the land districts east of the island of New Orleans, and in conformity with an order made by the commissioners of the land office at Augusta, district of Jackson Court-house, Mississippi, I have surveyed for Joshua Kennedy a tract of land situated on or near Mobile river, in the State of Alabama, being section No. —, in township No. 4, range No. 1, west of the basis meridian, and bounded as follows: beginning at a post on Mobile river; thence west, 129.58 chains, to a post; thence south 2° east, 75 chains, to a post—a pine bears south 35° west, 1 chain; thence east, 125.50 chains, to a post—a pine bears north 74′ west, 33 links; thence north, 11 chains, to a post; thence east, 5 chains, to a post; north 10° west, 26.50 chains, to a post; thence south 62° west, 7.90 chains, to a post; north 27° 30′ west, 21.28 chains, to a post; thence north 62° east, 8.12 chains, to a post; thence north 27° 30′ west, 2.09 chains, to a post; north 62° east, 15.62 chains, to a post; north 31° west, 8.64 chains, to the place of beginning; containing 971.85 acres, and having such shape, form, and marks, natural and artificial, as are represented on the before-mentioned plat and notes of reference.

Examined November 18, 1826.

JAMES P. TURNER, *Principal Deputy Surveyor.*
THOMAS BILBO, *Deputy Surveyor.*

MOBILE, *July* 25, 1826.

At the suggestion of the counsel of the claimants, I have carefully reviewed the supplementary report of the late register and receiver of the land office at Jackson Court-house, Mississippi, on the claim of William E. Kennedy, under Thomas Price, for six hundred arpents of land adjoining the town of Mobile, and, from the best consideration I have been able to give the subject, make the following individual statement, from a conviction that it is alike due to the cause of justice and of the claimants; and this I do with the more satisfaction, in the hope that it may be instrumental in procuring for that claim a more favorable consideration than it has heretofore received.

The supplemental report was made by the register and receiver on December 29, 1820, in pursuance of a survey directed by them for the purpose of ascertaining whether this claim would actually encroach on the site of Fort Charlotte, or other public grounds in the town, (as was rumored,) which survey was returned into the land office on the 15th of the same month. By that survey it appeared that a number of lots which had been sold by Wm. E. Kennedy, and improved and occupied by the purchasers, were not included in the survey; and that several lots previously conceded by the Spanish authorities, and which had been confirmed by the United States, fell within the lines of the survey. These facts, for the first time disclosed by the survey which (being executed by the United States principal deputy surveyor) they adopted as correct, taken in connexion with other facts and circumstances detailed in the report, induced a suspicion on the minds of the register and receiver that the claim had been *surreptitiously obtained;* in other words, that it was not *bona fide.* This impression, I am free to confess, I entertained very strongly at the time the supplemental report was made, and for sometime afterwards. To rebut the presumption of fraud arising from the facts and circumstances detailed in the supplemental report, it has been alleged by the claimant, in a subsequent application to the land office for a certificate, and so the facts satisfactorily appeared to the register and receiver at that time, that at the date of the grant to Price the town of Mobile was an unimportant village, a mere military post without wealth or trade, and the adjoining lands of little value for any purpose; that other lands, above and below the town, had been granted before and after to persons who had no better claim on the justice or liberality of the government than Price, who had rendered important services as English interpreter; that no suspicion ought to attach to the authenticity of the claim on account of its not being found among the archives of Mobile, since it was matter of

notoriety that many documents relating to real and personal estate in Louisiana and the Floridas had been removed or destroyed by various accidents.

In addition to the foregoing reasons, which were and are perfectly satisfactory to my mind that the claim is a genuine and valid one, I know, from repeated conversations with many of the ancient and respectable inhabitants of Mobile, that this claim has ever been considered by them as a *bona fide* one, and I believe no difference of opinion exists among them on the subject.

I have always been of opinion, and remember in some instances to have unreservedly expressed the opinion, that this claim, as reported by the former commissioners, was confirmed by the act of March 3, 1819, and that it would be so held by the judicial tribunals. I am also of opinion that a certificate would have been granted in the first instance but for the after report of the commissioner appended to the original record of the claim, which was regarded by the register and receiver as an intimation of the opinion of the Commissioner of the General Land Office, which they were well aware would control any act of theirs in relation thereto. The subsequent proceedings, so far as I was concerned in them, are fully explained by the report in connexion with this statement.

W. BARTON.

[Here, in the original, is a plan of the survey.]

By order of John B. Hazard and John H. Owen, commissioners of private land claims in the State of Alabama, now sitting in Mobile, I have surveyed the eastern boundary of the above tract of land, and making due allowance for the magnetic variation between the time of the original survey and the present time, find the lines, according to the bearings and distances, to agree with the boundary designated in the old survey as above represented. The northern and western limits of the fort property, as surveyed and sold by the government, are laid down and its relative position shown. Seventy-six feet nine inches is the nearest point of approximation of the above tract with the land sold.

Done December 21, 1827, by

WM. ROBERTS, *U. S. D. S.*

SPECIAL REPORT No. 2.

Claim of the heirs of Nicholas Baudin to an island in Fowl river, called "Grosse Point or l'Isle Mon Louis," estimated to contain about 14,360 *arpents.*

This claim is founded on a French concession given at Fort St. Louis on November 12, 1710, by Bienville, lieutenant of the King, and commandant of Fort Louis, and by Darteguiette, commissary ordinary of the marine.

These officers, in their deed of concession to Baudin, state their power as emanating from the court to make grants of cession ("des contracts de cession") in the province of Louisiana; and under this authority it appears they conceded to Nicholas Baudin, the ancestor of the present claimants, the island or tract of land called Grosse Point. Beneath the concession is an approval and ratification of it by Lamothe Cadilac, the governor of Louisiana, signed on September 15, 1713.

It also appears from a writing appended to the document above referred to, signed by Bontru, and certified by Chantalon, clerk, that Madame Paille, widow of N. Baudin, the original grantee, presented at the office of the superior council of the province of Louisiana the aforesaid deed of concession, together with its approval and ratification, with a request that they would receive the said documents "in deposit, in order that they might be enrolled on the minutes of the superior council, that recourse might be had thereto when necessary." Thus far the steps taken in this concession were, as far as this board have an opportunity of ascertaining, in accordance with the usages of the French government in granting lands in its provinces; nor are we aware of any regulation which restricted the authorities of that government in the quantity they might grant. Two certificates were also presented to the board signed, first, by James de la Sampaye, notary public, dated June 16, 1783; and, secondly, by Grimarest, Spanish commandant at Mobile, stating that the originals, the subjects of which have been recited, existed at that time in the archives of the government at Mobile. Several witnesses prove that the tract claimed has been inhabited and cultivated from a period prior to 1761 to the present time. The occupancy being uninterrupted for so long a period, as is proven, first, under the French grant by which the tract was granted, and successively under the English and Spanish governments, is deemed strongly corroborative of the original grant.

This claim is not encumbered with mesne conveyances, but is still in the possession of the descendants of the original grantor.

From the facts here submitted, the undersigned are of opinion that the foregoing claim is entitled to the favorable consideration of Congress.

All which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN,
Board of Commissioners for the adjustment of land claims in the State of Alabama.

ST. STEPHEN'S, *February* 26, 1828.

SPECIAL REPORT No. 3.

Claim of the legal representatives of Joseph Chastang and of Baptiste Laurendine to a tract of land called St. Louis, situate between Three-mile creek, Mobile river, Chickasaw, Bogue and Bouc Houma, and estimated to contain 22,500 *arpents.*

The original title to this tract the claimants allege to have existed in a Mons. Diron, in virtue of a grant to him by Bienville and Salmon, the former governor, and the latter commissary, "ordonnateur," of the province of Louisiana, dated November 7, 1733.

Of the existence of this grant, the only evidence is contained in a conveyance of said tract, executed June 6, 1746, by Charles Maria de Lalande and his wife, in favor of Joseph Barbeant de Boisdoree and his wife, in the presence of Miligar, notary, and by him attested. In that conveyance the tract called St. Louis is sold to its full extent, as originally granted to Mons. Diron in the manner above mentioned, without reciting its quantity or its boundaries, and without pointing out in what way the said Lalande and his wife derived their title to it. This is the first authenticated transfer of the above tract. The second appears to have been made on July 19, 1759, by the heirs of J. Barbeant de Boisdoree to a Mons. de Bonville; the proof of which transfer is a certificate dated New Orleans, July 17, 1763, signed by Louis Boisdoree, wherein he ratifies the sale to De Bonville, made by his brothers Joseph and Antoine on the day above cited, and mentions that the tract sold was derived by inheritance from his (Louis Boisdoree's) father, and that he had received his share of the purchase money. Another proof of this transfer is a certificate of Pierre Annibal Deville, chevalier of the order of St. Louis, and ancient lieutenant of the King at Mobile, dated December 28, 1763, given to De Bonville aforesaid to enable him to procure a confirmation of his title from De Abbadie, wherein it is stated that De Bonville had, for about four years and a half, owned and been in possession of the plantation called St. Louis, with its full extent, according to the ancient titles, commencing at Bayou Chatogue, (now Three-mile creek;) that he had purchased it on July 19, 1759, of Louis, Joseph, and Antoine Barbeant Boisdoree, whose father had purchased it of Charles Maria de Lalande de Apremont.

Then follows the confirmation by De Abbadie, of which the following is a translation: "I, the director general, commanding for the King at New Orleans, certify that the above-mentioned plantation of right belongs absolutely, as well as its appendages, to Mons. De Bonville, in conformity with the intentions of his most Christian Majesty, and with the power which he has given to his governors and ordonnateurs to permit all his subjects to establish themselves in the department of Mobile where they might think proper.

"In testimony whereof, I have signed the present certificate, and have caused the seal of my arms to [L. S.] be thereunto affixed, and the same countersigned by my secretary.

"ABBADIE

"MOBILE, *December* 28, 1763.

"By his excellency: DUVIRGE."

The next claimant of the foregoing tract seems to have been John Baptist Luser, from whom it descended to Margaretta Chabalin Deville, of whom it was purchased by John Baptist Laurendine; all of which appears from the following statement:

On May 30, 1807, Cabaret Detresses gave a power of attorney to Hazeur Delorme to represent him in everything requisite to convey a tract of land in the district of Mobile of which he was coproprietor, which said tract had been sold to Baptist Laurendine. This power of attorney was executed in Louisiana before a justice of the peace and two witnesses. On June 3, 1807, Louis Hazeur Delorme, before a notary at New Orleans, and in presence of witnesses, as attorney in fact of Mr. Pierre Marie Cabaret Detresses, in right of his wife, Margaretta Chabalin Deville, conveys to John Baptist Laurendine, represented in that place by his son John Baptist, acting under a power of attorney from his father, certified by Francis Maximilian Maxent, commandant at Mobile, May 20, 1807, a plantation situate upon said post of Mobile, fronting the river St. Louis, (now Chickasaw bouge,) which plantation is known by the name of St. Louis, and lies between Bayou Bouc, Houma, Schateauge, (now Three-mile creek,) and the great marsh, and belonged to said Delorme's principal, and to the wife of his principal, by inheritance from John Baptist Luser, deceased, their grandfather.

From John Baptist Laurendine the chain of title is unbroken to the present claimants.

John Baptist Laurendine, in his transfer of the above tract to Joseph Chastang, the next proprietor, on August 25, 1807, in presence of and certified by Maxent, the commandant at Mobile, recites it as a plantation called St. Louis, situate about a league from, bounded on the north by the Bayou Bouc, Houma, and Techicasahou, (Chickasaw bouge;) on the south by the Bayou Chatogue, (Three-mile creek;) and on the east by Mobile river; and on the west by vacant land; containing about one hundred and fifty arpents in front by an equal number in depth.

Accompanying the present claim is a plat executed by Lafon, geographical engineer at New Orleans, who certifies it to be a correct copy of the original plat of the tract purchased by Baptiste Laurendine. His certificate is dated May 27, 1807.

It appears from the evidence adduced in support of this claim that the land has been inhabited and cultivated from the year 1794 to the present time.

All of which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN,
Board of Commissioners for the adjustment of Land Claims in the State of Alabama.

FEBRUARY 26, 1828.

SPECIAL REPORT No. 4.

Claim of the Church of the Holy Conception, in the city of Mobile, to a lot having four hundred feet in front on Dauphin street, and three hundred feet in depth on Franklin street.

This claim differs in its character from any other laid before the present board of commissioners. The claimants, who are the trustees of the church, and represent it in its corporate capacity, exhibit no title derived from the Spanish government, neither do they allege that any such ever existed. They merely state that if a title ever issued to the church it has been lost by time or accident, and rest their claim entirely upon a long and uninterrupted possession.

The undersigned commissioners regret that they have been unable to acquire any information respecting the laws and regulations of the Spanish government in relation to the allotment of lands to the church; more especially as, without it, they are unable to place this claim in the light in which it

would stand if still subject to investigation by the Spanish authorities, and entitled to the favorable interpretation of their tribunals.

That the government of Spain has always extended a fostering hand towards its ecclesiastical establishments requires but a very superficial knowledge of its history and institutions to demonstrate; it has always deemed them to be its principal support and ornament, and there consequently appears to have been no limits to its liberality in their behalf. That this was more particularly the case in the colonies is inferrible from their remote situation, and from the reliance of that government on the church as an auxiliary to retain them in their allegiance to their mother country. Of all the colonies, West Florida, a comparatively recent acquisition, and lying in immediate contact with the territory of a foreign nation, seemed to require the greatest precautions to unite it firmly to the Spanish crown. The political principles of the nation in its vicinity were such as must have incurred the reprobation of an almost absolute monarch; and the heretical opinions entertained by a majority of that nation could have excited little less than sentiments of the deepest indignation in a king pre-eminently Catholic.

To guard against dangers so imminent, by strengthening the loyalty and faith of the inhabitants, a resort would necessarily be had to the ecclesiastical arm; that the latter was constantly exerting itself to avert evils of such magnitude there can be but little doubt; and that there was occasion for such exertions is evident from the 8th regulation of Gayoso to prevent the intrusion of heretic preachers.

With views so similar, and interests so nearly identified, there was nothing to sever and everything to unite them for the purposes of mutual support. The prerogative of the King, too, with respect to the church in these provinces, considered as obtained by conquest, among which were his transatlantic possessions, was much greater than in those which were deemed the original inheritance of the crown; the dependence of the church being on that account more immediately on the crown, the reciprocal duty of protection by the crown was a necessary result. It cannot be a matter of surprise, then, if the premises be duly weighed, that the church should ask no grant of land already allotted to it and set apart for its use. From the government there was nothing to apprehend, and still less from the inhabitants, whose awe and reverence for consecrated property would have been a most effectual safeguard from their encroachments. Standing in the relation in which it did to the Spanish government, there could be no hesitation on the part of the latter, if still exercising dominion, in acknowledging their rights, and in effectually securing their enjoyment of them.

Of the different species of evidence serving to prove a title under the Spanish government, none is perhaps more conclusive than that which manifests a long and undisturbed occupancy. The government of the United States have acted upon this principle in the various acts passed for the purpose of confirming individuals in the possession of lands which they have inhabited and cultivated at particular periods.

The present claim seems to be entitled to the same liberal provision. The lot is proved, by the testimony of old and respectable inhabitants, to have been more than thirty years in the possession and use of the church as a cemetery. Its dimensions may be easily ascertained from mere inspection. Individuals who inhabited and cultivated lots prior to April 15, 1813, have had the same allowed them as donations. The claim of the church not answering the strict requirements of the law, although in its character altogether more meritorious than those of the individuals just mentioned, and under the foregoing considerations, we feel ourselves constrained to recommend the present claim for confirmation.

All of which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN,
Board of Commissioners for the adjustment of Land Claims in the State of Alabama.

St. Stephen's, *February* 25, 1828.

St. Stephen's, *February* 29, 1828.

Sir: We have forwarded with this a supplementary report upon a claim of Lewis Judson to a lot in Mobile, presented on the 30th November last, after the time prescribed by law for receiving claims had expired.

We have also forwarded a list of the Spanish commandants of Mobile, taken from the Spanish records by the clerk of this board

Very respectfully, your obedient servants,

JOHN B. HAZARD,
JOHN HENRY OWEN,
Board of Commissioners for the adjustment of Land Claims in the State of Alabama.

Hon. George Graham, *Commissioner of the General Land Office, Washington.*

St. Stephen's, *February* 29, 1828.

Lewis Judson presented a claim on November 30, 1827, founded on a grant lost by time and accident, to a lot in the town of Mobile, having thirty-seven feet front on Royal street, and extending back to the river; the occupation of which is proven from 1809 to the present time. It is the opinion of the undersigned that had the said Judson presented his claim to the aforesaid lot within the time prescribed by law, it would have been entitled to confirmation for thirty-seven feet on Royal street, and extending back one hundred and twenty feet, provided the said Judson had not received a donation by virtue of improvement and occupancy, or had a similar claim to the present one confirmed for any part of the lot above described, or for any lot adjoining it.

All of which is respectfully submitted.

JOHN B. HAZARD,
JOHN HENRY OWEN,
Board of Commissioners for the adjustment of Land Claims in the State of Alabama.

Names of the commandants of Mobile, with the periods they continued in office, as well as can be collected from the Spanish archives in the clerk's office at that place.

Commandants.	Both days inclusive. From—	To—	Commandants.	Both days inclusive. From—	To—
Henry Grimarest	June 28, 1781	April 28, 1784	Manuel Ordonez	Dec. 4, 1811	Jan. 29, 1812.
Pedro Faurot	Aug. 8, 1785	Dec. 30, 1788	Cayetano Peres	Mar. 31, 1812	Mar. 11, 1813.
Vincente Folch	Feb. 10, 1789	Mar. 30, 1792			
Manuel de Lanzos	April 26, 1792	April 29, 1795	*Commandants ad interim.*		
Pedro Olivier	May 28, 1795	Dec. 14, 1797			
Manuel de Lanzos	April 1, 1798	Nov. 18, 1800	Joseph Deville Degoutin	Oct. 6, 1798	Oct. 6, 1798.
Joaquin de Orsorno	Jan. 8, 1801	July 1, 1805	Do	Nov. 1, 1792	Nov. 1, 1792.
Francisco M. St. Maxent	July 16, 1805	Aug. 20, 1807	Ignacio de Acosta	Nov. 8, 1791	Nov. 8, 1791.
Antonio de Salazar	Oct. 31, 1807	Feb. 7, 1809	Do	Jan. 25, 1792	Jan. 25, 1792.
Cayetano Peres	Feb. 23, 1809	June 14, 1811	Cayetano Peres	Dec. 5, 1803	Dec. 27, 1803.
Francis Collell	June 14, 1811	Aug. 2, 1811	Hematerio de Hevia	July 2, 1803	July 2, 1803.
Cayetano Peres	Aug. 7, 1811	Sept. 7, 1811	Do	Jan. 7, 1805	Jan. 7, 1805.
Francisco Mendieta	Sept. 7, 1811	Sept. 13, 1811	Do	Jan. 22, 1805	Jan. 22, 1805.
Francisco Peres Muro	Sept. 17, 1811	Sept. 17, 1811	Do	Dec. 22, 1804	Dec. 22, 1804.
Cayetano Peres	Sept. 24, 1811	Nov. 3, 1811	Francis Collell	Aug. 22, 1806	Sept. 17, 1806.

Commandants empowered to grant lands were also subdelegates of the royal treasury. As the commandants *ad interim* took that office according to rank, and were not subdelegates of the royal treasury, it is not probable that they were vested with powers for granting lands.

20TH CONGRESS.] No. 667. [1ST SESSION.

APPLICATION OF MISSISSIPPI FOR LAND FOR A SEAT OF JUSTICE IN WASHINGTON COUNTY IN THAT STATE.

COMMUNICATED TO THE SENATE MARCH 31, 1828.

A MEMORIAL to Congress, praying a donation of one hundred and sixty acres of land to the county of Washington.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the senate and house of representatives of the State of Mississippi in general assembly convened respectfully showeth: That the general assembly of this State, at the last session, did establish and organize an additional county, by the name of Washington, on the Mississippi river above the mouth of the Yazoo river, in that part of this State lately ceded by the Choctaw Indians to the United States; that part of the said land in said county is fertile and now rapidly settling, but by far the greatest portion of said county is an immense swamp, which is not susceptible of settlement or cultivation, and subject to annual inundations by the floods of the Mississippi; a very small quantity of the land in said county has as yet been surveyed, and from its peculiar situation it may be a considerable time before the survey of the balance can be completed.

The survey that has been made is in the lower part of the county, remote from a suitable place for the location of a seat of justice for the same; hence, it is impossible that a seat of justice for the county can be located or public buildings erected with any degree of propriety, as the land on which they must necessarily be situated has not yet been surveyed, and the county must continue to labor under this inconvenience until relieved by your honorable bodies. Your memorialists, therefore, pray that a donation of one hundred and sixty acres of land may be made to said county for the purposes aforesaid, at such place as may be selected for the seat of justice, and your memorialists, as in duty bound, will ever pray, &c. Therefore—

Be it resolved by the senate and house of representatives of the State of Mississippi in general assembly convened, That our senators in Congress be instructed, and our representative requested, to effect the object prayed for in the foregoing memorial.

And be it further resolved, That the governor of this State be requested to forward the foregoing memorial and resolution to our senators and representative in Congress.

CH. B. GREEN, *Speaker of the House of Representatives.*
A. M. SCOTT, *Lieut. Gov. and President of the Senate.*

Approved February 12, 1828.

GERARD C. BRANDON.

EXECUTIVE DEPARTMENT, *Jackson, February* 13, 1828.

GENTLEMEN: I have the honor to forward you the foregoing memorial as a true copy from the original, which you will please lay before the Senate of the United States.

With high regard, I remain your obedient servant, GERARD C. BRANDON.

Hons. THO. H. WILLIAMS and POWHATAN ELLIS.

20TH CONGRESS.] No. 668. [1ST SESSION.

LAND CLAIMS IN MISSOURI DERIVED FROM THE FRENCH AND SPANISH GOVERNMENTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 31, 1828.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the underwritten inhabitants of the State of Missouri humbly showeth: That after a large number of claims which had originated under the French and Spanish governments, in the former province of Louisiana, had been confirmed by a board of commissioners sitting at St. Louis under the authority of an act of Congress, after another class of claims reported by the recorder of land titles under the authority of an act of Congress approved April 12, 1814, had been confirmed by another act, a large balance of claims remained unconfirmed, which were reported, with the opinions of the commissioners on the same. Ever since that time until the passage of the act of May 26, 1824, no means had been provided to enable the land claimants to try the validity of their claims before a competent tribunal to decide finally on the same. In the meantime many parts of the State remained intersected by large tracts of the best land, whose title or right was uncertain, and could not be disposed of safely by the persons claiming them, nor by the United States. These left large interstices of wilderness, which prevented settlements from being connected, roads from being opened, mills from being erected, &c., whilst it left the means to the Indians to commit depredations, particularly in the event of a war.

Your memorialists had confidently expected that, so soon as the part of the country they inhabit became a State, the senators and representative from Missouri would be willing and able to satisfy Congress that your memorialists labored under a great evil, and nothing could relieve them from it but the passage of an act enabling the land claimants to try the validity of their claims by due process of law. But in this they have been long disappointed. At length the evil became so intolerable, and the remedy so unaccountably procrastinated, that the general assembly thought it absolutely necessary to take the subject under their consideration, and passed a resolution on December 3, 1822, from which the following is an extract: "The unconfirmed claims in this State, and a want of a definite tribunal where rights of this kind may be contested and settled, are subjects of much anxiety and solicitude amongst us. We wish this difficulty obviated, and competent tribunals constituted to decide, definitively, these unsettled claims, so that the lands belonging to the United States and those belonging to individuals may be known and set apart; that every inducement may be offered, and every obstacle removed, as far as practicable, to emigrants who may be disposed to locate themselves amongst us," &c. This resolution was presented to the Senate by one of the senators from Missouri; it was referred to a committee of which the same senator was chairman. It is proper to observe that there was at that time a bill on the files of the Senate embracing precisely the demand, and all the views of the memorial or resolution. Instead of the committee taking any notice of that bill in their report to the Senate, they reported a new one, embracing principles in direct opposition to the demand of the resolution, although the report was made by reference to the same resolution. This bill provided that the land claims should be referred once more to the recorder of land titles, which, if it had passed, would have been a third reference of the same subject to authorities incompetent to decide, but made competent only to report opinions to Congress. It does not appear that this bill progressed further.

After much delay Congress has at last passed the act long wished for by the general assembly of Missouri and by your memorialists, entitled "An act enabling the claimants to land within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," approved May 26, 1824. Long before that time many land claimants and their agents had repeatedly made loud complaints, in the State of Missouri and at Washington, on the score of the hardships they experienced in consequence of the long protraction of the decision of their claims, in consequence of the official opinions which the land commissioners have reported against the legality of almost all those claims, and also in consequence of the hard reflections which many had made against the same claims. There was every reason to expect, from these circumstances, that the land claimants would seize, promptly, the opportunity which that act afforded them to bring their claims into court, establish their fairness and legality, and put their detractors to shame. But, far from this, they have evidently shunned the court; but three or four suits, out of several hundred claims, have been instituted in the district court of the United States, sitting at St. Louis, for the first eighteen months out of two years allowed to the claimants to commence their actions. It is only at the last term, within two years, that they have brought a considerable number of suits; yet almost all those land claimants reside in or near St. Louis. These claims amount to about one million of arpents of choice land.

The repugnance of the land claimants to bring their claims before the court has been still more strongly manifested at St. Genevieve, where the court sits also for the convenience of the land claimants. Very few suits have been instituted at that place. The heirs and representatives of François Vallée, the original claimant of Mine à la Motte, and a large tract of land circumjacent to the said mine, have so far shunned the opportunity afforded, at their doors, of a trial at law. They have preferred to present their claim to Congress during the last session, and prayed for confirmation by a special act. Your memorialists are informed that a bill was passed in favor of their claim in the House of Representatives, and was rejected in the Senate. They also are informed that a petition has been lately circulated among the land claimants in and about St. Louis, stating that the powers of the former land commissioners were too limited, in consequence of which they could not obtain full justice from their board, and praying the President of the United States to suggest to Congress the hardships to which they (the land claimants) are subject in establishing their claims in a court of law, and to recommend the reference of the same to some special commission, which is the most irrefragable proof that they have no confidence in the legality of their claims, and dread nothing so much as a trial in the due course of law. Any tribunal that might be substituted to a court of law would be made competent only to recommend their claims for confirmation, but could not be made constitutionally competent to make final decisions against any of those claims.

Your memorialists beg leave to remark that the land commissioners had a sufficient latitude of power to form and report opinions on the respective claims, agreeably to the laws under which they originated. Of course there is no lack of justice on that score. Those opinions may be erroneous; they may be just;

at any rate they are official, and clearly intended to inform the conscience of the members of Congress. They would be of no use whatever if they were not operating as an inducement to Congress to refer to a court of laws all claims against which the opinions of the commissioners stand.

Your memorialists beg leave to suggest further, that, as citizens of the United States, they have a general interest that the rights of the Union to the public land be guarded in the safest manner. They have a still greater interest, as citizens of Missouri, that that right be not surrendered or relaxed, as it would be more beneficial to themselves, and to the other inhabitants of Missouri generally, that if the lands claimed are, of right, public property, they should remain so; for, in that case, they would be offered for sale without any reserve or encumbrance. There would be also a fair competition for purchasers; and the evils arising from a great disparity of wealth among citizens would likewise be avoided. There are many persons in various parts of this State who have settled themselves, though ignorantly, within the bounds of some of the tracts covered with claims. They have made their settlements in due time to be entitled to the right of pre-emption in case these claims should be adjudicated against. The act enabling the land claimants to institute proceedings to try the validity of their claims provides that any claimant who shall petition the court under that act shall serve a copy of such petition, with a citation, to any adverse possessor or claimant. Of course the means of making a defence are secured to adverse claimants under settlement rights, or any other interfering rights. If such defendant can make out that any French or Spanish claim is illegal, and, of course, that the land claimed is public property, the contingency on which the right of pre-emption depends remains unimpaired.

It is obvious that the right of adverse claimants to make a defence in a court of law is all-important; that the person to whom it is secured could not be deprived of it by a subsequent legislative provision without receiving an irreparable injury. Yet this would certainly be the case if Congress should confirm any of these claims; for the proceedings before that body would be extra-judiciary and *ex parte*. No opportunity would be left to adverse claimants to make a defence, and any confirmation, by way of enlargement or departure from the French or Spanish laws under which they respectively originated, no matter how small, would be nothing else but a donation in disguise.

It is to be observed that any legislation of a dubious character, or producing such effects as not to be fully seen or apprehended by the people in general, is uncongenial with the genuine spirit of a representative legislature, and virtually destructive of the responsibility of representatives to their constituents.

The exertions which the heirs and representatives of François Vallée have made to obtain the confirmation, by Congress, of the large and valuable tract of land before alluded to, and the repugnance which the land claimants have generally evinced against going into a court of law for the trial of their claims, ought to raise suspicions against the fairness or legality of the same, and be a very strong reason to induce Congress to be more guarded than ever against introducing any change in the present legislation on that subject.

Your memorialists believe that all the French or Spanish claims, even those that had the most remote equity, have been confirmed. They will, however, abstain to prejudicate the unconfirmed claims. They beg leave only to submit that, as the law now enables the claimants to have the merit of their claims tried before a safe tribunal, constitutionally competent to do them justice, they ought to be left there, and Congress ought not to take any further notice of them.

Unfortunately, two years more have been allowed, by an act entitled "An act for the relief of Phineas Underwood, and for other purposes," approved May 22, 1826, to the claimants to bring in their claims before the court. The two years allowed by the first act were, in the opinion of your memorialists, amply sufficient. This extension of time operates injuriously to the people of this State under various respects: first, it gives an opportunity to the land claimants to delay the institution of suits, and, of course, procrastinates the decisions on which the sales and settlement of large tracts of wild land depends; second, it gives them a new opportunity, through their watchful and persevering agent at Washington, to pursue the same course that the heirs of François Vallée did last year, and obtain, if possible, the confirmation of their claims at some unguarded time, which might happen towards the end of the session.

THEODORE JONES & OTHERS.

20TH CONGRESS.] No. 669. [1ST SESSION.

QUANTITY AND QUALITY OF VACANT LAND IN TENNESSEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 31, 1828.

LAWRENCEBURG, *February* 7, 1828.

I, Augustin W. Bumpass, principal surveyor of the seventh surveyor's district of the State of Tennessee, do hereby certify that, from the best estimate I can make, the probable amount of vacant land in my district is eight hundred thousand acres; and from the knowledge I have of the quality and situation of the vacant soil in my district, I believe that, out of the eight hundred thousand acres of vacant land in my district, there are eighty or a hundred thousand acres worth twelve and half cents per acre. All the valuable lands in my district are already entered; and what remains vacant is of a very inferior quality; and what is at all fit for cultivation lies in small detached parcels, scattered throughout the whole district in various sizes and shapes. I do not know of a tract of as much as fifty acres of good vacant land in one body in my district; and, most generally, pieces of vacant land fit for cultivation lie in bodies containing from five to twenty acres, surrounded by hills, or land that is not worth paying taxes for.

Given under my hand the date above.

A. W. BUMPASS, *Principal Surveyor Seventh District.*

COLUMBIA, *Tennessee, January* 20, 1828.

DEAR SIR: I have, until now, delayed answering your letter in order that I might be enabled to give you such information with regard to the vacant land that lies in the eighth surveyor's district as I hope will be satisfactory. I have done the principal part of the business in the office of this district since 1820, and I am also acquainted with the lands lying in said district.

I would, in the first place, remark that it is, perhaps, one of the poorest districts of land that lies south and west of the congressional reservation. The lands fit for cultivation were nearly all settled by occupants before the office opened for the satisfaction of North Carolina claims. And under the provisions of the different acts of assembly of this State for the benefit of the settlers, very nearly all was entered by them; and in 1823 the legislature authorized the balances that remain on warrants *in part satisfied, east of the congressional line,* to be brought over and entered west of the same; by which entries of almost any size were made, even down to one acre, and there now remains but a very small portion of that which is vacant that would be worth patenting at all; and all that part which might be considered fit for cultivation lies only on the water-courses, and in narrow slips.

This district contains something more than one million of acres; and of that quantity between two hundred and two hundred and fifty thousand acres have been appropriated, leaving a balance of unappropriated land of, say, seven hundred and fifty thousand acres; and out of that quantity I would judge that not more that twenty thousand would be worth granting at the rate of twelve and a half cents per acre. I do not wish to be understood as saying there are twenty thousand acres fit for cultivation, for such is not the fact; but there are many persons that would be willing to pay a small price for the lands that lie contiguous to them, for the purpose of timber, &c., that would be worth nothing to any other person; and the lands thus situate are pretty near all that would be taken. All the lands in this district, except such as are on the different water-courses, are altogether sterile, and totally unfit for cultivation. And in order to give you full satisfaction upon this subject, I have sketched off a few sections from the general plan, commencing on Tennessee and extending east, which is about a fair average of the district, except that which lies in Maury and Giles counties, which compose a very small part of the district. This statement, it cannot be presumed, is entirely correct, but it is as near so as my information will enable me to make it, and, I trust, will be satisfactory.

Your obedient, humble servant,

H. GROVE, *Deputy Surveyor Eighth District.*

Hon. JAMES K. POLK.

P. S.—Major J. Brown, the principal surveyor of the eighth district, handed me a letter addressed to him from the Hon. H. L. White, with a request that I should answer it. It was upon the same subject of yours to me, and for answer to which I refer him to your letter. Be so good as to show it to him.

Yours,

H. GROVE.

LAND OFFICE, *Ninth District, West Tennessee, February* 14, 1828.

DEAR SIR: I have received your note of December 28, 1827, respecting the vacant lands in this part of the State. I presume you are aware of the difficulty of making correct estimates of the lands in this district, in which there is so much poor land, and the part worth anything so widely scattered. Owing to the mode of appropriating the lands in this State heretofore, (which was by warrants, the owners or locators of which had the privilege of satisfying their claims on the best of the lands, without having any regard to the shapes or sizes they might leave the residue of vacant lands,) by which the valuable lands of this part of the State are nearly all appropriated, the *good soil* that yet remains unappropriated is mere *skirts* or *scraps,* from the sale of which the general government can realize little or nothing. In my estimate that I herewith transmit if I have erred materially, it is in putting too high a value on the vacant lands of this district. I think them worth the price estimated, but doubt very much whether the amount could be raised from the sales of them in *two years.* There is a great quantity of more valuable lands in market at reduced prices. The purchasers of the vacant lands here will be mostly poor men, who have little to give for land. In fact, I do not think their situations would be much mended if they should be enabled to obtain the lands for almost nothing, as the *gift* would be too well calculated to keep them always poor.

Respectfully, your friend,

JOHN PURDY.

JAMES K. POLK, Esq.

I, John Purdy, principal surveyor of the ninth district, in the State of Tennessee, do certify that there are about nine hundred thousand acres of unappropriated land in this district, one hundred thousand acres of which I think worth *twenty-five* cents per acre; two hundred thousand acres of which I think worth *twelve and one-half* cents per acre; and the residue I do not think worth appropriating at any price.

Given under my hand this 4th of February, 1828.

JOHN PURDY, *Principal Surveyor Ninth District.*

BOLIVAR, *Tennessee, February* 2, 1828.

DEAR SIR: Yours of the 20th December came to hand by last mail, and, in answer to the same, I can inform you that from the best information that I can obtain from my deputies, and other gentlemen of extensive information in my district, there is not one-tenth of the vacant lands in my district that is worth twelve and a half cents per acre, and the balance of it is not worth one cent per acre. The fact is, sir, all of the valuable land in my district has been appropriated by military land warrants from North Carolina; and what vacant land there is, lies in detached parcels, generally *very poor.* I have, for your satisfaction, taken off from the general plan of my district a transcript of five miles square, which is one section, in order to show more fully the true shape and size of the vacant lands. The lands in said section

that are appropriated by warrants are marked with the amount of acres in each claim, and the balance is vacant. The section which I send you is about an average one of my district, though some of them have more entries, and some less, varying according to the quality of the lands.

The foregoing is the only information that I now have in my power to give you as correct concerning the lands in my district. Any information I may hereafter obtain I will readily transmit to you.

I have the honor to be, sir, with great consideration, your humble and obedient servant,

ELIHU C. CRISP, *P. Surveyor, Tenth District, State of Tennessee.*

P. S.—My district is fifty-five miles long and thirty miles broad.

Yours, &c.,

E. C. CRISP, *P. S.*

COVINGTON, *January* 25, 1827.

DEAR SIR: Yours of the 24th ultimo came to hand by last mail, and I lose no time in answering your inquiries.

I have no data by which I can answer minutely without consuming more time than perhaps could be delayed between this and acting on the bill now before Congress. On the subject of the vacant lands remaining in my district: from a rough calculation, my district contains something like one million of acres; and, from the best estimate I can make from the spur of the occasion, there have been about 900,000 acres entered and granted on warrants emanating from the State of North Carolina.

It would be impossible for me to fix upon any minimum price at which to put the land yet vacant, as considerably the greater portion of it consists of swamp lands in the bottoms of the Mississippi, Hatchie, Wolf, and Loosehatchee rivers and their tributary streams, and that lying too low to be reclaimed. There is some high land, but it is generally poor and lies in detached parcels, so much so that I would have no hesitation in saying that it would cost the United States more money to arrange it, to get it into market, than could be realized by it. I do think that at least two-thirds of it would not bring in market one cent per acre, and the balance, perhaps, would not average more than 12½ cents; some small pieces that are improved would sell well, but they are few.

If Tennessee had those lands it would be important to her, as her officers know the title spots still vacant; and, beside which, it would enable her to protect many of her poor citizens in their sheds who have settled on those small pieces of vacant land, and increase considerably her revenue by bringing a considerable portion of land on her tax list that otherwise never will be there.

I regret extremely it is not in my power to give you a more minute statement on the differest points you wish to be informed on relative to the vacant land here, but time will not permit.

In haste, your friend,

J. TIPTON, *P. S., Eleventh District, Tennessee.*

Hon. JAMES K. POLK.

TRENTON, *January* 24, 1828.

DEAR SIR: Yours of the 25th of last month is now before me, and, agreeably to your request, I have transmitted the following statement—the quantity of acres contained in my district, what amount appropriated, the amount unappropriated, and the probable value thereof:

1st. The amount of acres within the bounds of my district	1,480,400
2d. Amount of acres granted and entered by warrant	984,159½
Balance of vacant land	496,240½

3d. Land fit for cultivation, 60,000 acres, valued at fifty cents per acre.

4th. The balance of 436,240 of no value.

The vast quantity of vacant land that is of no value is occasioned from the Lake of Redfoot, Obion, Forkut, and Deer rivers, and the immense bottoms attached to said rivers and their waters.

I, John B. Hogg, principal surveyor of the thirteenth district, in the State of Tennessee, do certify the foregoing statement to be correct, to the best of my knowledge and belief. And do further certify the lands fit for cultivation within the bounds of my district are in small detached parcels from five to three hundred acres, occasioned by patented land.

JOHN B. HOGG, *P. S., Thirteenth District.*

20TH CONGRESS.] No. 670. [1ST SESSION.

PUBLIC LAND IN ALABAMA UNSOLD, RELINQUISHED, SURVEYED, AND RESALE OF RELINQUISHED LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 31, 1828.

GENERAL LAND OFFICE, *March* 27, 1828.

SIR: I have the honor to enclose you, in compliance with your request of the 26th instant, a copy of my letter to Mr. McKinley of the 8th of February last, and a copy of the instructions of the Secretary of the

Treasury, dated July 31, 1820, to prevent combinations, to which, it is believed, you have reference in your letter.

With great respect, your obedient servant,

GEORGE GRAHAM.

Hon. GEORGE W. OWEN, *House of Representatives.*

GENERAL LAND OFFICE, *February* 8, 1828.

SIR: In compliance with your request of this date, I communicate the information required in the form of answers to your several interrogatories:

First interrogatory. How much public land remains unsold in the State of Alabama?

Answer. Above the 31st degree of north latitude there remain unsold of the public lands 19,776,870.64½ acres of the lands ceded by the Indians, and it is estimated that there are 9,492,041 acres within the limits of Alabama unceded by the Indians. That part of Alabama south of the 31st degree of north latitude includes 1,658,880 acres. No surveys of this section of country have been returned to this office, and the private claims are yet in a course of adjudication; I am therefore unable to state the quantity of land that will be subject to sale by the United States in this portion of the State.

Second interrogatory. How much land has been relinquished and remains unsold in Alabama?

Answer. There has been relinquished in the State under the act of 1821 and those supplementary thereto, and under acts of 1824 and 1826, 1,482,718.66 acres, the original purchase money of which amounts to $7,578,840 26. The lands relinquished at the land office at Cahaba and at St. Stephen's, under the provisions of the act of 1821, amount to about 400,000 acres, were offered at public sale in 1824, and did not generally sell for more than the minimum price. The exact quantity of these lands which have since been sold cannot be ascertained except by a laborious investigation which would occupy much time. It may be proper, however, to state that the fractional sections on the Alabama relinquished as above stated, which sold generally at the highest prices, were not offered at the public sales in consequence of the absence of the surveys of the subdivisions.

The whole of the relinquished lands at any time at Huntsville, and those relinquished at the offices at Cahaba and at St. Stephen's, since October 1, 1821, are not subject to be offered at public sale; they amount to 1,091,829.61 acres, and sold originally for $5,922,422 10¼. From this quantity, however, there will be a deduction of a small portion of the lands relinquished at St. Stephen's under the act of 1826, which lie in the State of Mississippi, the exact amount of which is not yet ascertained.

Third interrogatory. How much of the land surveyed has not been offered for sale?

Answer. 4,461,147 acres, lying above the 31st degree of north latitude, exclusive of the relinquished lands.

With great respect, &c.,

GEORGE GRAHAM.

Hon. JOHN MCKINLEY, *Senate of the United States.*

TREASURY DEPARTMENT, *July* 31, 1820.

SIR: I am this day authorized by the President to request that you will instruct the registers and receivers of the land offices, especially in the State of Alabama, whenever they perceive that combinations are formed and acted upon, to prevent a competition; that they are authorized to bid a reasonable price for the tracts as they are set up, according to the information they have in their possession, and if no higher bid is offered to declare that the tract is reserved from sale. In the exercise of this power, it is expected that they will not bid the value of the land, and always cease the competition on their part when it exists among the bidders.

In this manner the necessity which has in several instances been supposed to exist of postponing the sales generally will probably be avoided.

The single fact that the land does not sell at its supposed value is not sufficient to justify the exercise of the authority intended to be given. A combination to prevent competition at the sales for the benefit of those associated must exist. That combination may, however, be inferred from the general absence of competition and other concurrent circumstances, of which the register and receiver will judge.

I remain, with respect, &c.,

WM. H. CRAWFORD.

JOSIAH MEIGS, Esq., *Commissioner of the General Land Office.*

NOTE.—Instructions were issued to land officers on the 2d of August, 1820.

20TH CONGRESS.] No. 671. [1ST SESSION.

OPERATIONS OF THE GRADUATING SYSTEM IN THE SALE OF THE STATE LANDS IN TENNESSEE.

COMMUNICATED TO THE SENATE APRIL 2, 1828.

ATHENS, *Tennessee, February* 28, 1828.

DEAR COLONEL: Owing to my being from home I did not receive your letter until a few days ago. Enclosed you will find the information asked for, and, I believe, pretty nearly correct; it is about the amount of cash received by me and paid into the treasury.

The amount sold at the sale in 1820 I have no account of, not having anything to do at that time with the land office. I have been informed by the treasurer of East Tennessee, who superintended the sales, that the amount of sales was about $480,000; that the land sold averaged about four dollars per acre; and that of that sum $250,000 had been paid into the treasury.

If you recollect, the land sold in 1820 was on a ten years' credit, by the purchaser paying the one-fourth of the purchase money in hand; the whole district was offered for sale on these terms, commencing at two dollars per acre; and in 1824 opened an office and received entries on the balance vacant, with the prices graduated at periodical times, agreeably to the enclosed statement.

I wish you success with your bill graduating the price of the public land throughout the United States; it will bring land within the reach of every man of industry; and I have no doubt that, if the Congress of the United States could witness the good effect that this law has had on the citizens of our little district, (not more than forty miles square,) your bill would pass almost unanimously. The price graduated at periodical times (and the land marked out, that the enterer knows exactly what he gets for his money) creates an unheard-of stimulus among all classes of citizens to become landholders. I know many men in this district who, when the law passed graduating the price, &c., were not worth fifty dollars on earth, that never before owned a foot of land, so soon as they found land within their reach used every exertion, and by their industry and good management got themselves money and entered land that makes them good homes, and they are now respectable members of society. It was not uncommon for many of them to spare their last horse, and some their last cow, to save their homes; and I know some men that could not get enough for their only horse in this district to enter them a quarter section, when, at fifty cents per acre, they got on their horse, rode him to Georgia, and sold him, and walked back with their cash in their pockets, and entered their land that they are now making a good living on; and it is gratifying to have it to say that very little of the land here was entered or purchased for speculation.

I have the honor to be your friend,

NATHANIEL SMITH,
Entry-taker for the Hiwassee District, in the State of Tennessee.

Amount of land entered in the entry office of the Hiwassee district, Tennessee, and amount of cash received, from February 2, 1824, *to February* 2, 1828.

Price per acre.	Number of acres.	Cash received.
$1 50	100,000	$150,000
1 00	53,000	53,000
50	90,000	45,000
25	80,000	20,000
12½	56,000	7,000
1	122,000	1,220
		276,220

There may be some error, but this is about the aggregate amount.

Letter from the Hon. Mr. Mitchell, of Tennessee, laid on the table by the Hon. Mr. Benton, showing the operation of the graduating system of Tennessee, in relation to the sale of the State lands, &c.

BROWN'S HOTEL, *March* 29, 1828.

DEAR COLONEL: It is with surprise and regret that I have viewed the untiring opposition made to the system of graduating the price of the public lands. It must arise from mistaken views which gentlemen have taken of the subject; it would be cruel to attribute the opposition to your plan to any other motive. We are too much prone to stick to old precedents, and to follow long-settled practices, without troubling ourselves with an inquiry into the propriety of either.

No subject presents more difficulty in legislation than a judicious disposition of the public lands; and most men are willing to pursue the old erroneous course, rather than to inquire into the defects with which it is surrounded, and the best mode to obviate these defects. The old land system was erroneous in its inception and ruinous in its practices: erroneous, because it was believed by its advocates that it would be highly beneficial to the people who might be desirous of becoming the purchasers of the public lands, and profitable to the national treasury; and ruinous in its practices, because it involved the purchasers in a debt most of them were unable to pay. It would be wholly unnecessary for me to state to you, who have seen the operation of this land system in the west, that the debt to the government, which for years

hung over the heads of the people, had a tendency to sour them no little with the government, which they believed was, with a tyrant hand, oppressing them beyond what they were able to bear; and that the high expectations of those who were desirous of enriching the public treasury from the sale of the western lands were totally defeated, because these things, I know, you have seen and fully considered. My object, in this letter, is not to point out the defects of the old land system, (for, as I conceive, these defects must be obvious to all who will bestow a moment's reflection upon the subject,) but to state to you a few facts which have grown out of the operations of a system nearly similar to the one proposed by you.

In the year 1819 the State of Tennessee had some vacant and unappropriated lands to dispose of. I was then a member of the legislature, and was appointed a member of the joint land committee; and being impressed, as I was, with the importance of pursuing some other mode of disposing of our lands than that pursued by the general government in the disposition of hers, I seriously turned my attention to the subject, with a view of devising some system that would operate more beneficially, both to the people and to the treasury, than the long-practiced plan of the United States, than which, I always believed, no worse plan could be devised. Messrs. Grundy, Miller, Murray, and several other distinguished men were also of that committee. In the course of our deliberations I proposed a plan to the committee for the disposition of the lands of the State which exclusively belonged to her, the outlines of which, from memory, I will try to give you. It was as follows:

Instead of offering the lands at auction to the highest bidder, above a fixed *minimum*, as had been pursued by the United States, that an entry-taker's office should be opened for the receipt of entries of all the lands subject to appropriation by the State; the land was to be sectioned and quarter-sectioned after the manner of the United States land. All persons who had seated themselves upon and were in the actual possession of any of said land were to be allowed a preference and priority of entry for a limited time for the quarter section upon which their improvements might be situated, and, if not entered within that period by the occupant, to be subject to entry by any one else, at the same price, within another limited period thereafter. All lands entered within the first six months, whether by the occupant or others, were to be entered at the maximum price, then to fall 25 or 50 cents per acre in the price each succeeding six months, until the minimum of twelve and a half cents should be reached; still keeping up the preference to the actual settler for a limited time within each six months, giving to him the benefit of the graduation without detriment to the treasury.

This proposition of mine was treated with a levity bordering on ridicule by Messrs. Grundy and Miller. The result was that my project was rejected with great unanimity, to my no small mortification and chagrin; and the United States old plan of public sale, upon credit for three-fourths of the purchase money, was adopted, and became a law, fixing the minimum at two dollars per acre, which was then the lowest price of the lands of the United States. Under this law all the lands in the Hiwassee district, a handsome and healthy tract of country of about forty miles square, were offered for sale to the highest bidder, (without any regard being given to the actual settler,) for one-fourth of the purchase money to be paid in hand, with a credit of ten years for the balance. The whole of the lands subject to sale were offered, and about 110,000 acres did sell at various prices above two dollars, involving some hundreds in an insuperable debt to the State, from which some of our best and most cautious citizens will never be able to extricate themselves; and the result must be that the purchasers and the treasury must both be the sufferers, because the purchasers must forfeit the lands to the State, greatly deteriorated in value by ten years' use.

The law of 1819 made no provision for the disposition of what land might remain unsold. Being thoroughly convinced of the propriety of the graduating system, I renewed my efforts at the *called* session of the legislature in the year 1820, but it met with not much better success than it had done the year before. In the year 1821 I brought it forward again; its friends began to increase in number, but it still met the opposition of the distinguished gentlemen I have mentioned, on the ground that no one would enter any of the lands until they would fall to the lowest prices. The bill, however, passed the house of representatives; but in the senate the whole bill was stricken out from its title, and a mere scrap offered as a substitute, requiring the lands to be offered for sale a second time, under the same rules of the former sale. With this amendment of the senate the house refused a concurrence, and so the bill failed for that time, and the lands remained undisposed of.

In 1822 I brought the same scheme before the legislature again, and was successful in the house, but it failed again in the senate. I then quit the legislature; but my proposition was taken up by some of its old friends in 1823 and passed into a law, which, according to my anticipations and predictions, has produced the most happy results both to the people and the treasury of the State. Hundreds of men are now freeholders, and independent of the sneers of a landlord, in that tract of country, who, under any other system, probably would never be the owners of a foot of land upon the face of the earth; and, as the land was entered for ready money, all of them are exempt from a debt to the State, which sits like an incubus on most of those who bought land at the sales; and, at the same time, the fearful forebodings of gentlemen have, by experience, been proved to be entirely groundless, because a greater sum of money was paid into the treasury from the entry of these lands than the most sanguine of those who seemed to care for nothing but the augmentation of the treasury could have anticipated. In fact, the result was truly astonishing to them. In the first two quarters of the year that the office was open the receipts into the treasury were larger than could have been anticipated from the disposition of the whole lands of that district, and a large proportion of the whole of the land was entered within those periods at the maximum price, and which were not worth more than the medium price; proving that the fears entertained by gentlemen that no one would enter the lands until they fell to the lowest rates were idle dreams. The lands in that district were entered with a rapidity that astonished myself, who entertained the highest expectations of its complete success, as they were going on at the time when both the bank and land *mania* had subsided in the southwest in a great degree.

In Tennessee our banks were making the greatest exertions to resume specie payments, and our bank notes were then worth but little less than the paper of any bank in the Union. All the lands, even of the most indifferent quality, were entered at one price or another, leaving but little to be entered at the lowest price, and thereby making more independent freeholders, and producing more money to the treasury than could have been effected in any other way.

If my recollection serves me rightly, between three hundred and fifty and four hundred thousand dollars were paid into the public treasury from the entry of the lands in that small district, after the whole of them had been culled and picked at the land sales which had preceded the entry system.

My experience upon this subject has long since brought my mind to the unalterable conclusion that

no system in the disposition of our lands can be adopted which will make as many freeholders united to the soil of the country that they have to maintain and defend, without being burdened and oppressed, and at the same time yield so much to the treasury, as a well-digested graduating system. It will in a short time bring all the refuse lands into usefulness; for such has been the fact in Tennessee that the refuse hills and mountains which lay north and east of the congressional reservation line for half a century, and viewed as worth nothing, have been appropriated by the people under the graduating system of that State, from which a handsome sum of money has been raised to the State by the entrance money, and an annual revenue will be constantly derived to her from them by way of land tax.

From these experimental facts it would seem to me that all the idle fears suggested by gentlemen that the treasury is to be affected by the operations of the graduating system ought to be dissipated. No fears need be entertained of the people who reside upon or near to the public lands entering into combinations and agreements with each other to let the lands fall to the lowest prices before they will enter them, for all know that such a plan would be worse than worthless; for while they would be *waiting at the Pool of Siloam for the troubling of the water*, a stranger, having no knowledge of or concerns in their plans, would step in before them and defeat all their hopes. A fear that others might get the land pitched upon by an individual as the most desirable to him would always prevent delays in the entry of the public lands. This jealousy it was, in Tennessee, which occasioned so much of the land to be entered at the highest prices.

If these facts will be of any service to you in shedding one ray of light upon the subject I shall be fully compensated for any trouble I have been at in drawing up this hasty note. I wish you great success in the accomplishment of your system, and all others you may propose having the good of the people for their object.

With much respect, your obedient, humble servant, J. C. MITCHELL.

Hon. THOMAS H. BENTON.

20TH CONGRESS.] No. 672. [1ST SESSION.

BOUNTY LAND FOR MILITARY SERVICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 3, 1828.

Mr. MOORE, of Alabama, from the Committee on Private Land Claims, who were instructed, by a resolution, to inquire into the expediency of authorizing a military bounty land warrant to be issued in favor of Allen B. McAlhany, who served as a soldier in the late war in the 7th regiment United States infantry, and whose discharge was destroyed, reported:

That the facts set forth are sufficiently proved by the affidavit of the said McAlhany; and also that Francis W. Armstrong, late a brevet major in the same regiment, proves, by his affidavit, "that he knew the said McAlhany as a private in said regiment; that he was discharged at Fort Hawkins in 1815; that he travelled in company with him from that place to his mother's, in Tennessee; that he sustained the reputation of an honest and upright man; and that he has every reason to believe his discharge contained the word 'honorable,' and was written in the usual manner," &c. From which testimony the committee have come to the conclusion that it is expedient and just that the said McAlhany should have the bounty land promised by the government as an inducement for his enlistment into their service, and report a bill for his relief accordingly.

20TH CONGRESS.] No. 673. [1ST SESSION.

OFFICIAL ACCOUNTS AND TRANSACTIONS OF THOMAS A. SMITH, RECEIVER OF PUBLIC MONEYS AT THE LAND OFFICE AT FRANKLIN, MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 3, 1828.

TREASURY DEPARTMENT, *April* 2, 1828.

SIR: In obedience to a resolution of the Senate of the 14th ultimo, "instructing the Secretary of the Treasury to lay before the Senate a statement showing the respective amounts of public moneys in the hands of Thomas A. Smith, receiver of public moneys at Franklin, Missouri, at the end of each quarter of the years 1824, 1825, 1826, and 1827; at what time those respective amounts were received, and the respective deposits, payments of drafts, or other payments made by him during those years, with the dates of such deposits and payments, respectively; together with copies of such instructions as may have been given, from time to time, to said receiver, relative to said moneys, or any part thereof," I have the honor to submit a communication of the Commissioner of the General Land Office, and documents numbered from

1 to 49, inclusive, and marked A, B, C, D, E, and F. Documents numbered from 1 to 49 have been furnished by the Commissioner of the General Land Office, and consist of the monthly accounts current *for the years 1824, 1825, 1826, and 1827, and a letter addressed to him by the receiver relative to the moneys in his hands. Documents marked A, B, C, D, and E are the instructions given by this department for the deposit of the public money, and that marked F is an abstract of letters directing him to purchase drafts upon the Treasurer.

I have the honor to remain, very respectfully, your obedient servant,

RICHARD RUSH.

Hon. the PRESIDENT *of the Senate.*

GENERAL LAND OFFICE, *March* 21, 1828.

SIR: In compliance with a resolution of the Senate dated the 14th instant, I enclose to you copies of the monthly accounts current rendered by Thomas A. Smith, receiver of public moneys at Franklin, in Missouri, for the years 1824, 1825, 1826, and 1827, which exhibit the amount of money on hand at the termination of each quarter of the years above mentioned, the time that those amounts were respectively received, and the time that deposits, payments of drafts, and other payments were made by him during those years.

I also enclose an extract from a letter addressed to me by General Smith, assigning the cause of his being in advance for the government at the termination of the last quarter of 1827.

It may be proper to add that the returns required by law to be made by the receivers of public moneys to this office have been rendered with accuracy and punctuality by General Smith.

All instructions relative to deposits and the purchase of drafts are issued immediately from your office.

With great respect, your obedient servant,

GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

SYNOPSIS OF DOCUMENTS, 1 TO 48.

State of the accounts of Thomas A. Smith, receiver of public moneys at the land office at Franklin, Missouri, at the close of each quarter from 1824 *to* 1827, *inclusive.*

1824.—1st quarter, balance due from the receiver	$73,175	01
2d.....do.....do	57,354	68
3d.....do.....do	29,880	77
4th.....do.....do	15,155	36
1825.—1st.....do.....do	15,344	26
2d.....do.....do	16,267	03
3d.....do.....do	19,232	34
4th.....do.....do	22,796	68
1826.—1st.....do.....do	29,801	17
2d.....do.....do	33,981	59
3d.....do.....do	32,358	39
4th.....do.....do	17,206	60
1827.—1st.....do.....do	21,192	02
2d.....do.....do	17,134	82
3d.....do.....do	60,988	85
4th quarter, balance due to the receiver	3,178	66

Extract from a letter from Thomas A. Smith, receiver at Franklin, to the Commissioner of the General Land Office, dated February 22, 1828.

It will appear from my account current for the 4th quarter of 1827 that I am in advance to the government $3,178 66. Owing to the absence of Mr. Knox, I have not been able to include in that quarterly account the sums necessarily expended in sending the money to bank, and vouchers to prove the loss of one box of specie stolen from the clerk's room in the steamboat after her arrival at New Orleans, and before the money could be deposited in bank. For this loss it has not been my intention to claim a credit, as I have ordered suit to be brought against the owners of the boat, and have no doubt but that the money will be recovered. If I could have embraced the above items in my accounts for December last, it would have shown a balance in my favor of upwards of $5,000. My being in advance to the government was entirely accidental, and owing to the circumstance of Mr. Rush having directed me to purchase Major Biddle's bills for $22,800 before he received my communication of the 3d of November, advising him of my having sent the money to bank. To prevent any inconvenience to the public, as Major Biddle wished the money to make a payment to the troops, I did, on the 31st of December, turn over to his agent every dollar of the public money in my possession, and such private funds as I had at command. The charge for clerk hire under the law authorizing relinquishments never having been exhibited, I included the charge in my quarterly accounts.

° The monthly statements of accounts of T. A Smith are here omitted, the result being here stated in his favor.

A.

TREASURY DEPARTMENT, *June* 18, 1818.

SIR: The extent of the sales of public lands which are intended to be offered at public auction during the present and succeeding year, in the Missouri Territory, compared with the amount of bills of the United States Bank and of the Bank of Missouri in circulation in that Territory, forbids the expectation that the purchasers will be able to make payment in them or in specie.

The public interest, therefore, requires that the bills of other banks should be received by the government in payment of the public lands. You are therefore authorized to receive in payment the bills of the banks the list whereof is herein enclosed.

You will, at the end of each month, deposit the whole of the money received during the month in the Bank of Missouri, to the credit of the United States Bank, for the use of the United States, for which duplicate receipts will be executed by the bank. One of the receipts must be transmitted with the monthly account in which it is credited.

Should the Bank of Missouri refuse to receive as cash the bills which you are authorized to take in payment of the public lands, you will make a special deposit of it, and transmit a list of the bills so deposited to this department with your monthly account. A strict regard to punctuality in complying with this instruction is confidently expected. The President calculates upon your zeal in securing to the government, in the approaching sales, the full benefit of a fair competition among the purchasers.

All combinations or associations intended to repress or lessen that competition should be discountenanced, and, if practicable, prevented by the officers of the government, and especially by the receiver and register of the land offices.

I am, &c.,

THOMAS A. SMITH.

B.

Circular to the several receivers of public moneys.

TREASURY DEPARTMENT, *October* 1, 1825.

SIR: It is thought proper by this department to direct that no bank note of a less amount than five dollars be received in payment for public land.

But as some inconvenience might result to individuals by carrying this regulation into immediate effect, you will, on the receipt of this letter, give notice in one or more of the newspapers in your district that after the expiration of one month from the date of the notice no such bank note will be received by you. After that time the regulation must be strictly enforced.

I am, sir, very respectfully, your obedient servant,

RICHARD RUSH.

C.

Circular to the several receivers of public moneys.

TREASURY DEPARTMENT, *May* 31, 1826.

SIR: By the first section of an act of Congress approved by the President on the 22d instant, a copy of which is annexed, the Secretary of the Treasury is authorized to allow to the receivers of public moneys a reasonable compensation for transporting to, and depositing such moneys in, the banks designated by him for that purpose, to be regulated according to the actual labor, expense, and risk of such transportation and deposit to the place of deposit, and returning therefrom.

As to the mode in which these moneys may, in each case, be most safely and economically deposited, the department has not, at present, sufficient information upon which to found special instructions. In the first instance, therefore, recourse must be had, in a great degree, to the discretion of the several receivers. I have, accordingly, to request that the transportation and deposit may be made by the receivers, agreeably to the tenor of the instructions of the 22d of February last, in such manner as, in their judgment, may be most convenient and economical; having regard to the safety of the money, which is in all cases at the risk of the receivers until actually deposited to the credit of the Treasurer of the United States. Of the expenses incurred in such transportation and deposit an exact account must be kept by the receivers and transmitted quarterly to the department, with the vouchers; and if it be approved by the Secretary of the Treasury, the amount will be allowed and passed to their credit by the accounting officers. It is to be distinctly understood, however, that the Secretary reserves to himself all the authority vested in him by the law of determining, when these accounts are presented, how far the compensation claimed is reasonable.

As the receivers will generally be able, by their past experience, to estimate the labor, expense, and risk of making the deposits, and as it would facilitate the settlement of their accounts for compensation for that service if a rate per centum could be fixed and agreed upon between the several receivers and this department, each receiver is requested to state, for consideration, the percentage upon the amount hereafter to be deposited, which he would be willing to receive as a compensation for that service; the deposits to be made conformably to the instructions of the 22d of February last.

By the second section of the act it will be seen that the Secretary is authorized, in his discretion, to make a like compensation for similar services rendered by the receivers since the act of April 20, 1818. The receivers are hence requested to exhibit an account showing the amount deposited by them in each

bank, and stating the rate of an allowance per centum on such amount as will, in their opinion, be a reasonable compensation for the service. Vouchers must accompany these accounts in every instance where practicable. The Secretary will then decide upon the amount to be allowed.

No allowance will be made, under either section of the act, to any receiver whose office is in the same place as the bank of deposit, or where it is so near that the deposit can be made without actual labor, expense, and risk.

In the execution of this act it will not be more the duty of the Secretary of the Treasury to see that the strictest economy be observed, than it will be for the interest of the receivers to take care that no motive may be found in the magnitude of the expense to induce Congress to recall a measure which its liberality has adopted solely for the relief of the receivers.

I am, very respectfully, your obedient servant,

RICHARD RUSH.

D.

Circular to the receivers of public moneys.

TREASURY DEPARTMENT, *February* 22, 1826.

SIR: In addition to specie and the bills of the Bank of the United States and its branches, which are receivable in all payments to the United States, the moneys receivable for public lands are as follows:

1. In the land offices in Ohio, Indiana, Illinois, Missouri, and Michigan the notes of the incorporated banks in Boston, city of New York, Philadelphia, Baltimore, District of Columbia, Richmond, and the State or Territory in which the land office is situated.

2. In the land offices in Arkansas, Mississippi, and Louisiana the notes of the incorporated banks in Boston, city of New York, Philadelphia, Baltimore, District of Columbia, Richmond, New Orleans, and the State or Territory in which the land office is situated.

3. In the land offices in Alabama and Florida the notes of the incorporated banks in Boston, city of New York, Philadelphia, Baltimore, District of Columbia, Richmond, South Carolina, Georgia, New Orleans, and the State or Territory in which the land office is situated.

But this permission to receive the notes of local or State banks is only to be in force provided those State banks pay specie for their notes on demand, and are otherwise in good credit.

For the information of purchasers of public lands each receiver will publish, in one newspaper in his district, a list of the description of funds which he is hereby authorized to receive, and he will give notice, in like manner, of any change which may occasionally take place. But in all such publications he will state that, although, for the accommodation of purchasers, the local or State bank notes therein enumerated are at present receivable, it is desirable that payments be made in specie or the notes of the Bank of the United States or its branches; and that, as the receipt of any of the local or State bank notes may be discontinued at any time without previous notice, it will be well for those who have payments to make to provide themselves with specie or notes of the United States Bank or its branches, to guard against any change that may be found proper in regard to the notes of local or State banks.

No bank note of a less amount than five dollars is to be received, nor any that is not payable on demand.

So long as the notes of local or State banks are receivable, the receivers will note on each receipt for moneys received or paid by them, including their own and the register's compensation, the amount embraced in such receipt of each of the above description of funds, viz: specie, $——; Bank of the United States and branches, $——; Boston banks, $——, and so on. If this endorsement be found impracticable during any public sale, it may, for that time, be dispensed with. The receivers will accompany each monthly return rendered to this department with a separate statement or list showing the aggregate amount received and paid by them during the month in each description of funds, and the balance of each on hand.

The receivers will make their deposits in the following banks, viz:

1. Those in Michigan, in the office of the Bank of the United States at New York.

2. Those in Ohio, in the office of the Bank of the United States in Cincinnati.

3. Those in Indiana, Illinois, Missouri, and Arkansas, in the office of the Bank of the United States at Louisville or New Orleans.

4. Those in Mississippi, in the State Bank of Mississippi at Natchez, or in the office of the Bank of the United States at New Orleans.

5. Those in Louisiana, in the office of the Bank of the United States at New Orleans.

6. Those in Alabama and Florida, in the Bank of Tombeckbee at St. Stephen's; the Bank of Mobile at Mobile; or in the office of the Bank of the United States at New Orleans.

The receivers are also at liberty to make deposits in the Bank of the United States or any of its offices which they may find convenient other than those heretofore designated, provided the funds so deposited be entered to the credit of the Treasurer of the United States by the bank or office, unconditionally, as cash.

To facilitate the collection of the notes of the local or State banks, the receiver will, on making a deposit, give notice in writing, by the mail or otherwise, to each of those banks in the State or Territory in which the land office is situated of the amount of its notes contained in such deposit; and if he is informed by the cashier of the bank in which he makes his deposits that the notes of any such bank have not been paid on demand, he will cease to receive the notes of such bank. It may be proper for the receiver, where it has not already been done, to take the first occasion to intimate in respectful terms to each of the local or State banks of his State or Territory whose notes he may receive the consequence that will result from a want of punctuality in paying its notes on presentation.

The receivers will also cease to receive any local or State bank notes that the bank in which they are instructed to make their deposits may refuse to receive as cash, or which, in the exercise of a sound discretion, the receivers may not think it prudent to receive; but in either of these cases they will give immediate information of their proceedings to this department. They will also give early notice to other receivers by whom such notes are receivable.

It is desirable that the deposits should be made by receivers at the close of each month, or as early as may be thereafter; and that they should include all the public moneys which may then be in their possession after reserving enough to pay their own and the registers' salaries and the authorized expenses of their offices. If, however, the amount on hand at the end of each month should not exceed ten thousand dollars, it may be retained until the succeeding month, but under no circumstances should it be retained so as to contravene the act of May 10, 1800, which requires that the money received by the receivers shall be transmitted within three months to the treasury of the United States, as they will thereby render themselves and their sureties liable under their official bonds.

They will take duplicate receipts for each deposit which they may make, one of which should be transmitted with their monthly return to this department, and the other with their quarterly account.

It is not intended, however, to discontinue the practice which has heretofore existed, of authorizing those receivers who are distant from the places of deposit to purchase and remit bills which are authorized to be drawn upon the Treasurer of the United States; on the contrary, whenever the moneys in their hands can be applied in that manner, instructions will be given for that purpose; but no bill must be purchased without a special instruction from this department. That this practice may be pursued whenever it may be desirable, those receivers are requested to inform this department, from time to time of those officers and others who have money to receive from the government and to whom it may be conveniently paid in that manner.

This instruction is intended to supersede those that have heretofore been given on the subjects embraced in it.

I am, sir, very respectfully, your obedient servant,

RICHARD RUSH.

E.

Circular to the receivers of public moneys, supplementary to that of February 22, 1826.

TREASURY DEPARTMENT, *August* 22, 1827.

SIR: It has been found advisable, for various considerations, so far to carry into effect an intimation given in my instruction of February 22, 1826, as to discontinue the receipt at any land office of the notes of any local or State bank not established or existing in the State or Territory where the land office is situated. But, that those who intend to purchase public land may have ample time to prepare for this change, it will not go into operation until January 1, 1828.

On the receipt of this instruction the receivers of public moneys will give the necessary notice in one of the newspapers in their districts, and will continue it once a week until the change takes place. The notice should be accompanied with the caution mentioned in the instruction before referred to, that purchasers of public lands may provide themselves with specie or notes of the Bank of the United States or its branches.

In continuing to receive the notes of banks in the State or Territory in which their land office is situated, the receivers will conform particularly to the instruction already mentioned in guarding against the receipt of the notes of any banks that do not pay in specie on demand, or that are not in undoubted good credit; and as the receivers have means, which this department, from its remoteness, has not, of judging of the character and condition of the banks in their State or Territory, full confidence is entertained that they will use all necessary vigilance in preventing the receipt of any notes by which loss may happen to the United States.

I am, very respectfully, your obedient servant,

RICHARD RUSH.

F.

Letters addressed to Thomas A. Smith, esq., receiver at Franklin, directing him to purchase drafts on the treasury.

TREASURY DEPARTMENT, ——— —, ——.*

SIR: You are authorized and requested to purchase the bills of —— ——† upon the Treasurer of the United States for $——,‡ on account of a warrant issued in his favor. The bills so purchased are to be sent by you to this department as a remittance of so much of the public moneys in your hands as receiver, and are to be charged by you in your account with the United States.

Blank bills in triplicate, of the form annexed, have been furnished to the person by whom they are to be drawn. When they are drawn you will endorse them over to the Treasurer of the United States, and transmit one to this department immediately by mail; another is to accompany your monthly return, and the third your quarterly account, in which it will be charged. The endorsement to the Treasurer should bear date on the day on which the bills are charged by you to the United States.

I am, &c.,

RICHARD RUSH.

T. A. SMITH, Esq., *Receiver of Public Moneys, Franklin, Missouri.*

NOTE.—The above form of a letter addressed to T. A. Smith, receiver, &c., has been sent to him under the following dates, the blanks having been filled up in the following manner, viz:

* Date of letter.	† In whose favor drawn.	‡ Amount.	* Date of letter.	† In whose favor drawn.	‡ Amount.
Oct. 22, 1824	William Clark, acting surveyor, &c....	$16,000 00	May 18, 1826	Lieut. Z. C. Palmer, assistant commissary of subsistence	$24 00
May 12, 1825	Capt. J. B. Brant, assistant quartermaster ...	3,000 00			
May 12, 1825	Gen. William Clark, superintendent of Indian affairs	2,748 00	Sept. 12, 1826	Lieut. Martin Thomas, superintendent United States lead mines	2,120 00
June 10, 1825	Lieut. Martin Thomas, assistant commissary of subsistence	100 00	Nov. 24, 1826	A. Wetmore, paymaster.....	16,900 00
			Nov. 25, 1826	Capt. J. B. Brant, assistant quartermaster ...	20,000 00
July 23, 1825	Lieut. Z. C. Palmer, assistant commissary of subsistence	51 00	Dec. 15, 1826	Lieut. Z. C. Palmer, assistant commissary of subsistence	5 25
July 29, 1825	.....do.....do.....do.	8 00	April 7, 1827	Lieut. R. Holmes, assistant commissary of subsistence	5,000 00
Aug. 25, 1825	.....do.....do.....do.	1,000 00			
Aug. 26, 1825	.....do.....do.....do.	8 00	April 30, 1827	Capt. J. B. Brant, assistant quartermaster....	10,000 00
Sept. 2, 1825	Wm. McRee, surveyor general.....	8,000 00	July 5, 1827	.....do.....do.....do	5,000 00
Oct. 31, 1825	Gen. Wm. Clark, superintendent of Indian affairs	8,000 00	Aug. 30, 1827	.....do.....do.....do.	5,000 00
			Sept. 14, 1827	.....do.....do.....do.	5,000 00
Nov. 9, 1825	Dr. H. Lane	102 00	Sept. 29, 1827	Major T. Biddle, paymaster	10,400 00
Nov. 28, 1825	James McCurd	132 09	Oct. 15, 1827	John Lathrope.....	92 32
March 30, 1826	Lieut. J. B. Clark, assistant commissary of subsistence	6,000 00	Nov. 12, 1827	Major T. Biddle, paymaster.....	22,800 00

20TH CONGRESS.] No. 674. [1ST SESSION.

PERSONS EMPLOYED IN THE EXAMINATIONS OF THE LAND OFFICES, AND THEIR COMPENSATION IN 1824–'25–'26–'27.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 4, 1828.

TREASURY DEPARTMENT, *April* 2, 1828.

SIR: In obedience to a resolution of the House of Representatives of the 14th of last month, "directing the Secretary of the Treasury to report to the House a list of the persons appointed to examine the respective land offices, for the years 1823, 1824, 1825, 1826, and 1827; and the amount of compensation, including expenses, &c., which have been allowed to each; and the number of offices examined by each person in the respective years; and, also, that he inform this House what benefits result from such examinations of the land offices," I have the honor to transmit herewith a report from the Commissioner of the General Land Office, with the enclosures contained in it, which give the information required.

In regard to the benefits resulting from the examinations of the land offices, I beg that the House will be pleased to take, as my reply, those heretofore stated by the Commissioner, in his letter of February 22, 1826, to the chairman of the Committee on Public Lands, a copy of which is transmitted with the above enclosures.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER *of the House of Representatives of the United States.*

GENERAL LAND OFFICE, *March* 27, 1828.

SIR: In compliance with a resolution of the House of Representatives of the 14th instant, I submit to you the statement marked A, which exhibits the names of the persons who were appointed to examine the land offices for the years 1823, 1824, 1825, 1826, and 1827; the amount of compensation, including expenses, which was allowed to each; and the number of offices examined by each person in each year, respectively.

I also enclose a copy of a letter marked B, addressed to the Hon. John Scott, chairman of the Land Committee of the House of Representatives in 1826, on the subject of the examination of the land offices. Although it may not be actually necessary to examine all the land offices annually, yet I think that beneficial effects would result from the occasional examination of them, and that it would therefore be expedient to authorize the Executive by law to cause such occasional examinations of the land offices to be made as might by him be deemed necessary.

With very great respect, your obedient servant,

GEORGE GRAHAM.

Hon. RICHARD RUSH.

A.

Exhibit in relation to the examination of United States Land Offices during the years 1823–'24–'25–'26–'27.

Names of examiners.	State or Territory, and number of offices examined.	Compensation to examiner.	Year of examination.
Thomas Sloo, jr., of Illinois	Missouri, three; Arkansas, two	$699 00	1823
Matthew B. Lowrie, of Pennsylvania	Ohio, eight; Indiana, four; Illinois, five; Michigan, one	1,151 00	1823
Alexander Anderson, of Tennessee	Mississippi, three; Alabama, five; Louisiana, one	1,866 00	1823
Nathaniel Pitcher, of New York	Ohio, eight; Indiana, five; Michigan, two	1,279 00	1824
James Wilson, of Ohio	Illinois, six; Missouri, five; Arkansas, two	700 00	1824
Alexander Anderson, of Tennessee	Alabama, five; Mississippi, two; Louisiana, one	1,710 00	1824
James Wilson, of Ohio	Ohio, five; Indiana, five	825 00	1825
Thomas Sloo, jr., of Illinois	Illinois, six; Missouri, five; Arkansas, two	864 00	1825
James Nelson, of Pennsylvania	Michigan, two; Ohio, three	315 00	1825
Abner Lacock, of Pennsylvania	Louisiana, three; Mississippi, three; Alabama, five	1,370 80	1825
James Gregory, of Indiana	Indiana, five	355 80	1826
Samuel Findlay, of Ohio	Ohio, eight; Michigan, two	810 00	1826
Joel Johnson, of Kentucky	Illinois, six; Missouri, five; Arkansas, two	1,285 20	1826
Alexander Anderson, of Tennessee	Alabama, three	565 00	1826
James Wilson, of Ohio	Ohio, five	480 00	1827
James Nelson, of Pennsylvania	Ohio, three; Michigan, two	acc't not rec'd	1827
A. W. Parker, of Kentucky	Indiana, five	388 20	1827
James Dill, of Indiana	Mississippi, three	610 20	1827
John Scott, of Missouri	Missouri, five; Arkansas, two	acc't not rec'd	1827
Samuel Milroy, of Indiana	Illinois, six	426 00	1827
Francis Dunlevy, of Indiana	Louisiana, three	*396 00	1827
George S. Gaines, of Alabama	Alabama, five; Florida, one	acc't not rec'd	1827

* This is the total amount yet received by him. He claims a balance of $426, which, however, is subject to disallowances on adjustment, which may reduce it to $306 90. Explanations are required.

B.

Copy of a letter from the Commissioner of the General Land Office to the Hon. John Scott, chairman of the Committee on Public Lands, dated February 22, 1826.

SIR: In reply to note of 13th instant, covering a resolution of the House of Representatives, dated the 7th of this month, relative to the expediency of repealing so much of the act of 1804 as makes it the duty of the Secretary of the Treasury to cause, at least once a year, the land offices to be examined, I have to state that, in my opinion, the annual examination of the land offices is productive of beneficial results. It is a direct and immediate supervision of these offices in relation to their accounts, the moneys received, and that on hand, and the mode and manner in which all their books are kept, that ought necessarily to produce beneficial results. These results may possibly be obtained at too great an expenditure. It was deemed expedient by the late Secretary of the Treasury that the examiners of the office should be residents of different sections of the country than that in which the office was located, and as an allowance for mileage was given, the expenses incident to the examination were necessarily increased.

I enclose a copy of the instructions usually given to persons appointed to examine the offices, as exhibiting the duties required of them. A slight indisposition has prevented an earlier answer to your inquiry. I am, &c.,

GEORGE GRAHAM.

20TH CONGRESS.] No. 675. [1ST SESSION.

REMONSTRANCE OF SUNDRY INHABITANTS OF MICHIGAN AGAINST GRADUATING THE PRICE OF THE PUBLIC LANDS, &c.

COMMUNICATED TO THE SENATE APRIL 4, 1828.

To the honorable the Senate and House of Representatives in Congress assembled:

The subscribers respectfully remonstrate to your honorable bodies against the passage of a bill reported by the Committee on Public Lands, entitled "A bill to graduate the price of public lands," &c. We think the bill is essentially unjust to those who have already purchased of the United States, and have undergone all the expense, labor, and deprivation of settling a new country. The lands have now become more valuable; but the first settler finds his property falling upon his hands, from the fact that

new comers can buy for one-fifth of what he has paid when the country was a wilderness. Our Territory will be filled with squatters, who are a pest to society. By the provisions of this bill any one may obtain an eighty acre lot by residing upon it, and may purchase a thousand acres in its vicinity. Speculation will be the order of the day; immense quantities of land will be purchased at twenty-five cents by companies and individuals; a credit system will be established; and the price of land raised from twenty-five cents to two or three dollars per acre. The cash system for the disposal of public lands has produced the happiest results in establishing a moral population for the Territory of Michigan. The present price secures to the United States a fair compensation for the expenses attendant upon the acquisition and survey of new lands, and secures to the settler a respectable neighborhood. Your honorable bodies cannot for a moment imagine that our society would be benefited by giving away the public lands, and thus enticing the dregs of community from the old States. We appeal to your honorable bodies for protection against a system which we think must drive every respectable man out of this country. If your honorable bodies were disposed to establish a place of refuge for the refuse of society; if you were inclined to draw off from the old States that portion of the people who are a nuisance to any country, we think it would not be amiss to fix upon some place in the interior of the northwestern Territory, and to offer lands, within a given district, to the settler free of expense; but we beg that Michigan may not be selected for that object. We are far from objecting to a grant of land from the United States to the several States and Territories within whose boundaries these lands may lie; but let that grant be made now; now we have roads, and bridges, and canals to make. Let the first settlers be benefited by these lands; let them have some compensation for the expense of making roads for those who are to come after them. It must be obvious to your honorable bodies, that this bill, if it passes into a law, must procrastinate the settlement of new countries, as emigrants will wait until the land falls to its lowest price. We think this bill should be entitled "A bill for the encouragement of squatters and speculators; for the destruction of the moral character of new countries; for a tax upon the first settlers, and a premium to those who come last; and for the establishment of the old credit system."

MICHIGAN, *March* 10, 1828.

20TH CONGRESS.] No. 676. [1ST SESSION.

EXPENSES AND PRODUCT OF LEAD MINES AND LAND RESERVED FOR SAME IN MISSOURI.

COMMUNICATED TO THE SENATE APRIL 8, 1828.

DEPARTMENT OF WAR, *April* 7, 1828.

SIR: In obedience to the resolution of the Senate of the 26th ultimo, directing the Secretary of War "to inform the Senate what amount of lead has been received for leases of lead mines, in the State of Missouri, annually, for the last three years; also what quantity of land supposed to contain lead mines has been reserved from sale in said State; also what amount of lead has been received for leases of all the lead mines since the present leasing system has been pursued; what amount has been deposited in arsenals for public use, and what amount has been sold; also what amount of expense has been incurred in carrying on the present leasing system, and for what objects, with a detailed exhibit of said expenses, for the year eighteen hundred and twenty-seven," I have the honor to enclose herewith reports from the Commissioner of the General Land Office, the Second Auditor of the Treasury, and the Colonel of Ordnance, which furnish the information required.

I have the honor to be your obedient servant,

JAMES BARBOUR

The PRESIDENT *of the Senate.*

GENERAL LAND OFFICE, *April* 2, 1828.

SIR: In reply to your inquiry, I have the honor to state that there has been reserved from sale, in the State of Missouri, four hundred and thirty-seven thousand acres of land, supposed to contain lead and mineral.

With great respect, your obedient servant,

GEORGE GRAHAM.

Hon. JAMES BARBOUR, *Secretary of War.*

TREASURY DEPARTMENT, *Second Auditor's Office, April* 5, 1828.

SIR: In compliance with a resolution of the Senate of the United States dated 26th March last, I have the honor to transmit herewith a statement of the amount of expense incurred in carrying on the present leasing system of the United States lead mines up to December 31, 1827, inclusive, so far as can be ascertained from the books of this office.

I am, very respectfully, your obedient servant,

WM. LEE.

Hon. JAMES BARBOUR, *Secretary of War.*

Statement showing the amount of the expense incurred in carrying on the present leasing system of the United States lead mines up to December 31, 1826, inclusive.

To whom paid.	For what.	Amount.
Clark Burdine, lieutenant 4th artillery	For amount of his account allowed by the Secretary of War for a per diem of $1 50, at different times, between September 17, 1822, to August 18, 1823, while employed in exploring and surveying the public lead mines in the Upper Mississippi	$427 50
John Anderson, lieut. col. topographical engineers.	For amount of his account for a per diem allowance of $1 50 from December 24, 1822, to April 28, 1825, while on duty at, and in the vicinity of, the lead mines in Illinois and Michigan	1,284 00
Do.....do.....do.....	For amount paid by him for stationery, transportation, repairing boat, &c., while engaged in the aforesaid service	99 31
H. K. Craig, brevet major	For extra allowance of $1 50 per day, while acting as superintendent of the United States lead mines in the Upper Mississippi, between May 20, 1823, and November 11, 1824	691 50
John Morton	Amount paid by him for advertising for proposals for leasing lead-mine lands from July to November 11, 1824	130 50
Martin Thomas, lieutenant 2d artillery	For extra allowance of $1 per day, and for double rations, whilst acting as superintendent of the United States lead mines, from October 5, 1824, to December 31, 1826.	1,244 80
Do.....do.....	For amount expended by him whilst engaged in the aforesaid service for stationery, hauling of lead, freight of ditto, and for printing	2,594 75
		6,472 36
	Amount expended during the year 1827, (see statement annexed)	2,703 24
	Total amount expended	9,175 60

TREASURY DEPARTMENT, *Second Auditor's Office, April 5, 1828.*

WILLIAM LEE.

Statement showing the amount of the expense incurred in carrying on the present leasing system of the United States lead mines during the year 1827, under the superintendence of Martin Thomas, lieutenant 2d artillery.

Date of payment.	To whom paid.	For what.	Amount.
1827.			
Mar. 31	Essex & Houghan	Laws of Missouri	$6 00
31	Edward Charless	Printing	34 50
31	T. G. Conarroe	Wages	150 00
31	Scott & Rule	Table and fixtures for office, drayage of lead, and freight of ditto	87 45
31	James McCormick	Hauling lead	200 00
31	John H. Webber	Wages	164 83
June 30	.....do	Pay as assistant superintendent of the mines at Potosi	150 00
30	Thomas McKnight	$5 75 for stationery; $400 for six months' compensation as assistant superintendent, Fevre river, Upper Mississippi	405 75
30	James Hughes	For services at Fevre river	75 00
Sept. 1	B. B. Laparge	Labor	2 50
12	B. Brazeau	Labor	1 25
14	Essex & Houghan	Stationery	49 39
16	George Wilson	Advertising	3 75
30	Edward Charless	Printing	31 00
30	White & Lane	Patent scale beam	120 00
30	Charles Smith	Wages	122 50
30	John H. Webber	Wages	150 00
30	Thomas McKnight	Pay as assistant superintendent of lead mines	200 00
10	J. M. White	Storage of lead	28 71
Dec. 31	Charles Smith	Wages	105 00
31	Essex & Houghan	Stationery	31 61
31	Martin Thomas	Extra pay of $1 per day, and double rations for the whole of the year 1827, as superintendent of United States lead mines	584 00
			2,703 24

TREASURY DEPARTMENT, *Second Auditor's Office, April 5, 1828.*

WILLIAM LEE.

ORDNANCE DEPARTMENT, *Washington, April 2, 1828.*

SIR: In answer to so much of the resolution of the Senate of the United States of the 26th ultimo as has been referred to this department, I have the honor to report:

That the amount of lead which has been received for leases of lead mines in the State of Missouri,

annually, for the last three years, to wit: from September 30, 1824, to September 30, 1827, has been as follows, viz:

	Pounds.
For the year ending September 30, 1825	38,659
For the year ending September 30, 1826	137,496
For the year ending September 30, 1827	91,038
Total	267,193

That the amount of lead which has been received for leases of all the lead mines since the present leasing system has been pursued, to wit: from the year 1821 (when the business was confided to this department) to September 30, 1827, has been as follows, viz:

	Pounds.
From the lead mines leased in Missouri	267,193
From the lead mines leased at Fevre river	731,590
Total amount received from all the lead mines	998,783

And that the amount of lead which has been deposited in arsenals for public use, and the amount which has been sold during the above-mentioned period, has been as follows, viz:

	Pounds.	Pounds.
Deposited in the arsenal at Pittsburg	56,618	
Deposited in storehouses at Potosi, St. Louis, and Selma, Missouri, and at Fevre river	935,687	
Issued to the United States troops	2,158	
Total deposited for public use		994,463
Amount sold January 1, 1826, by direction of the Secretary of War		4,320
Total amount received as above		998,783

I have the honor to be, sir, your most obedient,

GEO. BOMFORD, *Brevet Colonel, on Ordnance service.*

Hon. J. BARBOUR, *Secretary of War.*

20TH CONGRESS.] No. 677. [1ST SESSION.

ADVERSE TO GRANTING A TOWNSHIP OF LAND TO KENYON COLLEGE, IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 9, 1828.

Mr. ISACKS, from the Committee on Public Lands, to whom was referred the bill from the Senate entitled "An act granting a township of land to Kenyon College, in Ohio," reported:

That the object of the bill is substantially stated in the title. The committee are fully satisfied that this institution is one of the most interesting which has been recently established, and promises permanent and extensive usefulness, and that the efforts of its founder have been extraordinary and well directed. The committee would gladly be instrumental in its promotion, but, in their opinion, to make the grant proposed would be to introduce a practice in regard to the disposition of public lands the extent of which cannot now be foreseen or limited. The committee cannot resist the consideration that many other seminaries of learning would, in the event of this donation being made, present their claims to a like participation in the liberality of the government. That there are others equally meritorious, or differing only in degree, and less fortunate in other means of support, cannot be doubted. To discriminate between them would be invidious, and might often be unjust, and thereby produce a state of things in which the course of literature and the respect for the government might both be in danger of suffering. To prevent this the tendency of the practice would be to grant the reasonable applications of *all*, till, in the end, the interest and control of the government might be lost in the collisions and conflicts among the donees and the inhabitants of the country in regard to the division of the lands.

The committee therefore recommend the rejection of the bill.

20TH CONGRESS.] No. 678. [1ST SESSION.

PUBLIC LANDS WHICH HAVE BEEN IN MARKET FROM FIVE TO TWENTY YEARS AND REMAIN UNSOLD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 21, 1828.

TREASURY DEPARTMENT, *April* 19, 1828.

SIR: In obedience to a resolution of the House of Representatives of the 18th of February last, "directing the Secretary of the Treasury to inform the House what quantity of public land now unsold has been in market for five years and under, what quantity from five to ten years, from ten to fifteen, from fifteen to twenty, and what quantity for twenty years and upwards, specifying, under each head, the quantity in each State and Territory; also what amount of debt has been discharged by the relinquishment of public land, and how much thereof was for land sold at more than two dollars per acre," I have the honor to transmit herewith a communication from the Commissioner of the General Land Office, dated the 17th instant, which, with the documents to which it refers, contains the information required by the resolution.

I have the honor to be, very respectfully, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER *of the House of Representatives, United States.*

TREASURY DEPARTMENT, *General Land Office, April* 17, 1828.

SIR: In reply to your reference of the enclosed copy of a resolution of the House of Representatives, in the following words, viz: "*Resolved*, That the Secretary of the Treasury be directed to inform this House what quantity of public land now unsold has been in market for five years and under, what quantity from five to ten years, from ten to fifteen years, and what quantity for twenty years and upwards, specifying, under each head, the quantity in each State and Territory; also what amount of debt has been discharged by the relinquishment of public lands, and how much thereof for lands sold at more than two dollars per acre," I have the honor to inform you that to discriminate between the different periods for which the lands now unsold have been in market, as contemplated by the resolution, would require references to every tract of land now subject to sale in order to make the proposed classification—a labor which might occupy the whole force of this office for many months, to the exclusion of the current business. With a view, however, of affording the most useful information in reference to the resolution, which, under the circumstances stated, can be given, I herewith transmit tables marked A, B, C, D, E, F, G, H, I, K, showing, for each land district in each State and Territory, the following particulars, viz: the dates of the first and last sales; the quantity of land *proclaimed for sale;* the quantity of land sold to June 30, 1827; the quantity of land proclaimed for sale which remained unsold on June 30, 1827, and *subject to private entry* on that day; the periods for which the unsold lands have been in market.

The quantity of land unsold subject to private entry is exclusive of the portion of relinquished lands not yet thrown into the market. The deduction of the sum total of lands relinquished under the act of May 4, 1826, from the gross amount of sales in some instances has reduced the net amount of sales to less than that reported on December 31, 1825, prior to the operation of the said act. The accompanying table, marked L, will show the quantity of land relinquished to the United States under all the relief laws, classified according to the provisions of the bill reported by the chairman of the Land Committee of the House of Representatives on the 17th of January last, entitled "A bill to authorize those persons who have relinquished lands under the provisions of the several acts for the relief of purchasers of public lands to purchase the same at private sale at a fixed price." This table also shows the total amount of the debt for public lands which has been discharged by relinquishment, and how much thereof was for land sold for more than two dollars per acre.

I have the honor to be, with great respect, sir, your obedient servant,

GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

A.—OHIO.

Land districts.*	Date of first sales.	Date of last sales.	Quantity of land proclaimed for sale.	Quantity of land sold to June 30, 1827.	Quantity of land unsold, subject to private entry.	Periods for which the lands have been in market.
			Acres.	*Acres.*	*Acres.*	
Cincinnati	1801	1811	†3,155,870	2,586,696	569,174	From 15½ to 26½ years.
Chilicothe	1801	1816	2,042,886	1,031,189	1,011,697	From 11 to 26 years.
Marietta	1801	1819	630,632	186,799	443,833	Upwards of 26 years these lands have been subject to entry at the land offices; the first sales took place at New York in 1787, and at Pittsburg in 1796.
Steubenville	1800	1804	1,780,083	1,559,620	220,463	
Zanesville	1804	1804	1,671,160	982,211	688,949	Upwards of 23 years.
Wooster	1808	1808	1,103,011	934,120	168,891	Upwards of 19 years.
Piqua	1820	1822	2,367,269	33,825	2,333,444	From 4¾ to 6¾ years.
Delaware	1820	1822	2,025,582	337,699	1,687,883	From 4¾ to 6¾ years.
			14,776,493	7,652,159	7,124,334	
Deduct amount of sales at New York and Pittsburg					116,420	
Leaving subject to entry					7,007,914	

B.—INDIANA.

Jeffersonville	1808	1820	2,719,000	966,655	1,752,345	From 7 to 19½ years.
Vincennes	1807	1821	4,213,386	1,056,239	3,157,147	From 6 to 20½ years.
Indianapolis	1820	1822	2,490,080	742,905	1,747,175	From 4¾ to 6½ years.
Crawfordsville	1820	1824	2,419,262	461,559	1,957,703	From 2½ to 6¾ years.
Fort Wayne	1823	1825	1,536,809	11,462	1,525,347	From 1¾ to 3¾ years.
			13,378,537	3,238,820	10,139,717	

C.—ILLINOIS.

Shawneetown	1814	1820	2,846,052	315,773	2,530,279	From 7½ to 13 years.
Kaskaskia	1816	1826	1,932,511	446,966	1,485,545	From 9 months to 10¾ years.
Edwardsville	1816	1823	2,235,021	260,394	1,974,627	From 3¾ years to 10¾ years.
Vandalia	1821	1822	2,530,574	15,038	2,515,536	From 4¾ years to 6¾ years.
Palestine	1821	1822	3,585,173	63,682	3,521,491	From 4¾ years to 6¾ years.
Springfield	1823	1826	1,814,400	154,190	1,660,210	From 9 months to 3¾ years.
			14,943,731	1,256,043	13,687,688	

D.—MISSOURI.‡

St. Louis	1818	1824	3,142,286	334,311	2,757,975	From 2½ to 8¾ years.
Franklin	1818	1823	3,229,723	524,660	2,705,063	From 3 to 8¾ years.
Cape Girardeau	1820	1826	4,818,725	67,199	4,751,526	From 1 to 7 years.
Western district	1824	1824	1,800,897	53,272	1,747,625	For 2½ years.
Salt River district‖			2,866,300	32,225	2,834,075	From 2½ to 8¾ years.
			15,857,931	1,061,667	14,796,264	

E.—MISSISSIPPI.

Washington	1809	1821	2,915,097	980,739	1,934,358	From 6 years to 18½ years.
Choctaw district	1823	1827	3,817,145	269,263	3,547,882	From 2 months to 4½ years.
Augusta	1811	1823	3,042,279	331,192	2,711,087	From 3½ years to 15¾ years.
			9,774,521	1,581,194	8,193,327	

F.—ALABAMA.

Huntsville	1809	1820	4,386,534	1,068,850	3,317,684	From 6½ to 18 years, nearly.
St. Stephen's	1811	1823	2,606,524	380,741	2,225,783	From 3½ to 15¾ years.
Cahaba	1817	1820	3,096,474	1,172,172	1,924,302	From 6½ years to 9 years 9 months.
Tuscaloosa	1821	1826	3,611,128	466,867	3,144,261	From 1½ year to 6 years.
Sparta	1823	1827	2,740,353	71,046	2,669,307	From 1 month to 3 years 6 months.
			16,441,013	3,159,676	13,281,337	

* The first sales at *Cincinnati*, *Chilicothe*, and *Marietta*, were by *sections and half sections* in the year 1801. Under the provisions of the act of March 26, 1804, the lands in these districts, together with those of the *Steubenville* and *Zanesville* districts, were offered at public sale by quarter sections in the year 1804. Such portions of the relinquished lands as have not yet been brought into market are excluded in the column of lands proclaimed for sale.

† The Cincinnati district contains 1,225,399 acres of land situated in the State of Indiana, which are included in the quantity above stated.

‡ The salines, mineral lands, and unconfirmed private claims, are included in the quantity of land proclaimed for sale.

‖ All offered for sale at St. Louis as above.

G.—LOUISIANA.

Land districts.	Date of first sales.	Date of last sales.	Quantity of land proclaimed for sale.	Quantity of land sold to June 30, 1827.	Quantity of land unsold subject to private entry.	Periods for which the lands have been in market.
			Acres.	*Acres.*	*Acres.*	
Ouachita	1822	1826	1,127,071	19,474	1,107,597	From 8 months to 5¼ years.
Opelousas	1818	1826	1,270,201	63,602	1,206,599	From 10 months to 8¾ years.
New Orleans	1824	1827	222,240	*10,477	211,763	From 6 months to 3½ years.
			2,619,512	93,553	2,525,959	

H.—MICHIGAN TERRITORY.

Detroit	1818	1827	3,488,462	323,309	3,165,153	From 1 month to 10 years.
Monroe	1824	1825	1,178,380	50,662	1,127,718	From 2 years to 2¾ years.
			4,666,842	373,971	4,292,871	

I.—ARKANSAS TERRITORY.

Little Rock	1821	1826	6,616,512	54,304	6,562,208	From 8 months to 4 years and 9 months.
Batesville	1822	1826				From 7 months to 4 years and 9 months.

K.—FLORIDA.

Tallahassee	1825	1827	1,544,400	229,526	1,314,874	From 1 month to 2 years.
St. Augustine						

NOTE.—The lands in the eastern district of Florida, directed to be sold at St. Augustine, are not yet subject to private entry. First sale to take place in May, 1828.

* This is the quantity sold, *situate on bayous, creeks, and water-courses,* of what has been proclaimed for sale. The total quantity of land sold, including back concessions and pre-emption rights, is 88,912 acres.

L.

Table showing the quantity of land relinquished to the United States, under the provisions of the several laws "for the relief of purchasers of public lands prior to July 1, 1820," classified according to the following rates, viz: those which sold for $28 and upwards; for $18, and less than $28; for $12, and less than $18; for $6, and less than $12; and those which sold for less than $6 per acre; also the quantity relinquished which sold for $2 per acre; also the amount of debt discharged by relinquishment.

States.	Rate per acre, $28 and upwards.	Rate per acre, $18, and less than $28.	Rate per acre, $12, and less than $18.	Rate per acre, $6, and less than $12.	Rate per acre less than $6.	Aggregate of all the foregoing classes.	Relinquishments at $2 per acre.	Amount of debt discharged by relinquishment.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	
Ohio	980.42	1,235.64	624.07	1,494.11	410,072.04	414,406.28	374,768.13	$1,001,069 78
Indiana			390.54	1,106.13	642,132.09	643,628.76	630,733.68	1,311,101 38
Illinois					667,601.46	667,601.46	658,949.60	1,340,678 59
Missouri	9.85	219.98	867.32	42,798.42	656,300.86	700,196.43	419,666.40	1,984,201 19
Alabama	37,597.86	47,107.91	70,137.98	146,231.45	1,285,301.57	1,586,376.78	976,235.77	7,801,873 51
Mississippi					132,675.73	132,675.73	132,675.73	265,351 46
Louisiana					904.31	904.31	904.31	1,808 63
Michigan Territory	183.23	56.86	399.13	1,309.56	21,202.63	23,151.40	15,306.01	72,262 83
	38,771.36	48,620.39	72,419.04	192,939.67	3,816,190.69	4,168,941.15	3,209,239.63	13,778,347 37

	Acres.	*Purchase money.*
Aggregate of lands relinquished	4,168,941.15	$13,778,347 37
Proportion at $2 per acre	3,209,239.63	6,418,479 26
Proportion at more than $2 per acre	959,701.52	7,359,868 11

20TH CONGRESS.] No. 679. [1ST SESSION.

ERROR IN THE LAND OFFICE AT CINCINNATI IN THE QUANTITY OF A QUARTER SECTION OF LAND SOLD TO HENRY CASE.

COMMUNICATED TO THE SENATE APRIL 24, 1828.

GENERAL LAND OFFICE, *April* 22, 1828.

SIR: In compliance with a resolution of the Senate, passed the 21st instant, I have the honor to transmit a copy of the account of Henry Case, for the northeast quarter of section 2, township 8, range 2 west, as rendered to this office; and also a copy of that part of a letter from Mr. Symmes, the register of the land office at Cincinnati, Ohio, which refers to Mr. Case, and the land above described.

I also enclose a diagram of section No. 2, township 8, range 2 west, taken from the original survey; from which it will appear that the east half of that section contains 316.60 acres. It also appears from the books of this office that the southeast quarter of said section was sold on December 22, 1814, as containing 158.30 acres, leaving the same quantity in the northeast quarter; but through the inadvertence of the register of the land office at Cincinnati, the northeast quarter was sold to Mr. Case as containing only 123.58 acres, and that quantity was paid for by him; but previous to issuing the patent the error was detected at this office, and, in conformity to the law and general usage of the office, Mr. Case was required to pay for the quantity of land which the quarter section contained, agreeably to the surveyor general's return.

With great respect, your obedient servant, GEO. GRAHAM.

The VICE PRESIDENT *of the United States.*

The following is a copy of so much of Mr. Symmes' letter as relates to the case of Henry Case.

LAND OFFICE, *Cincinnati, February* 12, 1827.

SIR: Henry Case's final certificate, No. 5985, for the northeast quarter of section 2, township 8, range 2 west, called for in your letter of the 18th ultimo, appears to have been regularly forwarded from this office in 1817, but was subsequently returned on account of *short payment*, the tract being found to contain 34.72 acres of surplus land. Of this fact I was at the pains of informing the proprietor by letter (as I did many others in a like situation) two or three years ago, and he has since called at the office and ascertained the precise condition of his certificate. Under these circumstances I am at a loss to conjecture the object of Mr. Case, in applying through General Noble, without further payment, for a patent, unless, indeed, the signal success of his neighbor, Mr. Hampton, who obtained from Congress last winter an actual donation of some 200 acres of surplus, should have led him to appeal to a member of that body in the hope of a similar boon.

Henry Case, of Hamilton county, Ohio, for the northeast quarter of section 2, *of township* 8, *range* 2, *containing* 123.58 *acres, at two dollars.*

DR.			CR.	
July 17, 1813.	To purchase money of said quarter section.....	$247 16	July 17, 1813. By amount of first instalment.....	$61 79
			Jan. 17, 1815. By amount of second instalment.....	59 32
			Jan. 17, 1815. By amount of discount...	2 47
			May 31, 1817. By cash on account.....	120 00
			June 2, 1817. By cash in full, including interest.....	13 64

20TH CONGRESS.] No. 680. [1ST SESSION.

ON THE OFFICIAL CONDUCT OF THOMAS A. SMITH, RECEIVER OF PUBLIC MONEYS AT FRANKLIN, MISSOURI.

COMMUNICATED TO THE SENATE APRIL 29, 1828.

Mr. VAN BUREN, from the Committee on the Judiciary, on the resolution instructing them "to inquire into the official conduct of Thomas A. Smith, receiver of public moneys at Franklin, in the State of Missouri, whether the said Smith is a defaulter to the government; and if so, to what amount," reported:

The committee have examined the papers referred to them, consisting of the returns of the said receiver for the years 1824, 1825, 1826, and 1827, the report of the Commissioner of the General Land Office to the Secretary of the Treasury, and the report of the latter to the Senate. That, from the documents referred to the committee, [see No. 673,] it appears that, at the end of the last quarter of the year 1827, a balance was due to Mr. Smith from the government for advances made by him; that nothing has appeared before the committee showing any official misconduct on the part of Mr. Smith; but, on the con-

trary, the documents submitted show that he has been faithful, vigilant, and correct in the discharge of his official duties.

The committee therefore request to be discharged from the further consideration of the subject.

20TH CONGRESS.] No. 681. [1ST SESSION.

ADVERSE TO THE INDIAN GRANT TO THE DOUBLE HEAD COMPANY.

COMMUNICATED TO THE SENATE MAY 5, 1828.

Mr. KANE, from the Committee on Private Land Claims, to whom was referred the memorial of Zachariah Sims, and others, praying to be indemnified for the loss they sustained in consequence of having been dispossessed by the United States of a tract of land that had been leased to them by a Cherokee chief in 1807, reported:

That the prominent facts of the case are fully and accurately stated in the said memorial, and it is unnecessary here to repeat them. It is manifest to your committee that the lease and deed of confirmation set forth by the petitioners were executed in violation of the act of Congress of March 30, 1802, regulating trade and intercourse with the Indian tribes; the 12th section of which declares "that no purchase, lease, or other conveyance of lands, or of any claim or title thereto from any *Indian* or nation, or tribe of Indians within the bounds of the United States, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution." Your committee perceive no just reason why any compensation should be made to the petitioners on account of anything contained in the correspondence between Return J. Meigs and Henry Dearborn, then Secretary of War, or any act alleged to have been done by the petitioners in virtue of that correspondence. The Secretary of War was not authorized by law to permit any lease of Indian lands; and, if he had such right, it is evident that the advice he gave on the subject of the lease was not pursued, but disregarded by the petitioners. Your committee therefore submit the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

20TH CONGRESS.] No. 682. [1ST SESSION.

APPROVAL OF THE OFFICIAL CONDUCT OF THOMAS A. SMITH, RECEIVER OF THE LAND OFFICE AT FRANKLIN, MISSOURI.

COMMUNICATED TO THE SENATE MAY 24, 1828.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 8th instant, relating to the accounts and official conduct of Thomas A. Smith, receiver of public moneys at Franklin, Missouri, I transmit herewith a report from the Secretary of the Treasury, with documents containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May* 23, 1828.

TREASURY DEPARTMENT, *May* 22, 1828.

The Secretary of the Treasury, to whom was referred a resolution of the Senate of the 8th instant, "requesting the President of the United States to cause an answer to be given to that part of the resolution of the Senate of the 14th of March last, which required information of the time of receiving the respective balances in the hands of the receiver at Franklin, Missouri, at the end of each quarter of the years 1824, 1825, 1826, and 1827; and also to that part requiring the date of each deposit made by him, with a copy of the certificate of deposit alleged to have been made at New Orleans, under date of December 31, 1827; also, at what time the last account current of that officer, under date of 31st of December last, was received at the General Land Office; and whether that account had been allowed at the treasury when a copy of it was transmitted to the Senate, under the above-mentioned resolution; and, also, that he be requested to cause a report to be made whether the said receiver has not discharged the duties of his said office with fidelity and punctuality, and to the entire satisfaction of the government," has the honor to report to the President:

That, from the monthly accounts current of the receiver at Franklin, Missouri, transmitted to the Senate in compliance with its former resolution of the 14th of March last, and numbered from 1 to 49, it will be seen that, at the end of the month for which each account current is respectively made out, the

receiver credits the United States with the aggregate amount of moneys received by him on account of the sales of public lands during the month, without specifying the particular days of the month on which the various sums constituting that amount may have been received. In like manner he charges, at the end of the month, the amount of his payments and deposits on account of the United States, without reference to the particular days on which the payments or deposits were made. From these accounts current it will also be seen that the greater part of the moneys received by this officer have been drawn out of his hands by drafts from the Treasurer, given from time to time to persons in that portion of the Union to whom he had payments to make. These drafts have always been promptly discharged by the receiver; and they have, it is believed, proved a convenient mode of payment to the persons receiving them, whilst the government has thereby saved the expense which would have been incurred if the money had been deposited in bank. The accounts current, it is believed, furnish the true dates of the money received and the drafts paid by the receiver, so far as it regards the month; and except for the four deposits made by him in bank during the period referred to, contain the only information under this clause of the resolution which it is in the power of the department to afford, without resorting to the quarterly accounts and vouchers of the receiver, which could not be transcribed in time to be communicated during the present session of Congress. Copies of two certificates of the said deposits found on file are herewith transmitted, corresponding in date with the accounts of the receiver—one of which is for the deposit made at New Orleans, and charged in the account current of December 31, 1827.

The information desired as to the time when the last-mentioned account current of the receiver, under date of December 31, 1827, was received, and whether it had been allowed at the treasury when the former report of this department was made to the Senate, will be found in the communication of the Commissioner of the General Land Office, dated the 14th instant, which has already been laid before you. In regard to the last member of the resolution the Secretary of the Treasury has the honor to report his opinion, that the receiver at Franklin has discharged the duties of his office with fidelity and punctuality, and to the satisfaction of the department.

RICHARD RUSH.

The PRESIDENT *of the United States.*

GENERAL LAND OFFICE, *May* 14, 1828.

SIR: I have the honor, in compliance with your request, to return the resolution of the Senate of the 8th instant, relative to the receiver of public moneys at Franklin, and to refer to the report made from this office to the Secretary of the Treasury on the 21st of March last, as containing the information which this office affords in relation to the resolution of the Senate bearing date the 14th of March last.

The account current of the receiver at Franklin, under date of 31st of December last, was received in a letter from him bearing date January 15, 1827. The time of its receipt at this office was not noted. It appears to have been acknowledged on the 29th of March, together with a letter from him dated the 13th of February, covering his accounts for the month of January last.

The account of the receiver at Franklin for December, 1827, had not been settled at the treasury when a copy of it was transmitted to the Senate.

With great respect, your obedient servant,

GEORGE GRAHAM.

The PRESIDENT *of the United States.*

GENERAL LAND OFFICE, *March* 21, 1828.

SIR: In compliance with a resolution of the Senate, dated the 14th instant, I enclose to you copies of the monthly accounts current rendered by Thomas A. Smith, receiver of public moneys at Franklin, Missouri, for the years 1824, 1825, 1826, and 1827, which exhibit the amount of money on hand at the termination of each quarter of the years above mentioned; the time that those amounts were respectively received; and the time that deposits, payments of drafts, and other payments were made by him during those years. I also enclose an extract from a letter addressed to me by General Smith, assigning the cause of his being in advance for the government at the termination of the last quarter in 1827. It may be proper to add, that the returns required by law to be made by the receivers of public moneys to this office, have been rendered with accuracy and punctuality by General Smith.

All instructions relative to deposit and the purchase of drafts are issued immediately from your office.

With great respect, &c.,

GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

OFFICE OF DISCOUNT AND DEPOSIT, *Washington, July* 2, 1825.

Thomas A. Smith, esq., receiver of public moneys at Franklin, Missouri, has deposited in this office, to the credit of the Treasurer of the United States, one thousand dollars, for which I have signed duplicate receipts.

RICHARD SMITH, *Cashier.*

$1,000.

OFFICE BANK UNITED STATES, *New Orleans, December* 1, 1827.

General Thomas A. Smith, receiver of public moneys at Franklin, Missouri, has deposited to the credit of the Treasurer of the United States forty-six thousand four hundred and thirty-six dollars and twenty-eight cents, for which I have signed duplicate certificates.

S. JAUDON, *Cashier.*

$46,436 28.

20TH CONGRESS.] No. 683. [2D SESSION.

OPERATION OF THE LAND SYSTEM AND THE NUMBER OF MILITARY BOUNTY LAND WARRANTS ISSUED DURING THE LAST YEAR.

COMMUNICATED TO CONGRESS BY THE PRESIDENT OF THE UNITED STATES DECEMBER 2, 1828.

Report from the Commissioner of the General Land Office.

GENERAL LAND OFFICE, *November* 23, 1828.

SIR: I have the honor to submit the following report in relation to this office:

The paper marked A exhibits the periods to which the quarterly accounts of the respective receivers have been returned to and adjusted at this office, and the balance on hand, agreeably to the last monthly account of the receivers of public moneys, respectively: which exhibits a very favorable view of the regularity with which those officers have rendered their accounts, and of their punctuality, very generally, in depositing the public moneys received by them.

The paper marked B exhibits the quantity of land sold, and the amount of purchase money for the same, for the year 1827, and the first six months of 1828, and the amounts paid into the treasury on account of the public lands for those periods respectively.

The paper marked C exhibits the balances due by individuals for lands purchased at the respective land offices, the total amount of which is $4,174 039. Under the provisions of "An act to revive and continue in force the several acts making provisions for the extinguishment of the debt due the United States by the purchasers of the public lands," approved the 21st of March last, the whole of this amount will have been liquidated by the 4th day of July next, by payments in cash and by relinquishment of the lands originally purchased; or the sums heretofore paid will be forfeited, and the lands will revert to the United States, and thus the whole of the operations under the credit system will be closed at the period above stated.

The act approved the 23d of May last, authorizing the issuing of certificates for the sums heretofore paid for lands which have reverted, or are liable to revert, to the United States, and on which further credit was not taken, will create a demand on the government to an amount that will be upwards of five hundred thousand dollars. The paper marked C shows that, at the date of the last returns, the certificates issued under the provisions of this law amounted only to $53,313 30. It is, however, probable that certificates for nearly the whole of this claim will be demanded and issued previous to the 4th of July next, and that a large portion of them will be repaid to the government in the liquidation of the claims for the lands which have been further credited.

Instructions have been issued to carry into effect all those laws passed at the last session of Congress, the execution of which is placed under the immediate superintendence of this office, and they are in due course of execution.

The survey of the public lands in all the surveying districts is duly progressing, and without material embarrassments, except in those districts where there are private claims yet to be located. The locality of such claims is in many instances so vaguely described, that it is impracticable for the deputy surveyors to find them and lay them down correctly, so that the adjacent public lands may be surveyed; and the claimants in many instances neglect or refuse to furnish that correct information by which the surveyors might be guided. Instructions have, however, been given to the surveyors, that in cases where the descriptions of private claims are so vague that their deputies cannot with due diligence ascertain the locality, or where the claimant, after having been notified by public advertisement of the fact, does not furnish the necessary and satisfactory evidence of the proper location, they cause the public surveys to be closed, without reference to such private claims. I again take the liberty of suggesting the propriety of causing all those lands claimed under confirmations, founded on papers believed to be fraudulent, and the originals of which have been withdrawn from the office in which they were filed, and now withheld from the surveyors, to be surveyed as public lands and brought into market.

The office of General Coffee having been destroyed by fire, and all the records consumed, it is proposed to furnish copies of all the returns which have been made by him to this office, and which are fortunately more complete than the returns which have been generally required of the surveyors. For this purpose an appropriation is necessary, and has been submitted. The State of Ohio having passed an act authorizing the county authorities to obtain certified copies of the surveys of lands within the limits of each county, at the expense of the same, I beg leave to suggest the expediency of authorizing, by law, the surveyors of the United States to furnish, on application of the State authorities, certified copies of the public surveys and field notes, the State paying the expenses incident to the same. A measure of this kind would not only afford a great accommodation to the citizens of the respective States, but would multiply the authentic copies of the records of the public surveys, and thereby guard against accidents.

All of which is respectfully submitted.

GEO GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

A.

Exhibit of the periods to which the monthly returns of the registers and receivers of the several land offices have been rendered, and the periods to which the quarterly accounts of the receivers have been rendered to and adjusted at the General Land Office; and showing the balances in the hands of receivers at the date of the latest monthly returns.

Land offices.	Registers' monthly returns; periods to which rendered.	Receivers' monthly returns; periods to which rendered.	Receivers' quarterly returns; periods to which rendered.	Receivers' quarterly returns; periods to which adjusted.	Balance of cash in hands of receivers, as shown by the last monthly accounts.	Remarks.
Marietta	Oct. 31, 1828	Oct. 31, 1828	Sept. 30, 1828	Sept. 30, 1828	$1,683 01	
Zanesville	Sept. 30, 1828	Sept. 30, 1828	...do...	...do...	852 45	
Steubenville	Oct. 31, 1828	...do...	...do...	...do...	...	
Chilicothe	...do...	Oct. 31, 1828	...do...	...do...	1,456 19	
Cincinnati	Sept. 30, 1828	...do...	...do...	...do...	98 40	
Wooster	Oct. 31, 1828	...do...	...do...	...do...	1,695 39	
Piqua	...do...	...do...	...do...	...do...	594 21	
Tiffin	...do...	Sept. 30, 1828	...do...	...do...	2,973 89	
Jeffersonville	...do...	...do...	...do...	...do...	5,308 89	
Vincennes	...do...	...do...	...do...	...do...	29,568 90	
Indianapolis	Sept. 30, 1828	Oct. 31, 1828	...do...	...do...	12,966 96	Received in October.
Crawfordsville	...do...	Sept. 30, 1828	...do...	...do...	10,660 35	
Fort Wayne	...do...	...do...	...do...	...do...	1,397 60	
Shawneetown	...do...	Oct. 31, 1828	...do...	...do...	442 53	
Kaskaskia	...do...	Sept. 30, 1828	...do...	...do...	172 51	
Edwardsville	...do...	...do...	...do...	...do...	5,128 22	
Vandalia	...do...	Oct. 31, 1828	...do...	...do...	2,261 67	
Palestine	...do...	Sept. 30, 1828	...do...	...do...	5,703 76	
Springfield	...do...	...do...	...do...	...do...	8,113 04	
St. Louis	Oct. 31, 1828	Oct. 31, 1828	...do...	...do...	9,805 86	
Franklin*	Sept. 30, 1828	...do...	...do...	...do...	*18,638 03	
Jackson	...do...	Sept. 30, 1828	... do...	...do...	4,936 89	
Palmyra	...do...	...do...	...do...	...do...	3,849 28	
Lexington	...do...	...do...	...do...	...do...	5,663 41	
St. Stephen's	...do...	...do...	...do...	...do...	...	
Cahaba	...do...	...do...	...do...	...do...	24,484 85	$23,210 deposited in October.
Huntsville	...do...	Oct. 31, 1828	...do...	...do...	357 67	
Tuscaloosa	...do...	Sept. 30, 1828	...do...	...do...	1,057 16	
Sparta†	...do...	... (‡) ...	Sept. 30, 1827	Sept. 30, 1827	†1,869 15	
Washington	...do...	Sept. 30, 1828	Sept. 30, 1828	Sept. 30, 1828	838 17	
Mount Salus	...do...	...do...	...do...	...do...	19,620 34	
Augusta	Aug. 31, 1828	Aug. 31, 1828	June 30, 1828	June 30, 1828	53 06	
New Orleans	Sept. 30, 1828	Sept. 30, 1828	Sept. 30, 1828	Sept. 30, 1828	4,951 35	
Opelousas	Aug. 31, 1828	...do...	...do...	...do...	931 35	
Ouachita	Sept. 30, 1828	...do...	...do...	...do...	880 24	
Detroit	...do...	Oct. 31, 1828	...do...	...do...	2,124 32	
Monroe	Oct. 31, 1828	...do...	...do...	...do...	4,805 08	
Little Rock	Sept. 30, 1828	Aug. 31, 1828	June 30, 1828	June 30, 1828	2,212 63	
Batesville	...do...	Sept. 31, 1828	Sept. 30, 1828	Sept. 30, 1828	1,202 77	
Tallahassee	...do...	... ...do...	June 30, 1828	June 30, 1828	5,933 66	
					205,298 24	

* Receiver states that $14,000 were sent to Louisville for deposit in October.
† This balance ascertained from the vouchers received.
‡ No return from present receiver.

GEO. GRAHAM,
Commissioner of the General Land Office.

TREASURY DEPARTMENT, *General Land Office, November* 22, 1828.

B.

Statement of public lands sold and of moneys received in payment therefor during the year 1827 *and the first and second quarters of the year* 1828; *showing, also, the incidental expenses of the land offices during the same periods, and payments by receivers into the treasury.*

Periods.	Lands sold.	Purchase money.	Am't received under the credit system.	Aggregate receipts.	Incidental expenses, salaries, and commissions.	Payments into the treasury.
	Acres.					
During the year 1827	926,727.76	$1,318,006 36	$313,132 37	$1,631,138 73	$121,281 45	$1,497,053 82
From January 1 to June 30, 1828	341,599.75	427,110 16	2,824 54	429,934 70	47,652 14	443,752 60
Total	1,268,327.51	1,745,116 52	315,956 91	2,061,073 43	168,933 59	1,940,806 42

NOTE.—The column "incidental expenses," in the foregoing statement, is greatly increased in consequence of the operation of the act of May 22, 1826, providing for the allowance to registers and receivers of the amount of clerk hire incurred in the execution of the laws for the relief of the purchasers of public lands, passed in the years 1821, 1822, and 1823, and allowing the one-half of one per cent. on the payments made by relinquishment, and discounts allowed under those laws, and also in consequence of allowances made to receivers for depositing public moneys since April 20, 1818, in pursuance of the provisions of the act to that effect passed May 22, 1826.

GEO. GRAHAM,
Commissioner of the General Land Office.

TREASURY DEPARTMENT, *General Land Office, November* 22, 1828.

C.

Statement showing the amount of balances due by purchasers of the public lands, under the credit system, on September 30, 1828; showing, also, the amount of forfeited land stock issued under the act of May 23, 1828.

Land offices.	State or Territory.	Am't of balances due from individuals on account of public lands purch'd prior to July 1, 1820.	Amount of stock issued on lands forfeited to U. States under act of May 23, 1828.
Marietta	Ohio	$14,542 92	$1,557 35
Zanesville	do	51,060 63	2,103 97
Steubenville	do	36,499 64	6,760 7
Chillicothe	do	38,795 42	7,274 56
Cincinnati	do	162,252 28	12,665 75
Wooster	do	68,147 38	792 78
Jeffersonville	Indiana	200,232 03	1,531 37
Vincennes	do	214,146 03	4,267 67
Shawneetown	Illinois	108,853 63	730 04
Kaskaskia	do	58,570 77	268 66
Edwardsville	do	22,237 42	745 83
St. Louis	Missouri	57,587 39	575 63
Franklin	do	48,585 02	.....
Opelousas	Louisiana	38,028 66	.....
St. Stephen's	Alabama	263,054 83	1,729 50
Cahaba	do	642,273 02	3,199 45
Huntsville	do	1,748,158 44	8,895 06
Washington	Mississippi	375,291 82	.....
Detroit	Michigan Territory	25,721 71	214 91
Aggregates		4,174,039 04	53,313 30

NOTE.—The amount of forfeited land stock is stated to the date of the latest returns received.

GEO. GRAHAM,
Commissioner of the General Land Office.

TREASURY DEPARTMENT, *General Land Office, November* 22, 1828.

REPORT OF PROCEEDINGS AT THE BOUNTY LAND OFFICE FOR THE YEAR ENDING SEPTEMBER 30, 1828.

Return of claims which have been deposited at the bounty land office for the year ending September 30, 1828, *for services rendered during the revolutionary war.*

Claims suspended in the office October 1, 1827	18
Claims received from October 1, 1827, to September 30, 1828, inclusive	740
	758
Disposed of as follows:	
Of the eighteen suspended cases four have been entered anew	4
Total	754
Claims previously satisfied	142
Claims not entitled to land	296
Claims in which regulations were sent to enable the claimants to produce proof	131
Claims in which further proof was required	23
Claims in which the inquiries were answered	28
Claims in which land warrants have issued	120
Claims still suspended	14
	754

Abstract of the number of warrants issued for the year ending September 30, 1828.

		Acres.
2 colonels, each 500 acres		1,000
2 lieutenant colonels, each 450 acres		900
5 captains, each 300 acres		1,500
12 lieutenants, each 200 acres		2,400
1 ensign		150
1 surgeon, medical staff		450
1 surgeon's mate		300
96 rank and file, each 100 acres		9,600
Total	120	16,300

The number of land warrants signed by Generals Knox and Dearborn, and which remain on file, is	57
The number of Virginia military land warrants presented, allowed, and certified	20

Return of claims which have been deposited for the year ending September 30, 1828, for services rendered during the late war.

Claims suspended, per last report	459
Claims received from October 1, 1827, to September 30, 1828, inclusive	308
Total	767
Disposed of as follows:	
Claims which were previously satisfied	66
Claims not entitled to land	54
Claims returned for further evidence, and sent regulations	97
Claims on which land warrants have issued	90
Claims suspended for further evidence	460
	767

20TH CONGRESS.] No. 684. [2D SESSION.

CLAIM OF JOHN F. CARMICHAEL TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE SENATE DECEMBER 3, 1828.

Letter from the Commissioner of the General Land Office, transmitting a report of the register and receiver of the land office at Washington, Mississippi, on the claims to land of John F. Carmichael.

GENERAL LAND OFFICE, *December* 2, 1828.

SIR: I have the honor to enclose a copy of the report of the register and receiver of the land office at Washington, Mississippi, on the claims to land of John F. Carmichael, made in pursuance of the resolution of Congress approved May 19, 1828, entitled "Resolution authorizing an examination of the claims to land of John F. Carmichael."

With great respect, your obedient servant,

GEO. GRAHAM.

The SPEAKER *of the House of Representatives.*

Copy of the notice of Claudio Bougand.—Register's No. 2010.

[Here, in the original, is a plat of the land.]

Don Claudio Bougand, who was a citizen of the Mississippi Territory on the 27th day of October, 1795, claims one thousand arpents of land, lying and being in the Territory aforesaid, on the waters of ————, agreeably to the above plat, by virtue of a Spanish patent, legally and fully executed to the claimant, bearing date the —— day of ———, 1789.

CLAUDIO BOUGAND.

NOVEMBER 29, 1804.

Which notice has the following "Note" endorsed upon it, thought to be in the handwriting of Thomas Rodney, one of the commissioners, viz:

"NOTE.—Col. Girault says he believes this land lies below the line, for that the Lake of the Cross is below the line; and that C. Benjamin and John Alston both live below the line. June 12, 1807.

"T. R."

The register's endorsement is as follows:

"No. 2010. Claudio Bougand. Presented November 30, 1804.

"EDW'D TURNER, *Register.*"

"Deposition of Joseph Bonneville, March 20, 1806.
"Rejected June 12, 1807."

Copy of the notice of Claudio Bougand.—Register's No. 2014.

[Here, in the original, is a plat of the land.]

Don Claudio Bougand, who was a citizen of the Mississippi Territory on the 27th day of October, 1795, claims one thousand and thirty-four arpents of land, lying and being in the said Territory, and on

the waters of ————, showing such shape and boundaries as are specified in the annexed plat, by virtue of a Spanish patent, legally and fully executed to the claimant, bearing date August 31, 1794.

CLAUDIO BOUGAND.

NOVEMBER 30, 1804.

Which notice is endorsed as follows:

"No. 2014. Don Claudio Bougand. Presented November 30, 1804.

"EDWARD TURNER, *Register.*

"Deposition of Joseph Bonneville, March 20, 1806.

"Rejected, June 12, 1807."

LAND OFFICE, *Washington, Mississippi, November* 1, 1828.

I certify that the preceding notices of the claims of Claudio Bougand, No. 2010 and 2014, together with their endorsements, are correctly copied from the originals on file in this office.

Given under my hand and seal, November 1, 1828.

[L. S.] B. L. C. WAILES, *Register.*

UNITED STATES OF AMERICA,
State of Mississippi, Wilkinson County.

On this 30th day of October, A. D. 1828, personally appeared before me, the undersigned, a notary public in and for the State and county aforesaid, Thomas Dawson, who, being duly sworn, deposed: That he has known lands now owned by Dr. John F. Carmichael, on Wilks' Creek, since the year of 1811 or 1812; and that he was told by the family of Jones, who then lived on the land at that time and since, that they were tenants of William Collins, lessee of Don Claudius Bougand; and that said Jones cultivated corn, &c., and attended to stock on said place. And further saith: that, some time in January, 1826, he was applied to as a surveyor to resurvey said land, which he did, and that the place where Jones lived was included in the survey. He also saw, at the time of making the resurvey, and since, the appearance of an old improvement below where Jones lived, on the creek near the edge of the swamp, and also near the line of demarcation, which, from its appearance—the growth of timber, and the remains of a building which hath a tree growing out of them—seemed to be more than thirty years of age; the principal part of which is above the line of demarcation, which runs through both surveys.

T. DAWSON, *Deputy Surveyor.*

Sworn to and subscribed before me, and given under my hand and seal of office, the date above written.

EDM. H. WAILES, *Notary Public.*

Extracts from the Journals of the Board of Commissioners west of Pearl river.

WEDNESDAY, *February* 19, 1806.

No. 2010. Claudio Bougand, of 1,000 arpents, near Loffties Cliffs, in Wilkinson county.

No. 2014. Claudio Bougand, 1,034 arpents, near the Lake of the Cross.

On the motion of John Henderson, it was ordered that a *dedimus potestatum* be issued, directed to B. Cenas and Richard Clairborne, esqs., of New Orleans, to take the deposition of Joseph Bonneville, to be read in evidence before the board in support of the above two claims of Claudio Bougand. Page 1365.

TUESDAY, *March* 25, 1806.

Present: Robert Williams, Thomas H. Williams.

No. 2010. Claudio Bougand, 1,000 arpents.

No. 2014. Claudio Bougand, 1,034 arpents.—(See Journal, page 1365.)

Pursuant to a *dedimus potestatum*, issued by order of the board, directed to Richard Claiborne and B. Cenas, esqs., of New Orleans, dated February 19, 1806, the following interrogatories and answers were returned, to be read in evidence in the above two claims:

Interrogatories put to Joseph Bonneville concerning certain tracts of land hereinafter mentioned claimed by Claudius Bougand.

Question 1. Did Claudius Bougand reside in the Mississippi Territory on the 27th of October, 1795?

Answer. No.

Question 2. Where did Claudius Bougand reside at that time?

Answer. Previous to that date, Claudius Bougand was an inhabitant of the city of New Orleans, which was in fact part of the province of Louisiana; but that, from some reason unknown to the deponent, the said Claudius Bougand was forced away from this place by the Spanish government to the Havana.

Question 3. About what time did Claudius Bougand return to the city of New Orleans; and has he continued to reside in it ever since?

Answer. Claudius Bougand returned from the Havana to this place towards the latter end of the year 1796, and has resided in the city of New Orleans ever since that period.

Question 4. Had Claudius Bougand an agent in that part of Louisiana now called the Mississippi Territory, to wit: on the 27th of October, 1795; and what was his name?

Answer. In the year 1798 I was present at Claudius Bougand's when Lewis Alston was there; that Claudius Bougand gave order to the said Lewis Alston to take care of his land, to have a road made, and to do everything that was required by the Spanish government; and this respondent verily believes that the aforesaid named Lewis Alston remained on the aforesaid land from the year 1793 to the year 1798, when he died.

Question 5. Was Claudius Bougand the head of a family, or twenty-one years of age, on the 27th of October, 1795?

Answer. He does not know that Claudius Bougand was the head of a family on the 27th of October, 1795, but was 21 years of age at that date.

Question 6. Was Lewis Alston the head of a family, or 21 years of age, on the 27th of October, 1795?

Answer. Lewis Alston was a widower, and 21 years of age, on the 27th of October, 1795.

J. BONNEVILLE.

CITY OF NEW ORLEANS, *ss:*

These are to certify that, in obedience to a commission to us issued by the honorable the board of commissioners for the lands west of Pearl river, we did, on the 14th day of the present month of March, 1806, cause to come before us, under due previous notice of four days, Joseph Bonneville, who gave answers to the several questions put to him as stated above; and, being duly sworn thereafter, did say that the said answers were just and true, to the best of his knowledge; and further the deponent said not.

Given under our hands, at the city of New Orleans, this 20th day of March, 1806, and 30th year of the independence of the United States.

B. CENAS, *Justice of the Peace.*
R. CLAIBORNE.

[Pages 1289, 1290, 1291, and 1292.]

FRIDAY, *June* 12, 1807.

Present: Thomas Rodney, Robert Williams, Thomas H. Williams.
No. 2010. Claudio Bougand, 1,000 arpents. Rejected. Evidence insufficient.
No. 2014. Claudio Bougand, 1,034 arpents. Rejected. Evidence insufficient.
[Page 1767.]

LAND OFFICE, *Washington, Mississippi.*

I certify that the foregoing are true extracts from the journals of the board of commissioners of land claims for the district west of Pearl river, so far as they relate to the claims of Claudio Bougand, register's Nos. 2010 and 2014.

Given under my hand and seal November 1, 1828.

B. L. C. WAILES, *Register.*

LAND OFFICE, *Washington, Mississippi, November* 1, 1828.

No. 2010. Claudio Bougand, 1,000 arpents.
No. 2014. Claudio Bougand, 1,034 arpents.

In obedience to a resolution of Congress of the 19th of May, 1828, authorizing an examination and report of the claims of John F. Carmichael to lands said to have been granted by the Spanish government to Claudio Bougand, we have the honor respectfully to report, for the consideration of Congress, the proceedings of the board of commissioners west of Pearl river, as given in the subjoined extracts from their journals, embracing the evidence on which those claims were rejected—that evidence not establishing the residence of the claimant, as stipulated in the second condition of the articles of agreement and cession between the United States and the State of Georgia. In doing this, we believe we fulfil the intention of the resolution. The original Spanish patents are understood to have been laid before Congress at the last session, with the memorial of John F. Carmichael, the present claimant, at whose request we have attached to this report a deposition of Thomas Dawson, a deputy surveyor, which relates chiefly to the appearance of an "old improvement" said to be on the lands in question. We do not discover from "the rules and regulations" which were made applicable to the board of commissioners appointed west of Pearl river, "that our opinion, as to the validity of the claims reported, is required or authorized to be given; we therefore confine ourselves to a report of the preceding documents in relation to those claims. The lands pointed out by the present claimant, as those embraced by the grants to Bougand, remain vacant, with the exception of a lot of one hundred and sixty-eight acres, purchased of the United States June 2, 1826, by John F. Carmichael, the present claimant.

Respectfully submitted.

B. L. C. WAILES, *Register.*
A. W. McDANIEL, *Receiver.*

HON. GEORGE GRAHAM, *Commissioner of the General Land Office.*

20TH CONGRESS.] No. 685. [2D SESSION.

QUANTITY AND QUALITY OF UNSOLD LANDS.

COMMUNICATED TO THE SENATE OF THE UNITED STATES DECEMBER 9, 1828.

Report from the Commissioner of the General Land Office, made in compliance with a resolution of the Senate April 25, 1828, and showing:

1. Quantity and quality of land, at minimum price, unsold June 30, 1828.
2. Probable value and character of same.
3. Length of time some has been in market.
4. Time that same was subject to be disposed of by foreign sovereigns before it came under the dominion of the United States.

TREASURY DEPARTMENT, *General Land Office, December 9, 1828.*

SIR: In compliance with so much of the resolution of the Senate of the United States, dated April 25, 1828, as requires "that the President of the United States be requested to cause the registers and receivers of the respective land offices in the different States and Territories to be directed to make a report to the Commissioner of the General Land Office (in time to be by him laid before the Senate at the commencement of the next stated session of Congress) upon the *quantity* and *quality* of the land remaining unsold in their respective districts on June 30, 1828, after having been offered at the minimum price of one dollar and twenty-five cents per acre, so as to show how many acres remain unsold, what proportion thereof (as nearly as can be estimated) consists of first rate land, what proportion consists of land unfit for cultivation, and what is the probable average value of the whole per acre; with such remarks upon the *character* of said unsold lands, and the *length* of time they may have been in market under the laws of the United States, or subject to be *given away* or otherwise disposed of by foreign sovereigns, before they came under the dominion of the United States, as may be necessary to give the Senate a just conception of their present actual value," a circular letter was addressed to the several registers and receivers of the respective land offices on the 28th of April last, enclosing a copy of the resolution, and requesting that their reports, respectively, should be made in compliance with, and within the period required by the said resolution; and I have now the honor to submit the reports of those officers, so far as they have been received, and which are lettered and numbered agreeably to the schedule herewith transmitted.

With great respect, your obedient servant,

GEO. GRAHAM, *Commissioner.*

PRESIDENT *of the Senate.*

Schedule of the reports rendered to the Commissioner of the General Land Office by registers and receivers of the United States land offices, pursuant to a resolution of the Senate of the United States passed April 25, 1828.

Land offices.	State or Territory.	Designated by—		Land offices.	State or Territory.	Designated by—	
		Letter.	Number.			Letter.	Number.
Marietta	Ohio	A.	1	Jackson	Missouri	D.	3
Zanesville	do	A.	2	Lexington	do	D.	4
Steubenville	do	A.	3	Palmyra	do	D.	5
Chilicothe	do	A.	4	Opelousas	Louisiana	E.	1
Cincinnati	do	A.	5	Ouachita	do	E.	2
Wooster	do	A.	6	New Orleans	do	E.	3
Piqua	do	A.	7	St. Helena	do	E.	4
Tiffin	do	A.	8	Washington	Mississippi	F.	1
Jeffersonville	Indiana	B.	1	Augusta	do	F.	2
Vincennes	do	B.	2	Mount Salus	do	F.	3
Crawfordsville	do	B.	3	Huntsville	Alabama	G.	1
Indianapolis	do	B.	4	Cahaba	do	G.	2
Fort Wayne	do	B.	5	Tuscaloosa	do	G.	3
Kaskaskia	Illinois	C.	1	Sparta	do	G.	4
Shawneetown	do	C.	2	One wanting	do	G.	.....
Edwardsville	do	C.	3	Detroit	Michigan	H.	1
Vandalia	do	C.	4	One wanting	do	H.	.....
Palestine	do	C.	5	Batesville	Arkansas	I.	1
Springfield	do	C.	6	Little Rock	do	I.	2
St. Louis	Missouri	D.	1	Tallahassee	Florida	K.	1
Franklin	do	D.	2	One wanting	do	K.	2

A No. 1.

LAND OFFICE, *Marietta, October* 4, 1828.

SIR: In pursuance of a resolution of the Senate of the United States of April 25, 1828, requiring the registers and receivers of the respective land offices to be directed to make a report to the Commissioner of the General Land Office upon the quantity and quality of the land remaining unsold in their respective districts on June 30, 1828, after having been offered at the minimum price of one dollar and twenty-five cents per acre, so as to show how many acres remain unsold, what proportion thereof consists of first rate land, what proportion consists of land unfit for cultivation, and what is the probable average value of the whole, per acre, &c., beg leave to report:

That, from an estimation made of the land remaining unsold in the district of Marietta on the thirtieth of June last, there was about four hundred and six thousand acres; and of first rate land remaining unsold, in the said estimation, there are none of any consequence; of lands of an inferior grade, where families may be reared and supported by the hand of industry, there may be one hundred thousand acres; but as there is so great a quantity of land for sale, it would probably be some years before that quantity could be disposed of at one dollar, or even seventy-five cents per acre. Of the remaining balance of three hundred and six thousand acres, we are of the opinion that there are about one hundred thousand not worth paying taxes for; but to average the value of the whole remaining unsold, we presume that fifty cents per acre would be the utmost extent of its value, and we think quite a high estimate.

The lands in this district have been offered for sale ever since the year eighteen hundred, except the reserved sections and fractions, which have been offered at various prices at different times; but since July the first, eighteen hundred and twenty, all lands in the district remaining unsold have been offered at one dollar and twenty-five cents; at which price (with but few exceptions) there has been sold about fifty-four thousand four hundred acres, amounting to sixty-eight thousand dollars and upwards.

All which is respectfully submitted.

JOSEPH WOOD, *Register.*
JOHN P. MAYBERRY, *Receiver.*

A No. 2.

LAND OFFICE, *Zanesville, November* 1, 1828.

SIR: In obedience to the request contained in your circular of the twenty-ninth of April last, accompanying a copy of a resolution of the Senate passed on the twenty-fifth of the same month, we respectfully report that the land office for the Zanesville district was opened at Zanesville on May 21, 1804, for the disposal of the land lying within said district, and that the sale thereof continued, under what is now denominated the credit system, until July 1, 1820, when, by an act of Congress passed the twenty-fourth of April, in that year, the credit system was abolished after the said first of July, and the price of public land reduced to $1 25 per acre, the payment to be completed on the day of purchase. The quantity of land sold under the provisions of the said act, between the said July 1, 1820, and June 30, 1828, was 161,888 acres; leaving a quantity unsold, in this district, at the latter date, (the period mentioned in the said resolution,) of 647,955 acres, all of which has been offered at public sale for $1 25 per acre, except 4,601 acres relinquished under the act of Congress of May 24, 1826.

No part of the unsold land, we believe, can be considered first rate, and we have no knowledge of any part, to the extent of a quarter section, lying in one body, which is unimprovable in some of the various ways of using and cultivating lands.

Not being particularly acquainted with the precise location of the unsold sections, or parts of sections, we are unable to state a probable average value of the whole of the unsold land per acre, only as we derive information from others. We have conversed with many of our citizens upon the subject of reducing the price of the public lands, and they generally deprecate the measure, as having a tendency to affect the present value of all the improved farms of the country, as well as all other property; and, also, as having a tendency to place the land in the hands of speculators, thereby doing an injury to the actual cultivators of the soil, rather than a benefit; that, although the average value of the unsold land in this district at the present time may be less than one dollar and twenty-five cents per acre, yet it is confidently believed, and the period thought not to be far distant when, from the public internal improvements which are now in progress in our country, the value of the whole will be so much increased that they will continue, as heretofore, readily to sell to actual cultivators of the soil for the present price, and a location upon them be considered a desirable residence.

We have the honor to be, sir, very respectfully, your obedient servants,

CHARLES C. GILBERT, *Register.*
B. VAN HORNE, *Receiver.*

A No. 3.

LAND OFFICE AT STEUBENVILLE, *September* 10, 1828.

SIR: In obedience to a resolution of the Senate of the United States, passed April 25, 1828, I have the honor to report as follows, viz:

That there remained unsold in the Steubenville district on June 30, 1828, after having been offered at the minimum price of one dollar and twenty-five cents per acre, land amounting to the quantity of one hundred and thirty-one thousand eight hundred and thirty-five acres, and eighty-one hundredths of an acre, consisting of the following particulars, viz:

	Acres.
1. Tracts which never had been entered, or reverted to the United States, prior to July 1, 1820	112,709.32
2. Tracts relinquished to the United States since July 1, 1820	16,081.60
3. Tracts reverted to the United States since July 1, 1820, and which may be redeemed under the act of March 21, last	3,044.89
Making altogether the quantity of	131,835.81

Of these lands there is not a tract that can be considered as first rate land, though there are few, if any, tracts entirely unfit for cultivation; and the average value of the whole cannot be fixed lower than one dollar per acre. Indeed, I have no hesitation in saying that the whole will command the present minimum price in the course of from five to ten years, there being a part of almost every section sold and improved. There is not, it is confidently believed, a half-quarter section in the district which will not, from some advantages of timber, coal, water, or range for stock, be worth that price to the owners of adjoining lands.

These lands have all been in market since July 2, 1800, with the exception of three (in a few cases four) sections in each township, which were reserved for the future disposal of Congress, and which were first offered for sale in November, 1805, at the rate of eight dollars per acre, under the act of March 3, 1805; and again at the minimum price of four dollars per acre, in the month of September, 1808, under the act of February 29, 1808.

Such of these reserved tracts as remained unsold were offered for sale in the month of September, 1821, at the present minimum price of one dollar and twenty-five cents per acre, under the act of April 24, 1820, and have since been subject to entry at that price, as other lands.

Respectfully submitted.

DAVID HOGE, *Register of the Land Office.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

A No. 3.

RECEIVER'S OFFICE AT STEUBENVILLE, *October* 12, 1828.

SIR: In compliance with the request contained in your letter of 29th April last, I have the honor to report to you, in conformity with the provisions of the resolution of the Senate of 25th April last.

The quantity of land remaining unsold in the Steubenville district I had no means of ascertaining, except from a reference to the register's books. By such a reference and examination I find the quantity to be 131,835.81 acres. These lands have been in market since July, 1800, (with the exception of a few reservations in each township,) and offered for sale at the minimum price of $1 25 per acre. Although, of this quantity there are in several places small pieces of very good land, yet no one tract can be estimated as *first rate land.* And no tract, of the quantity of a quarter section, is "unfit for cultivation." The whole is well worth, and it is my decided opinion it will soon sell at, the present price. The character of the unsold land, or a great proportion of it, is such that it will be highly useful and necessary to the adjoining lands for timber, water, or range.

Very respectfully, sir, your obedient servant,

S. STOKELY, *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

A No. 4.

LAND OFFICE, *Chilicothe, August* 12, 1828.

In obedience to a resolution of the Senate of the United States of April 25, 1828, requiring the registers and receivers of land offices to report upon the quantity and quality of the public lands which remain unsold in their respective districts; and in obedience to instructions from the Commissioner of the General Land Office of the 29th of the same month, on the same subject, the undersigned have the honor to submit the following report:

On June 30, 1828, there remained unsold in the district of Chilicothe, after having been offered at the minimum price of one dollar and twenty-five cents per acre, as per statement herewith, 1,011,928.25 acres.

No part of this quantity is considered to be first rate land; and perhaps one-eighth of the whole, or 126,491.03 acres, cannot be cultivated.

We think the whole quantity may be divided into five classes—each class containing one-fifth part of the whole; and that the first class is worth one dollar and twenty-five cents per acre; the second class one dollar per acre; the third class seventy-five cents per acre; the fourth class fifty cents per acre; the fifth class twenty-five cents per acre. The average value of the whole, per acre, will then be seventy-five cents.

That part of the district which has been purchased contains sandstone, slate, limestone, coarse marble, burrstone for mills, iron ore, coal, and salt water under the surface; and we have every reason to believe that the lands unsold contain the same kinds of minerals.

The value of these lands will probably be increased twenty-five cents per acre on account of the minerals; for the sole purpose of agriculture, we should not estimate the average value at more that fifty cents per acre.

The public lands are gradually selling, at private sale, for one dollar and twenty-five cents per acre; but other lands, which are occasionally offered at public sale in this part of the country, cannot be sold for one-fourth part of their apparent value, which is probably owing to the low price of agricultural productions, and the general decay of trade in the interior.

Statement of the quantity of land unsold in each township.

UNITED STATES MILITARY TRACT.

	Acres.
Range 12, township 8	2,482.99
Range 14, township 3	880.24
Range 14, township 5	2,191.60
Range 15, township 1	1,120.66
Range 15, township 2	1,403.77
Range 14, township 3	1,533.71
Range 15, township 6	4,967.20
Range 16, township 2	475.14
Range 16, township 4	3,009.09
Range 16, township 6	3,019.25
Range 16, township 7	2,122.88
Range 17, township 6	2,354.84
Range 17, township 9	3,365.71
Range 18, township 7	2,785.74
Range 19, township 6	1,689.04
Range 19, township 7	1,024.25
Amount in military tract	34,426.11

SOUTH OF THE MILITARY TRACT.

Townships.	Range 16.	Range 17.	Range 18.	Range 19.	Range 20.	Range 21.	Range 22.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
1	11,771.81	.....	13,395.30	2,494.39	.....	1,778.73	.....
2	18,276.80	17,053.89	18,121.75	6,578.19	3,626.27	12,717.94	.....
3	20,918.73	22,936.11	21,014.50	17,324.73	14,433.89	16,480.22	.....
4	18,634.63	21,165.88	21,119.15	17,969.87	16,275.35	14,018.80	*1,172.02
5	15,157.54	21,925.17	18,592.36	19,450.35	14,493.95	9,612.90	M. 157 65 L. 301.18
6	10,282.78	20,322.13	9,714.30	19,517.28	20,353.19	....	
7	14,556.71	13,770.33	10,178.62	21,873.68	12,434.38	.....	
8	2,958.76	18,664.89	20,232.67	18,799.50	4,622.07	2,228.72	
9	.....	17,319.53	18,426.05	18,500.17	13,859.29	.....	
10	.....	17,181.66	21,630.50	18,475.31	6,795.50	460.79	
11	.....	12,604.90	21,744.58	16,095.99	.....	80.00	
12	.....	18,620.08	20,097.86	10,317.24	.....	77.74	
13	.....	20,286.61	17,489.39	8,035.38	.....	.....	None in Range 23.
14	12,571.60	10,403.36	3,699.92	2,160.00	.....	.....	
15	1,540.99	16,446.73	.....	.....	.....	.....	
16	80.00	560.00	.....	.....	331.37	.....	
17	.....	.....	1,409.43	875.22	.....	.....	
18	.....	.....	.....	.....	.....	.....	
19	.....	640.93	.....	.....	.....	.....	
	126,550.35	249,906.18	236,866.36	198,467.30	106,625.26	57,455.84	1,630.85

* Matthews' survey.

	Acres.
Amount south of military tract	977,502.14
Amount in military tract	34,426.11
Total unsold	1,011,928.25

JESSE SPENCER, *Register.*
A. BOURNE, *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington.*

A No. 5.

LAND OFFICE, *Cincinnati, November* 18, 1828.

SIR: In compliance with your circular of the 29th of April last, enclosing a resolution of the Senate of the United States, passed on the 25th of that month, relative to the *quantity* and *quality* of the public land remaining unsold in the several districts on June 30, 1828, &c., we have the honor to report:

That in the district of Cincinnati there appears to have remained vacant, at the period referred to, of the lands which had been offered at the *minimum* price of $1 25 per acre, a little over 800,000 acres, of which about 500,000 are found to lie within the State of Ohio, and some 300,000 in the State of Indiana.

This statement *excludes* nearly 30,000 acres which, having been relinquished, forfeited, and reserved on account of conflicting claims, were not open for entry at the time specified; and *includes* above 36,000 acres entered by individuals and located by the State of Ohio (per act of Congress) since that period.

In reference to the *quality* of the unsold lands in this district we can only venture to submit the following *estimate* of what might possibly be the result of a graduation in the prices from an *actual inspection* of the premises, not being in possession of the requisite *knowledge* on which to found any more precise or *positive* opinion on the subject:

Estimate.

400,000	acres, 1st grade, at $1 25 per acre	$500,000
200,000	acres, 2d grade, at $1 per acre	200,000
100,000	acres, 3d grade, at 75 cents per acre	75,000
100,000	acres, 4th grade, at 50 cents per acre	50,000
800,000	acres, (average $1 03⅛.)	825,000

We have the honor to be, very respectfully, sir, your obedient servants,

PEYTON S. SYMMES, *Register.*
ANDREW M. BAILEY *Receiver.*

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office, Washington City.*

A No. 6

LAND OFFICE, *Wooster, July* 28, 1828.

SIR: In compliance with your letter of the 29th of April last, we have to state that the quantity of land remaining unsold on the 30th of June last, after having been offered at one dollar and twenty-five cents an acre, is 162,643.81 acres There is not, in our opinion, any that can be considered first rate; and that one-fourth, or 40,660 acres, is unfit for cultivation; and that the average value of the whole, in our opinion, is 90 cents an acre. The lands in this district have been in market twenty years.

Very respectfully, sir, your obedient servants,

CYRUS SPINK, *Register.*
SAMUEL QUINBY, *Receiver.*

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office.*

A No. 7.

An estimate of lands remaining unsold in the Piqua land district June 30, 1828.

8 ranges, containing 14 townships each, 112 townships.
112 townships, containing 35 sections each, 3,920 sections.

	Acres.
3,920 sections, containing 640 acres each	2,508,800.00
Deduct land sold	35,247.65
	2,473,552.35
Indian reservations	168,180.00
	2,305,372.35
Rivers and navigable streams	11,150.00
	2,294,142.35

SIR: The above estimate is made on the supposition that all the townships are complete, and that each section contains 640 acres. But it may be observed that there are some fractional townships, and that the sections on the north and west of each township contain either more or less than 640 acres. It is believed, however, that the fractional townships not enumerated would about make up the deficiency of a few of those that are taken into the calculation which are incomplete, and that there are as many sections containing more than 640 acres as there are that contain a less quantity. We have concluded that it is sufficiently precise to meet the object of the resolution passed in the Senate of the United States April 25, 1828, to which your circular refers.

The Piqua land offices were opened September 4, 1820, at which time about one-fourth of the lands in the district was offered for sale; another fourth was offered in August, 1821, and the other half in August, 1822.

The lands are principally second and third rate, a small proportion only being first rate, and a considerable part of them flat and wet, interspersed with swamps.

The value of the United States lands in this district, as well as all other western lands, depends entirely on the prices established by Congress.

All which is respectfully submitted by your humble servants,

THOMAS B. VAN HORNE, *Register.*
ROBERT YOUNG, *Receiver.*

Hon. G. GRAHAM, *Commissioner of the General Land Office, Washington.*

A No. 8 *a*.

LAND OFFICE, *Delaware District, Ohio, September* 28, 1828.

In pursuance of the resolution of the Senate, passed on the 25th day of April, 1828, calling upon the registers and receivers of the respective land offices in the different States and Territories to report to the Commissioner of the General Land Office upon the quantity and quality of land remaining unsold in their respective districts on the 30th day of June, 1828, after having been offered at the minimum price of one dollar and twenty-five cents per acre; what proportion consists of first rate land, and what unfit for cultivation, and the probable average of the whole, per acre, the undersigned have the honor to report that, in the performance of the duties required of them by said resolution, they find there was remaining unsold on the said 30th day of June, 1828, in this district, (1,641,914.92,) one million six hundred and forty-one thousand nine hundred and fourteen acres and ninety-two hundredths of land, mostly of inferior quality.

Three-fourths of the unsold lands lie in the five western ranges adjoining Piqua district, and between the head of Scioto river and lake Erie, embracing the table lands north of the Scioto, and all that region of country well known by the name of *Black swamp*, which extends quite to the lake, terminating in a surface little above the surface of the water of the lake. The table lands are generally of a good soil, flat and wet, a considerable portion unfit for cultivation. The Black swamp lands are low and wet, timbered with cottonwood, elm, beech, swamp ash, &c., of a very lofty growth, but a small part fit for cultivation, and of little value. Many years will pass before agriculturists will find it for their interest to enter the swamp and commence the process of removing the immense burden of timber, and ditching the lands, so as to bring them into use.

The proportion of first rate land unsold in this district on the said 30th of June last cannot exceed one-eighth part of the whole; one-fourth part, at least, of the whole unfit for cultivation, and the probable average value something less than fifty cents per acre, though difficult to ascertain their precise value, as we are informed by one of the surveyors who has explored the swamp there are six, eight, or more, entire townships of no value whatever.

The lands in this district were brought into market in the years 1820, 1821, and 1822, since which time they have been subject to entry at one dollar and twenty-five cents per acre.

Under the act of May 24, 1828, granting to the State of Ohio half a million of acres to aid said State in the construction of canals, &c., the governor has and will select from this district a quantity equal to about three hundred thousand acres. Should such be the result, the entries hereafter will be so limited as not to justify the expenditures of the office, and it is not certain whether the union of Piqua to Delaware would even do so.

Respectfully submitted.

PLATT BRUSH, *Register*.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

A No. 8 *b*.

RECEIVER'S OFFICE, *Tiffin, Ohio, 10th month (October) 4th*, 1828.

RESPECTED FRIEND: From the books of the land office in this place it appears that on the 30th of 6th month (June) last there remained unsold 1,641,914.92 acres of land, which, considering its situation, I am of the opinion, could not at that time be considered worth more than the following estimate, viz:

One-eighth, 1st rate land.....	205,239.36 acres, at $1,12½.....	$230,894 28
One-fourth, 2d rate land.....	410,478.73 acres, at 75 cents.....	307,859 04
Three-eighths, 3d rate land.....	615,718.09 acres, at 50 cents	308,009 05
One-fourth, too wet for cultivation..	410,478.73 acres, at 12½ cents	51,309 84
	1,641,914.91 acres.....	898,072 21

This valuation would, in the aggregate, make it worth 54 cents per acre; I think, however, that 50 cents per acre was then about the proper valuation; but to enable Congress to judge more correctly of its value, it will be necessary to be informed that the governor of this State will, in addition to what he has already made choice of, take a large proportion of the 500,000 acres granted to Ohio, out of this district; and selecting, as he does, the most salable parts, the remainder will of course be considerably reduced in value.

I am, very respectfully, thy assured friend,

HORTON HOWARD.

GEORGE GRAHAM, *Commissioner of the General Land Office.*

B No. 1.

LAND OFFICE, *Jeffersonville, October* 4, 1828.

SIR: In compliance with the resolutions of the Senate of the United States of the 25th of April last, the undersigned having conferred together in the consideration of the several subjects therein mentioned, beg leave to report: That in reference to the first inquiry contained in said resolutions, they have ascer-

tained that the complete quantity of public lands vacant in this district, including as well such as have been entered and relinquished and now vacant as those that had never been entered, and find that the quantity on the 30th day of June last was one million four hundred and ninety thousand nine hundred and twenty-six acres and forty-five hundredths.

As regards the second inquiry, viz: the quantity and average value, we must substitute for facts our mere opinions and speculations upon this subject, without coming to any conclusions that could be deemed even satisfactory to ourselves, were we appointed to affix the selling prices to the several rates herein mentioned.

We beg leave, however, to premise an opinion which is founded somewhat on our present observation, but principally from information derived from persons from various parts of the district.

Considering, under the resolution of the Senate, all lands as *first rate*, whose value is equal to the present government price, we believe there is one-twentieth of the whole vacant lands in this district of that value; two-twentieths worth only seventy-five cents; seven-twentieths worth only fifty cents; and the remaining ten-twentieths only twenty-five cents per acre, including in the last item the proportion of land unfit for cultivation, estimated at four twentieths of the whole quantity. Agreeably to this estimate, the average value, per acre, will be found to be something like forty-three and three-fourths cents.

We think it unnecessary to go further into detail in the graduation of value. No doubt there are thousands of acres of land not worth the minimum price stated by us, having no reference to their relative situations to other lands; yet we cannot but believe that the worst half of the lands now vacant would average that price.

It is difficult to attach any particular character to the public lands in this district. They may be considered as *arable*, in the general, and in comparison with other lands in this State; as rated for taxation according to the laws of the State, we should say they would be rated as third rate.

Portions of this district having been purchased from the Indians by the government at different periods, have in that order come into market. That part which was originally a part of the Vincennes district was first offered for sale at Vincennes in 1807; another portion, embracing nearly or quite half of the district, came first into market in the spring of 1808; another in the fall of 1816; and another in the summer of 1820.

As propositions have been made in Congress to graduate the price of public lands according to the periods when the several districts or parts of districts were first brought into market, we would beg leave to remark, as regards this district, such rule would be altogether fallacious. Within the last three years, it will be found that most of the entries have been made in the older and most settled parts of the district. We are sensible, however, that such is not the case in districts so recently come into market; that the best of the land is not yet culled out.

Should it not be deemed derogatory to the objects of the inquiry made by the Senate, we would beg leave to suggest the propriety of the government appointing one or more trusty agents in each district to assess the value of each vacant tract, and attach thereto its assessed value per acre, (being furnished with a list for that purpose.)

The very great variety in the quality of the public lands in general, even in the same neighborhoods, and in fact in the same section, renders this the only practicable way by which the real value can be ascertained.

Although it may be attended with some expense to the government, yet we deem it of sufficient object that the public lands should be for sale at their true value—not to be sold for less; and, at the same time, that the stated price should not be fixed by law, to which a purchaser would have to go whether the land is worth the price or not, as under the present system.

The public lands being thus graduated in price, according to their quality, will, in their disposal, be accommodated to the circumstances of all classes of citizens.

We have the honor to be, with great respect, your obedient, humble servants,

SAM. GWATHMEY, *Register.*
ANDREW P. HAY, *Receiver.*

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office.*

B No. 2.

LAND OFFICE AT VICENNES, *November* 11, 1828.

SIR: In obedience to the resolution of the Senate of the United States of April 25, 1828, and to your circular of the 24th of May last, we have the honor, respectfully, to submit the following report:

The quantity of lands remaining unsold in this district amounted, on the 30th of June last, on the north of the base line, to 1,905,751.89 acres; and on the south of the same, to 1,496,970.42 acres; which added to 3,723.43 acres, within a triangle on the west side of the Wabash, between the districts of Shawneetown and Palestine, in the State of Illinois, belonging still to the district of Vincennes, present an aggregate of 3,406,445.74 acres, as will more fully appear by reference to the enclosed tabular statement (A.)

Of the said quantity, 1,826,750.41 acres were first exposed to sale on April 27, 1807; 1,363,654.82 acres on September 9, 1816; and 216,040.51 on June 18, 1821.

In relation to the various qualities of the lands remaining unsold, it has been impracticable to arrive at anything like precision; but from the means of information within our reach, we are induced to present the following estimate as the nearest approximation to truth of which the case is susceptible, viz: Lands of the first quality, 851,611.43½ acres; lands of the second quality, 851,611.43½; and lands of the third quality and those also which may be considered as unfit for cultivation, 1,703,222.87 acres.

With respect to the value of the first rate lands remaining unsold, it is difficult to form and perhaps rash to express an opinion—that value depending on the greater or less quantity of land in the market; on the greater or less demand on circumstances affecting the prosperity of the United States; and, of course, the abilities of purchasers and inducements to emigration. The same kinds of lands which, in 1816, and subsequent years, sold briskly at $2 per acre, (a price often increased by competition,) sell now

slowly at $1 25 ; and but three cases exist since the price of land was lowered, wherein lands were raised above the minimum price, and then the advance had little relation to the quality of the soil, but arose chiefly from some peculiar advantage of locality.

We submit the foregoing observations and facts to the consideration of Congress, unwilling to hazard an opinion of our own. We will only beg leave, respectfully, to suggest whether a further reduction in the price of land would not reanimate the spirit of speculation ; have a tendency to throw the best lands into the grasp of the wealthy, and thus defeat its ostensible object—that of placing within the reach of those least favored by fortune the means of independence. We cannot resist the impression that, with a favorable change of circumstances, especially in the prospects of the class devoted to agriculture, the sale of public lands at the present price would in a great measure reassume its former activity.

There are in this district no existing claims derived from foreign governments. Those derived from the French and British governments have been all settled and satisfied.

We have the honor to be, respectfully, sir, your obedient servants,

JOHN BADOLLET, *Register.*
J. C. S. HARRISON, *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

A.

	R. 1 N.	R. 2 N.	R. 3 N.	R. 4 N.	R. 5 N.	R. 6 N.	R. 7 N.	R. 8 N.	R. 9 N.	R. 10 N.	R. 11 N.	R. 12 N.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
1	14,993.71	12,641.32	20,131.76	18,493.31	9,961.96	14,924.67	14,682.79	12,619.05	11,921.59	10,772.82	15,164.47	1,411.36
2	7,126.57	7,236.92	18,424.76	16,628.29	19,491.00	17,605.60	7,447.15	13,044.89	2,523.17	10,560.75	8,951.36	.....
3	19,608.92	18,984 98	16,663.96	17,110.78	16,956.59	14,577.50	9,908.16	2,859.28	.....	455.33	.....	.....
4	12,966.83	12,342.25	19,854.28	22,313.96	20,532.25	19,062.46	19,658.31	12,175.13	3,554.27	5,370.30	.....	.....
5	7,195.12	13,551.18	22,409.24	21,827.72	22,396.00	19,392.63	19,236.96	16,191.28	10,793.73	10,706.37	.....	.....
6	13,368.07	15,201.34	21,795.82	22,581.33	17,897.32	19,529.18	18,840.69	19,637.60	9,825.43	9,524.81	.....	.....
7	13,602.49	14,956.04	20,676.82	20,448.16	13,262.19	22,646.10	22,201.34	23,063.42	12,937.12	9,334.88	895.02	.....
8	.....	9,404.00	21,499.39	15,592.59	11,511.29	20,720.46	22,373.32	21,430.10	18,407.29	15,617.12	6,766.43	.....
9	9,882 37	6,600.39	18,493.69	12,268.54	19,030.56	21,844.68	22,078.31	21,805.78	18,089.36	12,292.11	1,373.94	.....
10	5,039.99	10,061.41	10,199.48	21,723.48	22,455.80	21,855.50	22,023.40	20,371.54	17,847.69	12,026.39	5,161.23	.....
11	.....	.....	5,998.49	21,614.68	20,748.04	20,925.54	22,532.09	18,478.74	5,620.46	4,391.12	.....	.....
12	.....	.....	.....	7,530.63	17,635.71	22,172.16	21,850.33	15,067.00	5,382.98	8,587.16	.....	.....
13	.....	.....	.....	.....	2,839.28	17,234.73	21,564.29	13,394.97	7,432.14	6,793.32	.....	.....
14	.....	.....	.....	.....	.....	.....	6,739.93	12,242.41	6,898.09	7,783.40	.....	.....
15	.....	.....	.....	.....	.....	.....	.....	4,375.79	12,204.79	7,112.76	.....	.....
16	.....	.....	.....	.....	.....	.....	.....	.....	1,571.10	5,601.87	.....	.....
	103,784.07	120,979.83	196,147.69	218,133.47	214,717.99	252,491.21	251,137.12	226,756.98	145,009.21	136,870.51	38,312.45	1,411.36

RECAPITULATION.

	Acres.
Range 1.....	103,784.07
2.....	120,979.83
3.....	196,147.69
4.....	218,133.47
5.....	214,717.99
6.....	252,491.21
7.....	251,137.12
8.....	226,756 98
9.....	145,009.21
10.....	136,870.51
11.....	38,312.45
12.....	1,411.36
"	1,905,751.89

	R. 1 s.	R. 2 s.	R. 3 s.	R. 4 s.	R. 5 s.	R. 6 s.	R. 7 s.	R. 8 s.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
1	18,897.10	20,489.60	21,984.02	22,438.52	15,671.76	18,842.22	22,238.07	19,767.95
2	20,680.20	21,280.00	22,064.56	21,950.94	20,272.66	21,694.36	22,196.36	21,199.96
3	20,431.15	18,645.54	22,083.60	22,650.50	20,859.10	21,160.25	23,194.51	20,864.18
4	20,483.28	20,182.00	21,793.57	22,185.91	18.679.23	21,443.19	21,387.84	17,796.44
5	16,316.77	22,166.86	21,480.32	21,598.64	19,681.40	20,592.02	21,628.25	14,411.51
6	5,200.00	20,966.70	18,313.74	8,826.60	17,773.00	16,698.85	21,207.68	18,620.45
7	160.00	7,301.91	4,791.44	.....	1,147.71	11,427.64	17,313.14	7,056.60
8	.....	.....	.....	.....	.....	5,204.84	1,840.00	....
9	.....	.....	.....	.....	.....	.....	.....	.....
	103,368.50	131,032.61	132,510 27	119,651.11	114,085.06	137,063 37	151,005.85	119,717.29

STATEMENT A—Continued.

	R. 9 S.	R. 10 S.	R. 11 S.	R. 12 S.	R. 13 S.	R. 14 S.	R. 15 S.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
1	18,216.40	8,957.81	15,074.35	8,228.53	4,691 22	49.40	.....
2	21,025.71	8,677.55	.....	17,687.75	18,041.10	5,963.17	.....
3	22,409.02	18,599.84	11,631.37	7,355.35	3,651.28	1,955.49	.....
4	19,847.40	17,906.52	15,398.58	8,744.05	6,064.00	3,626.28	49.04
5	21,157.44	16,061.85	19,389.18	17,025.20	12,186.10	9,066.81	17.30
6	18,597.10	10,917.15	17,189.20	21,350.89	6,483.91	14,581.99	4,396.36
7	.....	.....	8,748.05	11,226.70	1,407.71	12,712.97	2,050.90
8	.....	.....	115.27	.....	.....	3.07	.....
9	.....	.....	.....	.....	.....	.....	.....
	121,253.07	81,120.72	87,546.00	91,618.47	52,525.32	47,959.18	6,513.60

RECAPITULATION.

	Acres.
Range 1	103,368.50
2	131,032.61
3	132,510.27
4	119,651.11
5	114,085.06
6	137,063.37
7	151,005.85
8	119,717.29
9	121,253.07
10	81,120.72
11	87,546.00
12	91,618.47
13	52,525.32
14	47,959.18
15	6,513.60
	1,496,970.42

ILLINOIS.

TOWN.	R. 12 S.	R. 13 S.	R. 14 S.	Total.
	Acres.	*Acres.*	*Acres.*	*Acres.*
1	798.09	2,892.28	36.06	3,723.43

B No. 3.

LAND OFFICE AT CRAWFORDSVILLE, *September* 17, 1828.

SIR: Agreeably to directions contained in a resolution of the Senate of the United States, bearing date April 25, 1828, accompanied by your letter of the 29th of the month, to registers and receivers, "to make a report upon the quantity and quality of the land remaining unsold in their respective districts on June 30, 1828, after having been offered at the minimum price of one dollar and twenty-five cents per acre, so as to show how many acres remain so unsold, what proportion thereof (as nearly as can be estimated) consists of first rate land, what proportion consists of land unfit for cultivation, and what is the probable average value of the whole, per acre."

We herewith enclose a report showing the quantity of land remaining unsold on the 30th of June last, after being offered at the minimum price of one dollar and twenty-five cents per acre, and the time it has been in market, under the laws of the United States prior to that date. Also, the proportion (in our opinion) that may be estimated as unfit for cultivation. And it is our opinion that, after deducting the one-twentieth part from the whole amount, the balance may be classed as first and second rate land generally; but what proportion these rates will bear to each other in quantity we cannot undertake to say with any degree of certainty, but are rather inclined to think that the first rate contains the largest quantity; and it is our opinion that the average value of these lands is not less than the present minimum price of one dollar and twenty-five cents per acre.

We have given the quantity of lands reserved for schools and the quantity reserved for Indian individuals. We know of no lands within this district that were subject to be given away, or otherwise disposed of by foreign sovereigns, before they came under the dominion of the United States.

We are, sir, very respectfully,

WILLIAMSON DUNN, *Register.*
A. WHITLOCK, *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington City.*

Report showing the quantity of the public lands remaining unsold on the 30th day of June, 1828, in the Terre Haute land district, after having been offered for sale at the minimum price of one dollar and twenty-five cents per acre, on the following periods, as follows:

	Quantity remaining unsold on the 30th day of June, 1828.	Remarks.
	Acres.	
Of the lands offered for sale in the month of September, 1820, there remains unsold	555,761.03	7 years and 9 months in market.
Of the lands offered for sale in the month of July, 1822, there remains unsold	350,105.97	5 years and 11 months in market.
Of the lands offered for sale in the month of November, 1822, there remains unsold	271,682.03	5 years and 7 months in market.
Of the lands offered for sale in the months of November and December, 1824, there remains unsold	630,531.66	3 years and 6 months in market.
Of the lands offered for sale in the month of October, 1827, there remains unsold	144,179.44	8 months in market.
One-twentieth part of this amount may be estimated as unfit for cultivation	1,952,260.13	
Lands reserved for schools	77,166.02	
Lands reserved for Indian individuals	12,160.00	

WILLIAMSON DUNN, *Register.*
A. WHITLOCK, *Receiver.*

LAND OFFICE AT CRAWFORDSVILLE, *September* 19, 1828.

B No. 4.

LAND OFFICE, *Indianapolis, August* 21, 1828.

SIR: Your letter of the 29th April last accompanying a resolution of the United States Senate, dated April 25, 1828, was duly received, and, in pursuance of the directions therein contained, I have the honor to report that the land district over which I have control contains about 2,649,600 acres, though it is proper to remark that, in making that estimate, the net amount of fractions, &c., were not calculated. Thirty-five townships were offered at public sale in October, 1820, forty townships in July and August, 1821, and the residue in October, 1822. The whole amount sold at public and private sale since the establishment of the office amounts to 797,498 acres, leaving a balance unsold of 1,852,102 acres, which may be divided into three classes of first, second, and third rate, generally timbered and fit for cultivation in some way.

I enclose a statement of the sales, monthly, by which it may be seen that there is no great difference in the aggregate of private sales per annum, nor do I believe there will be for many years to come. There are yet whole townships of land in this land district without an entry in them, where the water and quality of the soil is said to be very little inferior to that which was sold at a high rate at the first public sales.

Very respectfully, I am your obedient servant,

ROBERT HANNA, JR., *Register.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

Statement of sales.

		Acres.
1820,	October	73,325.58
	November	15,457.70
	December	7,311.47
1821,	January	6,040.90
	February	2,233.09
	March	4,299.74
	April	5,943.55
	May	6,963.81
	June	4,885.45
	July	57,057.70
	August	57,272.78
	September	15,962.39
	October	19,294.92
	November	9,662.19
	December	11,297.12
1822,	January	11,188.89
	February	7,049.02
	March	10,854.55
	April	7,868.68
	May	7,088.43
	June	6,984.21
	July	5,789.32
	August	6,978.91
1822,	September	20,533.77
	October	28,981.00
	November	25,122.67
	December	10,895.81
1823,	January	8,127.60
	February	6,765.52
	March	6,758.53
	April	4,826.93
	May	4,879.72
	June	8,784.14
	July	5,007.04
	August	6,510.64
	September	6,620.85
	October	10,546.26
	November	9,676.84
	December	8,115.42
1824,	January	6,257.05
	February	6,411.36
	March	5,449.15
	April	4,838.70
	May	4,377.66
	June	5,394.09
	July	3,907.69

Statement of sales—Continued.

		Acres.
1824,	August	3,614.48
	September	2,902.59
	October	7,052.02
	November	4,766.58
	December	5,712.86
1825,	January	4,720.42
	February	3,468.32
	March	2,553.32
	April	2,438.01½
	May	3,099.41½
	June	1,807.55
	July	3,361.40
	August	3,788.40
	September	1,905.91
	October	.....
	November	.....
	December	25,501.31
1826,	January	5,916.10
	February	5,380.20
	March	1,220.86
	April	2,470.90
	May	3,089.96
	June	4,562.00
	July	2,642.29
	August	6,975.92
1826,	September	8,779.36
	October	12,090.61
	November	10,934.32
	December	7,104.83
1827,	January	5,547.87
	February	1,881.17
	March	5,221.08
	April	1,914.53
	May	5,734.16
	June	4,961.76
	July	3,283.01
	August	8,189.46
	September	6,537.26
	October	9,304.68
	November	8,004.75
	December	5,524.51
1828,	January	4,999.74
	February	4,567.37
	March	5,692.48
	April	3,061.17
	May	2,829.51
	June	2,785.06
	Total	807,498.35

B No. 4.

RECEIVER'S OFFICE, *Indianapolis, September* 29, 1828.

SIR: In obedience to the instructions of the President, I now offer you the following report, in compliance with the resolution of the Senate of the United States of the 25th April last, to wit:

All the lands in the district have been offered at public outcry for the *minimum* price.

Since the establishment of the land office for this district the following sales have been made, viz:

	Acres.
In the year 1820	96,094.75
In the year 1821	200,913.64
In the year 1822	149,335.26
In the year 1823	86,619.49
In the year 1824	60,684.23
In the year 1825	52,644.06
In the year 1826	71,167.35
In the year 1827	66,104.24
In the year 1828, up to June 30	23,498.33
Making an aggregate of	807,498.35

The public sales were holden in October, 1820; in July and August, 1821; and in September and October, 1822; during those months 237,170.83 acres were sold, at an average price of one dollar and forty-four and a half cents per acre. The remaining 570,327.52 acres were sold at private sale, from October, 1820, to June 30, 1828, for the *minimum* price. Supposing the *excess* of fractional sections will equal the deficit of those that fall short of the usual number of acres, the quantity of land remaining unsold on the 30th June last may be computed at 1,842,101.65. That I may be enabled to give what I conceive to be the "*probable average value*" of the unsold lands, I will make five equal divisions of them: in doing which, I take into view the soil, their contiguity to mills and other sites for water machinery, water-courses, public roads, and the seats of justice for the several counties within the district. One-fifth may be called *first rate*, well worth the Congress price, and worthy the attention of the agriculturist. One-fifth may be called second rate; as to its value, it is not equal to the *first rate*, though in process of time, when the sales shall have diminished, the quantity of first rate may bring the *minimum* price. The remaining *three-fifths* will not, in any reasonable time, bring the government price. One portion may be estimated at 75 cents, one at 50 cents, but the third is *unfit* for cultivation and without value.

The streams that water the district are tributary to the White rivers; they have their source in the north, and pass through the district in a southern direction. All the important roads long since have their direction, and nearly the whole territory has been organized and laid off into new counties by the State legislature. On the margin and in the vicinity of these streams, on the public roads, and near the seats of justice for the new counties, the most choice spots, as it regards soil and locality, have been selected by adventurers; the resident agriculturists, emigrants, and speculators having had nearly eight years to examine the district, it is but reasonable to suppose, from the lapse of time and opportunity offered, that the most desirable lands have been sold. These considerations have had their influence in making up my opinion of the quality and value of those lands. In addition to these, I will add one other—the sales

at this office are on the decline. The receipts for the fiscal year ending the 30th of this month, as may be seen by reference to our returns with the Commissioner of the General Land Office, will fall short of those of the last year not less than eighteen thousand dollars.

For the correctness of my view and estimate of the value and quality of the unsold lands, I rely in part on my own knowledge of the district, and in part on information sought and derived from others.

The honorable senator who moved the adoption of the resolution seems to have contemplated a *joint* report, and I would have preferred uniting with the register, but as he made a separate report during my necessary absence in August, I now cheerfully comply with the call by tendering the foregoing report and remarks.

I am, sir, most respectfully, your obedient servant,

N. NOBLE.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington.*

B No. 5.

LAND OFFICE, *Fort Wayne, November* 12, 1828.

SIR: In obedience to your circular of the 29th of April last, covering a resolution of the Senate passed the 25th of the same month, and your additional circular of the 24th of September last, in relation to the quantity and quality of the public lands remaining unsold in the different districts on June 30, 1828, we beg leave, most respectfully, to report:

That in the district of Fort Wayne the whole quantity of land remaining unsold at that period, which had been offered at the minimum price of $1 25 per acre, was about 1,546,000 acres—about 200,000 acres of which we judge to be first rate.

A very small portion, indeed, (if any,) of the lands in this district is *totally unfit* for cultivation—for all, or nearly all, that is too wet for plough land is excellent for meadow.

In regard to that branch of the resolution relative to the average value of the whole per acre, it seems to us that no data exist on which we can safely rely to enable us to form any satisfactory opinion; we do not, however, doubt that the lands will readily sell, as fast as they may be wanted, either at the present price or lower, if Congress should think fit so to decide. And we would further respectfully suggest that if a gradation of price be contemplated, it should apply to the *different qualities* of the lands, to be ascertained and determined by actual view; and when so fixed, should be permanent and unchangeable.

We will now proceed to submit such general remarks as we feel authorized to suggest upon the character of the said unsold lands, and the time they have been in market, &c. The country, generally, composing the Fort Wayne district, presents a level surface, a deep rich soil, and an abundant growth of timber, and, in a state of nature, a large portion of it appears, at first view, too wet for cultivation; but this objection is generally found to disappear when the lands are cleared of the timber and brought into a state of culture.

A portion of the country, remote from the principal streams, is destitute of springs and, during the dry seasons, of running water; but good well water can be procured everywhere at convenient depths. It will, however, be dependent, in a measure, on *some substitute* for water power for mills, &c. Those parts of the district adjacent to the Maumie St. Maries, Wabash, Mississinawa, and Salamanie, which a reference to the map will show to be extensive, are well supplied with water for all necessary purposes.

Of the whole quantity of lands remaining unsold on the 30th of June last, 1,537,600 acres have been in market, at the minimum price of $1 25 per acre, from October, 1823, to October, 1825; and from that period until about May 1, 1827, an additional quantity of about 8,400 acres, being the then unsold balance of four fractional townships north of the Maumie, near Fort Wayne, first offered for sale in October, 1825; in all, 1,546,000 acres.

On or about the first of May, 1827, a barren of 5 miles in width, all along the north boundary of the Fort Wayne district, together with the whole of the aforesaid fractional townships north of the Maumie, remaining unsold, was withdrawn from sale, by direction of the Commissioner of the General Land Office, *for canal purposes*—amounting, in the whole, to about 115,000 acres; this comprehends the *best*, and, with the exception of a body of lands on the Mississinawa and some on St. Maries, *almost the only* lands in the district which are *at this time* in demand.

In the foregoing statements and suggestions we have not pretended to unquestionable accuracy, but presume they are sufficiently so, as fully to answer the purposes which were expected.

In conclusion, we would beg leave to submit a few remarks in relation to some parts of the Fort Wayne district which have not yet been offered for sale. Though fully aware, sir, that this is not *called for* on the present occasion, yet we respectfully presume that it will not be considered as intrusive.

We are advised that at a treaty recently concluded on the St. Joseph's of Lake Michigan, an extensive purchase of valuable lands has been made from the Pottawatomies, embracing all the country between this place and the north boundary of Indiana, not previously ceded, and extending west as far as the country is desirable. This is, in our opinion, a most important acquisition, as well in relation to the general government as to the State of Indiana.

It is sincerely hoped that the necessary measures will be taken to bring it into market as early as possible. Crowds of emigrants are already pressing into the country, particularly the northern part of Indiana and the Michigan Territory; and we humbly conceive that the encouragement of a settlement in that quarter, which an early sale of the lands would certainly afford, would be of great public utility, by keeping the Indians in check, facilitating intercourse among our scattered population, and leading to a speedy consolidation of the whole.

Great part of this tract of country is said to be very fine, especially that which is watered by the St. Joseph's and its branches; at all events, we have conclusive evidence that the lands would sell and settle with wonderful rapidity if brought into market.

An apology is due, sir, on account of this document not having been furnished at an earlier day. Mr. Vance has been absent from this place for some time, and though fully impressed with the importance of

this particular duty, and sincerely intending to have performed it in due season, yet, acted on by imperious circumstances, he only arrived here a few days past. We most sincerely hope that no injury to the public may accrue in consequence of the delay.

We have the honor to be, most respectfully, your obedient servants,

SAM. C. VANCE, *Register.*
JOSEPH HOLMAN, *Receiver.*

GEO. GRAHAM, Esq., *Commissioner of the General Land Office, Washington City.*

C No. 1.

LAND OFFICE, *Kaskaskia, November* 1, 1828.

SIR: We have had the honor to receive a copy of the resolution of the Senate of the United States, passed on the 25th of April last, requiring from registers and receivers a report to your office "upon the quantity and quality of the land remaining unsold in their respective districts on the 30th day of June, 1828, after having been offered at the minimum price of $1 25 per acre, so as to show how many acres remain so unsold, what proportion thereof (as nearly as can be estimated) consists of first rate land, what proportion consists of land unfit for cultivation, and what is the probable average value of the whole, per acre," &c.

We regret sincerely that is not in our power to comply with your wishes in making out and forwarding, in due season, the report required.

The township plats belonging to this office have become from long and frequent use so much defaced and mutilated that a report embracing the information required by the resolution of the Senate cannot, with any pretensions to accuracy, be prepared.

Application has been repeatedly made by the register to the surveyor general at St. Louis for a new set of plats, which have not yet been furnished, and without which the quantity of land remaining unsold in this district cannot, with any precision, be ascertained.

We have the honor to be, sir, your obedient servants,

S. BOND, *Register.*
EDW. HUMPHREYS, *Receiver.*

Hon. GEO. GRAHAM, *Commissioner of the General Land Office, Washington.*

C No. 2.

LAND OFFICE, *Shawneetown, October* 8, 1828.

SIR: In obedience to the requisition of a resolution of the Senate of the United States of April 25, 1828, requiring the several registers and receivers to report to the Commissioner of the General Land Office upon the quantity and quality of the land remaining unsold in their respective districts on June 30, 1828, the register and receiver at Shawneetown most respectfully beg leave to submit—

That on the day referred to about 2,689,815.87 acres remained unsold, of which the greater part has been in market at the minimum price of one dollar and twenty-five cents per acre since July 1, 1820. That about four-ninths, or 1,195,473.72 acres, may, we presume, be fairly classed as the first kind of land; and that about one-ninth, or 298,868.43 acres, would, in our opinion, be a large estimate of the quantity unfit for cultivation, as it is rendered so more from lowness of situation than barrenness of soil; so that eight-ninths of the district may be safely rated as good arable land, with the northern and western part beautifully variegated with woodland and prairie, while the eastern and southern parts present a timbered country, diversified with hill and dale, with gently rolling and table land, washed by the Great Wabash and Ohio rivers, with the Little Wabash, Saline, Big Bay, Cash, and Muddy rivers, with their tributary streams, winding their courses through every part of the district, besides the wealth produced to the surrounding country by the Ohio Saline, and future advantages expected to result from the iron and lead ores, and other minerals with which the southeastern part of the district abounds, so that the average value may be safely rated at one dollar per acre.

All of which is respectfully submitted.

THOMAS SLOO, *Register.*
JOHN CALDWELL, *Receiver.*

C No. 3.

LAND OFFICE, *Edwardsville, Illinois, November* 13, 1828.

SIR: We herewith, in obedience to a resolution of the Senate of the United States, passed April 25, 1828, transmit to your office a statement showing the amount of lands unsold in this district, the quantity of first rate land, the quantity of second rate, third rate, and unfit for cultivation. In making this classification we have been governed by the surveyor's descriptions principally. We have thrown into the class of "unfit for cultivation" much land described as first rate soil, but which is prairie, and distant from timber. We have estimated the probable value of the whole quantity at $1,341,639 29, or forty-eight and nearly eleven-hundredths cents per acre. In making this estimate of value, we estimate the first rate land at the Congress price, $1 25 per acre; second rate land at $1; third rate land at fifty cents; and that which is reported as unfit for cultivation, at ten cents per acre.

We are, respectfully, your obedient servants,

WM. P. McKEE, *Register*
JAMES MASON, *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington City.*

Report of the quantity and quality of land remaining unsold in the district of lands offered for sale at Edwardsville on June 30, 1828, showing how many acres remain so unsold, what proportion is first rate land, what proportion is unfit for cultivation, and the probable average value of the whole, per acre, &c.; made in compliance with a resolution of the Senate of the United States, adopted April 25, 1828.

Ranges.	Townships.	1st rate land.	2d rate land.	3d rate land.	Unfit for cultivation.	Quantity unsold.	Remarks.
		Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	
1 W.	1 N.		20,241.81			20,241.81	
	2 N.		960.00		21,493.38	22,453.38	In market from October, 1816.
	3 N.		14,980.28	3,745.07	3,745.07	22,470.42	
	4 N.		11,128.07	6,524.03	1,920.00	19,572.10	
	5 N.						Seminary land.
	6 N.		16,810.33	3,362.06		20,172.39	
	7 N.		19,183.39	2,740.48		21,923.87	
	8 N.		17,547.45	2,193.42	2,193.42	21,934.29	Sale in August, 1819.
	9 N.		12,438.12	5,330.61	3,553.74	21,322.47	
	10 N.		14,864.13		7,432.07	22,296.20	
	11 N.				21,979.12	21,979.12	Sale October, 1820.
	12 N.		14,423.00		17,692.27	22,115.33	
	13 N.		11,089.24	5,549.62	5,549.62	22,188.48	Sale October, 1823.
			143,665.88	29,445.29	85,558.69	258,669.88	
2 W.	1 N.			6,750.67	13,501.34	20,252.01	
	2 N.		2,536.68	8,878.39	3,805.02	15,220.09	
	3 N.		5,351.29	10,702.58	5,351.29	21,405.16	Market, October, 1816.
	4 N.		3,840.00	6,907.80	10,747.80	21,495.60	
	5 N.		5,609.77	11,219.57	5,609.77	22,439 11	
	6 N.		9,868.26	9,868.26		19,736.52	
	7 N.		12,504.14	6,252.06		18,756.20	
	8 N.		7,414.96	14,829.88		22,244.84	Sale in August, 1819.
	9 N.		22,422.22			22,422.22	
	10 N.		3,840.00		18,602.22	22,442.22	
	11 N.	7,500 00	15,000.74			22,500.74	Sale October, 1820.
	12 N.	11,498.84	11,498.84			22,997.68	
	13 N.	3,877.26	9,693.15	9,693.15		23,263.56	Sale October, 1823.
		22,876.10	109,580.05	85,102.36	57,617.44	275,175.95	
3 W.	1 N.		2,521.09	7,563 27	5,042.18	15,126.54	
	2 N.		2,402.00	12,010.04	4,804.01	19,216.05	
	3 N.		3,540.48	7,080.93	10,621.39	21,242.80	In market, October, 1810.
	4 N.		4,371.95	8,743.90	4,371.96	17,487.81	
	5 N.		2,150.53	9,602.16	2,150.54	13,903.23	
	6 N.	1,496.84	11,974.66	2,993.66	1,496.83	17,961.99	
	7 N.	1,708.87	6,835.46	6,835.47	5,126.60	20,506.40	
	8 N.			5,401.29	16,203.90	21,605.19	Sale in August, 1819.
	9 N.	7,240.07	3,620.04	3,620,04	7,240.07	21,720.22	
	10 N.		2,182.64	8,730.59	10,913.22	21,826.45	
	11 N.	3,681.61			18,508.08	22,189.69	Sale October, 1820.
	12 N.	3,656.29	18,281.50			21,937.79	
	13 N.		7,312.90		14,625.81	21,938.71	Sale October, 1823.
		17,783.68	65,193.25	72,581.35	101,104.59	256,662.87	
4 W.	1 N.			10,365.46	10,365.47	20,730.93	
	2 N.		15,026.93		5,008.98	20,035.91	
	3 N.		9,907.57	7,926.06	1,981.51	19,815.13	In market, October, 1816.
	4 N.		9,151.19	4,575.60	4,575.60	18,302.39	
	5 N.			11,673.89	4,336.94	16,010.83	
	6 N.			2,718.67	2,718.67	5,437.34	
	7 N.	5,124.24	5,124.24	3,416.15	6,832.32	20,496.95	
	8 N.	4,507.24	9,014.47	2,253.62	2,253.61	18,028.94	Sale in August, 1810.
	9 N.		5,090.35		15,271.07	20,361.42	
	10 N.		5,544.73		16,634.19	22,178.92	
	11 N.				22,291.21	22,291.21	Sale October, 1820.
	12 N.				22,280.87	22,280.87	
	13 N.		3,712.56		18,562.81	22,275.00	Sale October, 1823.
		9,631.48	62,572.03	42,929.45	133,113.25	248,246.21	
5 W.	1 N.		14,388.81		7,199.40	21,583.21	
	2 N.		7,874.23	6,299.38	1,574.84	15,748.45	
	3 N.	4,571.13	4,571.14	7,314.82	1,828.45	18,284.54	On sale October, 1816.
	4 N.		4,351.76	8,702.53	4,351.78	17,405.07	
	5 N.				21,570.32	21,570.32	
	6 N.				20,995.24	20,995.24	
	7 N.		4,375.19		17,500.27	21,875.46	
	8 N.		4,296.32		16,888.97	21,185.29	Sale in August, 1819.
	9 N.		7,562.18		15,124.37	22,686.55	
	10 N.		2,728.24		19,097.70	21,825.94	

REPORT—Continued.

Ranges.	Townships.	1st rate land.	2d rate land.	3d rate land.	Unfit for cultivation.	Quantity unsold.	Remarks.
		Acres.	Acres.	Acres.	Acres.	Acres.	
5 W—Cont'd..	11 N.....	.....	2,798.52	.....	19,589.69	22,388.21	Sale October, 1820.
	12 N.....	.....	.....	.....	22,360.95	22,360.95	
	13 N.....	.....	.....	.....	21,642.06	21,642.06	Sale October, 1823.
		4,571.13	52,946.39	22,316.73	189,717.04	269,551.29	
6 W.....	1 N.....	.....	1,760.69	3,521.39	8,803.48	14,085.56	On sale October, 1816.
	2 N.....	.....	6,780.17	.....	6,780.18	13,560.35	
	3 N.....	.....	3,760.56	.....	11,281.69	15,042.25	
	4 N.....	3,580.92	3,580 93	.....	7,161.85	14,323.70	
	5 N.....	.....	4,758.60	.....	14,275.80	19,034.40	
	6 N.....	.....	4,782 12	.....	14,346.36	19,128.48	Sale in August, 1819.
	7 N.....	.....	7,405.28	.....	14,810.57	22,215.85	
	8 N.....	.....	11,168.38	11,168.37	.....	22,336.75	
	9 N.....	.....	7,434.84	.....	14,869.88	22,304.82	
	10 N.....	10,139.36	5,069.68	5,069.68	.....	20,278.72	
	11 N.....	.....	22,372.89	.....	.....	22,372.89	Sale October, 1820.
	12 N.	.....	5,533 05	.....	16,599.16	22,132.21	
	13 N.....	6,395.28	6,395.28	.....	6,395.29	19,165.85	Sale October, 1823.
		20,115.56	90,802.57	19,759.44	115,324.26	246,001.83	
7 W.....	1 N.....	.....	.....	3,200.00	.....	3,200.00	Sale October, 1816.
	2 N.....	.....	.....	7,634.61	.....	7,634 61	
	3 N.....	.....	.....	7,743.12	.....	7,743.12	
	4 N.....	.....	.....	9,509.89	.....	9,509.89	
	5 N.....	.....	4,472.58	4,472.59	8,945.16	17,890.33	
	6 N.....	.....	6,808.64	10,212.96	3,404.33	20,425.93	Sale in October, 1820.
	7 N.....	.....	.....	16,860.44	5,620.15	22,480.59	
	8 N.....	.....	.....	5,626.94	16,880.83	22,507.77	
	9 N.....	.....	11,276.22	5,638.11	5,638.11	22,552.44	
	10 N..	.....	11,065.42	8,852.35	2,213.08	22,130.35	
	11 N.....	.....	11,191.95	....	11,191.96	22,383.91	
	12 N.....	.....	5,606.79	.....	16,820.37	22,427.16	
	13 N.....	.....	.....	.....	22,538.81	22,538.81	Sale October, 1823.
		.....	50,421.60	79,751 01	93,252.80	223,425 41	
8 W.....	1 N.....	....	737.72	2,213.16	.....	2,950.88	On sale October, 1816.
	2 N.....	.....	.....	4,732.84	.....	4,732.84	
	3 N.....	.....	6,079.23	.....	.....	6,079.23	
	4 N.....	.....	2,716.29	.....	246.93	2,963.22	
	5 N.....	2,558 05	2,558.05	2,558.05	2,558.04	10,232.19	
	6 N.....	.....	16,210.38	5,403.45	.....	21,613.83	Sale in October, 1820.
	7 N.....	.....	7,404.23	.....	14,808.47	22,212.70	
	8 N..... .	.....	5,563.72	.....	16,691.16	22,254.88	
	9 N.....	.....	7,675.79	7,675.79	7,675.79	23,027.37	
	10 N.....	.....	14,931.00	7,466.00	.....	22,397.00	
	11 N.....	.....	11,154.12	.....	11,154.13	22,308.25	
	12 N.....	.....	14,716.64	.....	7,358.32	22,074.96	
	13 N.....	6,523.75	6,523.75	6,523.75	.....	19,571.25	Sale October, 1823.
		9,081.80	96,270.92	36,573.04	60,492.84	202,418.60	
9 W.....	1 N.....	.....	.....	10,092.83	.....	10,092.83	Sale October, 1816.
	2 N.....	.....	.....	2,358.88	3,500 00	5,858.88	
	3 N.....	.....	1.523.58	.....	3,800 00	5,323.58	
	4 N.....	.....	6,055.03	.....	2,000 00	8,055.03	
	5 N.....	.....	1,640.00	.....	1,640.90	3,280.90	
	6 N.....	.....	.....	8,591.84	8,591.84	17,183.68	Sale October, 1820.
	7 N.....	.....	11,287.16	5,643.58	5,643.59	22,574.33	
	8 N.....	5,548.92	11,097.83	.....	5,548.91	22,195.66	
	9 N.....	.....	5,536.57	5,536.57	11,073.14	22,146.28	
	10 N.....	.....	5,440.03	5,440.04	10,880.06	21,760.13	
	11 N.....	.....	7,606.43	7,606.43	7,606.43	22,819.29	
	12 N.....	.....	11,311.75	5,655.87	5,655.88	22,623.50	
	13 N.....	.....	11,186.56	5,593.28	5,593.29	22,373.13	
		5,548.92	72,684.94	56,519.32	71,534.04	206,287.22	
10 W.....	1 N.....	.....	517.62	517.60	3,105.63	4,140.85	Sale October, 1816.
	5 N.....	.....	.....	240.00	240.00	480.00	
	6 N.....	.....	4,303.39	4,303.37	8,606.75	17,213 51	Sale in October, 1820.
	7 N.....	.....	5,580.75	5,580.74	11,161.48	22,322.97	
	8 N.....	2,799.56	5,599.13	5,599.24	8,398.69	22,396.62	
	9 N.....	.....	5,561.16	5,461.15	11,022.31	22,044.62	

REPORT—Continued.

Ranges.	Townships.	1st rate land.	2d rate land.	3d rate land.	Unfit for cultivation.	Quantity unsold.	Remarks.
		Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	
10 W—Con'd..	10 N	.....	4,956.22	4,956.23	9,912.45	19,824.90	
	11 N.....	.....	5,598.13	5,598.14	11,196.27	22,392.54	Sale in October, 1820.
	12 N.....	.....	5,576.31	5,576.30	11,152.60	22,305.21	
	13 N.....	.....	5,407.84	5,497.84	10,994.67	21,990.35	
		2,799.56	43,190.55	43,330.61	85,790.85	175,111.57	
11 W.....	6 N.....	.....	3,179.89	3,179.88	6,359.77	12,719.54	
	7 N.....	.....	5,224.92	5,224.92	10,449 84	20,899.68	
	8 N.....	.....	7,422.35	7,422.35	7,422.36	22,267.06	Sale in October, 1823.
	9 N.....	.....	5,222.25	5,222.25	10,444.49	20,888.99	
	10 N...	2,255.05	4,510.14	4,510.12	6,765.16	18,040.47	
	11 N.....	.....	5,152.65	5,152.65	10,305.30	20,610.66	
	12 N.....	2,549.64	5,299.29	5,299.29	8,048.93	21,197.15	Sale in January, 1813.
	13 N.....	2,219.72	5,445.44	5,445.43	8,271.14	21,381.74	
		7,024.41	43,456.93	41,456.89	68,066.99	158,005.22	
12 W.....	6 N.....	.....	1,735.25	1,735.26	3,470.51	6,941.02	
	7 N.....	2,807.63	2,804.62	2,804.60	14,023.07	22,436.92	
	8 N.....	2,237.84	2,237.82	4,475.64	8,951.29	17,902.59	
	9 N.....	2,269.02	6,807.09	4 538.08	4,538.05	18,152.22	Sale in January, 1821.
	10 N.....	.....	3,082.29	3,082.29	2,054.86	8,219.44	
	11 N.....	.....	4,395.23	2,930.15	4.395.22	11,720.60	
	12 N.....	1,991.77	3,983.55	5,975.32	3,983.55	15,934.19	
	13 N.....	.....	5,265 87	5,265.87	10,531.74	21,063.48	
		9,303.26	30,310.72	30,807.19	51,948.29	122,370.46	
13 W.....	6 N.....	.....	1,448.99	1,448.98	2,897.97	5,795.94	
	7 N.....	2,366.14	2,366.13	4,732.26	9,464.52	18,929.05	
	8 N.....	.....	5,033.77	5,033.76	10,067.52	20,135.05	
	9 N.....	2,586.42	2,586.40	2,586.40	12,932.01	20,691.23	Sale in January, 1821.
	10 N.....	2,262.39	4,524.75	4,524.75	6,787.12	18,099.91	
	11 N.....	2,517.99	2,517.98	5,035.96	10,071.92	20,143.85	
	12 N.....	.....	5,078.85	.....	15,236.68	20,315.53	
	13 N.....	.....	3,990.68	.....	11,972.05	15,962.73	
		9,732.94	27,547.55	23,362.11	79,429.79	140,072.39	
14 W.....	8 N.....	.....	.....	1,575.40	.....	1,575.40	
	9 N.....	.....	.....	89.44	268.34	357.78	
	10 N.....	.....	594.65	594.63	594.63	1,783.91	Sale in January, 1821.
	11 N.....	.....	843.13	843.15	843.16	2,529.44	
	12 N.....	.....	.....	.....	581.87	581.87	
		.....	1,437.78	3,102.62	2,288.00	6,828.40	

RECAPITULATION.

Ranges.	1st rate land.	2d rate land.	3d rate land.	Unfit for cultivation.	Quantity unsold.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
1 W.....	.....	143,665.88	29,445.29	85,558.69	258,669.86
2 W.....	22,876.10	109,580.05	85,102.36	57,617.44	275,175.95
3 W.....	17,763.68	65;193.25	72,581.35	101,104.59	256,662.87
4 W.....	9,631.48	62,572.03	42,929.45	133,113.25	248,246.21
5 W.....	4,571.13	52,946.39	22,316.73	189,717.04	269,551.29
6 W.....	20,115.56	90,802.57	19,759.44	115,324.26	246,001.83
7 W.....	.....	50,421.60	79,751.01	93,252.80	223,425.41
8 W.....	9,081.80	96,270.92	36.573.04	60,492.84	202,418.60
9 W.....	5,548.92	72,684.94	56,519 32	71,534.04	206,287.22
10 W.....	2,799.56	43,190.55	43,330.61	85,790.85	175,111.57
11 W.....	7,024.41	41,456.93	30,311.72	68,066.99	158,005.22
12 W.....	9,303.26	30 311.72	30,807.19	51.948.29	122,370.46
13 W.	9,732.94	27,547.55	23,362.11	79,429.79	140,072.39
14 W.	.....	1,437.78	3,102.62	2,288.00	6,828.40
	118,468.84	888,082.16	587,037.41	1,195,238.87	2,788,827.28

C No. 4 *a*.

REGISTER'S OFFICE, *Vandalia, October* 23, 1828.

SIR: I am required by a resolution of the Senate of the United States of the 25th of April last to report to the Commissioner of the General Land Office upon the quantity and quality of the land remaining unsold in this district, after having been offered at the minimum price of one dollar and twenty-five cents per acre; what proportion thereof (as nearly as may be estimated) consists of *first rate* land, what proportion consists of land unfit for cultivation, and what is the probable average value of the *whole*, per acre.

In obedience to which, I have the honor to report, that at the time of the formation of this land district thirty-nine townships of land were transferred to it from the Shawneetown district; and that in the years 1821 and 1822, by the late register, Colonel Cox, and in October, 1827, by myself, eighty-three additional townships of land were offered for sale at the minimum price of one dollar and twenty-five cents per acre; making in the whole, estimating each section to contain six hundred and forty acres, from which the variation will be slight, two millions eight hundred and ten thousand eight hundred and eighty acres; of which had been sold on the —— day of June last one hundred and ninety-five tracts of different contents, but making in the aggregate seventeen thousand five hundred and eighty-six acres and six hundredths. The residue, estimated at two million seven hundred and ninety-three thousand two hundred and ninety-three and ninety-four hundredths acres remaining unsold, after having been offered at the minimum price of one dollar and twenty-five cents per acre.

In regard to the *quality* of the land, from the best means of information in my power to obtain, about one-third of it consists of first rate land, about one-sixth of second rate land, and the remaining half of land unfit for cultivation.

From this estimate of the quality of the land, and taking the present minimum price of one dollar and twenty-five cents per acre as the fair value of first rate land, and a proportional diminution of, say 37½ per centum for that which is second rate, it results that the average value of the whole would be fifty-four cents and a fraction per acre; and in this conclusion my judgment concurs.

In relation to the length of time the above land has been in market, thirty-nine townships were transferred from the Shawneetown district to this at the time of its formation, as before observed. Thirty-two townships were offered for sale on the third Monday of January, 1821; eighteen on the third Monday of July; fifteen on the third Monday of August, 1822, and eighteen on the third Monday of October, 1827, and have since been in market under the laws of the United States.

All which is respectfully submitted.

I have the honor to be, with respect, your obedient servant,

BENJAMIN MILLS, *Register*.

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office, Washington City*.

C No. 4 *b*.

RECEIVER'S OFFICE, *Vandalia, October* 14, 1828.

SIR: In obedience to your instructions requiring information in conformity with a resolution of the Senate of the United States, passed April 25, 1828, I have the honor to submit the following report.

The land office at Vandalia, and the district to which it is attached, were established by the act of Congress of May 11, 1820; but the office did not go into active operation until January 15, 1821, the day on which the first land sales in the district commenced.

	Acres.
Previous to its formation, there had been offered for sale at Shawneetown, of the lands now comprising this district, fifty townships, amounting to	1,152,000.00
There have been offered for sale in this district, since its establishment, and before June 30, 1828, eighty-four townships, or	1,935,360.00
Making the whole amount of lands offered for sale within this district previous to the last-mentioned date	3,087,360.00
Of the lands thus offered, there has been sold at this office, previous to the 30th of June last	17,586.10
The number of acres that sold at the minimum price were	16,866.10
The number of acres that sold above the minimum price were	720.00
Making	17,586.10
There consequently remains unsold of the lands which have been offered for sale at regularly authorized public sales	3,069,773.90

Of the lands sold above the minimum, the largest price received per acre was $2 17. And they could not have commanded this increased price were it not that they lie in the immediate vicinity of the seat of government of the State, and are of superior quality.

The average price per acre of all the lands sold above the minimum was $1 73. The total amount of excess above the aggregate receipts at the minimum price was only $352.

The whole amount of cash received for lands sold from January 15, 1821, to June 30, 1828, including both days, was $22,334 62.

There remains unsold, so far as is shown by the books of this office, 3,069,773.90 acres; from which is to be deducted whatever amount of lands, lying within this district, may have been sold at Shawneetown prior to the establishment of this office.

There is also a considerable portion of this district surveyed and prepared for market, which has

never as yet been offered at public sale. This part of the district is decidedly the best in point of soil and eligibility for settlements, and is now well settled by respectable communities.

In estimating the quality and value of the lands remaining unsold the opinion required to be given must be entirely arbitrary, as there is no evidence on file in this office from which such information might be gathered; nor is it possible to form anything like an exact estimate, without an actual survey of the whole body of lands in question.

From frequent inspections, however, of much of the district, and from such sources of information as I could avail myself of, the following facts and opinions are respectfully submitted:

The Vandalia district includes the counties of Fayette, Shelby, Marion, and parts of Clay, Wayne, Lawrence, Crawford, Clark, Edgar, Vermillion, and Tazewell, and lies nearly in the centre of the State; no part of it being watered by either of the great rivers which form our boundaries. Few or no settlements had been made within the district previous to its formation in 1820. It was created the year after the establishment of the seat of government of this State, which, at the time of its location here, (in order that it might be as near the centre of the State as practicable,) was located on the frontier settlements, there being not more than fifty actual settlers in the district at that time. At present, after the lapse of seven years, there are not less than 1,100 legal electors in the same district of country, and it is progressing in population by emigration in a proportionate ratio.

Another part of this district has never as yet been surveyed; in relation to which I know nothing.

The Kaskaskia river, the north branch of the Sangamon, the Vermillion of the Illinois, the Crow Meadow river, Little Wabash, Mackinaw, Salt, Kickapoo, and Sugar creeks, find their sources within this district; and it may be stated generally that, with the exception of the timbered land bordering upon these and the smaller water-courses, the rest of the country is prairie. The belts of timber upon the margin of these streams do not, in any instance, exceed six miles in width, including both sides, except upon the Kaskaskia, where the forests sometimes extend to double that depth. But in many places the prairie comes in so close to the water-courses as to leave only a narrow strip of timber of but little value. Beyond or to the northward of the north branch of the Sangamon river, which runs from the northeast, through ranges eight to one, intersecting townships Nos. 20, 19, 18, 17, and 16, diagonally, until it enters the Sangamon district, the prairie is almost uninterrupted; and south and east of that stream, until the forests of the Kaskaskia intervene, they frequently spread to a width of from 12 to 20 miles, exhibiting immense tracts of country destitute of timber and permanent or living water, and incapable at present of being converted to the purposes of agriculture. The bottom lands upon the margin of some of the larger streams are subject to inundation, and from that cause are of no present value only for their timber.

A very large portion of this district is prairie; and it is a fact yielded by all observers that the interior or middle regions of the larger prairies are always low and covered with lakes and ponds of water, consequently unfit for tillage.

With this explanation, the land lying within the Vandalia district may, in point of quality and character, be divided into four classes, as follows:

1. The first class, being one-fifth of the whole quantity, is first rate land, combining fertility of soil with the conveniences of wood and water. A small part of this is alluvial bottom and woodland, and the residue rich dry prairie, with a soil of from one to four feet in depth, containing and bordered by timber.

The greater part of this class of land lies in the counties of Shelby, with its attached part, Tazewell, where the lands have not yet been brought into market; Fayette, with some portions of Clay and Marion; those parts of Lawrence, Clark, Edgar, and Vermillion, embraced in the district, (with an occasional exception,) are prairie, which it is impracticable to cultivate, on account of the remoteness of timber and the want of water.

2. The second class, being two-fifths of the whole quantity, is second rate, being good arable land, but inferior to the first class in the fertility of the soil and advantages of situation. This is the lowest calculation for this class of land, there being much of it in the district, as I have ascertained from actual inspection.

3. The third class, being one-fifth of the whole quantity, is entirely unsalable, and of no *present* value, although it includes many tracts which may eventually become valuable. This, however, depends upon contingency—the progress of population and the increase of wealth. This class is composed chiefly of prairie, lying so remote from timber and water as to be unfit for occupation. Some of this land is poor, and will ever remain valueless; a large portion, however, is rich, and admirably adapted to tillage, and may become desirable to the farmer at a period remote from the present, when it shall be guarded from the fires of the autumn, and become overgrown with useful forest timber; when the enterprising occupant shall be satisfied with such water as can be had by digging, and when, in the progress of improvements, our farmers shall be able to command the means of bringing a permanent supply of that element to the surface. At present it will not sell, nor would it be accepted in donation, on the condition of actual settlement. The public domain is vast in extent, and possesses all the advantages of fertility and locality. The poor but enterprising emigrant is not confined in search of a home for his family, and soil to cultivate for their support, to the narrow limits of a single district or State, but he has all the west before him; a country affording more inducements to the hardy and industrious husbandman than all the others that I have any knowledge of. Having it then in his power to select and occupy the *very* best tracts of land without any fear of molestation, he would reject a proffered donation at the hands of the government of a tract of this class of lands.

The inundated bottom lands are also included in this class. They are only valuable for their timber, some of which is fine, but are rarely purchased on account of that single advantage, inasmuch as it generally lies too far distant from the arable prairie lands for the common uses of husbandry. The soil is in many places of excellent quality, but will not sell until the country becomes densely settled, and a sufficient surplus wealth exists to enable the inhabitant to embank and reclaim it.

A few other situations might be pointed out, in which land intrinsically good, as respects mere fertility, is rendered totally useless by countervailing causes, and which will lie waste until all the better tracts shall be occupied, and the excess of population or scarcity of land shall render it an object with enterprising men to overcome the disadvantages of nature by ingenuity and labor.

Of the whole of this class, therefore, it may be said that it is at present unsalable and of no value; and that it will so remain during a period to which no reasonable foresight can fix a termination.

4. The fourth class, the remaining one-fifth, is good for nothing, being sterile and unfit for tillage, or subject to disadvantages which time, labor, nor ingenuity can remove.

In reply to so much of the resolution as requires an estimate of the *average value* of the lands which remain unsold, it may be stated that if the *actual value* were to be ascertained, without reference to the minimum selling price of the government, it would fall very far below that standard, as the value of real estate in this country bears no proportion to the value of other property.

My own opinion is, that even the government *minimum price* affords too ample a datum by which to fix the value of the first class, and from which to establish an average standard price for the whole. Establishing, then, (without reference to any existing regulation of the government,) the price of the first class at the sum which my own judgment approves, and as approaching as near to a just estimate as my means of obtaining correct information and the character of this report will admit, the following estimate will be the result:

For the 1st class, per acre, $1; for the 2d class, per acre, 50 cents; for the 3d class, per acre, $0; for the fourth class, per acre, $0.

And the average will be thirty cents per acre, or forty-eight dollars for each quarter section of land, making the sum of $920,932 17 for a part only of this single district, all the purchased and unsurveyed lands being excluded from the calculation. But rejecting the fourth class as utterly unsalable, and of no present or future value, (the standard remaining at the above-estimated average,) the sale of the other three classes would produce to the government the sum of $736,745 73. By pursuing this calculation one step further, and placing it on the hypothesis that the whole of the first and second classes, amounting to 1,841,864.34 acres, will at no very remote period be purchased, a sum will be produced equal to, if not exceeding, the intrinsic value of the land, viz: $552,559 30.

But rejecting all these calculations as mere speculations unworthy of consideration, and supposing, in anticipation of future sales, the third class be considered as having acquired a value, and that that value be fixed at twenty cents per acre, then the average value of the whole will be thirty-four cents per acre, or, excluding forty cents, fifty-four dollars per quarter section.

Presuming that every fact tending to elucidate this subject will be acceptable, it may not be irrelevant to state that the sales of land in this country do not increase in an equal ratio with the increase of population, and that the latter affords no just criterion by which any estimate can be formed in relation to the former. The data upon which this position is assumed may be found in the annual receipts of this office, which stand thus:

For the year 1821	$11,886 20
For the year 1822	2,256 35
For the year 1823	800 00
For the year 1824	767 50
For the year 1825	1,219 20
For the year 1826	1,840 75
For the year 1827	2,175 55
1828, up to June 30	1,386 05

By this statement, taken in connexion with that made in relation to the present and former population of the district, it appears that the purchasers do not increase in anything like a proportionate ratio with the increase of population.

The reasons for this are two, and obvious to all observers:

First. Many of the emigrants to this section of the State are poor, and unable to purchase land at its present high price.

Second. Many of those who are able refuse to purchase *now*, believing that Congress will eventually reduce the price to something like a reasonable standard. The citizens of this country are all aware of the discussions that have been had in Congress on the subject of the reduction of the price of those lands. They believe (which is very natural for them to do) that the price should be reduced; and finding, too, that they are supported in this opinion by many of our most enlightened legislators, and believing that efforts will again and again be made until the object be either effected or totally defeated, they will not enter their lands, except in particular instances where places are found to possess some peculiar advantages; but will continue (as they have long done) to cultivate a still stronger faith in an understanding among themselves not to enter each other's improvements, nor to let any one else do it, until government affords them some relief in the shape of the reduction of the price of its lands.

This position may be more satisfactorily illustrated by the following facts:

In the county of Clay there are about one hundred voting inhabitants, of whom there are not more than twenty freeholders.

In the county of Marion there are about one hundred and fifty voters, and not more than one-fifth, or thirty freeholders.

In the county of Fayette (in which is situated this office) there are two hundred and thirty voters, and the number of tracts bought by actual settlers, speculators and all, does not exceed one hundred and twenty.

In the county of Shelby there are four hundred voters, forty (or nearly) of whom have entered their lands.

In the county of Tazewell there are three hundred and fifty voters, and only seven tracts entered in this office. This, however, is to be accounted for in this way: The greater part of this county is embraced in the Sangamon district, and of that part which lies in this district only one tier of townships, in ranges 1, 2, and 3 east, making three towns, are in market.

These statements, with the accompanying remarks, are respectfully submitted.

I have the honor to be, sir, your obedient, humble servant,

WILLIAM LEE D. EWING,
Receiver of Public Moneys at Vandalia, Illinois.

C No. 4 *c*.

REGISTER'S OFFICE, *Vandalia, October* 29, 1828.

SIR: Since I transmitted to you by the last mail the report required by the resolution of the United States Senate, of the 25th April last, I have detected an error in it, which I beg leave to correct. The

report stated that "thirty-nine tracts were transferred from the Shawneetown land district to this at its formation." It should be "forty-nine." Fifteen townships were stated to have been offered on the third Monday of August, 1822. It should have been "sixteen." With these corrections the report is correct.

I have the honor to be your obedient servant,

BENJAMIN MILLS.

Hon. GEO. GRAHAM, *Commissioner of General Land Office, Washington City.*

C No. 5.

LAND OFFICE AT PALESTINE, *Illinois, September* 30, 1828.

SIR: In compliance with a resolution of the Senate of the United States, of the 25th of April last, on the subject of the public lands, we submit to you the following statement:

The quantity of land remaining unsold in this district on the 30th day of June last, was 2,496,000 acres, which had been previously offered at $1 25 per acre: 645,000 acres of this amount has been in market at $1 25 per acre nearly eight years; 1,700,000 acres about six years; 85,000 acres four years; and 66,000 acres one year. In the above calculations we have not been exact as to quantity or time, but we deem sufficiently so as will render the Senate that general information they require. Those lands that have been eight years in market formerly belonged to the land districts whose offices were located at Vincennes and Shawneetown, and were offered at public sales at those offices, and the most valuable tracts were there sold, leaving the remainder unsold of a very inferior quality. We have deemed it proper to divide the unsold lands into four classes: the 1st, containing about one-fifth of the whole, of good soil and timber; the 2d, one-fifth, good soil but prairie, lying convenient to timber; 3d, one-fifth of thin soil and sparsely timbered; 4th, two-fifths of the whole unfit for cultivation, being low wet prairies, marshes or deeply inundated by the adjoining streams; and taking the whole collectively, we cannot estimate their value at more than thirty cents per acre. There are about thirty-eight townships in this district that have been surveyed, but not offered at public sales, which, from the best information we can obtain, is of less value than those now in market; and all of which, except one township, is lying in the north part of this district on the tributary streams of the Wabash and Illinois rivers.

We are, very respectfully, sir, your obedient servants,

JOSEPH KITCHELL, *Register.*
G. W. SMITH. *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

C No. 6.

LAND OFFICE, *Springfield, Illinois, October* 11, 1828.

SIR: The following report is submitted in pursuance of a resolution of the Senate of the United States, dated April, 25 1828, requiring the registers and receivers, to report the quantity and quality of land in their respective districts remaining unsold June 30, 1828:

The undersigned have bestowed on the subject all the attention of which they are capable, and have endeavored to make this report as correct as possible, from a careful examination of the plats, surveyors' reports, and our personal knowledge; but yet we may not represent the true situation and character of the district, from our limited means of information.

We find there remains unsold, after having been offered at the minimum price, one million nine hundred and forty-seven thousand three hundred and twenty-four and sixty one-hundredths acres of land, of which two hundred and twelve thousand six hundred and twenty acres of land, as nearly as can be estimated, is of good quality; what is generally considered first and second rate, suitable for cultivation, and will, in all probability, be sold at the present price, should no alteration be made. Most of this land is represented as being timbered, with a competent proportion of prairie. The residue, one million seven hundred and thirty-four thousand seven hundred and four acres and sixty one-hundredths, is represented as prairie, and low wet lands, unfit for cultivation. Although this land is represented as unfit for cultivation, it is so from the circumstance of there being no timber. The quality of much of this land, indeed the larger proportion, is excellent, and equal to any in the district; but its remoteness from timber and water will prevent any immediate sale. We feel much at a loss to say what is the average value of the whole, per acre. To say that the first and second quality of land is worth one dollar and twenty-five cents; the residue is of but little value, and cannot estimate it worth more than twelve and a half cents per acre.

The land in this district was offered for sale at four different periods, and in about equal quantities. The first sale was in November, 1823; the second sale was in November, 1824; the third sale was in October, 1826, and the last sale was in October, 1827.

We are not apprised that any land in this district was given away or otherwise disposed of by foreign sovereigns, before they came under the dominion of the United States.

All of which is respectfully submitted.

JOHN TODD, *Register.*
PASCAL P. ENOS, *Receiver.*

GEORGE GRAHAM, Esq.

D No. 1.

ST. LOUIS (MISSOURI) LAND OFFICE, *October* 24, 1828.

SIR: In obedience to your instructions of the 29th of April last, we submit to you the following report upon the *quantity* and *quality* of the lands remaining unsold in this district on the 30th day of June last, after having been offered at $1 25 per acre. The quantity so remaining is 2,597,896.89 acres, from which

must be deducted, to show what was subject to entry at that time, the quantity of 378,470.46 acres, which had been withdrawn from market by order of the superintendent of lead mines, under the belief that it contained lead mineral.

With respect to the *quality* of the land so remaining unsold, the proportion thereof which is *first* rate, the proportion which is *unfit* for cultivation, and the probable average value of the whole, any answer we can give must be somewhat conjectural; but we believe it may be said with safety that there is not one quarter section of first rate land (wood, water, and soil considered) now subject to entry in the district; and that, if there was one, it would be immediately entered at the present minimum price, The proportion unfit for cultivation, either on account of sterility of soil or want of wood or water, is probably three-fourths of the whole quantity; and the probable *average* value of the whole may be estimated at fifteen cents per acre.

With respect to the length of time the land in this district was subject to be given away by foreign sovereigns, we may state it at about forty years, to wit, from 1763, when Louisiana was ceded by France to Spain, to 1803, when it was ceded to the United States; and since that time the district has been in market under the laws of the United States, since the year 1818, when the sales first began.

With respect to the general character of these unsold lands, and the present actual value, they may be characterized as the remnants and refuse of nearly forty years' picking and culling under the Spanish government, and ten years under the laws of the United States, and consist of very inferior tracts.

Respectfully, we are, sir, your obedient servants,

WILLIAM CHRISTY, *Register.*
B. PRATTE, JR., *Receiver.*

GEORGE GRAHAM, ESQ., *Commissioner of the General Land Office, Washington City.*

D No. 2.

LAND OFFICE, *Franklin, Missouri, October* 26, 1828.

SIR: You will receive herewith a report made by the register and receiver of this office, in obedience to the resolution of the Senate of the United States of April 5, 1828.

I am sir, very respectfully, your obedient servant,

T. J. BOGGS, *Register.*

GEORGE GRAHAM, ESQ., *Commissioner of the General Land Office, Washington.*

REPORT.

FRANKLIN, *Missouri, October* 22, 1828.

The register of the land office and the receiver of public moneys at Franklin, Missouri, in obedience to the resolution of the Senate of the United States of April 5, 1828, "requesting the President to cause the registers and receivers of the respective land offices in the different States and Territories to make a report to the Commissioner of the General Land Office (in time to be by him laid before the Senate at the commencement of the next stated session of Congress) upon the quantity and quality of the land remaining unsold in their respective districts on June 30, 1828, after having been offered at the minimum price, of one dollar and twenty-five cents per acre, so as to show how many acres remain unsold, what proportion thereof (as nearly as can be ascertained) consists of first rate land, what proportion consists of land unfit for cultivation, and what is the probable average value of the whole, per acre; with such remarks upon the character of said unsold lands, and the length of time they may have been in market, under the laws of the United States, or subject to be given away or otherwise disposed of by foreign sovereigns, before they came under the dominion of the United States, as may be necessary to give the Senate a just conception of their present value," have the honor, respectfully, to report:

That the quality of land remaining unsold in this district, after having been offered at the minimum price of one dollar and twenty-five cents per acre, is two millions seven hundred and nine thousand and seventy-six acres.

About three-fourths of this quantity was offered under the credit system in the years 1818, 1819, and 1820. By the operation of the 3d section of the act of Congress approved April 24, 1820, entitled "An act making further provisions for the sale of the public lands," this quantity was thrown into market on July 1, 1820, at one dollar and twenty-five cents per acre. The remainder has been since offered for sale, agreeably to the provisions of that act, and has remained unsold principally about five years. The regulations existing in Louisiana, under the governments of France and Spain, on the subject of the disposal of lands, have been since its cession to the United States a source of embarrassment to every tribunal interested in obtaining a knowledge of them. On this subject the register and receiver possess no further information than that which is contained in the known and authorized publications of Congress, which, it is presumed, it would be unnecessary here to repeat. This we the less regret, as other officers, whose duty it will be, in compliance with the resolution of the honorable Senate, to make similar reports, have opportunities of access to living sources of information, or perhaps the more authentic ones of unpublished official documents, which are denied to us, and from which, doubtless, a much more satisfactory knowledge can be obtained of the length of time the said unsold lands were subject to be given away or otherwise disposed of by foreign sovereigns than any which we can furnish. With regard to the quality of these unsold lands, we feel compelled to express ourselves very generally: without an actual examination, no opinion can be formed which deserves to be relied upon as accurate—and the resolution of the Senate did not to us seem to contemplate such a special examination.

We have little doubt, however, that the greater proportion would in this country be considered unfit for cultivation, and would not for a long time be taken at any price, however moderate. There is in the remainder much fine prairie land, generally destitute of water or timber, and frequently of both, but yielding to no land in the world in point of fertility of soil; a considerable quantity of rich alluvial bottom land,

the character of which is much impaired by its supposed unhealthiness and liability to inundation, and a portion of moderately good land, with the essential requisites of good water and timber.

To fix upon the average value of these lands with an estimate that approximates in the slightest degree to undoubted accuracy would be extremely difficult, if not altogether impossible, inasmuch as there are no very obvious data upon which to base an opinion. The price would assuredly depend greatly on the demand, and that demand would be regulated by circumstances which it would be impossible to predict with certainty. We are therefore unable to express an opinion upon this point, in which we have any kind of confidence, and we feel that it would be trifling with the subject to deal in vague and general assertion. Judging from the amount of sales made, and the apparent demand for lands at present, we think it a liberal estimate, (after taking into consideration the vast difference in the quality of the lands heretofore sold, and those remaining undisposed of,) to suppose that the average sales for the next five years will be about thirty thousand acres per annum. At the end of which period, we think it probable that the lands remaining on hand will be of such a refuse and inferior quality as not to sell at all, unless at a price greatly reduced.

All which is respectfully submitted.

T. J. BOGGS, *Register.*
T. A. SMITH, *Receiver.*

D No. 3.

LAND OFFICE, *Jackson, Missouri, October* 17, 1828.

SIR: In compliance with your request in transmitting to us a resolution of the Senate, passed the 25th of April last, the first clause of which is in the words following, to wit:

"*Resolved,* That the President of the United States be requested to cause the registers and receivers of the respective land offices in the different States and Territories to be directed to make a report to the Commissioner of the General Land Office (in time to be by him laid before the Senate at the commencement of the next stated session of Congress) upon the quantity and quality of the land remaining unsold in their respective districts on the 30th day of June, one thousand eight hundred and twenty-eight, after having been offered at the minimum price of one dollar and twenty-five cents per acre, so as to show how many acres remain so unsold, what proportion thereof (as nearly as can be estimated) consists of first rate land, what proportion consists of land unfit for cultivation, and what is the probable average value of the whole, per acre; with such remarks upon the character of said unsold lands, and the length of time they have been in market under the laws of the United States, or subject to be given away or otherwise disposed of by foreign sovereigns before they came under the dominion of the United States, as may be necessary to give the Senate a just conception of their present actual value"—

We beg leave to make the following report: That the whole quantity of land contained within this land district that has been offered at public sale is about 5,190,491 acres; of this quantity there has been given away, principally by his Catholic Majesty, (the title to which has been recognized and confirmed by this government,) 334,554 acres. There still remain to be adjusted unconfirmed land claims to the amount of 107,268 acres, which have been reserved from public sale. There has also been reserved from public sale, on account of their containing lead mineral, 234,838 acres; and there has been sold, to June 30, 1828, in this land district, at public and private sales, 83,806 acres, leaving on that day, after having been offered at the minimum price of one dollar and twenty-five cents per acre, 4,430,025 acres, of which quantity we estimate one-fiftieth part to be fit for cultivation, which is 88,600 acres, which, at the minimum price of $1 25 per acre, produces $110,750. If we suppose the land unfit for cultivation, which is 4,341,425 acres, to be of no value, and assume the above sum of $110,750 as a data on which to estimate the probable average value of the whole, per acre, remaining unsold, (exclusive of the reserved lands,) it would be only two and a half cents per acre. But although the greater part of the lands remaining unsold in this land district are thought to be unfit for cultivation, owing to the best of the lands having been heretofore selected by individuals under the present as well as the former governments, yet it is estimated that a large proportion of those lands will be valuable, not only on account of the minerals they contain, but also on account of the timber, so that we might fairly estimate that at least one-half the lands that are unfit for cultivation would command twenty-five cents per acre. We have no data by which to ascertain with certainty the time that those lands were liable to be given away or otherwise disposed of by foreign sovereigns, but believe, (except St. Genevieve, and the lands contiguous to it,) that the greater part of the donations of lands were made by the Spanish government between the years 1797 and 1803, and also that they have been in market under the laws of the United States from two to eight years.

All which is respectfully submitted by

GEO. BULLETT, *Register.*
JOHN HAYS, *Receiver.*

D No. 4 *a.*

RECEIVER'S OFFICE, *Lexington, October* 8, 1828.

SIR: In reply to yours of April 29 last, annexing the Senate's resolution of the 25th of the same, I have to report, that after having progressed at some length in conjunction with the register, he has declined going any further into the business, stating that it will be impossible for us to arrive at information more accurate than you at present are in possession of. Without his co-operation I can proceed no further.

I have the honor to be, respectfully, &c.,

A. S. McGIRK, *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington.*

D No. 4 *b*.

REGISTER'S OFFICE, *Lexington, October* 15, 1828.

SIR: To the resolution of the Senate of April 25, 1828, (forwarded by you under date of the 29th,) it is impossible for me to reply specifically.

1st. The quantity of land unsold on June 30 last could only be ascertained by calculating the whole contents of the surveyed parts of the district, and then subtracting the quantity sold, which operation would cost me in clerk hire more than my salary can afford.

2d. A great portion of the land sold in this district was sold or offered at Franklin before the creation of this office. I have no documents on which to found a report of the time when, or of the price at which it was offered, nor of the price at which it sold. Besides, there has been, under different acts of Congress, a considerable quantity of land lying within this district relinquished at the Franklin office—but of these relinquishments I have had no advices for the last four years.

3d. Of the quality of the land remaining unsold I can say nothing, except so far as the field-notes might guide me, and I have seen enough to teach me they are blind guides. They are, I presume, in your office, as well as all the other documents on the subject embraced by the resolution. On the value of the lands, taking the whole district into view, the receiver and I cannot agree. I think, making the present minimum price a guide, that the whole of the unsold part of the district ought to be valued at 62½ cents per acre. The receiver rates it lower. The whole soil is fertile, but there is an over proportion of prairie, and some morass.

Very respectfully,

J. S. FINLEY.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington.*

D No. 5.

LAND OFFICE, *Palmyra, Missouri, October*, 30, 1828.

SIR: In compliance with a resolution of the Senate of the United States of April 25 last, "requesting the President to cause the registers and receivers of the respective land offices in the different States and Territories to be directed to make a report to the Commissioner of the General Land Office (in time to be by him laid before the Senate at the commencement of the next stated session of Congress) upon the *quantity* and *quality* of the land remaining unsold in their respective districts on June 30, 1828, after having been offered at the *minimum* price of one dollar and twenty-five cents per acre, so as to show how many acres remain so unsold, what proportion thereof (as nearly as can be estimated) consists of first rate land, what proportion consists of land unfit for cultivation, and what is the probable average value of the whole, per acre; with such remarks upon the *character* of said unsold lands, and the *length* of time they may have been in market under the laws of the United States, or subject to be *given away* or otherwise disposed of by foreign sovereigns before they came under the dominion of the United States, as may be necessary to give the Senate a just conception of their present actual value," the register and receiver of the land office in the district of Salt River, Missouri, have the honor to report that they have obeyed the directions of the President, so far as they were enabled from the means in their possession.

The *quantity* of land remaining unsold in this land district on June 30 last, after having been offered for sale at the minimum price of one dollar and twenty-five cents per acre, will be seen by reference to the paper marked A, herewith enclosed. Also, the *estimated* proportion of first rate land, and of land unfit for cultivation. This estimate of the *quality* of the lands is made from the description of the surveyors, contained in the field-notes, corrected by our own observation, as far as that extended, and in some instances by the representations of the inhabitants of the district, when it was believed reliance could be placed on the information received. It must, however, be observed that the descriptions of the surveyors apply exclusively to the land bordering on the section lines, and these being generally a mile distant from each other the descriptions must doubtless fall far short of the truth—for here it is known that land of the first quality, and land apparently very poor, approach within a few rods. The land over which the sectional lines pass may be of the richest, and the interior of the section of the poorest class, and conversely; and hence will be perceived the *impossibility* of making a *true estimate* of the *quality* of the land from any means of which we could avail ourselves.

From the impossibility of arriving at a true estimate of the quality of the land in this district, it must be obvious that an opinion as to the average value of the whole, per acre, would be merely *speculative*, and it is believed could not aid in any degree in forming a *just* conception of their actual value.

As to the length of time the lands in this district have been in market under the laws of the United States, we have to remark that this district, having been formed out of part of the St. Louis and part of the Howard land districts, and subsequent to the sales in those districts, we cannot give the *precise* length of time they have been in market; but it is believed the lands west of the 5th principal meridian, (which constitute far the greater part of the district,) and as far north as township 61, inclusive, (except 34 townships in the southwest corner of the district not yet proclaimed for sale,) were offered for sale in the autumn of 1818, and the spring of 1819, at the then minimum price of $2 per acre, and under the credit system. The lands east of the 5th meridian, and those north of township 61, to the boundary of the State, were exposed to sale in the fall of 1822, under the cash system, and have since been in market at the minimum price of one dollar and twenty-five cents per acre.

Of the lands sold at St. Louis and Franklin in 1818 and 1819, a portion were relinquished to the United States, under the several laws for the relief of the purchasers of public lands, which were again offered at this office in May, 1825, and in August, 1827, and have since been in market at the minimum price of one dollar and twenty-five cents per acre.

All the lands in this district, it is presumed, were subject to be given away or otherwise disposed of by the sovereigns of France and Spain during the respective periods that the Territory of Louisiana was occupied by them; 138,058.95 acres of which were disposed of to individuals, the titles to which have been perfected; and 90,784.91 acres are claimed under concessions from those sovereigns, the titles to which are yet incomplete.

On the paper marked A, before referred to, will be seen a statement showing the aggregate quantity of land in this district, and the disposition made of it, which we have annexed, believing it might aid the Senate in arriving at the object desired.

We have the honor to be, very respectfully, your obedient servants.

WILLIAM CARSON, *Register.*
HENRY LANE, *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington City.*

A.

Recapitulation.

Quantity of land remaining unsold on June 30, 1828, after having been offered at the minimum price	2,513,793.18
Length of time in market—	
Upwards of nine years	2,358,073.01
Upwards of three years	98,475.12
Upwards of one year	57,245.05
Estimated proportion of first rate land	71,354.00
Estimated proportion of land unfit for cultivation	100,672.00
Second rate, or not particularly described	2,341,767.18
Lands held under grants from French or Spanish governments, the titles to which are complete	138,058.95
Sold to individuals by the government of the United States	126,538.83
Claimed by French or Spanish grants, the titles to which are incomplete	90,784.91
Reserved for use of schools	86,400.00
In market at the minimum price of $1 25 per acre	2,513,793.18
Relinquished to the United States; not in market	10,222.88
34 townships, or fractional townships, not in market. Estimated area	7,588,80
Aggregate area in district	3,724,678.75

E No. 1.

LAND OFFICE AT OPELOUSAS, *State of Louisiana, October* 31, 1828.

In obedience to your instructions of the 29th April last, in relation to the resolution of the Senate of the United States, 25th of the same month, requiring registers and receivers to report to you, &c., upon the quantity and quality of the land remaining unsold on the 30th June last, after having been offered at the minimum price of $1 25 per acre, so as to show how many acres remain so unsold, what proportion thereof (as nearly as can be estimated) consists of first rate land, what of land fit for cultivation, and what is the probable average value of the whole, per acre; with such remarks upon the character of said unsold lands, and the length of time they may have been in market under the laws of the United States, or subject to be given away, &c., under foreign sovereigns, as may be necessary to give the Senate a just conception of their present actual value, we now forward to you the result of our investigations.

We have not given the exact quantity of each entire township, because, no tables having been furnished by the surveyor, the calculations would have been tedious, and, as we conceive, would not the more satisfactorily have answered the views of the Senate than a general result. We therefore, having made several promiscuous calculations, have assumed that each entire township contains 23,000 acres, being about the sum of 640 (the acres usually in a section) multiplied by 36, (the number of sections in a township.) Nor have we been more accurate as to the quality of the lands; and we have been under the necessity, for several reasons, to adjust them under two great classes, viz: "Good cultivable land," and "Lands poor, marshy, inundated, &c.," because the few first rate spots to be found were hardly worth the trouble of classification; and because, from the want of precision in the field-notes, it was often difficult to determine the exact nature of the soil. According to the principles we have here stated, there remains unsold, to the 30th June last, (and very few acres have been sold since,) of the 58 townships and fractional townships exposed to sale by the President's proclamations of June 20, 1818, and of May 6, 1826, about one million two hundred and sixty-six thousand (1,266,000) acres.

We have hereunto annexed a sketch of the country, with the principal towns and water-courses, together with the townships which have been offered for sale, designated by cross marks and colored. And having examined the field-notes and surveying returns of each township, and noted the general result, we have annexed that work also. The lands west of the basis meridian, and north of the 31st degree N. latitude, and up the course of Red river, are probably good; those west and south of the two principal lines are generally very poor. It is said that east of the mouth of the Nementon, and along the coasts of the Gulf, there are some considerable bodies of first rate land. The principal body of good lands is situated east of the basis meridian, and more immediately on the water-courses laid down. The lands in the angle formed by the Red river and Atchafalaya have been surveyed, and were offered for sale in 1812; but for want of some formality the proceedings were considered null. These lands are generally rich, but subject to deep annual inundations from the Mississippi river.

Finally, we may recapitulate that from the present exhibit, and the information we possess, not more than the quantity of *eight* out of the fifty-eight townships reported can be considered as "good cultivable land," and very few acres "first rate."

As to the probable average value of these lands it is difficult to form an opinion; but, under all the circumstances, we think it cannot exceed *fifty cents* per acre. Indeed, ten thousands of acres west and south of the two principal lines are fit only for grazing; and we cannot but think that the interests of the

nation would be advanced by abandoning them to the first occupant, on his paying for each quarter section a sum sufficient to reimburse the government for the survey, and to pay for the location and entry.

We have the honor to be, very respectfully, your obedient servants,

VALENTINE KING, *Register.*
D. L. TODD, *Receiver.*

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office.*

PROCLAMATION, JUNE 20, 1818.

RANGE 1 WEST.

	Townships.	Offered for sale.	Sales.	Remarks.
	1 N.	December, 1818.	No sales.	Poor pine land, generally unfit for cultivation.
7.	2 N.	Not offered.		As stated by superintendents, because the survey was incomplete.
	1 S.	December, 1818.	No sales.	One or two sections middling quality; balance, poor pine and inundated land.
	2 S.	do.	do.	Three or four sections middling quality; balance, poor pine land.

RANGE 2 WEST.

6.	1 N.	December, 1818.	No sales.	A section, perhaps, middling quality; residue, poor pine land.
	2 N.	do.	do.	Poor pine land.
	1 S.	do.	do.	Three or four sections good land; residue, poor pine land.
5.	2 S.	do.	do.	About half middling quality; residue, poor pine land.
	3 S.	February, 1819.	do.	Marshy, inundated, and poor pine land.

RANGE 3 WEST.

4.	1 N.	December, 1818.	No sales.	Three or four sections good cultivable land; residue, poor pine land.
	2 N.	do.	do.	Three or four sections good cultivable land; residue, poor pine land.
	3 N.	do.	do.	About one-fourth good cultivable land; residue, poor pine land.
	1 S.	do.	do.	About three-fourths pine land, ordinary for cultivation; residue, poor.
3.	2 S.	do.	do.	About one-half pine land, ordinary for cultivation; residue, poor and inundated.
	3 S.	February, 1819.	do.	Generally marshy, and poor pine land.
	4 S.	do.	do.	Generally marshy, and poor pine land.
2.	5 S.	do.	do.	Very poor prairie, with scattering pines; (NE. quarter section 10, NW. quarter section 13, and NE. quarter section 14, sold at private sale.)
	12 S.	do.	do.	About two-thirds good cultivable prairie lands; residue, low and marshy.

RANGE 4 WEST.

	1 N.	December, 1818.	No sales.	A section or two good land; residue, poor broken pine land and swamp.
1.	2 N.	do.	do.	Ten or twelve sections bottom land, good quality; residue, poor pine land.
	3 N.	do.	do.	Ten or twelve sections bottom land, good quality; residue, poor pine land.
	1 S.	do.	do.	About half level pine land, middling quality; residue, poor pine land.
	2 S.	do.	do.	Ten or twelve sections bottom land, middling quality; residue, poor, poor.
1.	3 S.	February, 1819.	do.	Poor swampy pine land.
	5 S.	do.	do.	Level poor pine land; some oak, beach, and holly; (E. half NE. quarter section 29 sold at private sale.)
	6 S.	do.	do.	Poor prairie and pine land.
	7 S.	do.	do.	Poor, marshy, prairie, and pine and black-jack land.
2.	8 S.	do.	do.	About three sections good prairie land; residue, poor and marshy.
	9 S.	do.	do.	Poor, prairie, and marshy land.
	10 S.	do.	do.	Poor, prairie, and marshy land.
	11 S.	do.	do.	Two or three sections middling quality prairie; residue, poor, poor and marshy.

RANGE 5 WEST.

3.	1 N.	December, 1818.	No sales.	About a section good land; residue, poor pine land.
	2 N.	do.	do.	About a section good land; residue, poor pine land.
	3 N.	do.	do.	Ten or twelve sections good cultivable land; residue, poor pine land.
4.	1 and 2 S.	do.	do.	Ten or twelve sections each, good cultivable land; residue, poor pine land.
	3 S.	February, 1819.	do.	Poor pine land; some swamp.
	5 S.	do.	do.	Level land, lofty pine, middling quality, one-half; remaining half, poor pine land.
5.	6 S.	do.	do.	A section or two rich bottom land; three or four sections pine land, good quality; balance, poor pine land.
	7 S.	do.	do.	Poor, prairie, and marshy land; E. boundary touches good land.
	8 S.	do.	do.	Five or six sections middling quality, prairie; residue, poor marshy land.
	9 S.	do.	do.	Ten or twelve sections, some good, some middling prairie; residue, some poor, poor.
6.	10 S.	do.	do.	Ten or twelve sections, some good, some middling prairie; residue, some poor, poor.

PROCLAMATION, JUNE 20, 1818—Continued.

RANGE 6 WEST.

	Townships.	Offered for sale.	Sales.	Remarks.
	1 N.	December, 1818.	No sales.	One or two good sections on water-courses; residue, poor pine land.
	2 N.	do.	do.	Three or four sections good soil, beech, oak, hickory; residue, poor land.
7.	1 S.	do.	do.	Eight or ten sections middling quality pine land; residue, poor and marshy.
	2 S.	do.	do.	About twelve sections pine, hickory, and oak land, middling quality; residue, very poor.
	5 S.	do.	do.	Twelve or fifteen sections level land, high pine growth; residue, poor and inundated.
8.	6 S.	do.	do.	Two or three sections good pine land; residue, poor and inundated.
	7 S.	do.	do.	Poor pine land, (SW. quarter section 1, SE. quarter section 4, and NE. quarter section 19, sold at private sale.)
	8 S.	do.	do.	Three or four sections prairie and pine land, second quality; residue, poor, marshy, prairie, and pine land.
	9 S.	do.	do.	Three or four sections prairie and pine land, second quality; residue, poor, marshy, prairie, and pine land.
9.	10 S.	do.	do.	Twelve or fourteen sections high, good, and second quality prairie; residue, poor and marshy prairie.

PROCLAMATION, MAY 6, 1826.

RANGE 4 EAST.

	1 S.	November, 1826.	No sales.	2,187.25 acres, pre-emptions bought before public sales; 408.15 acres at private sale, to June 30, 1828; and 345.22 at public sale; total sold, 2,940.62, which, deducted from 21,989.53, the contents of the township, leaves near 20,000 acres uncultivable and inundated lands.
10.	2 S.	do.	do.	744.18 acres, pre-emptions bought before public sale; 158.72 acres at private sale, to June 30, 1828; total, 902.90; which, deducted from 21,072.10, contents of townships, leaves about 20,000 acres, three-fourths uncultivable.

RANGE 5 EAST.

11.	6 S.	November, 1828.	No sales.	169.25 acres pre-emption, bought before public sale, which, with private claims deducted, leaves about 10,000 acres, almost entirely subject to deep annual inundations from the Mississippi river.

RANGE 6 EAST.

12.	Fractional, 13 S.	November, 1826.	No sales.	168.08 acres, bought at public sale, which, with the private claims deducted, leaves more than 6,000 acres, bordering on the great sea marsh, and not more than a sixth of which may be considered as cultivable.

RANGE 7 EAST.

13.	Fractional, 13 S.	November, 1826.	No sales.	No public sales; 428.14 acres, at private sale, to June 30, 1828, which, with the private claims deducted, leaves about 13,900 acres, which, being alike situated, may be classed as those in the preceding townships.

RANGE 8 EAST.

14.	Fractional, 14 S.	November, 1826.	No sales.	767.65 acres sold at public sale; 1,723.18 at private sale, to June 30, 1828, which, with the private claims deducted, leaves about 11,200 acres, which, being alike situated, may be classed as those in the two preceding townships.

E No. 2.

DISTRICT NORTH OF RED RIVER, LAND OFFICE AT OUACHITA, LA.

Report of the receiver upon the quantity and quality of the land remaining unsold in this district on the 30th day of June, 1828, made agreeably to a resolution passed in the Senate of the United States April 25, 1828, and as requested by the Commissioner of the General Land Office, in his circular of April 29, 1828.

H. BRY, *Receiver.*

RECEIVER'S OFFICE AT OUACHITA, *August* 18, 1828.

Description of the quantity and quality of the land contained in twenty-five townships offered for sale in November, 1822.

No. of township.	No. of range.	Contents.	1st rate.	2d rate.	3d rate.	4th rate.	Value.	Av. per acre.	Private claims.	Land sold.	Value.	Lands unsold.	Value.	Av. per acre.
		Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*			*Acres.*	*Acres.*		*Acres.*		
N. 15	1 W.	23,007.32	2,600	8,363	6,033	6,010.32	$12,300	$0 54	.....	149.68	$198 60	22,847.24	$12,101 40	$0 53
16	1 W.	23,047.00	660	15,040	4,827	2,520.00	14,732	64	.....	240.00	300 00	22,807.00	14,432 00	63
17	1 W.	22,963.56	850	10,470	11,060	583.56	14,561	64	.....	318.65½	398 21	22,644.90½	14,163 00	62½
18	1 W.	23,133.40	3,590	7,320	8,580	3,733.40	14,528	62½	.....	.....	.....	23,133.40	14,528 00	62½
19	1 W.	23,110.40	1,120	7,500	8,500	5,990.40	11,874	51	.....	.....	.....	23,110.40	11,874 00	51
15	2 W.	22,853.80	270	11,260	7,250	4,073.80	12,814	56	.....	.....	.....	22,853.80	12,814 00	56
16	2 W.	23,063.38	3,020	14,836	3,740	1,471.38	16,919	73	.....	.....	.....	23,067.38	16,919 00	73
17	2 W.	22,999.00	1,200	6,600	8,120	7,079.00	11,217	48	.....	.....	.....	22,999.00	11,217 00	48
18	2 W.	23,018.98	1,300	8,140	9,820	3,758.98	13,015	56½	.....	.....	.....	23,018.98	13,015 00	56½
19	2 W.	23,048.84	2,540	10,320	4,950	5,258.84	13,913	60½	.....	160.29	200 35	22,880.55	13,712 29	60
15	3 W.	23,109.85	630	8,650	6,230	7,599.85	11,119	48	.....	.....	.....	23,109.85	11,119 00	48
16	3 W.	22,937.40	2,500	5,940	6,020	8,477.40	11,437	49	.....	.....	.....	22,937.40	11,437 00	49
17	3 W.	23,079.70	2,620	7,040	5,740	7,679.70	12,192	53	.....	.....	.....	23,079.70	12,192 00	53
18	3 W.	22,968.86	1,040	2,240	9,020	10,668.86	8,456	36½	.....	.....	.....	22,968.86	8,456 00	36½
19	3 W.	23,058.12	640	3,640	1,460	17,318.12	5,911	26	.....	160.51	200 63	22,897.61	5,709 13	24½
15	4 W.	23,414.00	2,140	6,090	4,270	10,914.00	10,469	45	.....	.....	.....	23,414.00	10,469 00	45
16	4 W.	23,434.40	1,360	5,360	4,620	12,094.40	9,239	40	.....	.....	.....	23,434.40	9,239 00	40
17	4 W.	22,945.24	780	6,880	7,800	7,485.24	10,783	46	.....	.....	.....	22,945.24	10,783 00	46
18	4 W.	22,826.32	1,460	7,420	6,740	7,106.32	11,540	50	.....	.....	.....	22,826.32	11,540 00	50
19	4 W.	23,002.08	1,420	7,040	6,340	8,202.08	11,045	48	.....	.....	.....	23,002.08	11,045 00	48
15	5 W.	23,101.20	....	3,340	3,660	16,101.20	5,945	25	.....	79.87½	99 83	23,021.32½	5,845 17	24½
16	5 W.	23,193.80	160	3,260	3,800	15,973.80	6,142	26	.....	.....	.....	23,193.80	6,142 00	26
17	5 W.	22,786.36	1,450	5,440	5,560	10,336.36	9,705	42	.....	78.40	98 00	22,707.96	9,607 00	42
18	5 W.	22,827.02	140	4,200	8,140	10,347.02	8,429	36½	.....	.....	.....	22,827.02	8,429 00	36½
19	5 W.	23,143.37	1,120	3,500	4,320	14,203.47	7,605	33	.....	163.87	204 83	22,979.50	7,400 16	33
		576,057.40	34,500	179,889	156,700	204,968.40	265,900	48½	.....	1,361.28	1,700 45	574,696.12	264,199 67	47½

REMARKS.—The first rate land in these townships is well adapted to the culture of cotton, &c. The second rate would produce wine and silk, two branches of agriculture yet unknown there. Probably the olive tree would also thrive well. The third rate would afford good pasture. The fourth rate includes the barren hills and the overflowed lands, these chiefly bordering the water-courses.

Description of the quantity and quality of the lands contained in twenty-six townships offered for sale in September, 1826.

No. of township.	No. of range.	Contents.	1st rate.	2d rate.	3d rate.	4th rate.	Estimated value.	Av. per acre.	Private claims.	Land sold.	Value.	Lands unsold.	Value estimated.	Av. per acre.
		Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*			*Acres.*	*Acres.*		*Acres.*		
5	1 W.	22,986.42	2,200	2,640	2,450	15,696.42	$7,524	$0 33	.....	79.79½	$99.73	22,906.62½	$7,424 27	$0 32
6	1 W.	23,017.30	240	1,200	1,080	20,497.30	3,791	16	.....	.....	.....	23,017.30	3,791 00	16
20	1 W.	23,021.25	940	4,040	4,020	14,021.25	7,617	33	.....	.....	.....	23,021.25	7,617 00	33
21	1 W.	22,794.05	1,060	7,200	8,060	6,474.05	11,382	51	.....	.....	.....	22,794.05	11,382 00	51
20	2 W.	23,087.50	920	3,640	4,600	13,927.50	7,572	32	.....	.....	.....	23,087.50	7,572 00	32
21	2 W.	22,934.75	540	2,820	4,220	15,354.75	6,437	28	.....	.....	.....	22,934.75	6,437 00	28
20	3 W.	22,952.75	760	3,420	4,800	13,972.75	7,322	33	.....	.....	.....	22,952.75	7,322 00	33
21	3 W.	22,808.00	1,420	6,140	3,860	11,388.00	9,448	45	.....	.....	.....	22,808.00	9,448 00	45
20	4 W.	22,866.25	1,520	5,020	4,760	11,566.25	9,201	41	.....	.....	.....	22,866.25	9,201 00	41
21	4 W.	22,945.00	1,620	3,460	3,140	14,725.00	7,662	34	.....	.....	.....	22,945.00	7,662 00	34
20	5 W.	22,990.75	1,660	4,120	3,860	13,350.75	8,430	37	.....	159.93¾	199 91	22,730.81¼	8,230 09	36
21	5 W.	23,240.50	1,020	3,340	3,820	15,060.50	7,190	31	.....	.....	.....	23,240.50	7,196 00	31
6	1 E.	22,103.29	640	1,280	2,640	10,263.29	4,706	22	1,280	.....	.....	20,823.29	4,706 00	22
15	1 E.	23,292.50	420	4,560	5,140	13,172.50	7,832	34	.....	.....	.....	23,292.50	7,832 00	34
16	1 E.	23,225.25	410	3,450	7,060	12,305.25	7,860	34	.....	80.62½	100 77	23,144.62½	7,779 23	33½
18	1 E.	22,925.25	320	2,040	9,740	10,825.25	7,882	34	.....	238.43¾	298 03	22,686.81¼	7,583 97	33½
19	1 E.	23,046.19	600	3,720	5,520	13,206.10	7,621	33	.....	400.44	500 55	22,645.75	7,120 45	31
20	1 E.	22,269.02	80	1,620	2,120	18,449.02	4,119	18½	.....	79.00	98 75	22,190.02	4,021 25	18
21	1 E.	23,005.56	.....	3,160	7,460	12,385.56	7,338	32	.....	.....	.....	23,005.66	7,338 00	32
18	2 E.	23,010.75	.....	5,060	6,480	11,470.75	8,202	35½	.....	80.40½	100 50	22,930.34½	8,101 50	35
Fractional														
17	13 E.	13,220.00	3,228.	2,660	3,032	4,300.00	8,296	62½	.....	5,463.56½	6,829 45	7,756.43½	1,447 55	18½
18	13 E.	19,224.55	12,464	3,200	.....	3,560.55	18,336	95	.....	644.53	805 66	18,580.02	17,531 66	94
19	13 E.	14,603.43	10,603	1,200	.....	2,800.43	14,433	99	.....	2,346.26	2,932 82	12,257.17	11,500 43	91
20	13 E.	16,095.15	6,800	3,535	.....	5,760.15	11,738	73	.....	5,966.94	7,458 67	10,128.21	4,269 33	42½
17	14 E.	8,374.00	6,019	.....	.....	820.00	7,605	111	1,535	3,590.50	4,488 10	3,248.50	1,299 00	40
18	14 E.	1,984.33	884.33	.....	.....	1,100.00	1,115	56	.....	192.60	240 75	1,791.73	874 25	48
		532,023.79	56,368.33	82,525	97,862	292,453.46	210,665	44	2,815	19,323.03½	24,153 69	509,885.75½	186,511 31	32½

REMARKS.—There is more overflowed land in these twenty-six townships than in the twenty-five townships described before. The observations made on these apply, however, to them also, except as to those in ranges 13 and 14 E., which are situated on the Mississippi.—(See general remarks.)

Description of the quantity and quality of the land contained in nineteen townships offered for sale in June, 1828.

No. of township.	No. of range.	Contents.	1st rate.	2d rate.	3d rate.	4th rate.	Estimated value.	Av. per acre.	Land sold.	Value.	Private claims.	Lands unsold.	Estimated value.	Av. per acre.
		Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*			*Acres.*		*Acres.*	*Acres.*		
5	1 E.	23,022.49	440.00	2,600.00	3,260.00	12,277.81	$5,357 00	$0 29	.....	.....	4,444.58	18,577.81	$5,357 00	$0 29
7	1 E.	22,666.02	.....	1,520.00	1,840.00	18,686.33	3,928 00	17	.....	.....	619.19	22,046.83	3,928 00	17
4	2 E.	22,481.73	.....	600.00	800.00	16,551.44	2,505 00	14	.....	.....	4,530.29	17,951.44	2,505 00	14
5	2 E.	23,107.10	240.00	820.00	1,120.00	17,004.61	3,125 00	16	.....	.....	3,922.49	19,184.61	3,125 00	16
6	2 E.	22,304.01	.....	1,240.00	2,120.00	18,944.01	3,884 00	18	.....	.....	.....	22,304.01	3,884 00	18
7	2 E.	22,721.53	.....	3,260.00	3,300.00	16,161.53	5,711 00	25	.....	.....	.....	22,721.53	5,711 00	25
8	2 E.	23,213.71	2,800.00	4,860.00	3,840.00	11,713.71	10,236 00	44	.....	.....	.....	23,213.71	10,236 00	44
4	3 E.	23,027.98	.....	640.00	780.00	20,071.75	3,197 00	14$\frac{1}{8}$	.....	.....	1,536.23	21,491.75	3,197 00	14$\frac{1}{8}$
5	3 E.	23,052.69	460.00	1,880.00	1,680.00	17,169.96	4,541 00	21	.....	.....	1,862.73	21,189.96	4,541 00	21
8	3 E.	23,086.52	640.00	2,240.00	3,660.00	13,500.00	5,660 00	28	.....	.....	3,046.52	20,040.00	5,660 00	28
Fractional														
3	6 E.	1,598.26	.....	1,598.26	.....	.....	1,198.00	75	169.76	$215 00	.....	1,428.50	985 80	69
1	7 E.	1,387.63	.....	.....	.....	1,387.63	138 00	10	.....	.....	.....	1,387.63	138 00	10
2	7 E.	1,423.50	.....	.....	.....	1,423.50	142 00	10	.....	.....	.....	1,423.53	142 00	10
3	7 E.	14,235.90	.....	.....	.....	14,235.90	1,423 00	10	.....	.....	.....	14,225.90	1,423 00	10
2	8 E.	17,155.43	.....	5,760.00	.....	9,974.90	5,310 00	34	.....	.....	1,420.53	15,734.90	5,310 00	34
3	8 E.	16,858.99	.....	2,660.00	.....	11,234.17	3,118 00	18	.....	.....	2,964.82	13,894.17	3,118 00	18
9	11 E.	5,745.59	.....	.....	1,911.69	.....	955 84	50	.....	.....	3,833.90	1,911.69	955 84	50
Township.														
7	1 W.	23,054.58	.....	860.00	1,240.00	21,984.58	3,363 00	14	.....	.....	.....	23,084.58	3,363 00	14
7	2 W.	22,903.55	.....	1,040.00	1,260.00	20,603.55	3,470 00	15	.....	.....	.....	22,903.55	3,470 00	15
		333,077.21	4,580.00	31,578.26	26,811.69	241,925.98	67,261 84	24$\frac{1}{2}$	169.76	215 00	28,181.28	304,736.10	67,049 64	24

REMARKS.—These nineteen townships contain but few spots of good land; the second rate of those situated in ranges 1, 2, 3, east, and 1, 2, west, is well adapted to the culture of grapevine and silk, but no attempt has ever been made there to try those two important branches of industry. The third and fourth rate are like those offered in 1822 and 1826, with a larger proportion of overflow. The fractional townships are all overflowed lands.—(See general remarks.)

RECAPITULATION.

	Contents.	1st rate.	2d rate.	3d rate.	4th rate.	Estimated value.	Av. per acre.	Land sold.	Value.	Private claims.	Lands unsold.	Estimated value.	Av. per acre.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*			*Acres.*		*Acres.*	*Acres.*		
Land offered in 1822.....	576,057.40	34,500.00	179,889.00	156,700.00	204,968.40	$265,900 00	$0 48$\frac{1}{2}$	1,361.28	$1,700 33	.....	574,696.00	$264,199 67	$0 48
Land offered in 1826.....	532,023.79	56,368.33	82,525.00	97,862.00	292,453.46	210,665 00	44	19,323.03$\frac{1}{2}$	24,153 69	2,815.00	509,885.75$\frac{1}{2}$	186,511 31	36
Land offered in 1828.....	333,077.21	4,580.00	31,578.26	26,811.29	241,925.98	67,261 84	24$\frac{1}{2}$	169.76	212 20	28,181.28	304,736.10	67,049 64	23
Total.....	1,441,158.40	95,448.33	293,992.26	281,373.29	739,347.84	543,826 84	....	20,854.07$\frac{1}{2}$	26,066 22	30,996.28	1,389,317.85$\frac{1}{2}$	517,760 62	26.6

GENERAL REMARKS.

The foregoing tables show, that in 1822, 25 townships were offered for sale, containing 576,057.40 acres; of which, 34,500 are of 1st rate; 179,889 of 2d rate; 156,700 of 3d rate; and 204,968.40 acres of 4th rate. Of that quantity, 1,361.28 acres have been sold, to June 30, 1828; leaving a balance of 574,696.12 acres unsold, estimated at $264,199 67; making an average valuation of 48 cents per acre.

In 1826, 26 townships, or fractional townships, were offered for sale, containing 532,023.79 acres, of which 56,368.38 are 1st rate; 82,525 2d rate; 97,862 3d rate; 292,453.46 4th rate. Of that quantity, 19,323.03½ acres have been sold, to June 30, 1828, and 2,815 acres are taken up by private claims, (confirmed,) leaving a balance unsold of 509,885.75 acres, estimated at $186,511 31, making an average valuation of 36 cents per acre.

In June, 1828, 12 townships and 7 fractional townships were offered for sale; they contained 333,077.21 acres, of which 4,580 are 1st rate; 31,575 2d rate; 26,811 3d rate; and 341,925 are of fourth rate. Of that quantity 169.76 acres have been sold to June 30, 1828, and 28,181.28 acres are taken up by private claims, (confirmed,) leaving a balance of 304,726.10 acres unsold, valued at $67,049 64, making an average value of 23 cents per acre.

Thus all the lands offered for sale at Ouachita, (land district north of Red river,) amount to 1,441,158.40 acres, of which 95,448 are 1st rate; 283,992 of 2d rate; 282,373 of 3d rate; and 739,347.84 of 4th rate. Of that quantity, 20,853.79½ acres have been sold, and 30,996.28 acres are taken up by private claims, (confirmed,) leaving a balance of lands unsold, to this day, of 1,389,308 acres, valued at $517,760, making an average of 26 3–5 cents per acre.

This statement represents, as accurately as I could do it from the means within my reach, the quality of the lands remaining unsold. The quantity stated is correct, or nearly so, fractions of acres, &c., having often been omitted.

The quantity and quality of the lots fronting the Mississippi are correctly stated; but the sections in the back or depth not having been run, I had no data but from personal knowledge or information as to the quality. I calculated every section at 640 acres, which will bring the quantity near to positive truth.

The basis from which I have made the estimation of the lands, is as follows: I value the first rate at the minimum price of $1 25 per acre; second rate at 75 cents; third rate at 50 cents; fourth rate at 10 cents per acre. This is certainly the greatest price which could now be obtained for the whole, in the supposition that purchasers could be found. These, however, increase only *pari passu* with the population; and if the tide of emigration does not turn this way, several future generations will yet see the greatest part of those lands uncultivated.

I beg leave to observe that some of the lands classed 4th rate may be partially used as pasture ground, while the balance, being deeply inundated lands, is not worth the estimated value of 10 cents per acre; some of those overflowed tracts being, however, well situated for *wood-yards*, compensate for those of no value.

I have ascertained the quality of the lands from the field-notes annexed to the maps of the townships; although they only describe the lines run, yet, calculating by approximation from those field-notes, and aided by my own knowledge of the lands in several townships, I arrived at as correct a result as could be expected.

I calculated all the lands sold as being 1st rate; the private claims also, with a few exceptions.

I believe that there are no other private claims within the 70 townships offered for sale in this district than those stated. No other appear on the survey, and there is, (I think,) nothing in this land office to show that any exist.

Respectfully submitted by your obedient servant,

H. BRY, *Receiver.*

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office, Washington.*

E No. 3.

NEW ORLEANS, *July* 28, 1828.

The undersigned, register and receiver for the eastern district of Louisiana, in obedience to the resolution of the Senate of the United States, April 25, 1828, have the honor to report—

That they have no means of ascertaining the quantity of land remaining unsold in this district on June 30, 1828, no return of the public lands having been made by the surveyor of the United States. The *quality* of the public land in this district is, in the general, first rate; but nearly all of it is liable to annual inundation, and consequently is of little value; for the expense of reclaiming those lands, or of preventing the water of the Mississippi from overflowing them, it is believed, would exceed their intrinsic value.

The undersigned are of opinion that there is but little, if any, land in this district "subject to be given away, or otherwise disposed of, by foreign sovereigns before it came under the dominion of the United States."

Having stated that nearly all the public land is liable to inundation, it follows that it is nearly all unfit for cultivation; and unless the river, or at least the numerous bayous on which these lands lie, be leveed or dyked, so as to prevent the overflowing of them, it is not believed they will command the minimum price of one dollar and twenty-five cents per acre.

When, however, the public lands in this district shall be ascertained by actual survey, it may be found that a portion of them will form an exception to the description given above.

All which is respectfully submitted.

SAMUEL H. HARPER, *Register.*
NATHAN COX, *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

E No. 4.

LAND OFFICE, *St. Helena, October* 10, 1828.

SIR: We have the honor to transmit to you our report, in obedience to the resolution of the Senate of the 25th of April last; but regret to say we are not able to make such a report as the resolution requires, as no lands in this district have ever been offered for sale, or any money paid over for any pre-emption claims. It will not be possible to say what is the probable value per acre, as only fifty-five townships have as yet been returned to this office, a very small portion of which appears to be vacant, and that mostly fractions between the donation claims; but we are able to say that a large portion of the vacant lands in this district are very poor pine woodlands, which would not sell, as we believe, for twenty-five cents per acre; but the land on the margin of Casa Maurepas to the High Pine Woods, which is chiefly covered with cane and brush between the rivers Amité and Tickfau, and in which body is contained, perhaps, five or six townships—some of which land, in all probability, will sell for the price required by law, and some few sections for double the amount. But in the above-described district of country there is a great portion that is not arable, lying too low for cultivation unless ditched; and that part of the district is covered by large Spanish grants, which, although they have been rejected by Congress, would form an objection on the part of the purchaser. No part of the above-described lands was settled under the British or Spanish governments, except so much thereof as lies immediately on the east margin of the river Amité; and the settlements formed there being small, the part of the country lying east of that, through which there are no roads, is little known.

We now close our remarks, not being able to give further information until we are furnished with connecting plans of survey of the whole district.

With great respect, we have the honor to be your obedient servants,

SAMUEL J. RENNELLS, *Register.*
WILLIAM KINCHEN, *Receiver.*

P. S.—Large bodies of land are held in this district under complete titles, which are now offered at Congress price, but do not appear to be quick sale.

SAMUEL J. RENNELLS, *Register.*
WILLIAM KINCHEN, *Receiver.*

F No. 1.

LAND OFFICE, *Washington, Mississippi, November* 1, 1828.

SIR: We have the honor to transmit you herewith our report, required by a resolution of the Senate of the United States, passed April 25, 1828. It is as accurate as the data from which it is formed would enable us to make it. We have had to make calculations and estimates from *one hundred and eighty* maps of townships, and fractional townships, in which the area of all claims confirmed under complete titles were *not given.* We hope that it will afford all the information desired, and be thought worthy of some compensation for the labor it has occasioned us.

Very respectfully, your obedient servants,

B. L. C. WAILES, *Register.*
A. W. McDANIEL, *Receiver.*

Hon. GEORGE GRAHAM, *Commissioner of General Land Office.*

To the Commissioner of the General Land Office:

SIR: In obedience to a resolution of the Senate of the United States, passed April 25, 1828, requiring the registers and receivers of the several land offices "to make a *report* to the Commissioner of the General Land Office, (in time to be by him laid before the Senate at the commencement of the next stated session of Congress,) upon the *quantity* and *quality* of the land remaining unsold in their respective districts on June 30, 1828, after having been offered at the minimum price of $1 25 cents per acre, so as to show how many acres remain so unsold, what proportion (as nearly as can be estimated) consists of first rate land, what proportion consists of land unfit for cultivation, and what is the probable average value of the whole, per acre; with such remarks upon the *character* of said unsold lands, and the length of time they may have been in market under the laws of the United States, or subject to be *given away,* or otherwise disposed of, by foreign sovereigns before they came under the dominion of the United States, as may be necessary to give the Senate a just conception of their present actual value," we have the honor respectfully to report that the land district west of Pearl river was established by an act of Congress, March 3, 1803, and comprised a territory that had passed successively under the dominion of the French, British, and Spanish governments; at least each had exercised the right of sovereignty over it. From the establishment of a *post* by the French at "the Natchez," in the year 1722, to the year 1763, when France ceded her possessions in America to the British and Spanish governments, there does not appear to have been created any individual interests in the soil, at least none are known to have been recognized by the succeeding governments, the pursuits of the French inhabitants being rather of a commercial character, and confined chiefly to a traffic with the natives. From the year 1764, (the year succeeding that in which they had acquired a right to the country,) when the jurisdiction of the British governors of West Florida was extended as far north as the mouth of the Yazoo river, (the northern extremity of this district,) to the year 1783, numerous and extensive British grants were made in that part of the district bordering upon the Mississippi river and tributaries, and lying west of a line of demarcation established by the British authorities, between the settlements in the Natchez district and the Choctaw Indians, which extends in a southerly direction from a point near the mouth of the Yazoo river to the 31° of north latitude, embracing *about* two-thirds of the district, and nearly all the valuable land in it.

Spain having, about the year 1779 or 1780, seized upon the British possessions in Louisiana and Florida, the Spanish authorities exercising a jurisdiction over the territory embraced in this district regranted the lands in that portion of it which had been previously disposed of by the British government of West Florida, recognizing and confirming in but few instances those grants, until, by the treaty of San Lorenzo, of 1795, the 31st degree of north latitude was recognized as the southern boundary of the United States, as it had been previously established by the treaty of peace of 1783. In addition to these claims, provided for by the articles of agreement and cession between the United States and the State of Georgia, actual settlers at the time the country was evacuated by the Spanish troops, in the year 1797, received a donation from the American government. These several descriptions of claims alluded to were adjudicated by a board of commissioners created for the purpose, and confirmations were made by that tribunal and by Congress to the amount of 545,480 acres; leaving, together with the lands subsequently acquired by treaty with the Choctaw Indians, concluded at Mount Dexter in 1808, 2,867,240 acres, (*exclusive* of lands reserved for schools,) subject to the disposal of the Congress of the United States; the *whole* of which has been offered at public sale, at the periods and in the quantities represented in the table marked A, subjoined to this report, and of which 988,110 acres have been sold. The proportion of the private confirmed claims of lands subject to sale originally, of lands sold, and those remaining vacant, is exhibited in the table marked B, from which it will be seen that not one-third of the vacant land in the district has yet been disposed of.

A.

A statement exhibiting the quantity of public land in the district west of Pearl river, which, having been offered at public sale at the periods therein stated, remained unsold on the 30th June, 1828; showing, also, the quantity sold up to that period, and the amount relinquished and not re-entered.

When offered at public sale.	Quantity sold, exclusive of lands which have been forfeited and relinquished, and not subsequently re-entered.	Quantity vacant, including forfeited and relinquished lands not resold.	Quantity relinquished and not resold, included in preceding column.	Total.
	Acres.	*Acres.*	*Acres.*	*Acres.*
January, 1809	337,160	532,550	37,170	869,710
November, 1811	228,360	993,850	53,980	1,222,210
October, 1815	397,170	333,500	39,260	730,670
July, 1821	25,420	19,230	.....	44,650

B.

	Acres.
Confirmed claims, derived from the British, Spanish, and *American* governments	545,480
Original amount subject to sale	2,867,240
Amount sold, including pre-emptions	988,110
Rmaining vacant, June 30, 1828	1,879,130

C.

A statement of the estimated quantity, quality, and average value of vacant land.

	Acres.
First rate	None.
Second and third rate	700,000
Pine barren	1,000,000
Inundated	179,130
Total	1,879,130
Average value per acre	40 cents.

Estimating the value of the second and third rate land at one dollar, and the pine barren and inundated at five cents per acre, we arrive at the mean or average value of forty cents; which we have adopted, as stated in the table marked C.

We have added another table which, we believe, furnishes a synopsis of all the information desired by the resolution of the Senate. In that, the period during which a portion of the lands in the district were "subject to be given away or otherwise disposed of," is stated at thirty-three years; which goes back to the date at which the British government first exercised a jurisdiction over it. But if it should be thought proper to reckon from the first settlement by the French, seventy-five years will be the period required. The greater portion of the lands now vacant is situated in the eastern part of the district, where pine is almost the exclusive growth; and although the soil may not be absolutely unfit for cultiva-

tion, it is certainly of little value. The value of the inundated lands is confined to the timber; that, however, is yet too abundant, and the local situation of such lands is not such as to render them unsalable.

Some of them, perhaps, might be reclaimed, but a *donation* of them would not be a sufficient inducement to attempt it.

All of which is respectfully submitted.

B. L. C. WAILES, *Register.*
A. W. McDANIEL, *Receiver.*

LAND OFFICE, *Washington, Mississippi, November* 1, 1828.

Synopsis of all the information required by the resolution of the Senate of the United States of April 25, 1828.

Whole area of the district, exclusive of lands reserved for schools		3,412,720 acres.
Area of so much of the district as was subject to be given away by foreign sovereigns		2,031,800 acres.
Period in which such lands were subject to be given away, 33 years.		
Quantity given away by the British and Spanish governments, including also American donations		545,480 acres.
Quantity of land originally subject to sale after deducting confirmed claims and lands reserved for schools		2,867,240 acres.
Quantity which has been in market 11 years and 5 months, at the minimum price of $2 per acre	869,710 acres.	
Quantity which has been in market 8 years and 7 months, at the minimum price of $2 per acre	1,222,210 acres.	
Quantity which has been in market 4 years and 8 months, at the minimun price of $2 per acre	730,670 acres.	
Subsequently in market 8 years at the minimum price of $1 25 per acre.	2,822,590 acres.	
Quantity which has been in market 7 years, at the minimum price of $1 25 per acre		44,650 acres.
Whole quantity sold since the establishment of the land office, including pre-emptions, and exclusive of forfeited and relinquished not re-entered		988,110 acres.
Whole quantity remaining vacant June 30, 1828		1,879,130 acres.
Second and third rate lands		700,000 acres.
Pine barren		1,000,000 acres.
Subject to inundation		179,130 acres.
First rate land		none.

Average value per acre, 40 cents.

Date of public sale, January, 1809; quantity in market at sale, 869,710 acres; whole period during which such lands have been subject to private sale, prior to June 30, 1828, 19 years and 5 months.

Date of public sale, November, 1811; quantity in market at sale, 1,222,210 acres; whole period during which such lands have been subject to private sale, prior to June 30, 1828, 16 years and 7 months.

Date of public sale, October, 1815; quantity in market at sale, 730,670 acres; whole period during which such lands have been subject to private sale, prior to June 30, 1828, 12 years and 8 months.

Date of public sale, July, 1821; quantity in market at sale, 44,650 acres; whole period during which such lands have been subject to private sale, prior to June 30, 1828, 7 years.

F No. 2.

LAND OFFICE, *Choctaw District, Mount Salus, Mississippi, August* 18, 1828.

SIR: In pursuance of a resolution of the Senate of the United States, adopted on the 25th of April, 1828, and transmitted with your letter of the 29th of the same month, the register and receiver report: That on counting the number of townships and fractional townships which have "been offered at the minimum price of one dollar and twenty-five cents per acre," we find that the whole may amount to 155 townships, equal to 3,571,200 acres.

The public sales commenced in March, 1823, and have continued at the rate of one or two public sales each year, for the term of five years and three months, to the 30th June, 1828.

The quantity sold in that time is 340,422 acres, being something less than one-tenth of all the land of the district which has been offered for sale.

The quantity remaining unsold, of that which has been offered, is 3,230,778 acres. Of this quantity we estimate 1,000,000 acres as being low land, the greater part of which is subject to inundation, and therefore not salable at present. The quantity of first rate land of the district is small, and too much scattered in small bodies to be estimated. The greater part of the salable land is of middling quality of high land.

Perhaps one-half of all the high land may be considered as being too broken or too poor to be salable at the present price of $1 25 per acre. A very small proportion of that part of the district which lies between Yazoo and Mississippi rivers has been offered for sale; that part of the district contains some very valuable land. Knowing that some tracts of poor land, which were not thought to be salable a few years ago, have been purchased and found to be of a better quality than was expected, and that parts of what is called swamp may be cultivated without much expense, we feel not prepared to state any exact quantity which can never be cultivated. We hope the foregoing remarks will prove to be sufficient and satisfactory to the Senate. We are of opinion that the average value of the whole may be rated from 25 to 30 cents per acre.

GIDEON FITZ, *Register.*
JAMES C. DICKSON, *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington City.*

Recapitulation.

		Acres.
Whole number of acres which have been offered for sale in the Choctaw district, at $1 25....		3,571,200
Quantity sold....		340,422
Quantity remaining unsold....		3,230,778
Swamp land not immediately salable....	1,000,000	
One-half of all the high land not immediately salable....	1,115,389	
		2,115,389
Salable land remaining unsold....		1,115,389

Average value of the whole, say 25 to 30 cents per acre.

F No. 3.

LAND OFFICE, *Augusta, District of Jackson Court-house, Miss., September* 20, 1828.

SIR: In compliance with a resolution of the Senate, passed on the 25th April last, and in obedience to your request of 29th of same month, we have the honor herewith to transmit a report, believing it to be a fulfilment of the resolution, so far as it is practicable for us.

We are, very respectfully, your most obedient servants,

WILLIAM HOWZE.
G. B. DAMERON.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

LAND OFFICE, *Augusta, District of Jackson Court-house, Miss., September* 20, 1828.

In compliance with a resolution of the Senate of the United States, of April 25, 1828, requesting "that the President of the United States should cause the registers and receivers of the respective land offices in the different States and Territories to be directed to make a report to the Commissioner of the General Land Office (in time to be by him laid before the Senate at the commencement of the next stated session of Congress) upon the quantity and quality of the land remaining unsold in their respective districts on the 30th day of June, 1828, after having been offered at the minimum price of one dollar and twenty-five cents per acre, so as to show how many acres remain so unsold, what proportion thereof (as nearly as can be estimated) consists of first rate land, what proportion consists of land unfit for cultivation, and what is the probable average value of the whole per acre, with such remarks upon the character of said unsold lands, and the length of time they may have been in market under the laws of the United States, or subject to be given away or otherwise disposed of by foreign sovereigns before they came under the dominion of the United States, as may be necessary to give the Senate a just conception of their present actual value," the register and receiver of the land office at Agusta, Jackson Court-house, Mississippi, respectfully submit to the Commissioner of the General Land Office the following report, viz:

Land north of the 31st degree of north latitude.

	Acres.
Quantity of unsold land....	2,961,400
Quantity of first rate land....	.....
Quantity of land worth 75 cents per acre....	118,456
Quantity of land worth 50 cents per acre....	118,456
Quantity of land unfit for cultivation....	2,724,488
Whole quantity....	3,337,940

Average value of the unsold land, 5 cents per acre.
Time since the land has been in market, 15 or 18 years.

To the above quantity of unsold land may be added the lands relinquished under the several relief laws, the returns of which have not been made to this office to a sufficient extent to furnish us with any data from which to calculate the quantity; but as much of this land was entered under the credit system, it is a resonable presumption that, of the land heretofore sold, a large proportion of it has and will be relinquished. We would remark that the land set down as unfit for cultivation is very poor, growth pine, and can never be of any value except it be for naval stores or pine lumber.

Lands south of the 31st degree of north latitude, within the State of Mississippi.

	Acres.
Whole quantity....	3,000,000
Quantity confirmed to individuals....	222,067
Quantity unsold or vacant....	2,777,933
Quantity worth 75 cents per acre....	148,156
Quantity worth 50 cents per acre....	148,156
Quantity worth 25 cents per acre....	148,156
Quantity unfit for cultivation....	2,333,464

Average price per acre, 8 cents.

The land lying south of the 31st degree of north latitude, in the State of Mississippi, is supposed to contain about the quantity we have set down; the returns have not been made to this office to a sufficient extent to ascertain the precise quantity. This portion of country has been subject to be given away by France, Britain, and Spain, while those countries, respectively, held possession of it for the period of more than one hundred years. It was obtained from France by the treaty of 1803, being considered a part of Louisiana, consequently included in the treaty above alluded to. The United States did not take actual possession of this part of the cession until April 15, 1813; since which time, owing to a complication of circumstances, it has not been brought into market under the laws of the United States. The land bordering on the Pascagoula river is rich cane land, subject to be overflowed by high winter freshets, which often remain on it until May or June, but may be said to be above the ordinary summer swells of the river. That adjoining the sea-coast offers to the agriculturist more flattering prospects. It has been discovered from recent experiments that it is well adapted to the growth of sea-island cotton and sugar-cane; and from the healthfulness of this coast, and its contiguity to the market of the great emporium of the west, we are led to the belief that the time is not distant when those advantages will be properly estimated. A large proportion, however, of this tract of country is poor pine woods, unfit for cultivation.

What we have said in relation to the lands unfit for cultivation north of the 31st degree of north latitude is also applicable to this; and with the exception of that portion of it lying adjacent to the villages, a very small proportion will command any price whatever.

The above is respectfully submitted.

WILLIAM HOWZE, *Register.*
G. B. DAMERON, *Receiver.*

G No. 1.

LAND OFFICE, *Huntsville, Alabama, October* 4, 1828.

SIR: In conformity with a resolution of the Senate of the 25th April last, "directing a report to be made to the Commissioner of the General Land Office, of the quantity and quality of the lands remaining unsold on the 30th June, 1828, after having been offered at the minimum price of $1 25 per acre," we beg leave to state that the maps of this office exhibit the quantity unsold in this district on the 30th June, 1828, of 3,322,984 acres.

From general inquiry, and length of time those lands have been subject to entry, we presume there is a very inconsiderable part, if any, that may be termed first rate; and from the general face of the country as described in the field notes, we should estimate the greatest proportion of it as mountainous and unfit for cultivation.

Of the above quantity unsold about 49,300 acres have been in market since 1809; 2,394,484 acres since 1818 and 1819; and 879,200 acres since 1820, and 1821.

If not irrelevant to the subject, we can state, from information, that the reverted lands, (where one-twentieth deposit has been paid,) particularly those bordering on the Tennessee river, are viewed, one-third, at least, to be of first and second rate, the remainder unfit for cultivation.

Very respectfully, your obedient,

B. S. POPE, *Register.*
S. CRUSE, *Receiver.*

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office, Washington City.*

G No. 2.

LAND OFFICE, *Cahaba, July* 8, 1828.

SIR: In compliance with the direction contained in your letter of 29th of April last, I transmit a report, in conformity with a resolution of the Senate of the United States, passed on the 15th day of that month.

I am, sir, with much respect, your obedient servant,

ALEX. POPE.

GEORGE GRAHAM, ESQ., *Washington City.*

LAND OFFICE, *Cahaba, July* 8, 1828.

In conformity with a resolution of the Senate of the United States, passed April 15, 1828, the register of the land office at Cahaba, Alabama, reports, that his land district embraces sixteen ranges, each containing seventeen townships of six miles square, or 6,266,880 acres. Of this there have been offered for sale, at various times, one hundred and fifty-nine townships, of 23,040 acres each; making the whole quantity offered for sale, about 3,663,360 acres, as follows:

31	townships, or	714,240	acres, were	offered in	August, 1817.
30	do.	691,200	do.	do.	October, 1818.
10	do.	230,400	do.	do.	January, 1819.
23	do.	529,920	do.	do.	March, 1819.
13	do.	299,520	do.	do.	May, 1819.
25	do.	576,000	do.	do.	August, 1819.
27	do.	622,080	do.	do.	January, 1820.
			do.		
159	do.	3,663,360	do.		

Of the above quantity which was offered there was sold about 1,843,381 acres, from which 637,223 acres (that were subsequently relinquished to the United States under the provisions of the several relief laws) should be deducted; but as there was about 39,040 acres of the relinquished lands sold again under the cash system, there will be 2,418,162 acres remaining unsold on June 30, 1818, after having been offered for sale at the minimum price of one dollar and twenty-five cents per acre, with the exception of that part relinquished, which has not since been offered for sale. What proportion thereof consists of first rate land, what proportion consists of land unfit for cultivation, or what the probable average value of the whole is per acre, the register has no means of judging. Of the relinquished lands, however, it may be presumed that as those which had been sold for the highest prices were pretty generally surrendered to the United States, they were as generally of the best quality. It will be seen by reference to the dates of the several sales the length of time they have been in market under the laws of the United States.

Respectfully submitted.

ALEX. POPE. *Register.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington City.*

RECEIVER'S OFFICE, *Cahaba, July* 31, 1828.

SIR: Herewith you have my monthly return for July, accompanied with vouchers for all the moneys I paid out; also an account current with the United States, showing the amount in hand subject to treasury draft.

I now state to you it is entirely out of my power to make a report to you, agreeably to a resolution of the Senate of the United States passed on the 25th of April last. The former receivers in this office have never had their books brought up; therefore it is impossible for me to make out any report from those books; and if I were to make out a report from the register's books, it would be the same as his own report. I have been told the former receivers have generally made out their returns by the register's book; but I can assure you, sir, I will always make my returns by my own books, and keep them up every month, or quarterly at furthest. In my first return I charged my commissions on all moneys received. In my last return I have only charged my commissions on the moneys I have paid out. You will advise me which is the correct way to make them out.

Respectfully, your obedient servant,

W. G. MITCHELL.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

G No. 3.

LAND OFFICE, *Tuscaloosa, September* 24, 1828.

SIR: In compliance with a resolution of the Senate of the United States passed on the 25th of April last, we have the honor to report: That on June 30, 1828, there remained unsold in this district three million one hundred and forty-nine thousand three hundred and six acres of land, after having been offered at the minimum price of $1 25 cents per acre; of which

334,622	acres	have been in the market since	July, 1821.
361,870	do.	do.	August, 1821.
458,847	do.	do.	September, 1821.
398,517	do.	do.	October, 1821.
476,941	do.	do.	November, 1821.
380,281	do.	do.	December, 1821.
151,977	do.	do.	January, 1825.
294,411	do.	do.	January, 1826.

277,200 offered at Huntsville before the establishment of this district.

14,640 offered at Cahaba before the establishment of this district.

As the greatest quantity of this land has been in the market since 1821, we are induced to believe there is no part of it would come under the head of first quality, and that there is not exceeding ten thousand acres fit for cultivation. This region of country is generally barren and mountainous, and we are of opinion the average value of the whole would be fairly estimated at five cents per acre.

We are, very respectfully, sir, your obedient servants,

WM. G. PARISH, *Receiver.*
WM. P. GOULD, *Register.*

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

G No. 4.

SPARTA, *November* 7, 1828.

SIR: My report in conformity to the resolution of the Senate of the United States passed April 25 of the present year is herewith submitted to you.

I have endeavored to be as accurate as the nature of the case would admit in calculating the total amount of land unsold, as likewise the quality of those lands in this district; and to this end I have been governed principally by the maps and books in the office, and the representations of individuals residing in different parts of the district.

In this report I believe I have embraced whatever it was my duty to notice, and which, I trust, will be satisfactory to you.

Respectfully, your obedient servant,

WADE H. GREENING.

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office, Washington City.*

An abstract of lands remaining unsold in the district of Connecuh Court-house, Alabama, on the 30th of June, 1828, after having been offered for sale at the minimum price of one dollar and twenty-five cents per acre.

Township.	Range.	Acres.	REMARKS. Oak and hickory.	Township.	Range.	Acres.	REMARKS. Oak and hickory.
1	5	22,411.46	.....	4	17	23,795.26	.....
2		22,537.68	.....	5		22,602.71	.....
3		22,342.28	.....	1	18	22,206.40	.....
4		22,449.48	.....	2		22,395.28	.....
5		13,848.83	13,848.83	3		22,271.90	.....
1	6	22,391.08	.....	4		22,420.38	.....
2		22,445.84	.....	5		22,613.20	.....
3		22,659.86	.....	1	19	22,434.42	.....
4		22,335.86	.....	2		22,398.28	.....
5		22,370.09	.....	3		22,474.00	.....
1	7	22,221.44	.....	4		21,907.09	21,907.09
2		22,380.65	.....	5		22,648.76	.....
3		22,459.96	.....	1	20	21,941.80	21,941.80
4		22,339.54	.....	2		21,981.68	21,981.68
5		22,260.33	.....	3		21,811.48	21,811.48
1	8	22,425.12	.....	4		21,922.44	21,922.44
2		22,421.72	.....	5		21,485.56	21,485.56
3		22,425.44	.....	1	21	22,343.44	.....
4		22,427.50	.....	2		22,780.98	.....
5		22,436.60	.....	3		22,451.56	.....
1	9	22,467.90	.....	4		22,410.72	.....
2		22,500.24	.....	5		22,426.54	.....
3		22,222.46	.....	6		22,444.40	.....
4		22,198.94	.....	7		22,429.02	.....
5		17,673.00	17,673.00	8		22,383.00	.....
1	10	22,286.52	.....	9		22,161.86	.....
2		22,309.94	.....	10		22,455.00	.....
3		22,216.86	.....	11		22,435.53	.....
4		20,474.48	20,474.48	1	22	22,180.65	.....
5		21,895.67	.....	2		22,916.06	.....
1	11	22,429.78	.....	3		22,414.24	.....
2		22,297.85	.....	4		22,416.48	.....
3		22,424.00	.....	5		22,434.52	.....
4		20,656.56	20,656.56	6		19,324.88	19,324.88
5		19,215.77	19,215.77	7		21,661.27	21,661.27
1	12	22,571.84	.....	8		21,805.32	21,805.32
2		21,023.06	21,023.06	9		18,088.41	18,088.41
3		22,683.28	.....	10		20,081.92	20,081.92
4		16,544.35	16,544.35	11		22,377.24	.....
5		19,399.69	19,399.69	1	23	22,451.76	.....
1	13	22,397.09	.....	2		22,389.02	.....
2		22,110.15	.....	3		22,454.98	.....
3		19,274.82	19,274.82	4		22,346.45	.....
4		19,027.87	19,027.87	5		22,294.91	.....
5		20,419.88	20,419.88	6		22,456.00	.....
1	14	22,222.34	.....	7		22,399.16	.....
2		22,089.02	.....	8		20,196.43	20,196.43
3		21,225.49	21,225.49	9		18,199.63	18,199.63
4		21,109.31	21,109.31	10		21,549.36	21,549.36
5		20,337.63	20,337.63	11		22,231.16	.....
1	15	22,431.16	.....	1	24	22,231.08	.....
2		22,530.82	.....	2		22,431.88	.....
3		22,352.08	.....	3		22,310.34	.....
4		19,743.60	19,743.60	4		22,114.87	.....
5		21,378.43	21,378.43	5		22,049.00	.....
1	16	22,417.48	.....	6		22,402.52	.....
2		22,486.28	.....	7		22,419.92	.....
3		22,493.68	.....	8		22,100.31	.....
4		21,592.10	21,592.10	9		18,153.93	18,153.93
5		21,295.91	21,295.91	10		21,524.61	21,524.61
1	17	22,445.74	.....	11		22,482.32	.....
2		22,552.08	.....				
3		22,534.48	.....				
						2,502,735.75	687,371.56

There appears from the abstract here exhibited two million five hundred and two thousand seven hundred and thirty-five and seventy-five hundredths (2,502,735.75) acres of land remaining unsold in this land district on the 30th of June, 1828, of which six hundred and eighty-seven thousand three hundred and seventy-one and fifty-six hundredths (687,371.56) acres are estimated to be worth the minimum price of one dollar and twenty-five cents per acre; which, deducted from the whole number of acres, viz: 2,502,735.75, would leave a balance of one million eight hundred and fifteen thousand, three hundred and sixty-four and and thrty-nine hundredths 1,815,364.39) acres of land unfit for cultivation, and of no value, except for the timber. This large proportion of land, of an inferior quality, would reduce the average price to something about forty cents per acre; which, upon the whole, is near what I should judge as the average value of the whole per acre. These lands were offered for sale by the President in the years 1823, 1825, and 1827, except a small part that have been in market ever since the establishment of this district.

Respectfully, your obedient servant,

W. H. GREENING.

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office, Washington City.*

H No. 1.

LAND OFFICE, *Detroit, August* 30, 1828.

SIR: In compliance with your letter of the 29th of April last, and the accompanying resolution of the Senate of the 25th of the same month, we have the honor to state that there has been offered for sale within the present limits of this district about 3,500,000 acres; of this quantity 337,073.66 are sold, leaving about 3,162,926.34 acres unsold. In regard to the proportion which the quantities of the different qualities of soil bears to the whole, we could offer nothing but vague conjecture. It possesses, probably, less of what would be considered first rate land than would be found generally in tracts of similar extent in the country northwest of the Ohio river. Few districts, on the other hand, of the same magnitude, present so little that is unfit for cultivation. There is no part of the district which is either hilly or rocky; nor are there, to our knowledge, any extensive marshes. There are, throughout the tract, numerous "tamarack swamps;" but owing to the facility with which these are drained, and their value afterwards as grass lands, we do not know that they can be considered as diminishing the aggregate value of the lands. The only tracts which can properly be called refuse are small ones, occasionally occuring where the soil is too sandy to be productive. But we are unable to give even a conjectural estimate of the quantity or proportion of this description of soil.

The public lands in this district were first offered for sale by the United States governnent in July, 1818. To the quantity then put into market additions have been made from time to time.

This territory, as is well known, came under the jurisdiction of the United States in the year 1796. The few legal titles which existed previously appear to have been grants made by the French or British authorities. Upon what principle these grants were made we are not able to say, nor how far the conditions of the grants, which appear to have been held under a species of feudal tenure, would warrant the assumption that the lands were subject to be *given away.*

We have the honor to be your obedient servants,

JOHN BIDDLE, *Register.*
J. KEARSLEY, *Receiver.*

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office.*

I No. 1.

LAND OFFICE, *Batesville, September* 1, 1828.

SIR: In obedience to a resolution of the Senate of the United States of April 25, 1828, a copy of which was forwarded by you to this office on April 29, 1828, we herewith enclose an estimate of the public lands, as required by the resolution.

Respectfully, we have the honor to be your most obedient servants,

H. BOSWELL, *Register.*
JOHN REDMAN, *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner, &c.*

Statement made by the register and receiver of the land office at Batesville, in the Territory of Arkansas, pursuant to a resolution passed April 25, 1828, *in the Senate of the United States, relating to the quantity and quality of the public lands remaining unsold June* 30, 1828.

	Acres.
There has been offered for sale 205 townships, which, averaging 23,040 acres to the township.	4,723,200
Deduct the quantity allowed for bounty lands and put in the lottery wheel.....	2,000,000
Whole amount of public lands offered at public sale.....	2,723,200
Deduct the quantity sold at private sale by virtue of pre-emption rights, and at public sale.....	39,529
	2,683,671

	Acres.
The balance of 2,683,671 acres remains yet unsold on June 30, 1828, after being offered for sale.	
Of the above balance it is supposed that there is one-fiftieth part considered first rate land	53,633
Of the remaining quantity it is supposed that there is one-fittieth part considered second rate land,.....	52,600
Of the remainder it is supposed that there is one fiftieth part considered third rate land..	51,548
The balance supposed to be totally worthless, and can never be sold at any price whatever...	2,525,890
	2,683,671
The quantity of first rate land will probably sell for one dollar per acre, say 53,633 acres, at $1 per acre.....	$53,633
The quantity of second rate land will probably sell for fifty cents per acre, say 52,600 acres, at 50 cents per acre.....	26,300
The quantity of third rate land will probably sell for twenty-five cents per acre, say 51,548 acres, at 25 cents per acre.....	12,887
Whole amount supposed to be received for the quantity of land unsold on June 30, 1828....	92,820

Supposing, therefore, that the whole number of acres contained in the first, second, and third rate lands, which is 157,781 acres, will sell for $92,820, the average amount per acre of the whole remaining unsold June 30, 1828, being 2,683,671 acres, will be at the rate of near *three and a half* cents per acre.

The lands in this district have been offered for sale, first, in July, 1822, and at different periods subsequently thereto; and the average length of time it is supposed the lands have remained unsold is about four years.

It is proper to remark, however, that in the above estimate the school lands allotted by Congress, and the locations made by virtue of the 11th section of a law passed May 26, 1824, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," are included in the estimate.

H. BOSWELL, *Register.*
JOHN REDMAN, *Receiver.*

LAND OFFICE, *Batesville, September* 1, 1828.

I No. 2.

LAND OFFICE, *Little Rock, November* 1, 1828.

SIR: We herewith transmit a report made in compliance with the instructions contained in your letter of the 29th of April last, and remain, very respectfully, sir, your obedient servants,

B. SMITH,
BENJ. DESHA.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington.*

Abstract of the lands offered for sale in the Arkansas land district at one dollar and twenty-five cents per acre, and the number of acres unsold on the 30th day of June, 1828.

When offered for sale.	No. of township.	No. of range.	No. of acres in each township.	No. of acres sold.	No. of acres unsold June 30, 1828.
Third Monday, September, 1821.....	5 S.	19 W.	22,343	.....	22,343
	7	19	9,891	345	9,446
	9	19	22,536	.....	22,536
	10	19	22,541	.....	22,541
	5	20	22,358	.....	22,358
	6	20	18,340	1,120	17,220
	7	20	22,000	1,030	20,970
	8	20	22,120	80	22,040
	9	20	23,051	.....	23,051
	10	20	23,313	80	23,233
	6	21	19,543	.....	19,543
	7	21	22,989	640	22,349
	8	21	23,500	.....	23,500
	9	21	22,850	.....	22,850
	6	22	18,530	.....	18,530
	7	22	23,141	.....	23,141
	8	22	23,238	80	23,158
	9	22	22,789	240	22,549
	10	22	23,251	480	22,771
	11	22	20,640	.....	20,640
	12	22	15,000	.....	15,000
	13	22	23,300	.....	23,300
	14	22	23,400	.....	23,400
First Monday, October, 1823.....	1	13	22,400	2,021	20,379
	2	13	22,745	.....	22,745

ABSTRACT—Continued.

When offered for sale.	No. of township.	No. of range.	No. of acres in each township.	No. of acres sold.	No. of acres unsold on June 30, 1828.
First Monday, October, 1823—Continued	3 S.	13 W.	21,789		21,789
	4	13	22,100		22,100
	5	13	22,325		22,325
	1	14	22,380	80	22,300
	2	14	22,160		22,160
	3	14	22,410		22,410
	4	14	22,185		22,185
	5	14	22,517		22,517
	6	14			
	7	14	22,580		22,580
	8	14	22,945		22,945
	9	14	22,538		22,538
	10	14	22,317		22,317
	1	15	25,680	320	25,360
	2	15	23,125	320	22,805
	3	15	24,123		24,123
	4	15	22,975		22,975
	5	15	22,490		22,490
	6	15	24,300		24,300
	7	15	22,512		22,512
	8	15	22,945		22,945
	9	15	23,175		23,175
	10	15	22,467		22,467
	1	16	24,167	80	24,087
	2	16	22,860		22,860
	3	16	23,978		23,978
	4	16	22,670		22,670
	5	16	22,400		22,400
	6	16	24,169		24,169
	7	16	24,190		24,190
	8	16	23,114		23,114
	9	16	22,952		22,952
	10	16	22,745		22,745
First Monday, November, 1823	6	17	23,515		23,515
	7	17	22,500		22,500
	8	17	22,217		22,217
	11	21	22,400		22,400
	12	21	23,118		23,118
	13	21	22,860		22,860
	14	21	23,515		23,515
	15	21	22,287		22,287
	7	22	22,970		22,970
	9	23	22,531		22,531
	10	23	22,489		22,489
	11	23	22,470	400	22,070
	12	23	22,814	80	22,734
	13	23	22,741		22,741
	14	23	10,880		10,880
	11	24	22,100	160	21,940
	12	24	22,055	160	21,895
	13	24	22,300		22,300
	14	24	22,278		22,278
	15	25	22,316		22,316
Third Monday, November, 1824	1	17	24,730		24,730
	2	17	22,630		22,630
	5	17	22,785		22,785
	1	18	22,311		23,311
	2	18	22,381		22,381
	12	19	22,720		22,720
	13	19	22,608		22,608
	16	19	22,189		22,189
	17	19	22,171		22,171
	18	19	22,034		22,034
	19	19	22,214		22,214
	20	19	1,873		1,873
	12	20	22,469		22,469
	13	20	22,630		22,630
	15	20	22,408		22,408
	16	20	22,271		22,271
Third Monday, December, 1824	17	20	22,317		22,317
	18	20	22,279		22,279
	19	20	22,300		22,300
	20	20	2,543		2,543
	17	23	22,134		22,134
	18	23	22,407		22,407
	19	23	22,676		22,676
	20	23	4,566		4,566
	16	24	22,148		22,148
	17	24	22,485		22,485

ABSTRACT—Continued.

When offered for sale.	No. of township.	No. of range.	No. of acres in each township.	No. of acres sold.	No. of acres unsold on June 30, 1828.
Third Monday, December, 1824—Continued.....	18 S.	24 W.	22,487	.....	22,487
	19	24	22,424	.....	22,424
	20	24	5,204	.....	5,204
	18	26	2,961	.....	2,961
	20	26	4,871	.....	4,871
	19	27	20,745	.....	20,745
Second Monday, November, 1826.....	6	22	20,047	.....	20,047
	7	23	22,789	....	22,789
	8	23	22,785	400	22,385
	8	24	22,371	.....	22,371
	10	24	22,336	1,680	20,656
	9	25	22,384	.....	22,384
	10	25	22,378	1,040	21,338
	11	25	22,247	1,920	20,227
	12	25	22,318	160	22,158
	9	26	22,643	....	22,643
	10	26	22,319	400	21,919
	11	26	20,081	2,654	17,427
	12	26	19,734	240	19,494
	9	27	22,301	.....	22,301
	10	27	22,418	640	21,778
	11	27	22,318	1,360	20,958
	9	28	22,374	.....	22,374
	10	28	22,409	.....	22,409
	9	29	22,327	.....	22,327
	10	29	22,346	480	21,866
				18,690	2,758,554

This report exhibits what lands have been exposed to public sale and at what time; the quantity sold at private and public sale; as well as the quantity still subject to entry on the 30th day of June last.

We are unable to say, with anything near precision, what proportion the quantity of first rate land in that part of our district which has been offered at public sale bears to the quantity still unsold, but would say, in general terms, it was small. We are, moreover, decidedly of opinion that the quantity unfit for cultivation in the same region of country is greater than the quantity of second and third rate land which ranks as cultivable.

We are not prepared to give an opinion as to the probable average value of the whole; anything we might hazard in that way would be sheer conjecture.

B. SMITH, *Register.*
BEN. DESHA, *Receiver.*

LITTLE ROCK, ARKANSAS TERRITORY, *November* 1, 1828.

K No. 1.

LAND OFFICE, *Tallahassee, November* 3, 1828.

SIR: In obedience to a resolution of the Senate, passed on the 25th day of April, 1828, we have the honor to submit the following report on the quantity and quality of the land unsold in this district, on the 30th day of June, 1828, in the townships which have been exposed for sale at the minimum price of $1 25 per acre.

From an examination of the records of this office, we find, on the 30th day of June last, there were remaining unsold, within the townships above described, one million five hundred and seventy-one thousand eight hundred and ten acres of land.

With regard to the quality of this land, we believe there are no entire tracts which can be considered as first rate, and from the manner in which this country is interspersed with rich and poor land, it is extremely difficult to form a correct estimate of the quantity of either quality. It sometimes occurs that from five to thirty acres of first rate land may be found on an 8th of a section, while the balance of the tract is of no value whatever. But it is much more usual to find the whole tract entirely valueless, except on account of pasturage and timber. We believe, from the best information we have been enabled to acquire on the subject, the whole number of acres of first rate land remaining unsold, within the townships which have been offered for sale at the minimum price, will not exceed ten thousand acres.

The quantity of land unsold within the townships above described, which is entirely unfit for cultivation, we estimate at one million of acres; though we have no certain or definite data from which this calculation is made, as the field notes of the surveyors give but a very imperfect description of the country, and we have been compelled to rely on our own observations and that of others who have examined the difficult sections of country.

The average value of the lands remaining unsold in this district, after having been exposed to sale at the minimum price of one dollar and twenty-five cents per acre, we estimate at ten cents per acre; most of the lands remaining unsold consist of pine barren, which, in general, is remarkably poor; but where it is adjoining to the rich lands which have been purchased, it will be entered at $1 25 per acre, on account of the timber, though the soil is of no value whatever until improved by manure.

Two hundred and twenty-two thousand one hundred and sixty acres of this land have been in market since the 16th day of May, 1825.

Fifty thousand six hundred and ninety-one acres have been in market since January 15, 1827; eight hundred and eighty thousand one hundred and nine acres have been in market since May 23, 1827; and one hundred and ninety thousand eight hundred and forty acres have been in market since January 15, 1828.

We have the honor to be, &c., your obedient servants,

R. K. CALL.
G. W. WARD.

K No. 1 *a.*

Public lands offered for sale in May, 1825, *and remaining unsold on the* 30*th of June,* 1828.

Township.	Range.	Number of acres.	Township.	Range.	Number of acres.
1	1 SW.	19,660	1	2 NE	8,500
1	1 NW.	5,920	2	2 NE	17,580
2	1 NW.	6,880	3	2 NE	10,640
3	1 NW.	13,200	1	3 NE	19,460
1	1 SE.	11,680	2	3 NE	9,840
1	2 SE.	15,120	3	3 NE	8,800
1	3 SE.	17,520	1	4 NE	13,680
1	4 SE.	7,520	2	4 NE	8,160
2	1 NE.	13,600	3	4 NE	9,440
3	1 NE	3,040	1	5 NE	1,920
		114,140			108,020
					114,140
					222,160

K No. 1 *b.*

Public lands offered for sale in January, 1827, *and remaining unsold on the* 30*th of June,* 1828.

Township.	Range.	Number of acres.	Township.	Range.	Number of acres.
1	2 NW.	15,390	3	2 NW	16,583
3	2 NW	11,440	2	3 NW	7,278
		26,830			23,861
					26,830
					50,691

K No. 1 *c.*

Public lands offered for sale in May, 1827, *and unsold on the* 30*th of June,* 1828.

Township.	Range.	Number of acres.	Township.	Range.	Number of acres.
3	3 N. & W	13,360	3	9 N. & W	22,160
2	4 N. & W	6,565	4	9 N. & W	21,220
3	4 N. & W	21,840	5	9 N. & W	21,960
2	5 N. & W	22,330	3	10 N. & W	21,160
3	5 N. & W	22,156	4	10 N. & W	19,120
2	6 N. & W	22,576	5	10 N. & W	6,880
3	6 N. & W	22,338	3	11 N. & W	20,960
4	11 N. & W	20,710	6	10 N. & W	20,180
5	11 N. & W	16,000	7	10 N. & W	15,160
3	12 N. & W	21,300	6	11 N. & W	9,420
4	12 N. & W	22,400	7	11 N. & W	16,090
5	12 N. & W	20,960	6	12 N. & W	16,440
3	13 N. & W	21,280	7	12 N. & W	4,200
4	13 N. & W	22,400	6	13 N. & W	22,400
5	13 N. & W	22,400	7	13 N. & W	14,600
3	14 N. & W	22,400	6	14 N. & W	22,400
4	14 N. & W	22,400	7	14 N. & W	14,000
5	14 N. & W	22,400	2	1 S. & E.	22,800
3	8 N. & W	21,984	3	1 S. & E.	320
4	8 N. & W	22,400	4	1 S. & E.	3,840
5	8 N. & W	22,400	2	2 S. & E.	20,840
6	8 N. & W	22,400	3	2 S. & E.	20,880
7	8 N. & W	12,480	2	3 S. & E.	14,720
6	9 N. & W	22,400	3	3 S. & E.	10,880
7	9 N. & W	18,560	2	4 S. & E.	9,040
		488,439			391,670
					488,439
					880,109

K No. 1 *d.*

Public lands offered for sale in December, 1827, and remaining unsold on the 30th of June, 1828.

Township.	Range.	Number of acres.	Township.	Range.	Number of acres.
1	6 S. & E.....	18,560	6	8 S. & E.....	22,400
2	6 S. & E.....	22,400	7	8 S. & E.....	22,400
1	7 S. & E.....	22,250	8	8 S. & E.....	22,000
2	7 S. & E.....	22,400	9	8 S. & E.....	4,000
4	7 S. & E.....	22,400	1	9 S. & E.....	21,440
5	7 S. & E.....	22,400	9	9 S. & E.....	17,900
6	7 S. & E.....	21,800	10	9 S. & E.....	7,700
7	7 S. & E.....	13,400	11	9 S. & E.....	4,400
8	7 S. & E.....	1,800	1	10 S. & E.....	22,400
1	8 S. & E.....	15,800	2	10 S. & E.....	22,400
4	8 S. & E.....	22,400	11	10 S. & E.....	20,500
5	8 S. & E.....	22,400	12	10 S. & E.....	3,300
		228,010			190,840
					228,010
					418,850
Amount brought from tables K 1 *a* and 1 *b*.....					272,851
Amount brought from table K 1 *c*.....					880,109
					1,571,810

R. K. CALL, *Receiver.*

Letter from the Commissioner of the General Land Office, with a report from the Register and Receiver of the Land Office at St. Augustine, in Florida, made in pursuance of a resolution of the Senate, of April 25, 1828.

TREASURY DEPARTMENT, GENERAL LAND OFFICE, *December* 11, 1828.

SIR: I have the honor to communicate to the Senate a report from the land officers at St. Augustine, in the Territory of Florida, made in pursuance of the resolution of the Senate, passed on April 25, 1828, which has been received since my communication of the 9th instant, under that resolution.

With great respect,

GEO. GRAHAM, *Commissioner.*

The PRESIDENT of the Senate of the United States.

K No. 2.

ST. AUGUSTINE, FLORIDA, *November* 20, 1828.

SIR: in pursuance of a resolution of the Senate, passed April 25, 1828, we beg leave to present you with the annexed report.

It will be seen that 392,731 acres have been offered for sale at this office, to wit, on the second Monday in May last, but eighty of which have been purchased.

It is impossible to say "what proportion thereof consists of first rate land." We have no means by which to ascertain the proportion but by reference to the field notes furnished us by the surveyor of Florida; and as these merely mention the quality of the land on which the several lines meet at a corner, the information is too scanty to base an opinion on. We presume, however, that 5,000 acres would be a large estimate of first rate land. The good lands in Florida, on the east of the Suwannee, are in small parcels of swamp and hammock, and at great, though irregular distances apart. We allude now to that portion of land which has been surveyed and offered for sale, notoriously the poorest section of the country. On the second point, to wit, "what proportion consists of land unfit for cultivation," we are equally uniformed. The most of the field notes designate the land over which they run as second rate pine; except in a few sandy regions of no great extent, the lands, though poor, are not unfit for cultivation. We should not suppose, from the best information we have been able to procure, that more than 5,000 acres, under the above qualification, were unfit for cultivation. The lands to which we allude were always subject to be given away by the British or Spanish governments, whilst in their possession, unless covered by an Indian settlement, which we believe to have been the fact. And whether so covered or not, it would have been extremely hazardous, during the Spanish rule, to any bold adventurer who might settle on lands so remote from this city. We are disposed to think that the average value of the lands offered by us for sale in May last cannot exceed 50 cents per acre. The remarks above comprehend all the information of which we are possessed. There are, doubtless, in the wide range of country embraced, many valuable tracts, totally unknown to the white man. When these are discovered, they will be purchased and settled. The country is filling up; and when the disputed claims of private individuals are

finally adjusted, it is more than probable that an increased population will add energy to the examination of public lands, and lay open to the industrious planter many rich farms now unknown to the oldest settler.

With these remarks we beg leave to submit this report.

CHARLES DOWNING, *Register.*
W. H. ALLEN, *Receiver.*

GEORGE GRAHAM, Esq., *Commissioner General Land Office.*

A report of the register and receiver of East Florida, in pursuance of a resolution of the Senate of the United States, passed on the 25th day of April, 1828.

Section.	Range.	Number of acres.	Remarks.
4	11	11,661	All pine land.
4	12	20,223	Pine.
5	12	470	Third rate pine land.
4	13	23,040	Mostly pine, interspersed with small hammocks.
5	13	15,031	
4	14	23,040	
5	14	23,040	
6	14	22,784	
4	15	23,040	Pine.
4	16	23,040	Third rate pine land.
4	17	23,040	Pine.
5	15	23,040	Third rate pine land.
5	16	23,040	Pine.
5	17	23,040	Pine.
6	15	23,040	Pine land, and some third rate hammock.
6	16	23,040	Pine land, and some third rate hammock.
6	17	23,040	Pine and hickory land.
4	18	23,040	Pine
5	18	23,040	Pine.
		392,731	

CHARLES DOWNING, *Register of the Land Office.*
W. H. ALLEN, *Receiver of the Land Office.*

20TH CONGRESS.] No. 686. [2D SESSION.

CORRECTION OF AN ERROR IN THE RELINQUISHMENT OF A QUARTER SECTION OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 15, 1828.

Mr. JENNINGS, from the Committee on the Public Lands, to whom was referred the petition of Elijah Carr, reported:

That on the 19th of September, 1818, Elisha Carr purchased the NE. quarter of section 3, in township 2 north, of range 2 east, and the SE. quarter of section 34, in township 3 north, of range 2 east, in the district of Jeffersonville. That, on the 18th of September, 1821, the said Elisha Carr, the original purchaser, relinquished the first-mentioned quarter section of land, and, under authority of law, applied the money paid thereon to the payment of the latter.

That notwithstanding the relinquishment aforesaid, the petitioner and assignee, until within a year past, did not discover that the intention was to have relinquished the latter instead of the first described quarter section of land. That the assignee is now resident on the relinquished quarter section, and has made improvements thereon, greater in amount than the value of the entire original purchase; and that the quarter section so relinquished has been subject to private entry, and on the 31st of October last remained *unsold.*

The committee, therefore, consider the petitioner entitled to relief, and for that purpose report a bill.

20TH CONGRESS.] No. 687. [2D SESSION.

PLAN FOR THE DISPOSITION OF THE PUBLIC LANDS IN LOUISIANA.

COMMUNICATEE TO THE SENATE DECEMBER 16, 1828.

To the Honorable the members of the Senate and House of Representatives of the United States of America, in Congress assembled:

The memorial of the Senate and House of Representatives of the State of Louisiana, in general assembly convened, with respect represents: That before the admission of the State of Louisiana into the Union, the representatives of the people of the Territory of Orleans, in convention assembled, relinquished to the United States, in the name of said people, all rights or title to the waste or unappropriated lands lying within the limits of the said Territory. Without contesting the validity of that act of the convention, your memorialists are satisfied that, under the stipulations of the treaty between France and the United States, by which Louisiana was ceded to them, the sovereignty over those lands could not have been, and was not vested in the general government for a longer time than was necessary to effect the sale of such part of them as could be sold. Fifteen years have since elapsed, and more than one half of those lands have not yet been surveyed.

Owing to the peculiar situation of Louisiana, this delay of bringing into market the lands that might have been disposed of has subjected its inhabitants to great losses and inconveniences. In order to protect their own plantations from inundation, they have had to raise and keep in repair embankments in front of the public lands that lie on the margins of water-courses; to procure the necessary intercourse between the different parts of the State, and to communicate with their home markets, they have been obliged to build bridges and open public roads on those lands, and more than one half of the whole male population of Louisiana, from sixteen to forty-five years have, for the last ten years, and at this time do work at least five days in the year to the making and repairing of those roads, bridges, and embankments on the public lands alone. Emigration which, by increasing our numbers, would have diminished that vexatious tax, has been checked by the course of policy which the general government has pursued; and those whom necessity has compelled to settle on the public lands, hold under too frail a tenure to consider themselves as permanent residents, or to lend a willing hand to the erection of public works.

Congress, by granting time after time rights of pre-emption to *bona fide* persons settled on the public lands, have raised in those who now stand in that situation expectations which they will find it their interest to realize. The settlers of Louisiana at this time have stronger claims to that favor than any of those on whom it has been bestowed by former laws: most of them have been driven from the settlements they had made in the Territory of Arkansas, and to which they expected to obtain titles, in compliance with the treaties by which the lands they occupied were given to various tribes of Indians.

Your honorable body, on account of the losses and hardships these settlers have sustained, might perhaps deem it just to diminish the price of the lands, or to grant a delay for the payment of it; the difficulty experienced in selling the lands that have been brought into market shows, perhaps sufficiently, that the present prices are too high.

A large extent of country within the limits of our State is covered by inchoate Spanish titles. The grants to Bastrop and to Maison Rouge, all those issued within the jurisdiction of Nacogdoches for lands situated between the Rio Hondo and the Sabine, and all others in the same situation west of the Mississippi, ought to be finally adjusted, or at least placed in a situation in which their validity might be adjudicated upon by courts of justice.

In the other States, where public lands have been sold, your honorable body has given to them the proceeds of one section in every township, for the advancement of public education, besides other grants they have made to literary institutions. Public lands have been sold in Louisiana, and this State has not so far participated in that liberality.

Your honorable body must be convinced by the information they have at various times received from their registers and surveyors, that the proceeds of the land which remain unsurveyed in this State will never pay the expenses of the survey; the saleable lands lie almost exclusively on the margins of water-courses, the high lands between those water-courses are, with a few exceptions, equally unfit for cultivation and for grazing. Using the base lines already run in every part of the State, and the partial surveys that have been made, your memorialists are of opinion that lines of demarcation might easily be drawn between the lands that are saleable and those that are not. This might be done by the United States surveyors, under the inspection of commissioners appointed for that purpose by the general government; and those lines once ascertained, a proper sense of the justice of your honorable body induces your memorialists to believe that you would, without hesitation, relinquish, in favor of the State of Louisiana, so much of those lands as would be unfit to the use for which alone they had been placed in the hands of your predecessors.

Our increasing prosperity, the distance between our different settlements, caused by the uncultivated lands that separate them, and the difficulties experienced in the navigation of all our rivers except the Mississippi, require many works of internal improvement to be made. The State of Louisiana, not the last in war, will not be the last in peace to raise those monuments of public utility; but to be enabled to do so, we must be the masters of the soil through which our roads and canals are to pass.

The premises considered, your memorialists would recommend that rights of pre-emption may be given to actual settlers.

That the present price of public lands may be reduced, or a delay given for the payment of it.

That the Spanish grants, above referred to, may finally be adjusted, or referred to courts of justice.

That out of the public lands that have, or may hereafter be sold within our limits, the proceeds of one section for every township may be given to the State of Louisiana for the promotion of public education, and that grants, similar to those made in other States, may be made to literary institutions.

That commissioners may be appointed who, with the United States surveyors, shall be instructed to ascertain the lines of demarcation between the lands that are saleable and those that are not within our limits.

That when this is ascertained, the lands adjudged to be unsaleable may be given to the State of Louisiana, on its paying to the United States the actual expenses incurred in ascertaining and running those lines.

That the remaining lands may be brought into market as soon as practicable, and if not sold when offered, that they may be entered at the different land offices, on payment of such reduced prices as will ensure a speedy disposal of them.

All of which is respectfully submitted by your memorialists.

OCT. LA BRANCE, *Speaker of the House of Representatives.*
AD. BEAUVAIS, *President of the Senate.*

20TH CONGRESS.] No. 688. [2D SESSION.

REFUSAL TO PURCHASE A RESERVATION MADE TO AN INDIVIDUAL IN AN INDIAN TREATY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 16, 1828.

Mr. McDUFFIE, from the Committee of Ways and Means, to whom was referred the memorial of the Legislative Council of the Territory of Arkansas, urging upon Congress the private claim of James Scull, reported:

That they believe there is no one of the rules that have been established, in relation to private claims, founded on more obvious grounds of policy than that which forbids Congress to act upon any private claim without an application in writing, signed by the petitioner or his authorized agent. However much, therefore, they feel disposed to show deference to the memorial of the Legislative Council of Arkansas, they cannot consider it as dispensing with the necessity of a formal application, by the individual in whose behalf the interposition of Congress is solicited.

This remark is the more peculiarly applicable to the present case, because, if Congress were to grant the application, it could only be upon the supposition that the claimant had made an election, of which there is no sufficient evidence before the committee.

But the committee are of the opinion that it would be inexpedient to grant the appropriation solicited, even if there were no informality in the application.

The United States, in the treaty with the Quapaw Indians, stipulated to grant to James Scull a reservation of 1280 acres of land, in discharge of a debt due to the said Scull by the said tribe of Indians, or to discharge the debt in some other mode. It does not appear that the reservation of land was inadequate to the payment of the debt; on the contrary, Scull himself alleges that it is worth more than the sum due him. It does not appear that he declined accepting the land; but, from aught that appears to the committee, he may now be in possession of it. As the treaty with the Indians absolved them from the debt, it is certainly incumbent on the government to take care that, in making a commutation by its sovereign authority, no injustice be done to the individuals whose rights are subjected to the stipulations of that treaty.

As there is no reason, however, for believing that such injustice has been done, the question presented to Congress is not one of good faith, but of expediency, merely. Is it for the interest of the United States to purchase lands from individuals in the very region where they have millions of acres for sale? As a general rule, the committee think it would be unwise to purchase of individuals at any price; and they can see no reason why the government should, in the present instance, give six dollars an acre for land, of which they know nothing, when it is notorious that the average sales of the public lands do not produce two dollars per acre.

They recommend that the application contained in the memorial be not granted.

20TH CONGRESS.] No. 689. [2D SESSION.

PRE-EMPTION RIGHTS TO CERTAIN PERSONS IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1828.

Mr. ISACKS, from the Committee on Public Lands, being instructed to inquire into the expediency of granting the right of pre-emption to those persons in Florida whose improvements were sold in 1825, and those included in the lands ceded to the Indians, and who would have been entitled to a pre-emption if the sale and cession had not been made before the passage of the pre-emption law of 1826, reported:

That by the act of April 22, 1826, the right of pre-emption to a quarter section of land was given to heads of families, or persons over the age of twenty-one years, who on or before the 1st day of January, 1825, had actually inhabited and cultivated a tract of land in Florida, and had not removed therefrom, of which settlement proof was required to be made to the register and receiver of the land offices. But in May, 1825, and before the passage of the pre-emption law, a part of the public lands in Florida was sold by the United States; and it appears, by a certificate of the register and receiver at Tallahassee, that

eight persons had made settlements on the lands which were sold who, under said pre-emption law, had the sale not been made, would have been entitled to a pre-emption in the land they occupied. These persons, in the opinion of the committee, were equally entitled to the favor of the government, on account of these early settlements, with those who did not happen to live on the lands which had been sold before the privilege of pre-emption was recognized; and, as the best amends which can now be made for the loss of their improvements and the lands they had selected, they ought to be allowed the privilege of entering an equal quantity of land, at the government price, elsewhere.

The testimony on the other branch of the resolution shows that two persons, namely, Ellis Wood and Mary Dawes, were actually settlers, and would have been entitled to a pre-emption but that the land on which they lived had been reserved to an Indian chief, by the treaty of September 18, 1823; that by the act of February 2, 1827, section 15, the right of pre-emption elsewhere is given to three persons who had made settlements on lands reserved to Indian chiefs by the same treaty, and the committee see no reason why these two persons should not have the same relief, and report a bill for that purpose.

20TH CONGRESS.] No. 690. [2D SESSION.

GRANTED LANDS TO ALABAMA FOR THE IMPROVEMENT OF CERTAIN RIVERS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 22, 1828.

Mr. ISACKS, from the Committee on Public Lands, who was instructed "to inquire into the expediency of adopting some legislative enactment calculated to give effect to the act 'to grant certain relinquished and unappropriated lands to the State of Alabama for the purpose of improving the navigation of the Tennessee, Coosa, Cahaba, and Black Warrior rivers,' and in such manner as may give to the State authorities the right to make the selection within the counties specified, or grant to the State in addition the remnant of relinquished and unimproved lands within said counties, not exceeding 97,129 acres, for the purposes mentioned in said act," reported:

That by the act of May 22, 1828, chapter 75, 400,000 acres of the relinquished lands in the counties of Madison, Morgan, Limestone, Laurence, Franklin, and Lauderdale, in Alabama, were granted to that State, to be applied to the improvement of the navigation of the Muscle shoals and Colbert shoals, in the Tennessee river, and such other parts of that river as the legislature of Alabama should direct within the State; after the completion of which the surplus, if any, should be applied to the improvement of the navigation of the other principal rivers in the State mentioned in the act; and for that purpose to the State of Alabama was delegated the power to sell, dispose of, and grant the land, at a price not less than the United States minimum price at the time; and if there should not be that quantity of relinquished land in the counties mentioned in the act, the deficiency should be made up out of the unappropriated lands in Jackson county. The committee are informed by a letter from the Commissioner of the General Land Office, dated on the 14th instant, which they refer to and make part of this report, that the counties named in the act contain 497,219 acres of relinquished lands, and that nearly the quantity stated in the grant could be completed, exclusive of the county of Lauderdale, in which there is 97,601 acres, and that in carrying the act into effect the Executive of the United States had directed, in substance, that *all* the relinquished land in the counties of Madison, Morgan, Limestone, Laurence, and Franklin should be applied to the satisfaction of the grant, reserving therefrom *all* the relinquished lands in the county of Lauderdale. That this designation has not been acceptable to the State of Alabama, which claims the right of selecting from the relinquished lands in those counties as they may think proper. It is apparent that the grant would be of much greater value if the 400,000 acres were selected out of the whole quantity in all of those counties, leaving for the surplus the lands of inferior quality, than it would if the lands were taken good and bad together, so far as necessary to go in making up the quantity, and the overplus in like manner reserved. The law does not prescribe in terms how or by whom the selection should be made. It grants to Alabama so much land of a particular description within the limits of certain counties, and empowers her to sell, grant, and apply the same to given purposes. Whether, after the grant has been made, the "donor has the right to point out the thing given," as assumed by the Executive of the United States, or whether the grant should be construed most strongly in favor of the grantee, and against the grantor, or any other rule of construction, as contended for by Alabama, should be applied to the adjustment of this matter, it is, perhaps, not necessary that the committee should express any opinion in arriving at what they consider the best conclusion. As neither mode would appear to be free from inconvenience in practice, so neither, in principle, may be wholly free from exception. If the United States and Alabama have *now* a joint interest in the whole quantity of relinquished lands within the limits of those counties, differing only in amount upon the principle applicable to private rights, neither *exclusively* would have the privilege of making partition and division.

But the great improvements of a national kind designed to be made in the State by a judicious application of the lands granted, and the best way to attain those ends by the means at command, are probably the safer grounds for the discretion of the legislature. To make the selection in the mode contended for by Alabama would leave a surplus of inferior lands, distributed through a large district of country, not likely in many years to bring the government price, and to exempt all the lands in one of the counties on the Tennessee river surrounded by the others from the regulations necessary to be made for the lands disposed of by the State, and to make sale of them in a different manner and on different terms would most likely produce the dissatisfaction anticipated by the Commissioner of the General Land Office among the people where the lands are disposed of upon the least advantageous terms to themselves, who would, doubtless, find arguments to convince, at least those interested, that the rule of selection was both arbitrary and unequal. The improvement of the Tennessee itself upon the plan required in the act of last

session, and as recommended by the board of internal improvement in document No. 284, of the 7th volume of Executive State Papers, in 1827–'28, to which the House is respectfully referred, must be considered almost indispensable in character, and altogether reasonable in the expense of execution, when compared with the advantage of avoiding thereby the only obstructions to a steamboat navigation of five hundred and eighty, and other water conveyance of near one thousand five hundred miles more, which that river and its tributaries will afford, and in which a portion of one-third of the States in the Union are directly and others indirectly interested. While the improvements in the other waters of the State which the grant contemplates are to the people of Alabama objects of equally general interest, and in a national character highly valuable, the committee have no hesitation in believing that the subject-matter of the dispute might be of much greater value if thrown into the mass of the appropriated lands with which it is connected than it could be to the government if retained; and that the residue of the relinquished lands in the counties mentioned in the act of last session might well be surrendered to the consummation of the public benefits designed to be produced by that law: and for that purpose report a bill.

GENERAL LAND OFFICE, *December* 14, 1828.

SIR: In reply to your letter of the 13th, covering a resolution of the House of Representatives bearing date the 8th instant, and requesting the views of this office in relation to the construction of the act referred to therein, and also as to certain other questions propounded by you, and having a bearing on the subject, I have the honor to state that the act granting for certain purposes to the State of Alabama 400,000 acres of the relinquished lands lying in the counties named therein does not designate the manner in which the relinquished lands granted shall be selected. In carrying this act into effect, it was presumed that the government of the United States, upon the principle that the donor had the right to point out that which was given, had the power to designate the manner in which the lands appropriated should be designated; in doing this, however, it was the wish of the Executive so to designate the 400,000 acres of land granted as that its average value per acre should be at least equal to the average value per acre of the whole quantity from which it was to be selected. It having, however, been ascertained that the quantity of relinquished lands lying within the counties designated in the act was 497,219.83 acres, and that 97,601.43 of that quantity was within the limits of Lauderdale county, and it being believed that the average value of the relinquished lands in that county was less than the average value of those lying within the other counties specified, the proposition contained in the annexed extract of a letter from this office to the Secretary of War was suggested as an eligible mode of carrying the act into effect. I understand, however, that this suggestion was not acceptable to the State of Alabama, and that a claim is set up upon the part of that State to make the selection of the relinquished lands in such manner as she may think proper—a claim which, I presume, will require the interposition of Congress to sanction.

The average value of the whole of the lands above referred to may be estimated at five dollars per acre; but if the State of Alabama has the right of selecting 400,000 acres of the most valuable of this land, the average value of the residue will be very materially reduced, and a large portion of it would not, probably, sell for many years at the minimum price.

Any arrangement that may be now adopted for selecting the lands granted to the State of Alabama will excite much feeling, and be productive of dissatisfaction to the citizens generally of those counties in which the lands granted to the State may lie, arising from the circumstances that these lands constitute a large portion of the best lands in that district of country; that they are generally occupied and improved by the individuals who relinquished them, or by others who have calculated on purchasing them at the minimum price for which the general government sell their lands; but since the grant to the State for the purposes designated, those settlers whose lot it may be to occupy the particular lands granted to the State are aware that they will have to pay the fair marketable value for their lands, while those occupying the portions retained by the United States will expect to obtain them at the minimum price. These considerations will, no doubt, have their influence on the legislature of Alabama, and may produce embarrassment in devising the mode for disposing of those lands. The Tennessee river and its tributaries water a portion of seven States of this Union, and several other States are directly interested in the trade which will flow through that channel. The improvement of the navigation of that river, therefore, on the scale proposed in the act of May last, is an object of very considerable national importance; and as the lands appropriated for erecting a fund for the improvement of the navigation of that river will, under the guardianship of the State of Alabama, no doubt sell for their fair marketable value, they will, if so sold, produce more than four times the sum which they would probably bring if sold under the provisions of the existing laws of the United States for the sale of their lands. It is therefore suggested whether it would not be promotive of the public interest so to modify the law of the 23d of May, 1828, as to grant to the State of Alabama, for the purposes designated in that law, all the lands which may have been relinquished in the counties of Madison, Limestone, Lauderdale, Morgan, Lawrence, and Franklin, *previous to the 4th of July*, 1827, the effect of which would be to extend the grant from 400,000 acres, to which it is now limited, to about 497,000, the whole quantity relinquished in those counties at the period above designated.

With great respect, your obedient servant,

GEO. GRAHAM.

Hon. J. C. ISACKS, *House of Representatives.*

Extract of a letter to the Hon. P. B. Porter, Secretary of War, from the Commissioner of the General Land Office.

GENERAL LAND OFFICE, *August* 1, 1828.

SIR: In reply to your note requesting my views of the mode of laying off the 400,000 acres of lands that have been relinquished in certain specified counties in the State of Alabama, and which have been ceded to that State for certain purposes, I have the honor to submit a statement showing the quantity of

land relinquished in each of the counties above specified, from which it appears that the excess of relinquished lands in those counties over the quantity granted is 97,219 acres. It also appears that the quantity of lands relinquished in Lauderdale county is 97,601 acres. I, therefore, am of opinion that the lands in the other counties should be appropriated to the use of the State; and if, on a more critical examination, the quantity should fall short of 400,000 acres, the deficiency to be made up from the relinquished lands in Lauderdale. All the counties specified in the act abut on the Tennessee river; and there are large quantities of very valuable land in each of them which have been relinquished. The average value of the relinquished lands in Lauderdale is probably less than that of the residue of the relinquished lands in the other counties.

The lands appropriated to the State should, under judicious management, bring at least two millions of dollars.

Statement.

Quantity relinquished in Madison county	31,921.77	acres.
Do..... do.....in Limestone county	89,482.85	"
Do.....do.....in Lauderdale county	97,601.43	"
Do.....do.....in Morgan county	64,602.59	"
Do.....do.....in Lawrence county	134,711.91	"
Do.....do.....in Franklin county	78,899.28	"
	497,219.83	"

20TH CONGRESS.] No. 691. [2D SESSION.

REFUSAL TO ALLOW THE LOCATION OF LAND IN LIEU OF PRIVATE CLAIM IN MORE THAN ONE TRACT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 22, 1828.

Mr. STERIGERE, from the Committee on Private Land Claims, to whom was referred the petition of Garrigues Flaujac, reported:

That on an examination of this case, it appears that the register and receiver of the eastern land district of Louisiana reported in favor of the claim of the petitioner to a certain tract of 3,200 superficial arpens of land (equal to 2,708$\frac{1}{10}$ acres) on the bayou Gross Tete, in Louisiana, derived from an order of survey from the Spanish government in favor of Louis Berteu DeAntilly, and that the report was confirmed by the act of Congress of the 28th of February, 1823. That the tract of land thus confirmed having been sold by the United States, the petitioner or his legal representatives was authorized, by the act of May 20, 1826, to locate his claim upon any of the unappropriated lands in the southwestern district of Louisiana, south of Red river, to be made, if possible, in one tract, and to conform, as nearly as practicable, to the lines of the public surveys, on condition that the petitioner should, within one year after the passage of the act, and before such location, release to the United States all his right, title, and interest to the *first-mentioned* tract. The petitioner executed the said release agreeably to the act of Congress, and located his claim in one tract, to the west of the bayou Carancro, "on the best unappropriated lands; and the survey was made in April, 1827, and returned to the General Land Office."

Shortly afterwards the petitioner applied to the Secretary of the Treasury to have about eighty acres of the said tract (which he stated was marshy and unfit for cultivation) excluded, and for permission to locate a like quantity at some other place, which was not granted.

In his memorial to Congress the petitioner states that, in consequence of his being obliged to locate his claim in one tract, he was compelled to take the whole quantity in the rear of other tracts, removed from any bayou or water-course, and destitute of timber, and that a large quantity of low, marshy, and uncultivated lands are included; "that so extensive a claim as his cannot be located with any tolerable advantage in one tract; that there are intervals of a few hundred acres combining the advantages of fertility and convenience to water-courses and navigation;" and prays an act may be passed authorizing him to locate his claim in four or more tracts.

From information received at the land office it appears that the petitioner's claim was located as favorable to him as was possible, and that it embraces but a small quantity (only about eighty acres in 2,708$\frac{1}{10}$) of marsh land, a less proportion of this kind of land than usual, and even this is susceptible of improvement and cultivation. The committee, therefore, are of opinion the petitioner is not entitled to relief on equitable considerations.

Independent of this view of the case, the committee think it would be improper policy to permit claimants to select in small parcels the best public land, and leave that which is unsalable and unfit for cultivation; nor do they think it proper in any instance to allow of alterations to be made in the location of such claims after a survey has been made and returned to the land office, unless there has been error or manifest injustice done to the claimant, as such a practice would create confusion in the location of claims, and produce serious inconveniences and disadvantages, besides imposing unnecessary labor on public officers and expense on the government. The committee are unanimously of opinion the prayer of the petitioner ought not to be granted.

20TH CONGRESS.] No. 692. [2D SESSION.

TO VEST THE TITLE TO LAND RESERVED FOR SCHOOLS IN ST. LOUIS, MISSOURI, IN A BOARD OF TRUSTEES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 22, 1828.

Mr. BATES, of Missouri, from the Committee on Private Land Claims, to whom was referred the petition of the "Board of Trustees for the regulation of schools in the town of St. Louis," reported:

That by an act of Congress, passed on the 13th of June, 1812, all town lots, out-lots, or common field lots, included in the survey of the town of St. Louis, by that act directed to be made, which were not rightfully owned or claimed by any individuals, or held as commons belonging to the town, or that the President might not think proper to reserve for military purposes, were *reserved for the support of schools* in the town of St. Louis, with a proviso that the whole quantity reserved for the support of schools should not exceed one-twentieth part of the whole lands included in the general survey of the town. Since the passage of that act Congress has not legislated upon the subject; but the titles to the unappropriated lots of St. Louis remain, as they then were, in the United States. And, as far as the committee have been informed, the President has not thought proper to reserve any portion of them for military purposes; nor is it believed that they can ever be required for those purposes, inasmuch as other positions in that vicinity have been chosen for the erection of a public arsenal and the cantonment of the troops; and both of these objects are rendered permanent by the erection of costly buildings under the sanction of Congress.

The petitioners were incorporated by an act of the general assembly of the Territory of Missouri, of the 30th of January, 1807, with full powers "to take and hold, by gift, grant, or otherwise, any estate, either real or personal, which may be given for the use of schools, and to lease, rent, or dispose of, to the best advantage, all the lands and other property which hath been, or may be given, by Congress, to said town for the support of schools, and appropriate the same, with the avails of what is rented or leased, as by law directed, &c." They are also enjoined by their charter to keep records of their proceedings, and, when required, lay them before the legislature.

The petitioners state that there are many lots in and adjacent to the town of St. Louis which pertain to the reservation of the act of 1812, but that they are unavailable as a school fund, because the titles still remain in the United States; and although their board was created chiefly for the management of this fund, established by the liberality of Congress, they find themselves unable to accomplish the objects of their institution by reason of the impossibility of controlling property the title of which is in another. And they pray the passage of an act vesting in them the absolute title of all the lots reserved by the act of Congress of the 13th of June, 1812, for the support of schools in the town of St. Louis.

Your committee cannot doubt that it was the intention of Congress, as manifested in the act of 1812, to appropriate the waste lots in question to the education of the youth in the town of St. Louis; and as the legislature of Missouri has deemed the corporation now petitioning the most fit and convenient instrument for effectuating the benevolent purposes of the general government, they are of opinion that the prayer of the petition is reasonable and ought to be granted; and they report a bill for that purpose.

20TH CONGRESS.] No. 693. [2D SESSION.

RELATIVE TO QUANTITY OF LAND ON A CLAIM OF SETTLEMENT AND CULTIVATION IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 22, 1828.

Mr. BATES, of Missouri, from the Committee on Private Land Claims, to whom was referred the petition of Peter P. M'Cormack, reported:

That a tract of land, of four hundred and fifty arpens, on Plattin creek, in the now State of Missouri, has been confirmed to the petitioner, in virtue of his settlement and cultivation of the same, under the Spanish government, at and before the 20th of December, 1803. That the official survey of the tract contains six hundred and twenty-four acres; and the petitioner claims six hundred and forty acres under the several acts of Congress giving donations to actual settlers at the time of the acquisition of Louisiana

There is nothing before the committee to account for the difference in quantity between the confirmation and the survey of the petitioner's claim; nor is there any information on that point in the General Land Office, the records of which have been examined with a view to the subject. The committee are therefore compelled to infer that a mistake has been committed, either by the commissioners who confirmed the claim to the extent of four hundred and fifty arpens, or the surveyor, who included in his lines six hundred and twenty-four acres, if not by both. Under these circumstances, they deem it the more just and equitable course to examine the various acts of Congress affecting this class of claims, and award to the petitioner that measure of bounty which the former liberality of Congress intended to bestow.

The first act upon this subject is that of March 2, 1805; it gives to the actual settler, being the head of a family, or twenty-one years of age, who settled with the permission of the proper Spanish officer, and according to the laws, usages, and customs of the Spanish government, a tract of land, not to exceed "one mile square, together with such other and further quantity as heretofore has been allowed for the wife and family of such actual settler, agreeably to the laws, usages, and customs of the Spanish government."

The act of the 13th of June, 1812, dispenses with the necessity of proving permission to settle on the public domain by the proper Spanish officer, and with the fact of cultivation of the land before the 20th of December, 1803, and provides that such claims as were rejected merely because they exceeded the quantity of eight hundred arpens should be confirmed to that extent. The act of the 3d of March, 1813, extends the quantity of donation grants (or settlement rights) to six hundred and forty acres in favor of all whose claims have been confirmed to a less extent by the board of commissioners or the recorder of land titles, with a proviso that in no case shall the grant be for more than was claimed by the party in his notice of claim, nor for more than is contained in the acknowledged and ascertained boundaries of the tract.

These acts of legislation are purely donative, made in favor of an acquired people, and probably with the view of uniting them more closely to this government by the bonds of affection and gratitude; and your committee believe that they ought to be construed in the same spirit of liberality and kindness in which they were enacted. The petitioner has had confirmed to him four hundred and fifty arpens, (about 382 acres;) and, although he has not produced the original notice of his claim, filed with the land commissioners in Missouri, the fact that he had possession of six hundred and twenty-four acres, by a public survey, raises a strong presumption that his claim was for more than the quantity confirmed by the board of commissioners. Upon a view of the whole case, it is the opinion of the committee that the claim of the petitioner, to the extent of six hundred and forty acres, or one mile square, ought to be allowed; and they accordingly report a bill.

20TH CONGRESS.] No. 694. [2D SESSION.

RESOLUTIONS OF THE LEGISLATURE OF MISSOURI RELATIVE TO THE GRADUATION PRICE OF PUBLIC LANDS, AND VOTE OF THANKS TO HON. L. W. TAZEWELL.

COMMUNICATED TO THE SENATE FEBRUARY 22, 1828.

Resolved by the senate and house of representatives of the State of Missouri, That we highly approve of the bill lately pending before the Senate of the United States to graduate the price of the public lands, to make donations to actual settlers, and to cede the refuse lands to the States in which they lie; and that the thanks of the legislature are due to the Hon. Thomas H. Benton, a senator in Congress from this State, for his able, patriotic, and unwearied exertions in endeavoring to procure the adoption of a measure in which the people of this State have so important an interest.

Resolved, That the Hon. David Barton, a senator in Congress from this State, *be instructed,* and the Hon. Edward Bates, the representative from this State in Congress, *be requested,* to use their best exertions to procure the passage of the bill mentioned in the foregoing resolution, either as it originally stood, or as amended in the Senate of the United States at the last session, or in the nearest attainable form thereto; and that the said *senator be instructed,* and the said representative *be requested,* to oppose all amendments to said bill which may have the effect of preventing its passage, or dividing its friends, or delaying its decision, or giving to any State, or description of State, any advantage over any other State, or description of State, in the time, mode, or condition of bringing the public lands into market.

Resolved, That the Hon. Littleton Waller Tazewell, a distinguished senator in Congress from the State of Virginia, be requested to accept the thanks of this legislature for the magnanimous and efficient support which he has so liberally afforded to the bill referred to in the above resolutions, and that a knowledge of his correct principles, his statesmanlike conduct, and his strict adherence to justice, induce the legislature to expect his able co-operation in effecting the measure aforesaid.

Resolved, That the secretary of state do forthwith forward to each of these gentlemen a copy of the foregoing resolutions.

JOHN THORNTON,
Speaker of the House of Representatives.
DANIEL DUNKLIN,
President of the Senate.

Approved November 29, 1828.

JOHN MILLER.

20TH CONGRESS. No. 695. [2D SESSION.

LEAD MINES IN MISSOURI AND ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 23, 1828.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with documents, reported in compliance with the resolution of the House of the 10th instant, requesting a copy of the instructions given for the government of the agent of the United States superintendent of the lead mines in Missouri and Illinois.

Also a report from the Secretary of War, in compliance with the resolution of the House of the 15th instant, setting forth the reasons upon which it has not been deemed expedient to nominate commissioners to hold a treaty with the Choctaw nation of Indians for the purchase of a certain tract of land, as authorized by the act of Congress of the 24th of May last.

JOHN QUINCY ADAMS.

WASHINGTON, *December* 22, 1828.

DEPARTMENT OF WAR, *December* 16, 1828.

SIR: I have the honor to enclose herewith a report from the chief of the Ordnance department, to whose management the business of the lead mines is intrusted, prepared in compliance with a resolution of the House of Representatives of the 10th instant, requesting the President of the United States "to cause to be laid before this House a copy of the instructions given for the government of the agent of the United States superintendent of the lead mines in Missouri and Illinois."

I have the honor to be your obedient servant,

P. B. PORTER.

The PRESIDENT *of the United States.*

ORDNANCE DEPARTMENT, *Washington, December* 15, 1828.

SIR: In answer to the resolution of the House of Representatives of the 9th instant, which has been referred to this department, I have the honor to report that the enclosed copies of the leases, licenses and bonds contain all the regulations or instructions which it has been considered advisable to specify for the government of the superintendent of the United States lead mines in Missouri and Illinois. It will, however, be seen, from the sixth paragraph of the leases, that the necessity of further regulations for the preservation of order, and to carry into effect those which had been determined upon, was anticipated; these were referred to the superintendent to devise, from time to time, as his experience and observation might show the public interest required; and it is believed further regulations of this character have been found necessary, and accordingly adopted by the superintendent; but of the particular provisions of which no report has yet been made.

As the leases granted in Missouri and Illinois are, in some degree, different in their terms, copies of both are enclosed, and marked No. 1 and No. 2. Number one is the lease required for the lead mines in Missouri; number two, for those at the latter place. No licenses have been granted, except at the lead mines in Illinois, or upon the Upper Mississippi.

I have the honor to be, sir, your most obedient servant,

G. BOMFORD, *Brevet Colonel on Ordnance service.*

Hon. P. B. PORTER, *Secretary of War.*

LEASE No. 1.

This indenture, made this ——— day of ———, between —— ——, of the army of the United States, acting under the direction of the Hon. —— ——, Secretary of War, of the first part, and —— ——, of the second part, witnesseth: That the said party of the first part, for and in consideration of the rents, covenants and agreements hereinafter mentioned, doth, by these presents, grant, lease, and farm unto the said party of the second part, his heirs and representatives, for the full term of three years, from and after the ratification of these presents by the President of the United States, a tract of land, the property of the United States, supposed to contain a mine or mines of lead ore, lying and being in ———, and bounded as follows, viz: ———, containing about ——— acres, to have and to hold the same, from and after the time above stated, for the term aforesaid, unto the said party of the second part, his heirs and representatives, upon the conditions following, viz:

FIRST. That the said party of the second part hereby binds and obliges himself to commence mining and manufacturing lead upon the said land within two months after the date of the ratification as aforesaid, and to continue such mining and manufacturing with a force which shall at no time be less than ——— men, weather and season permitting, without cessation or intermittance of more than one month at any one time.

SECOND. That the said party of the second part, at the end of every month, shall pay to the said party of the first part one-tenth of the product of said mining and manufacturing operations, in clean pure lead, as a rent, for the use of the United States, and deposit the same in a storehouse to be built on the

said land by the said second party, under the direction of the said party of the first part, who shall possess the key and custody of the same; and as the one is generally estimated to yield sixty per cent. of lead, it is agreed by the said parties to calculate the product at that rate; and the said second party agrees to pay sixty pounds of *lead* for each thousand pounds of *ore* received, to be paid from the first process of melting, *i. e.*, the log furnace.

THIRD. The said party of the second part agrees to make, at his own cost and expense, all the necessary preparation and improvements for the prosecution and fulfilment of this indenture, on his part, for which purpose he is allowed and permitted the use of stone, wood, and water, as may be found upon the premises, and as may be required, without waste or extravagance.

FOURTH. It is further agreed and understood between the said parties that the second party shall keep a book or books in which he shall state a true and faithful amount of all the mineral and lead which he shall raise, purchase, and manufacture, from time to time, which said book or books shall always be open and ready for the free inspection and examination of the said party of the first part; and the said second party agrees to furnish the said first party with a monthly abstract or return of such mining and manufacturing operations at the end of every month, agreeably to a form to be furnished by the first party, which shall contain a list of all the miners or laborers at work at said mine, and which said books and returns the said party shall at any time, when required by the said first party, verify on oath or affirmation.

FIFTH. It is understood and agreed between the said parties that the said party of the second part shall not, at any time nor in any manner whatever, dispose of or sub-lease the said land, or any part thereof, to any person or persons whatever; that at no time, under any pretext, shall the said party, or any one by or under his authority, convey away or remove the whole or any part of the mineral or lead from said land or places of manufacture, without the consent and approbation of the said party of the first part, until all arrearages of rent, which shall be due and owing by the said second party, shall be settled up and paid.

SIXTH. The said second party agrees not to permit any miner or laborer to commence working at the said mine until he signs the rules and regulations thereof; one of which shall be "not to remove, sell, or otherwise dispose of any ore or mineral he may dig to any other than the said second party;" nor to allow any person to continue working after he has broken said regulations.

SEVENTH. The said second party expressly agrees not to purchase, or otherwise acquire, any lead ore obtained from land the property of the United States other than the land leased by the said second party from the United States, nor from land owned or claimed by an individual, without the owners or claimants' special permission. The said second party also agrees not to permit any one under his authority to dig or mine on public land, nor to cut or otherwise to acquire coal, timber, or fuel from public land, without authority from the United States.

EIGHTH. It is, moreover, further and explicitly understood and agreed between the said parties that, upon the failure of the said party of the second part to carry into effect any part of this indenture or agreement, or on his non-compliance with any of its stipulations, the said first party may declare it void and forfeited, at his option, and re-enter and take possession of the premises as if no such indenture or agreement had been entered into.

In testimony whereof, we, the said parties to these presents, have hereunto signed our names and affixed our seals the day and year before written.

——— ———. [SEAL.]
——— ———. [SEAL.]

Signed, sealed, and delivered in presence of us.

LEASE No. 2.

This indenture, made and entered into this ——— day of ———, between —— ——, of the army of the United States, acting under the direction of the Hon. —— ——, Secretary of War, of the first part, and —— ——, of the second part, witnesseth: That the said party of the first part, for and in consideration of the rents, covenants and agreements hereinafter mentioned, doth, by these presents, and by and with the approbation of the President of the United States, grant, lease and farm unto the said party of the second part, his heirs and representatives, for the full term of three years from and after the date hereof, a tract of land, the property of the United States, supposed to contain a mine or mines of lead ore, according to the annexed plat of survey, viz:

[Here insert the plat of survey.]

Containing about ——— acres, to have and to hold the same from and after the time above stated, for the term aforesaid, unto the said party of the second part, his heirs and representatives, upon the conditions following, viz:

FIRST. That the said party of the second part hereby binds and obliges himself to commence mining and (if there is wood upon the premises) manufacturing lead upon the said land within *two* months after the date hereof, and to continue such mining and manufacturing with a force which shall at no time be less than twenty men, weather and season permitting, without cessation or intermittance. Should the said second party not have twenty laborers in his employ, it is understood and agreed that any miner may go upon the above premises and work, provided he will deliver to the said second party all the ore he may dig, upon his paying or securing to be paid to him the usual quantity of lead (or an equivalent) for each thousand pounds of ore; and the said second party, admitting the premises to be occupied, will be considered the same as keeping twenty men in employ.

SECOND. That the said party of the second part, at the end of every month, shall pay to the said party of the first part one-tenth of the product of said mining and manufacturing operations in clean pure lead, as a rent, for the use of the United States, and deposit the same in a storehouse near Fever river, (which shall be designated by the said first party,) free of expense to the United States.

THIRD. The said party of the second part agrees to make, at his own cost and expense, all the necessary preparation and improvements for the prosecution and fulfilment of this indenture on his part, for

which purpose he is allowed and permitted the use of all stone, wood and water as may be found upon the premises and as may be required, without waste or extravagance.

FOURTH. It is agreed and understood between the said parties that the second party shall keep a book or books in which he shall state a true and faithful account of all the mineral and lead which he shall raise, purchase, or manufacture, from time to time, which said book or books shall always be open and ready for the free inspection and examination of the said party of the first part; and the said second party agrees to furnish the said first party with a monthly abstract or return of such mining or manufacturing operations at the end of every month, agreeably to a form to be furnished by the first party, which shall contain a list of all the miners or laborers at work at said mine, and which said books and returns the said second party shall at any time, when required by the said first party, verify on oath or affirmation.

FIFTH. It is further understood and agreed between the said parties that the said party of the second part shall not, at any time nor in any manner whatever, dispose of or sub-lease the said land to any person or persons whatever; that at no time, under any pretext, shall the said party, or any one by or under his authority, convey away or remove the whole or any part of the mineral or lead from said land or places of manufacture, without the consent and approbation of the said party of the first part, until all arrearages of rent which shall be due and owing by said second party shall be settled up and paid.

SIXTH. The said second party agrees not to permit any miner or laborer to commence working at the said mine until he signs the rules and regulations thereof; one of which shall be "not to remove, sell, or otherwise dispose of any ore or mineral he may dig to any other than the said second party," nor to allow any person to continue working after he has broken said regulation.

SEVENTH. It is, moreover, further and explicitly understood and agreed between the said parties that, upon the failure of the said party of the second part to carry into effect any part of this indenture or agreement, or on his non-compliance with any of its stipulations, the said first party may declare it void and forfeited, at his option, and re-enter and take possession of the premises as if no such indenture or agreement had been entered into.

In testimony whereof, we, the said parties to these presents, have hereunto signed our names and affixed our seals the day and year before written.

——— ———. [SEAL.]
——— ———. [SEAL.]

Witnesses.

BOND FOR LEASES 1 AND 2.

Know all men by these presents, that we, ——— ———, are holden and stand firmly bound unto the United States of America, or their certain attorney, in the penal sum of five thousand dollars, current money of the said United States, well and truly to be paid into their treasury; for which payment, well and truly to be made, we, the said ——— ———, do hereby, jointly and severally, bind ourselves, our heirs, executors, and administrators, and each and every of them, jointly, severally, and firmly, by these presents. Signed with our hands, and sealed with our seals, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

The condition of the above obligation is such, that whereas the said ——— ——— has obtained from the United States a lease, bearing date the ——— day of ———, 182—, of a certain tract of land, containing about ——— acres, as therein more particularly described, which is supposed to contain lead ore: now, if the said ——— ——— shall faithfully and fully execute and comply with the terms and conditions set forth in said lease, then and in that case this obligation to be void and of no effect; otherwise, to remain in full force and virtue.

——— ———. [SEAL.]
——— ———. [SEAL.]
——— ———. [SEAL.]

Witnesses present.

LICENSE TO SMELT LEAD ORE.

This indenture, made this —— day of ———, 182—, between ——— ———, superintending the United States lead mines, acting under the direction of the Secretary of War, of the first part, and ——— ———, of the second part, witnesseth: That the said party of the second part is hereby permitted, by and with the approbation of the President of the United States, to purchase and smelt lead ore at the United States lead mines on the Upper Mississippi, for the period of one year from the date hereof, upon the following conditions, to wit:

FIRST. All purchases or other acquisitions of ore, ashes, zane, or lead, to be from persons authorized to work the mines, either as lessees, smelters, or diggers, and from no others; and no ore to be purchased from the leased premises of any person without his permission.

SECOND. To commence smelting as soon as one hundred thousand pounds of ore are obtained, and to continue it so long as any is on hand; to weigh a charge of ore for the log furnace, and the lead produced from it, when required by the said first party or his assistant.

THIRD. To keep a book containing an accurate account of all ore, ashes, or zane, purchased or otherwise acquired, and of all lead manufactured, which book shall at all times be open to the inspection of the said first party or his assistant, and to furnish a transcript or return at the end of every month, (agreeably to a form to be furnished by the said first party,) which book and returns to be verified on oath if required.

FOURTH. The said second party hereby agrees to pay to the said first party, for the use of the United States, the one-tenth part of all the lead smelted by him, under this indenture, to be paid monthly, in clean pure lead, at the warehouse on Fever river, or at such other place, near the mines, as the said first party shall direct, and free of expense to the United States. And the said second party is not to sell or remove from the place of smelting, in any manner whatever, any lead, until the rent has been paid as aforesaid.

FIFTH. The said second party is allowed to have as much fuel as will suffice, without waste, for the purposes of this indenture, and to cultivate as much land as will suffice to furnish his teams, &c., with provender.

SIXTH. It is understood and agreed between the aforesaid parties that the second party shall not

employ, in any manner, any smelter, lessee, or miner, who has forfeited his license, lease, or permit to mine, nor any other person who is at the mines, without the authority of the said first party; and the said second party agrees not to employ or harbor the laborers or workmen of another smelter.

Sixty days are allowed, after the expiration of this license, to *close* all business under it; but it is understood that no purchase or hauling of ore is to take place after the license is expired. The bond given for the faithful performance of the contract is to be in full force and virtue until a written settlement is made.

It is distinctly understood by the said parties that, upon proof being afforded to the first party that either of the foregoing stipulations have been violated or not complied with, he may declare this indenture null and void, and re-enter and take possession of all the premises as if no such agreement existed.

——— ———. [SEAL.]
——— ———. [SEAL.]

Witnesses present.

LICENSE BOND.

Know all men by these presents, that we, —— —— ——, are holden and stand firmly bound unto the United States of America, or their certain attorney, in the penal sum of ten thousand dollars, current money of the said United States, well and truly to be paid into their treasury; for which payment, well and truly to be made, we, the said —— —— ——, do hereby, jointly and severally, bind ourselves, our heirs, executors, and administrators, and each and every of them, jointly, severally, and firmly, by these presents. Signed with our hands, and sealed with our seals, this —— day of ———, in the year of our Lord one thousand eight hundred and twenty——.

The condition of the above obligation is such, that whereas the said —— has obtained from the agent of the United States a license bearing date the —— day of ———, 182—, containing stipulations therein more particularly described, to smelt lead ore: now, if the said —— shall faithfully and fully execute and comply with the terms and conditions set forth in said license, then and in that case this obligation to be void and of no effect; otherwise, to remain in full force and virtue.

——— ———. [SEAL.]
——— ———. [SEAL.]
——— ———. [SEAL.]

Witnesses present.

DEPARTMENT OF WAR, *December* 19, 1828.

SIR: In compliance with a resolution of the House of Representatives of the 15th instant, requesting to be informed by the President whether he had proceeded to nominate commissioners to hold a treaty with the Choctaw nation of Indians for the purchase of a certain tract of land described in said resolution, I have the honor to report to you, for the information of the House, that no commissioners have been nominated to hold such treaty.

The act of Congress of the 24th of May last, appropriating $15,000 to enable the President of the United States to hold a treaty with the Chippewas, Ottawas, Pottawatomies, Winnebagoes, Fox and Sacs nations of Indians, authorized the President also, "if he should deem it expedient," to apply a part of the said appropriation for the purpose of holding a treaty with the Choctaw nation of Indians, to extinguish their title to the tract of land mentioned in the resolution.

Your reason for not having yet taken any measures towards holding the last-mentioned treaty is understood to have been founded on the confident belief of this department that the sum thus appropriated would not, in the most favorable events, be more than sufficient to accomplish the first objects for which it was made; and that it would not be "expedient" to adopt any measures for the attainment of the last until the further pleasure of Congress should be made known to you.

I have the honor to be your obedient servant,

P. B. PORTER.

The PRESIDENT *of the United States.*

20TH CONGRESS.] No. 696. [2D SESSION.

PRIVATE CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1828.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of the heirs and representatives of John Ellis, deceased, late of Adams county, in the State of Mississippi, reported:

The petitioners state that the said Ellis was the holder of an order of survey issued by the Spanish government of West Florida; that, having neglected to locate and perfect the same during the existence of that government above the 31st degree of latitude, after the commencement of the authority of the United States government over that region of country he obtained from the former a patent therefor, including eight hundred arpens. They say that after the organization of the board of commissioners to decide on claims to land west of Pearl river the claim aforesaid was presented to said board, who rejected

it, because the survey had been made and the patent obtained after the change of government; and according to the provisions of the act of Congress of the 27th of March, 1804, reported it to the Secretary of the Treasury, with various others, as a rejected claim, to be laid before Congress. They also allege that under the act of Congress of the 30th of June, 1812, the representatives of said Ellis applied to the register and receiver of the land office west of Pearl river, and obtained from them a certificate for six hundred and forty acres of said claim, and caused the same to be surveyed by the surveyor general of the district, in township 1, range 2 west, being section No. 41 in said township, in the county of Wilkinson and State of Mississippi. They further allege that the United States, previous to the enactment of the act of June, 1812, had sold the principal part of said section to Isaac Johnston and Samuel Stockett, who obtained patents for and are in possession of it. They therefore ask leave to locate land anywhere in Mississippi or Alabama, in amount equal to that called for in the aforesaid patent, which is about 677 acres. By an examination of the report of the board of commissioners on claims founded on British and Spanish warrants of survey within the district west of Pearl river, disallowed by said board, made in pursuance of the 4th section of an act of the Congress of the United States, entitled "An act concerning the sales of lands of the United States, and for other purposes," passed March 31, 1808, the committee find that a claim for eight hundred arpents, originating under the Spanish government, situated on the Bayou Sara, dated 15th of April, 1789, in the name of one William Wikoff, had been presented for allowance and confirmation by John Ellis, as the claimant thereof, but was by the board rejected.

The commissioners, in relation to said claim, made the following remarks:

"William Atchison says that he surveyed the land in question for the claimant, by the request of William Wikoff, who said he had sold it to the claimant; and the witness says that Wikoff was of age at the date of the warrant, and the land was not at that time inhabited or cultivated, and has not been so since that he knows of."

A certificate, dated the 18th day of September, 1815, was issued in favor of said Ellis, by the register and receiver west of Pearl river, under authority vested in them by the aforesaid act of the 30th of June, 1812, for six hundred and forty acres, in which they certify to the Commissioner of the General Land Office that he was entitled to a patent therefor from the United States by virtue of said act. A decision having been thus made in favor of the ancestors of the claimants by a tribunal of competent jurisdiction, the committee consider it as improper to inquire into the grounds upon which it was made. They look upon it as conclusive to show his claim upon the government for 640 acres to be valid. If the government has sold the land, or a considerable part of it, surveyed under said certificate, to other individuals, who have obtained patents therefor, it seems to be but just that a compensation should be made to him or his representatives, either in money or land. The testimony on that subject is not entirely satisfactory. Upon application to the Commissioner of the General Land Office, he states that on the 24th of December, 1806, the commissioners west of Pearl river issued certificates of pre-emption to Samuel Stockett and Isaac Johnston; and that a patent issued to the first on the 30th of July, 1812, and to the latter on the 15th of April, 1815. He states, however, that as the plat of the township in which these claims are situated has been returned to the surveyor general for correction, he had no means of ascertaining the confliction of the several claims. But Nathaniel A. Ware certifies, under oath, that by actual survey and an examination of the maps in the land office, he had ascertained that the greater part of the land claimed by the aforesaid heirs had been sold as pre-emptions to Isaac Johnston, Samuel Stockett, and others, who are in possession of it; and that their claims included the best parts of said tract, the spring, and everything that could make it valuable. He also states that upon application to the register for a certified map of the aforesaid township, he informed him that it would be found in the General Land Office in the city of Washington.

The committee are, therefore, satisfied that so great a portion of the land claimed by said Ellis has been sold by the government to others, who have obtained the senior grants and whose claims are paramount both in law and equity to that of Ellis, as they should all be considered as purchasers from the United States; that were this an application to a court of chancery in a case between individuals the contract would be rescinded and relief granted.

They therefore recommend that the claim be allowed, not for the amount of eight hundred arpents, as called for in the patent, but for that of six hundred and forty acres, the amount for which, under the act of 1812, he stands as a purchaser; and they accordingly report a bill herewith.

20TH CONGRESS.] No. 697. [2D SESSION.

PRIVATE CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1828.

Mr. GURLEY, from the Committee on the Public Lands, to whom was referred the case of Hyacinth Bernard, reported:

That the petitioner claims thirty-three arpents of land by forty in depth, on both sides of the Bayou Teche, in the State of Louisiana, as having been purchased by him of the Chetimaches Indians in the year 1804, and as having been inhabited and cultivated by him from that period to the present. He represents that he is the father of a large family; that he has made expensive improvements on the land, and has always considered his title as perfect. It appears that when this claim was first entered with the Commissioner of the Land Office it was unaccompanied with any testimony, and that they recommended its rejection. It was afterwards re-examined, with evidence furnished by petitioner, and recommended for confirmation. This evidence consists of an order under the signature of Mr. Aubry, the then governor of Louisiana, under the French dynasty, dated the 19th of June, 1767, in which he recognizes the Chetimaches nation, and directing the commandant at Manchac to treat their chief with regard; an order of

Governor De Galvez, dated at New Orleans the 14th of September, 1777, commanding the commandant and other subjects of the Spanish government to respect the rights of said Indians in the lands which they occupied, and to protect them in the occupation thereof; the sales from the Indians to petitioner of the said lands; and the testimony of several witnesses, testifying to the good character of the claimant. That the Indian title was always considered as good; and that the Spanish government recognized the sales that they made. The Indians themselves, when they made known their claim to our commissioners, which was for a large tract of land, stated that they and their ancestors had sold portions of said land to different individuals; and among which sales they mentioned the one to petitioner, and declared it to have been made in good faith and for a valuable consideration. This declaration, coming from the Indians seventeen years or more after the transaction to which it alludes, together with the testimony of several witnesses of good reputation, satisfies your committee that the sale was made in good faith, and for a valuable and full consideration.

The Indian title was good, for they had been in possession for fifty years, say the witnesses; and both Great Britain and Spain had, by divers acts, recognized their right to the soil, while they respectively retained the sovereignty of the country.

The governor of Spain authorized the Indians to dispose of their lands; and whether a previous permit was necessary or not is a question not involved in this case, as the transfer to Bernard, the petitioner, was made before the commandant who had authority to give it. The laws of the United States were not then promulgated and in force in Louisiana.

Your committee herewith report a bill for his relief.

20TH CONGRESS.] No. 698. [2D SESSION.

PRIVATE CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1828.

Mr. GURLEY, from the Committee on the Public Lands, to whom was referred the petition and documents of Marcellin Bonnabel, of the city of New Orleans, reported:

That the petitioner claims, in right of his ancestor, Antonio Bonnabel, deceased, 4,020 arpents of land, situated on the north side of Lake Pontchartrain, in the State of Louisiana, as having been granted to the said Antonio Bonnabel by the Spanish government, on the 25th of January, 1799. Said grant for 4,020 arpents is for the quantity of land called for in three previous decrees of the Spanish government; the one for 2,100 arpents, dated the 29th of June, 1797; one for 1,000 arpents, dated the 20th of February, 1798; and the other for 920 arpents, dated the 22d February, 1790; all in favor of Antonio Bonnabel. Petitioner represents that said claim was duly entered with James O. Corly, commissioner of the land office at St. Helena, and by him recommended for confirmation in the list of complete titles; but that the commissioner made a mistake in entering the quantity of land as 400 arpents, instead of 4,020, the quantity called for in the grant recommended by him for confirmation.

The register and receiver of the land office at St. Helena, being convinced of the error, have attempted to correct it by issuing a certificate and order of survey for the complement called for in the grant. This, however, does not, in the opinion of your committee, dispense with the necessity of a confirmation on the part of Congress. Petitioner prays such confirmation; and in support of his claim offers a copy of the certificate of confirmation, dated the 29th of February, 1820; a translation of the original plot of survey and patent; and a certificate of the register and receiver of the land office of the district in which the land is situated, stating, in substance, that petitioner's title papers were duly deposited in the office, and submitted to the consideration of the former commissioner of land claims in that district. That he recommended its confirmation as a complete title. That they have no doubt of a mistake, either in copying the report, or a mistake in the figures in the original, by inserting 400 instead of 4,020. That they entertain no doubt of the validity of the title in Mr. Bonnabel, and have accordingly issued an order of survey for the 4,020 arpents, recommending him, however, to apply to Congress to correct the error.

Your committee are satisfied of the mistake which has produced the injury complained of, and therefore report a bill for his relief.

20TH CONGRESS.] No. 699. [2D SESSION.

PRE-EMPTION RIGHT IN LOUISIANA.

COMMUNICATED TO THE SENATE DECEMBER 29, 1828.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the petition of John Duly, of Indiana, with the accompanying documents, reported:

That the petitioner claims the right of pre-emption to 160 acres of land in the vicinity of New Orleans, in Louisiana, under the 5th section of an act of Congress of April 12, 1814, (4 vol., p. 680,) entitled "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri."

That section gave such rights to persons who had "actually inhabited and cultivated a tract of land" in those countries, not rightfully claimed by others, if the occupant had not afterwards left the State or Territory.

It does not appear by the evidence before the committee that the petitioner ever was an inhabitant and cultivator in Louisiana, within the meaning of that law, although he produces some affidavits that he called witnesses to see him plant corn near New Orleans in the year 1814.

It does appear that the petitioner did not present his claim to the proper officers for allowance, within the time required by law. The committee therefore recommend the following:

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

20TH CONGRESS.] No. 700. [2D SESSION.

QUANTITY, QUALITY, AND AVERAGE VALUE OF UNSOLD AND UNSALABLE PUBLIC LAND THAT WOULD FALL UNDER THE OPERATION OF THE GRADUATION BILL, &c.

COMMUNICATED TO THE SENATE DECEMBER 30, 1828.

Statement showing the quantity, quality, and average value of the unsold and unsalable public lands which would fall under the operation of the graduation bill, the length of time they have been in market under the laws of the United States, or subject to be given away by foreign sovereigns, and the amount and expenses of the sales in 1827 *and the first half of* 1828.

State and district.	Quantity unsold, at one dollar and twenty-five cents per acre, June 30, 1828.	First rate.	Unfit for cultivation.	Average value per acre.	Offered for sale by U. States.	Offered as gifts by foreign powers.	Quantity sold in 1827.	Expenses, salaries, and commissions in 1827.	Quantity sold in first half of 1828.	Expenses, salaries, and commissions first half of 1828.
OHIO.	*Acres.*	*Acres.*	*Acres.*	*Cents.*	*Years.*	*Years.*	*Acres.*	*Dollars.*	*Acres.*	*Dollars.*
Marietta	406,000	None	100,000	50	8 to 28		7,254	2,515	3,445	588
Zanesville	647,900	None			8 to 24		29,937	3,277	16,255	1,168
Steubenville	131,835	None	None	100	8 to 28		25,003	3,995	12,520	981
Chillicothe	1,011,928	None	126,000	75	8 to 28		10,285	2,994	6,685	776
Cincinnati	800,000			103	8 to 28		24,389	5,512	10,616	2,275
Wooster	162,483	None	40,000	90	8 to 24		17,030	3,568	5,867	751
Piqua	2,294,000				6 to 8		2,451	1,047	373	466
Delaware	1,641,900	200,000	400,000	50	4 to 7		34,506	2,436	15,600	952
Total	7,196,256	200,000	666,000							
INDIANA.										
Jeffersonville	1,499,926	70,000	280,000	44	8 to 20		14,095	5,245	5,059	892
Vincennes	3,406,445	850,000	1,700,000		6 to 21	100	14,017	2,200	8,786	6,677
Crawfordsville	1,952,260		100,000	125	1 to 8		113,341	4,265	52,851	2,411
Indianapolis	1,842,000	350,000	350,000		4 to 8		66,284	3,870	23,935	1,019
Fort Wayne	1,546,000	200,000			2 to 5		2,212	1,170	80	506
Total	10,245,625	1,470,000								
ILLINOIS.										
Kaskaskia	1,489,000				1 to 12	100	2,256	3,724	1,356	1,180
Shawneetown	2,689,000	1,195,000	298,000	100	7 to 14		3,340	2,734	1,734	1,756
Edwardsville	2,788,000	118,000	1,195,000	48	3 to 12		8,398	1,921	7,133	663

Statement showing quantity, quality, and average value of unsold and unsalable public lands, &c.—Continued.

State and district.	Quantity unsold, at one dollar and twenty-five cents per acre, June 30, 1838.	First rate.	Unfit for cultivation.	Average value per acre.	Offered for sale by U. States.	Offered as gifts by foreign powers.	Quantity sold in 1837.	Expenses, salaries, and commissions in 1837.	Quantity sold in first half of 1838.	Expenses, salaries, and commissions first half of 1838.
ILLINOIS—Continued.	*Acres.*	*Acres.*	*Acres.*	*Cents.*	*Years.*	*Years.*	*Acres.*	*Dollars.*	*Acres.*	*Dollars.*
Vandalia	2,793,000	900,000	1,800,000	54	4 to 7	.....	1,743	1,296	1,108	604
Palestine	2,496,000	500,000	1,000,000	30	5 to 7	.....	9,466	1,434	6,188	725
Springfield	1,947,000	212,000	1,734,000	12½	1 to 4	.....	33,759	2,572	12,502	814
Total	13,195,000	2,935,000								
MISSOURI.										
St. Louis	2,219,000	None	1,600,000	15	3 to 10	40	27,040	3,743	11,972	761
Franklin	2,709,000	.....	.....	.....	3 to 10	40	62,981	5,493	16,693	919
Jackson	4,430,000	88,000	4,000,000	12½	2 to 8	40	3,724	1,334	1,803	603
Palmyra	2,513,000	71,000	100,000	.....	3 to 10	40	26,127	1,785	11,474	767
Lexington	1,700,000	.....	.....	62½	1 to 4	.....	35,380	1,596	10,052	1,335
Total	13,574,000									
ALABAMA.										
St. Stephen's	2,220,000	.....	.....	.....	4 to 16	100	6,257	4,344	5,248	1,191
Cahaba	2,418,000	.....	.....	.....	7 to 10	.....	48,140	7,770	29,710	1,466
Huntsville	3,322,000	None	2,100,000	.....	7 to 19	.....	4,797	4,679	801	3,674
Tuscaloosa	3,149,000	None	3,000,000	5	2 to 7	.....	15,189	1,960	3,472	695
Sparta	2,502,000	687,000	1,815,000	40	1 to 5	.....	23,694	1,354	.....	.....
Total	13,613,000									
MISSISSIPPI.										
Washington	1,870,000	None	1,179,000	40	7 to 20	75	7,326	4,105	1,357	596
Mount Salus	3,230,000	Very little	2,115,000	25	1 to 5	.....	53,022	3,332	20,795	927
Augusta	5,670,000	None	5,000,000	5 to 8	5 to 18	100	399	476	553	541
Total	10,670,000									
LOUISIANA.										
New Orleans	.....	.....	Nearly all	.....	1 to 4	80	.....	.....	.....	.....
Ouachita	1,389,000	95,000	740,000	26	2 to 6	80	4,504	1,633	1,791	731
Opelousas	1,266,000	Very little	.....	50	2 to 10	80	1,971	1,350	1,195	557
St. Helena	.....	Very little	Nearly all	.....	.....	.....	34,805	3,341	.....	.....
Total	2,655,000									
MICHIGAN.										
Detroit	3,162,926	.....	.....	.....	1 to 11	100	34,805	3,341	10,978	2,690
Monroe	1,120,000	.....	.....	.....	2 to 4	.....	7,604	1,796	3,138	976
ARKANSAS.										
Little Rock	2,758,554	Little	Great	.....	2 to 7	40	1,890	1,463	334	539
Batesville	2,683,671	53,000	2,500,000	3½	2 to 6	40	2,165	1,695	249	470
FLORIDA.										
Tallahassee	1,571,810	10,000	1,000,000	10	1 to 3	100	140,587	7,936	17,873	1,123
St. Augustine	312,731	5,000	5,000	50	½	100	.....	.....	80	500
Aggregate	83,110,873	.....	.....	.....	.....	.....	926,727	121,280	341,590	47,750

N. B.—The blanks indicate defective or untelligible returns. The incidental expenses *include* compensation to registers and receivers for services in previous years, and *exclude* the expenses of surveying, about $70,000 per annum, the expenses of surveyors general, about $2,000 per annum, and the expenses of the General Land Office, about $30,000 per annum. Adding these three items, and the expenses of the year would be about doubled.

20TH CONGRESS.] No. 701. [2D SESSION.

CLAIM OF THOMAS L. WINTHROP AND OTHERS OF THE NEW ENGLAND MISSISSIPPI LAND COMPANY.

COMMUNICATED TO THE SENATE DECEMBER 31, 1828.

Mr. BERRIEN, from the Committee on the Judiciary, to whom was referred the petition of Thomas L. Winthrop and others, directors of an association called the New England Mississippi Land Company, &c., reported:

1st. That by the articles of agreement and cession of the 24th of April, 1802, between the United States and the State of Georgia it was agreed that the United States might (in such manner as not to interfere with the payment to be made to the State of Georgia, or with the satisfaction of certain land claims, agreed to be confirmed by the United States) appropriate not exceeding five millions of acres for satisfying certain claims on the land then ceded to the United States, commonly called the Yazoo claims: provided the act of Congress making such appropriation was passed within one year.

2d. That by the act entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States," passed the 3d of March, 1803, so much as should be found necessary of the five millions of acres, reserved as before stated, were appropriated to the purpose for which they had been reserved; but it was provided by that act "that no other claims shall be embraced by this appropriation but those the evidence of which shall have, on or before the first day of January next, [been] exhibited by the claimants to the Secretary of State, and recorded in books to be kept in his office for that purpose," &c.

3d. That, pursuant to the provisions of the last-mentioned act, the claims to the said lands were exhibited to the Secretary of State, including those now in question; but the passage of the final act, providing for their adjustment and satisfaction, was delayed until the year 1814.

4th. That many of the claims so exhibited were found to conflict with each other, and also with rights which had been acquired by the United States, in consequence of surrenders made to the State of Georgia, which, by virtue of the cession, inured to the United States.

5th. That, to make the indemnity and provide for the adjustment of the claims in question, the act of the 31st of March, 1814, was passed, by which—

First, The President was authorized and required to cause to be issued from the treasury of the United States to such claimants, respectively, as had exhibited their claims agreeably to the act of 1803, certificates of stock, payable out of moneys arising from the sale of said public land; and, among other companies, to the persons claiming in the name or under the Georgia Mississippi Company, a sum not exceeding, in the whole, *one million five hundred and fifty thousand dollars.*

Second, That the claimants of the land might file in the office of the Secretary of State a release of all their claims to the United States, and an assignment and transfer to the United States of their claim to any money deposited or paid to the State of Georgia; *such release and assignment to take effect on the indemnification of the claimants, according to the provisions of that act.*

Third, Commissioners were to be, and were, accordingly, appointed "to adjudge and *finally* determine upon all controversies arising from such claims, so released as aforesaid, which may be found to conflict with and be adverse to each other; and also to adjudge and determine upon all such claims, under the aforesaid act, or pretended act, of the State of Georgia, as may be found to have accrued to the United States by operation of law."

6th. That the provisions of the act of 1814 were, in all respects, pursuant to a compromise made in behalf of the United States with the claimants, including the present petitioners, and that the release required by the said act was made by them.

7th. That before the commissioners, the petitioners, as trustees of the New England Mississippi Land Company, claimed as the persons entitled to the *one million five hundred and fifty thousand dollars* directed to be issued to the Georgia Mississippi Company; their claim to indemnity for 957,600 acres, amounting to $130,425, was resisted in behalf of the Georgia Mississippi Company, on the ground that the consideration money for said lands had not been paid, and that therefore they were, in equity, entitled to the indemnity provided by the act of Congress. It appeared before the commissioners that the land included in said grant, estimated to contain eleven millions three hundred and eighty thousand acres, had been sold by the Georgia Mississippi Company to the New England Mississippi Land Company at the rate of ten cents per acre, two cents whereof had been paid in cash, and the residue secured by negotiable notes with approved endorsers; of which notes, about one-tenth part, say $95,760, then remained unpaid, and belonged to the said original grantees, called the Georgia Mississippi Company, most of the members of which (about three-fourths in amount) had surrendered to the State of Georgia, and received from the treasury the sum they had paid therein, by virtue of the rescinding act (so called) of Georgia; but the other members had released to the United States in virtue of said act of Congress of March 31, 1814, and claimed in conflict with said petitioners such proportion of the indemnity as was equal to their interest in said notes. The commissioners decided that the said notes (although no mortgage was given therefor, and though the signers of said notes had long since transferred their interest in said lands, and although the conveyance from the Georgia Mississippi Company was absolute, and the deed delivered by their written direction to the grantees, upon their giving security as aforesaid) *created a lien upon said land;* and, in consequence of such decision, they deducted from the claim of said petitioners the sum of $130,425, and distributed the same as follows, viz:

The sum of thirty-five thousand and twenty-two dollars was paid to the said Georgia members who released as aforesaid, being their proportion in said notes; and the residue, say ninety-five thousand four hundred and three dollars, was ordered to be retained in the treasury of the United States, as representing the other owners of said notes, who had surrendered as aforesaid, and thus accruing, by operation of law, to the United States.

8th. The petitioners object to this decision as erroneous: and they ask to have the $130,425 paid to them by the United States, or their release to the extent of the 957,600 acres cancelled, so that they may assert their title to the lands in a court of law. The Supreme Court of the United States, in the case of

Brown and Gilman, 4 Wheaton, 256, have decided that the grant from the Georgia Mississippi Company to the individuals who afterwards constituted and composed the New England Mississippi Land Company, conveyed the legal estate, notwithstanding the act of Georgia prohibiting the deeds for the same from being recorded; and that, by the terms of the contract and the law of the land, the grantors had no lien on the land for the consideration money, and that therefore the decree of the commissioners, in that respect, was erroneous. For the grounds of that decision, its operation upon the interests of the petitioners and those they represent, the committee refer to the case of Brown and Gilman, to the decrees of the commissioners, (accompanying this report,) and to the accompanying certificates of the two commissioners now surviving.

9th. The committee acquiesce in the correctness of the decision of the Supreme Court, and believe that the decision of the commissioners, on the point of law raised before them, was erroneous, which error is fully certified by said commissioners, and manifestly appears in their records.

It is expressly provided by said act that the release of the claimants was "to take effect on the indemnification of such claimants being made conformably to the provisions of said act." And it is also provided that the commissioners were to adjudge and *finally* determine upon all controversies arising from such claims so *released*.

Taking these sections into view, the committee are of opinion that as respects said sum paid on said conflicting claim to said Georgia members, as aforesaid, the petitioners ought not to be relieved, such decision being made *final* by the act; but as respects said sum now in the treasury, which, by virtue of said act, ought to have been paid to said petitioners, as indemnification for their said release, but which was erroneously withheld from them, as aforesaid; the committee apprehend that the petitioners are well entitled to relief, and for that purpose they report a bill in their favor.

No. 1.

Decree of Commissioners on Yazoo claims, Georgia Mississippi Company.

This company having sold all the lands included in their grant (excepting the reservations for citizens) to certain individuals in Boston, associated under the name of the New England Mississippi Land Company, the whole indemnity provided by the act of Congress for claimants under this grant was demanded by the trustees of the latter company, in behalf of the members thereof, the trustees having released to the United States all the title of the company to the land comprehended in the grant.

This claim was opposed first by the scripholders of the original Georgia Mississippi Company, claiming under certain certificates issued to the proprietors under that grant before the sale made to the New England Mississippi Land Company, which certificates were produced by them and released to the United States. The foundation of this claim rested on the allegation that the New England purchasers had not fully paid the purchase money for the land, and that the original shareholders had a lien on the land for whatever balance was due. The board considered that the principles of equity sanction this opposition; and having ascertained, from the evidence exhibited, that the sum of $95,760 remained due to the original company for the purchase, which, upon the terms of the sale amounted to 957,600 acres, they decreed, upon the grounds stated more particularly in their first decree in this company, that $130,425 12, the proportion of indemnity to which that quantity of land would be entitled, should be deducted from the amount claimed by the New England Mississippi Land Company

The claim of the New England company was further opposed, in behalf of the United States, who claimed to be considered as representing the interests of such of the old Georgia Mississippi shareholders as have surrendered their claims to the State of Georgia and drawn their proportions of the original purchase money from the treasury of that State, and as thereby entitled to retain out of the sum deducted as above stated from the indemnity claimed by the New England company such proportions as those shareholders would have been entitled to had they not surrendered such claims. The board decreed that the United States were entitled to represent the interest of these original surrendered shares, and that the sum stated of $130,425 12 could neither be awarded exclusively to the shareholders who released to the United States nor lessened by the New England company's retaining to the amount of the shares surrendered to Georgia, but that the United States, representing the surrendered shares, should take equally with the releasing shareholders. By this decree the above sum was proportioned as follows:

To shares of Georgia Mississippi Company released to the United States - - - - -	$50,608 48
To the United States representing 284 surrendered shares - - - - - - - -	123,903 94

The claim of the trustees of the New England Company was still further opposed by some of the shareholders in that company, who produced their certificates to the board, and executed individually releases to the United States, and prayed to have their respective proportions of the indemnity awarded to them separately, and protested against its being awarded generally to the trustees for the benefit of the company.

The board considered themselves bound to grant this application, for the reasons stated in their second decree, under this grant of June 29, 1815, but, at the same time, thought the demand of the trustees that these individual claimants should bear their proportion of the expenses incurred by the company, if allowed to receive their proportions of the indemnity separately, just and reasonable.

These claimants, holding shares amounting to —— acres, were therefore, by the award of the board, entitled to receive $259,132 72 as their proportion of the indemnity, deducting their proportion of the expenses, and subject to some other charges for expenses which they settled with the trustees.

The following statement shows the particular distribution, according to the principles above stated, of the indemnity provided by the act for claims under this grant, and the proportion reserved to the United States:

Total indemnity provided for this company by act of Congress, $1,550,000.

Awarded as follows:

To the releasors of Georgia Mississippi Company's certificates.....	$50,608 48
To the individual releasors of the New England Mississippi certificates.....	259,132 72

To the trustees of the New England Mississippi Land Company	$1,077,561 73
To A. Jackson, for his interest in the sale made to the New England Mississippi Land Company	24,831 90
Reserved to the United States, for 284 certificates Georgia Mississippi Company, surrendered to Georgia	123,903 94
Reserved to the United States for incalculable fractions in the divisions of the indemnity.	23
Amount of W. Hampton's 32 shares, claimed in behalf of the United States, and deducted from the claim of the United States against him	13,961 00
Total	1,550,000 00

True copy from the records.

Test: RICHARD WALLACK,
Late Secretary to the Board of Commissioners on Yazoo Claims.

The certificates issued by the Georgia Mississippi Company were generally for four shares each, and the sum awarded to the holder of such certificate of four shares was $1,745 12½.

The fund out of which the holders of the Georgia Mississippi Company's certificates were paid, and the surrenders to the State of Georgia in the said company, consisted of the sum of $130,425 12, reserved from the claim of the New England Mississippi Land Company for unpaid notes of certain original purchasers in that company, and the amount of 691,667 acres of the New England Mississippi Land Company's certificates in the hands of Amasa Jackson; making, together, the amount of $213,305 55, deducting for allowance to the specie payment to the New England Mississippi Company $2,339 22.

Statement, in figures, of the disposition of the above sum of $213,305 55.

To the Georgia Mississippi Company's certificates, including those surrendered to the State of Georgia under Hampton's certificates, and those released to the United States	$188,473 42
Awarded to Amasa Jackson	24,831 90
Total	213,305 32

Attest: RICHARD WALLACK,
Late Secretary of the Board of Commissioners on Yazoo Claims.

No. 2.

Having acted as one of the commissioners under the act of Congress providing for the indemnification of certain claimants of public lands in the Mississippi Territory, I do certify that the board of commissioners did reject the claim for indemnification made by the New England Land Company for that portion of land which was the subject of controversy in the case decided by the Supreme Court between Gilman and Brown, and reported in the 4th volume of Wheaton's Reports. The ground upon which this rejection was made was an opinion which the commissioners then entertained; and the title of this land, through its whole course of transfer, was an equitable title, and the original purchase money not having been paid for it, they considered that the debt was a lien upon the land, and that the claimant had no right to the indemnification until that lien was discharged.

I recollect that our information of the laws of Georgia upon the subject of land conveyances was but imperfect; but in the discussion of this claim before the board it seemed to be given up that the title in all its stages was an equitable title, and so we finally thought. The decision, however, of this question by the Supreme Court is otherwise. They have decided that the title was a legal one throughout; and that question being so settled, I have no hesitation in saying that I should, under such an impression of the law, have awarded the indemnification to the claimants, and I doubt not but that my associates would have concurred with me in this opinion. I now consider this a fair subject for the interposition of the legislature, and should deem it reasonable that the claim should be allowed.

THOMAS SWAN.

ALEXANDRIA, *December* 30, 1822.

No. 3.

I have examined, as carefully as I could upon so short a notice, the decree of the Yazoo commissioners of March 8, 1816, upon the claim of the New England Mississippi Company, by which the sum of $130,425 12 was deducted from the indemnity claimed by that company, and awarded to the Georgia Mississippi Company, on the ground of a lien asserted by the latter company, for part of the purchase money due for the land which had been granted to the Georgia Company, and by them sold out to the persons composing the New England Mississippi Company.

The Supreme Court of the United States, in the case of Brown and Gilman, express an opinion that the claim of the Georgia Company to this lien could not be supported. I have not seen the record sent up to the Supreme Court in this case, and do not see in the printed report of the cause that the same documents and evidence, showing the agreements and correspondence of the two companies upon this subject, were before the court that had been laid before the commissioners. If they were, I suppose it would be right to conclude that the commissioners, and not the Supreme Court, had erred in their decision. The board, in their decree of March 8, 1816, refer to the agreements and correspondence of the parties, and the record in the case of Brown and Gilman will show whether they were introduced into that case.

F. S. KEY.

GEORGETOWN, *January* 2, 1823.

It is now represented to me that, by the laws of Georgia, a vender has no lien upon land sold when he takes a note for the purchase money. If this be the case, the commissioners certainly erred in their decision. If such a ground had been supported before them, they would certainly have decided against the lien.

F. S. KEY.

GEORGETOWN, *January* 2, 1823.

20TH CONGRESS.] No. 702. [2D SESSION.

PRIVATE CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 31, 1828.

Mr. MOORE, of Alabama, from the Committee on Private Land Claims, to whom were referred the petitions and documents of John Thompson, of the parish of Saint Landry and county of Opelousas, and Christopher Adams and Samuel Spraggins, of the parish and county of Iberville, and State of Louisiana, reported:

That the petitioners claim a tract of land situate on the Bayou Bocufin, the county formerly part of Opelousas, and State of Louisiana, containing three thousand two hundred superficial arpents, equal to 2,708.9 American acres, founded upon a requette, order of survey, or concession, claimed to have been issued by Governor Mero, in favor of Foiebea Mendoza, dated at New Orleans, July 16, 1791. That the board of commissioners, before whom these title papers were presented for confirmation, rejected the claim, on the ground that the requette and order of survey filed in this case were not genuine, but base forgeries; that further time having been given the claimants to produce additional proof, and this having been insufficient to influence a different decision of the board than that which was made originally, your committee do not feel themselves authorized, under all the circumstances of the case, to confirm the title, and thereby reverse the decision and report of the board of commissioners, whose situation better qualified them to judge of the genuineness of the title papers, and also the credibility of the witnesses who have testified in their support. They therefore recommend the rejection of the claim.

20TH CONGRESS.] No. 703. [2D SESSION.

CLAIM TO REVOLUTIONARY BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 31, 1828.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of George P. Frost, of Rochester, Ulster county, State of New York, reported:

The petitioner states that he served in various military offices during our revolutionary war, and had been promoted to the command of a captain, towards its termination, in the first New Hampshire regiment, commanded by Colonel Cilley, or some person whose name was in sound similar. That, in virtue of the resolutions and laws of Congress, he was entitled to a bounty land warrant for three hundred acres; that he received said warrant, signed, as well as he recollects, by General Knox, then Secretary of War, and that, having placed it in the hands of a friend to make some inquiries and obtain information concerning the mode of its location, &c., it was by him lost in the city of New York, and has never been regained by the petitioner, who supposes it was destroyed. He states that he never made any disposition of it, and that it was his property. He further states that he has not received any patent for bounty land from the government, to which statements he made oath before a justice of the peace, who certifies as to that fact. The petitioner prays that a patent may issue to him for the land to which he is entitled.

Upon application at the General Land Office, it appears that warrant No. 693, for 300 acres of land, was issued, and which has never been presented for a patent. To whom it issued the record does not show. The record, however, proves that the petitioner was entitled to a warrant, and it does not show that one was ever issued to him.

The committee are of opinion that he is entitled to a warrant and patent, and have, therefore, reported a bill in his favor for that purpose.

20TH CONGRESS.] No. 704. [2D SESSION.

PRIVATE CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 31, 1828.

Mr. BLAKE, from the Committee on Private Land Claims, to whom were referred the petition and documents thereto of John Brest, of the parish of Ouachita, in the State of Louisiana, who prays to have his title confirmed to a tract of land in said parish, reported:

That, in pursuance of the authority of the Spanish commandant at the post of Ouachita, John Pierre Landerau, in the winter of 1801, took possession of a tract of land in the Prairie de Chicots, in the parish of Ouachita; that, by the orders of the same officer, it was afterwards surveyed for him, in 1802, by the Spanish surveyor at the post, the tract containing ten arpents front, or four hundred arpents superficial measure; that the said Landerau lived on the land and cultivated it until the year 1818, when he died; and that the petitioner, John Brest, who married one of the heirs of the said Landerau, has, ever since the death of Landerau, occupied, lived on, and cultivated the same land. The United States commissioners at Opelousas were applied to to grant a certificate for this land in the name of John Pierre Landerau, but the application was rejected, on the ground that a certificate had already been granted in his name for a tract above Fort Miro, on the Ouachita river, twenty-seven miles above the Prairie de Chicots. It appears to your committee that the said Landerau did live on and cultivate a tract of land above Fort Miro, on the Ouachita river; but, in a survey of land claimed by the Baron de Bastrop, in virtue, as it is said, of a prior title, it was ascertained that his claim embraced the whole, or nearly the whole, of the land then occupied by the said Landerau, and that, in consequence of this discovery, Landerau was compelled to abandon the tract of land occupied by him above Fort Miro; and then, at the instance, and by the express authority, of the Spanish commandant, he removed to the Prairie de Chicots, and took possession of the land now in question. It also appears that one Abraham Morehouse went before the commissioners at Opelousas and entered the land above Fort Miro, and received from them a certificate in his own right.

Your committee are not apprised of the grounds upon which the commissioners granted the certificate to Morehouse, there being no record evidence in the case; but they have before them the certificate of the parish judge of Ouachita, stating that there is no deed, or copy of a deed, on file or record in the archives of his office (where all conveyances of real estate ought to be) from John Pierre Landerau to the Baron de Bastrop, to Abraham Morehouse, or to any other person. When the application was made in the name of Landerau for the tract lying in the Prairie de Chicots, it is presumable that the commissioners, who were not the same as in the former instance, were influenced solely by the fact that land had been previously granted in the name of Landerau, without prosecuting an inquiry into the merits of such decision and fully comparing the mutual claims of the applicants. That Landerau could not have sold his claim to the Baron de Bastrop is evident, for he is represented by one of the deponents as crying like a child when he left the premises, and that he was ordered off by the commandant; and as to his trying to maintain his right of property at the time, and to seek redress by a resort to any judicial tribunal, it was a thought not to be indulged, for to him, as it was to others in that country generally, the order of a commandant was an arbitrary decision, from which there was no appeal. It is moreover ascertained by the declaration of one of the deponents, whose character for veracity is sustained by the testimony of distinguished and highly respectable individuals, that the said Spanish commandant told him, after the removal of Landerau, that he was to have the said land in the Prairie de Chicots, in lieu of the land which had been taken from him above Fort Miro. Your committee, therefore, after having again examined and considered the case, and having other evidence than was before them heretofore, have come to the conclusion that it is one within the purview of the act of Congress of March, 1805, on the subject, and that relief ought to be extended to the heirs generally of the said John Pierre Landerau, deceased; and they report a bill for that purpose.

20TH CONGRESS.] No. 705. [2D SESSION.

PRIVATE CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 31, 1828.

Mr. VINTON, from the Committee on the Public Lands, to whom was referred the petition of Ebenezer Cooley, reported:

That Joseph Borgeat, in the year 1767, settled and cultivated, as an indigo plantation, a tract of land on the west bank of the Mississippi, at the mouth of Bayou Attanobe, under the permission of the Spanish authorities. Some of the witnesses say it was granted, *but the grant could only be by parcel, as no patent, or warrant of survey, registered or unregistered, or any written evidence of title, is shown ever to have existed.* He continued in the occupation thereof till the year 1774, when he moved with his family to Point Coupee, leaving in possession a tenant, (Jean,) who remained there till 1779; when, by the overflowing of the Mississippi, he was compelled to leave it; from which time until after the change of government, in 1803, being about 1806, there was no person in possession. The land remained wholly unoccupied more than twenty-five years. Some of the witnesses say that Borgeat continued to claim the land, and spoke of

returning to it when the country should acquire a population sufficient to keep up the levee. He died in 1788; Croyzal, Lafleur, and Grammitton prove the occupation and claim of Borgeat, and Dutton and Towles prove the abandonment of the place, and that the only settlement and cultivation was *at the mouth of the bayou*, within ten arpents above, and ten below.

There is no evidence that Cooley, or those under whom he claims, was in possession from 1779 till 1806, except the certificate of Judge Poydrass to one of the conveyances of the widow of Borgeat to Cooley, and that by a subsequent certificate of his, dated October 19, 1819, is explained only to mean *the former settlement of Borgeat at the mouth of the bayou*, as proven by others. In April, 1806, Cooley obtained from the widow of Borgeat, his mother-in-law, who, under the title of her husband, seems to have been authorized to dispose of his estate or conveyance for a tract of twenty arpents in front, viz: ten above and ten below the bayou, and forty back, and filed with the board of commissioners his claim to this tract for confirmation, which was by them *rejected*. It was on this tract that the settlement had been made by Borgeat; which, together with the abandonment, is stated in the report. The claim was rejected on the ground that Borgeat had forfeited all claim to the land by leaving it and establishing himself elsewhere; that he never had any other title than a naked possession; that, by the usages of the Spanish government, the governor would have granted the land to any other applicant; that the claim could not be supported by any custom of the Spanish government or any law of the United States.

[See report of Thomas B. Robertson and Joshua Lewis, No. 155.]

Cooley, however, had obtained another conveyance from Mrs. Borgeat, in December, 1806, for twenty-five arpents in front and fifty back, lying immediately above the last-described tract, and where no settlement or cultivation had previously existed, and had filed his claim before the commissioners, including both tracts in one, procured some additional evidence, not materially, as it is thought, strengthening his claim, and, finally, in the year 1816, obtained a decision of the register and receiver of the eastern district of Louisiana, recommending it for confirmation, which was included in the act of confirmation passed May 11, 1820. [See report of confirmation, E., No. 3.] The part rejected is about 800. The tract confirmed includes that, and is, say, 2,000 acres. The register (Harper) in his letter to the Commissioner of the General Land Office, of the 13th December, 1823, says: "He had no knowledge of the land having been granted to any one," &c.; and further explains, "that in the case of Cooley, if he had known the fact that the government of the United States had granted the land to another person, he should have reported against his claim, *on the principle that the Spanish government would have re-granted it upon application during the temporary abandonment of those under whom Cooley claimed title.* That not having been done, and Cooley having re-possessed himself of the land, they thought he had at least an equitable right.

The greater part of this same land has been granted by the United States to General Lafayette, under the act of March 3, 1805, and April 27, 1806, and the patent issued May 25, 1813, after the rejection of the first claim filed by Cooley for a part of the land, and during the suspension and before the confirmation of his claim for the whole. The surveys for Lafayette's grants were made in 1811. By the act of 1806, one condition upon which the grants were to issue to Lafayette was a certificate of the register that the land was not rightfully claimed by any other person, and not to include any improvements; no other certificate seems to have been made, except the report of commissioners rejecting his first claim. The other seems not to have been noticed. The second condition was supposed not to operate, because it did not appear that the improvements had been made prior to the act of 1805.

The assignee of Lafayette brought suit in the State court of Louisiana, in 1822, against Cooley, and in 1824 obtained final judgment against him in the Supreme Court, and ejected him from the land. He asks compensation for the value, with improvements.

In any view of the case which has presented itself to the committee, they have been unable to perceive the obligation of the United States to render him a pecuniary compensation either for the land or its improvements. The recovery, if correctly had, must be founded upon the fact that Cooley had no title to the land in question, and if the court were not mistaken in coming to that conclusion there would seem to be an end of his claim. If he has no title, the United States never having contracted to sell him one, or received anything from him in the shape of purchase money, there is nothing in the possession of the government to restore or make compensation for. On the other hand, if, as he asserts, he had a valid Spanish title, then the decision against him was clearly erroneous, and by prosecuting his case into the court of final resort he might have established his right. Instead of doing so, he has thought proper to acquiesce in that decision, notwithstanding his denial of its correctness, and come here for compensation. In the event of a decision against Lafayette's claim, he would probably have been permitted to make another location in lieu of it. Without going, therefore, into the propriety of the confirmation of Cooley's claim, (which may be regarded as at least very doubtful,) the committee are disposed to give him what they would have granted to General Lafayette if his location had been decided to be invalid. This is thought to be an equitable compensation, or, more properly, a donation, induced by the peculiar circumstances of his case. The committee accordingly report a bill.

20TH CONGRESS.] No. 706. [2D SESSION.

PRIVATE CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 2, 1828.

Mr. STERIGERE, from the Committee on Private Land Claims, to whom was referred the petition of Susanna McHugh, reported:

That this case was referred to the Committee on Private Land Claims the last session of Congress, and after a careful investigation the committee rejected the claim, and made report thereof to the House. No additional testimony has been submitted to this committee, and they concur with the former committee in their unfavorable report.

As the report of the committee made last session has been lost or mislaid, your committee think it proper to submit a brief statement of the facts, and show their reasons for rejecting the claim.

It appears from the statement of the petitioner and the accompanying affidavits, that the husband of the petitioner (John McHugh) and his family settled and made improvements on a tract of land on White's bayou, in the parish of East Baton Rouge, and State of Louisiana, in the month of March, 1813, and he and his family continued to reside thereon till December, 1814, when he joined the army under General Jackson, (as a militiaman,) to aid in the defence of New Orleans, and continued in the service of the United States till his death, on the 10th of March, 1815. Shortly after the death of her husband his widow, the petitioner, and her family, left the settlement and went to reside with her parents; that at the time the said settlement and improvements were made it was supposed they were on a large survey of D. Amas, which claim was presented against by the act of Congress of 1819.

The petitioner thinks this settlement entitles her to a grant of a tract of land as a donation, and prays Congress to grant the same. After a full examination of this case, the committee think the petitioner has not brought her claim within the provisions or principle of any act of Congress relating to donations to settlers, and that her claim is not more meritorious than thousands of others which have been rejected; that in deciding on this case the committee have been governed by the same principles by which other claims of a similar kind have been decided. To allow this claim would be doing great comparative injustice to many others whose claims have been rejected.

The committee do not think, as has been contended, that the equity of this case is recognized by the principle of the 8th section of the act of 3d of March, 1819. But if even the petitioner has furnished no evidence of the identity of the tract of land settled on, the committee are unanimously of opinion that the prayer of the petitioner ought not to be granted.

20TH CONGRESS.] No. 707. [2D SESSION.

APPLICATION OF MISSOURI TO BE AUTHORIZED BY LAW TO SELL THE SCHOOL LANDS AND SALT SPRINGS BELONGING TO SAID STATE.

COMMUNICATED TO THE SENATE JANUARY 5, 1829.

A MEMORIAL to Congress on the subject of the seminary and school lands and public salines.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the State of Missouri, in general assembly, respectfully represents that by the act of Congress of the United States approved 6th March, 1820, to authorize the people of Missouri Territory to form a constitution and State government, and for other purposes, the following, among other propositions, were offered to the convention to be assembled for the formation of a State government, that is to say: "That sections numbered sixteen in every township, and when such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State, for the use of the inhabitants of such township for the use of schools;" that all salt springs not exceeding twelve in number, with six sections of land adjoining to each, shall be granted to the said State for the use of said State, the same to be selected by the legislature of said State on or before the 1st day of January, 1825, and the same, when so selected, to be used under such terms, conditions, and regulations as the legislature of said State shall direct: *Provided*, That no salt spring, the right whereof now is or hereafter shall be confirmed or adjudged to any individual or individuals, shall by this section be granted to the State; and provided, also, that the legislature shall never sell or lease the same at any one time for a longer period than ten years, without the consent of Congress. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the other lands heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of said State, to be appropriated solely for the use of such seminary by the legislature." That the foregoing propositions (among others) were considered and acted upon in convention of Missouri, and, by an ordinance passed July 19, 1820, were accepted by the convention, and the conditions of the aforesaid act of Congress complied with. That in relation to the lands already appropriated as above described, (with the exception of seminary lands, which exception is in consequence of these lands having been very recently designated,) the legislature of the State of Missouri, in pursuance of the trust aforesaid, and in aid of the great and important object contemplated, have resorted to various methods of rendering them productive, and in particular that of leasing them to such individuals as have applied therefor; experience, however, has fully demonstrated that this fund will be wholly unavailing in their hands in its present shape. That, in order that the beneficial and laudable objects contemplated by the grants aforesaid may be secured to the people of the State of Missouri, it will, as your memorialists conceive, be necessary that the legislature should possess the unlimited control over the lands aforesaid, with the power of disposing of them by sale. The objections which are urged against the present mode of administering this fund are, in the first place, that in consequence of the great quantity of unappropriated lands belonging to the general government in the State of Missouri on which such persons (as would otherwise be compelled to lease) can settle, the lands in question cannot be leased to advantage The expense, too, which must necessarily be incurred by creating a superintendence over them, renders them much less productive than your memorialists conceive they might be rendered if the lands were sold and the proceeds concentrated in one fund. These objections, your memorialists conceive, arise wholly from the system of granting these lands upon leases, and are such as cannot be remedied by any course of legislation whatever, if, as some have supposed, the State have not the power, under the terms of the original grant, of disposing of these lands by sale. Notwithstanding your memorialists may be of opinion that they already possess this right, yet, so long as the question shall admit of any doubt, it must of

necessity have the effect to restrain its exercise. But your memorialists conceive that, the grants aforesaid being made to the people of the State of Missouri, through the medium of the legislature, for the use of the people, no limitations can have any operation further than as it shall furnish an argument against diverting this fund from its original and legitimate object. It is admitted that the grant exists in consequence of a compact, but inasmuch as the United States have received a full and valuable consideration, which formed the inducement of the grant, and inasmuch as they have not reserved to themselves any beneficial interest in the lands aforesaid, or possibility of reversion or any title whatever, it cannot be supposed that they can possess any controlling power. It may be urged, also, that inasmuch as there has been no method pointed out in respect to the manner in which this trust should be executed, that the legislature of the State of Missouri have an unlimited discretion in this respect, and may avail themselves of every possible method of producing the greatest advantage to those whom they represent. This argument, they conceive, is powerfully supported by the fact that the same act grants to the State as well the seminary and school lands in question as the salt springs and lands adjoining each; in respect to which latter the legislature are expressly restrained from selling the same or leasing them for a longer period than ten years, without the consent of Congress; and that the inference from this circumstance is direct that it was the intention of the parties to that compact that no such restraint should exist in relation to the other lands which did not come within this provision. While your memorialists have been thus particular in endeavoring to give the proper definitions of the powers they possess, in order that no conclusion may be drawn unfavorable to their claim from having made this application, they are of opinion that an act of Congress of the United States, declaratory of the extent of the grants aforesaid, will be productive of much benefit in case the legislature of the State should hereafter determine to dispose of the same; that it will have the full effect of removing every doubt in the minds of the purchasers, and thereby enhance the price which will be obtained for the same. Therefore your memorialists represent that it would be of advantage, and conduce to the future prosperity of the State of Missouri, that a law of the United States be passed declaring the authority of the State of Missouri to dispose of the said lands granted, or such as may hereafter be granted, to this State for seminary and school purposes, by sale, and that the proceeds thereof be invested in some permanent fund, the proceeds of which fund shall be applied, under the direction of the legislature, to effect the objects originally intended by the different grants, and to no other purpose whatever: *Provided*, That the sections numbered sixteen, and all other lands reserved for common schools in each township or fractional township in this State, shall not be sold without the consent of the inhabitants of such township or fractional township as aforesaid; and that the legislature of this State may be authorized and empowered to sell and dispose of, in fee simple, the twelve salt springs and the six sections of land adjoining to each, as hereinbefore mentioned, and apply the proceeds thereof to the purposes of education.

JOHN THORNTON,
Speaker of the House of Representatives.
DAN'L DUNKLIN,
President of the Senate.

Approved December 11, 1828.

JOHN MILLER.

20TH CONGRESS.] No. 708. [2D SESSION.

APPLICATION OF MISSOURI THAT THE PUBLIC LANDS CONTAINING LEAD AND IRON ORE MAY BE SOLD.

COMMUNICATED TO THE SENATE JANUARY 5, 1829.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The general assembly of the State of Missouri respectfully represent that they have long witnessed, with solicitude, the policy of the general government in withholding from sale lands lying in this State represented as containing lead and iron ore; but experience has fully shown the incorrectness of this policy and its inefficiency in accomplishing the object contemplated to be effected, to wit, the advancement of value arising from the increase of population and the discovery of ore; for the enhancement thus arising is more than compensated [counterbalanced] by the depredations made on the mineral and timber. We would further represent that large tracts of fertile lands have been returned as containing mineral, upon which no mineral has ever yet been found, and we believe that the retention of those lands by the general government will be against the interest of the Union, and a material injury to the best interest of our State, in preventing large districts of our country from being settled by industrious cultivators of the soil. Your memorialists, relying upon the justice of their petition and upon your wisdom and liberality, pray that your honorable bodies will pass a law to authorize the sale of such lands lying in this State as have heretofore been withheld from sale on account of their containing lead and iron ore, upon the same conditions that other lands of the government are now sold.

Resolved, That it be made the duty of the secretary of state to forward to each of our senators and representatives in Congress a copy of this memorial.

JOHN THORNTON,
Speaker of the House of Representatives.
DAN'L DUNKLIN,
President of the Senate.

Approved December 11, 1828.

JOHN MILLER.

20TH CONGRESS.] No. 709. [2D SESSION.

PRE-EMPTION RIGHT TO WILLIAM CONNER, THE HUSBAND OF AN INDIAN WOMAN OF THE DELAWARE TRIBE IN INDIANA.

COMMUNICATED TO THE SENATE JANUARY 5, 1829.

Mr. HAYNE made the following report:

The Committee on the Judiciary have taken into consideration the bill referred to them, "granting to William Conner the right of pre-emption to 648 acres of land;" and have examined the facts of the case so far as they are disclosed by the documents which accompany the same. The object of the bill is to vest in William Conner a tract of land in the State of Indiana, on his paying to the receiver of public moneys the sum of $810, in four equal annual instalments, the same to be applied, (through the agent of the Delaware tribe of Indians,) to satisfy the claims on said land of *Mekinges*, (an Indian woman, wife of said William Conner,) and of Jack Conner, Nancy Conner, Harry Conner, James Conner, and William Conner, the children of the said William Conner; the said tract of land having, by an act of Congress of 7th May, 1822, been granted to said William Conner and wife, with remainder over to the said children.

The grounds on which this application rests are briefly these: It appears that in consequence of some services rendered by said William Conner, in negotiating and carrying into effect the treaty with the Delaware tribe of Indians, made at St. Mary's, in October, 1818, (the proof of which was furnished by the certificates of Jonathan Jennings and Lewis Cass,) Congress passed the act of the 7th May, 1822, entitled "An act granting a tract of land to William Conner and wife, and to their children," by which it is enacted, "that William Conner be, and he is hereby, authorized and empowered to enter, with the register of the land office at Brookville, without payment, six hundred and forty acres of land, to include his improvements, at a place called the Delaware Towns, in the State of Indiana, which shall be bounded by sectional and divisional lines; and a patent shall issue for the same to the said William Conner and his wife, (an Indian woman of the Delaware tribe,) for and during the natural lives of the said William Conner and wife, jointly, and to the survivor of them during the natural life of such survivor, and to their children and legal representatives of any deceased child or children, as tenants in common, the representatives of any deceased child, taking, together, such portion of the land as such child would have been entitled to if he or she had survived the said William Conner and his said wife, and the said land to be vested in the said children and their lawful heirs, in fee simple."

It appears from the certificate of Robert Hanna, jun., register of the land office at Brookville, that William Conner did, on the 31st August, 1822, regularly enter the said land, under the aforesaid act, in behalf of himself, his wife, and children, and has, it is believed, continued in possession of it to the present time, without having taken out a patent for the same.

It further appears that on the removal of the Delaware tribe of Indians to the west of the Mississippi, the wife and children of said Conner accompanied them, leaving him in possession of said land. Under these circumstances the said William Conner now presents his petition, setting forth that the land can be of no value to the other parties to whom it was granted by the act of 7th May, 1822, inasmuch as they have all left the country, and that in consequence of the limitations contained in said act, it is of little value to him. He therefore prays that the land may be vested in him, and by the bill referred to this committee it is proposed to do so, he paying the usual government price for the same, to be distributed among the other parties having an interest therein. In support of this claim, a petition purporting to be signed by the wife and children of said Conner, and by certain persons calling themselves chiefs of the Delaware tribe, is produced, and several reasons are urged in the petition of Conner himself, to which the Senate is respectfully referred. From the whole view of the case, it appears to the committee that, however just and reasonable the prayer of the petitioner may appear to be, it would not be proper for Congress now to pass an act repealing the act of 1822, and thus attempting to divest the wife and children of William Conner of rights which it was the object of that act to vest in them, more especially as the children of said Conner are still minors, and cannot therefore lawfully give their consent to such an act. If a case can be made out to the satisfaction of any court exercising chancery jurisdiction, showing that it will be for the advantage of miners that an interest held by them in land should be converted into other property, a sale might be ordered, and in such a case proper care would be taken by the court making such order, to protect the rights and interests of the minors; but the committee apprehend that Congress possesses no power to divest such persons of their vested interests, nor do they think that it would be desirable for them to undertake to exercise such power, if they possessed it. The committee are therefore of opinion that the bill "granting to William Conner the right of pre-emption to six hundred and forty-eight acres of land," and repealing the act of 7th May, 1822, granting the same tract of land to William Conner and wife, and to their children," ought not to pass.

To the honorable Senate and House of Representatives in Congress assembled:

Your petitioner, William Conner, of the State of Indiana, respectfully represents to you that he has for many years been engaged in Indian affairs, and frequently employed by the United States. That he rendered all the service faithfully within his power to the commissioners, at the time they held the treaty with several tribes of Indians at St. Mary's, in October, 1818, for the purpose of purchasing that valuable country known by the name of "the White River Country." The purchase was made. The Indians proposed themselves to make a grant of land to your petitioner at the Delaware towns; but your petitioner, unwilling to interrupt the progress of the treaty, and upon the advice and promises made by commissioners, that they would represent his case to the United States, and procure the passage of a law vesting in him the fee-simple to the tract of land upon which he then resided at the Delaware towns, he urged the Indians to leave him out of the treaty and abandon the idea of making a grant of lands to him. Your petitioner

further states that, prior to the 7th of May, 1822, a bill was reported in the Senate giving him a pre-emption right to the land in question upon his paying the government price. With such a law he would have been satisfied, and so he would now, although it would fall far short of the assurances given him by the commissioners, or that justice which he is entitled to. Your petitioner further states that, during the last war, before and since, he lived among the Indians, and fed them when they had not the means to do it; and at all times was engaged in preparing their minds for the sale of their lands to the United States. That he lived with an Indian woman as his wife till the Indians removed west of the Mississippi, when she removed with her tribe in spite of his persuasions that she should remain. Your petitioner further states that Congress, in 1822, passed a law entitled "An act granting a tract of land to William Conner, and wife, and to their children;" that he never asked for the passage of such a law; and that a grant of the land and of the character as contained in the law, he respectfully asks you not to press upon him, it will be of no use to him.

Among Indians they have no legal marriages, nor would they be recognized by the State courts; nor could proof be produced as to the descendants; nor any laws to regulate descents. The grant is therefore useless to him; and he has not, nor cannot, erect a building upon the land. That by the provisions of the before-recited act he was forced and compelled to enter the land, greatly against his inclination, with the register of the land office at Brookville; and for the obvious reason, if he failed to do so, the land would have been sold at the public sales of land in Brookville, and he should have been deprived of all prospects of Congress granting the relief due to him. The patent under the law he never applied for, and never can; and considers the fee-simple to be in the United States. Your petitioner prays Congress to take his case under consideration, and grant him such relief as the nature of the case requires. And he now declares, and hereby gives up to the United States, and releases to them, any advantages or rights, both in law and in equity, that he may have to the tract of land in question under the provisions of the before-recited act; and that if the relinquishment and release of his claim, above set forth, should be deemed insufficient, the mode and manner which may be adopted and suggested by Congress is hereby assented to.

WILLIAM CONNER,
By his agent, JOHN CONNER.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, of the Delaware tribe of Indians, residing in the State of Missouri, to whom an interest is reserved in a donation made by the United States to William Conner, of Indiana, of a section of land on White river, in the State of Indiana, humbly show that, we are now separated by a distance of upwards of seven hundred miles from the land so donated; and fear that the reservation in our favor, as it now stands, will probably not be of any avail to us; and that, for the purpose of making it of advantage to us, some of whom are just ripening into life, pray that you will authorize William Conner to release the reversion and interest given to us by the donation of the section, by paying to our friend William Marshall, now residing here, in whom we have every confidence, the Congress price for the section of land in such instalments as may be right, to be applied for our relief and benefit, in support, education, and raising; hoping that, by so doing, you will very much relieve us, and make the donation of real service to us, which we fear otherwise we will never feel; and for your kindness we will ever dutifully be thankful.

MEKINGES, her x mark.
JACK CONNER, his x mark.
NANCY CONNER, her x mark.
HARRY CONNER, his x mark.
JAMES CONNER, his x mark.
WILLIAM CONNER, his x mark.

Witnesses present—
JOHN CAMPBELL,
United States Indian Agent.
WM. MARSHALL.

The undersigned chiefs of the Delaware tribe of Indians, residing in the State of Missouri, humbly beseech the honorable Congress to grant the application made above by the petitioners of our tribe, believing that would be very much to their benefit, and be safely applied to their relief and use; and we will thankfully remember your hearing our request.

WILLIAM ANDERSON, his x mark,
Chief of the Delawares.
CAPTAIN RITCHAM, his x mark.
CAPTAIN PATTERSON, his x mark.
CAPTAIN SWANNECK, his x mark.
CAPTAIN PUSHES, his x mark.

LAND OFFICE AT BROOKVILLE, *August* 31, 1822.

I, Robert Hanna, register, do hereby certify that William Conner hath this day entered in this office, for and in behalf of himself and his wife, an Indian woman of the Delaware tribe, and their children, or legal representatives, in pursuance of an act of Congress, approved May 7, 1822, the following described land, to wit: All that part of section twenty-three east of White river, containing 95.61 acres; and all that part of section twenty-six west of White river, containing 372.61 acres; and all that part of the northeast and northwest quarters of section twenty-six, east of White river, 137.92 acres; and all that part of section thirty-five, west of White river, containing 42.14 acres, making in the whole 648.28 acres; all of which is in township number eighteen north, in range number four east.

ROBERT HANNA, JR., *Register.*

WASHINGTON, *January* 20, 1823.

DEAR SIR: In answer to your inquiries respecting Conner, I beg leave to state that he was very useful at the treaty of St. Mary's, and that, without his exertions, perhaps no cession could have been obtained. Certainly he might have prevented the execution of the treaty. His influence, however, was zealously exerted to promote the views of the government.

My recollection with respect to the circumstances of his case is rather indistinct, but I believe he was requested not to permit the Indians to urge a claim for land in his favor, and assured that his case should be favorably represented by the commissioners to the government.

I am, dear sir, respectfully, your obedient servant,

LEWIS CASS.

General NOBLE, *United States Senate.*

HOUSE OF REPRESENTATIVES, *January* 27, 1823.

SIR: In compliance with your request, I have to state that John and William Conner were both at the treaty of St. Mary's, in 1818; one as Indian interpreter, regularly in the employ of the government, and the other employed by himself for the particular occasion. Both those individuals have been intermarried with Indian women, and each have had offspring; the latter at least two children, if no more. Both the Conners, finding that *reserves* of land would be made in favor of other individuals situated like themselves, imparted to me their intentions to participate with the others in those reservations of land. From this purpose I dissuaded them, and John was induced not to interfere, upon an assurance that provision would be made to cover a claim he had against the Delaware Indians. The other (William Conner) was likewise induced to withdraw his pretensions, upon assurance that he should have his case particularly presented to the government, and I gave him the personal assurance that, with regard to the land he had improved, I would favor his claim in any shape he would prefer.

I have no hesitation in stating that those two individuals had it in their power to have prevented any purchase of Indian title to lands on the waters of the White river, unless, if it had been required, a large reserve had been made in their favor, owing to the connexion made with the titles of the Delaware and Miamies tribes by the treaty of 1809, at Fort Wayne.

I am, with much respect, your obedient servant,

JONATHAN JENNINGS.

HON. JAMES NOBLE.

20TH CONGRESS.] No. 710. [2D SESSION.

APPLICATION OF CITIZENS OF MICHIGAN FOR LAND FOR A POOR-HOUSE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 5, 1829.

Mr. HUNT, from the Committee on the Public Lands, to whom was referred the petition of certain citizens of the Territory of Michigan, praying for the grant of a township of land for the erection of a poor-house, and for the deposit of such paupers as have gained no settlements in the several towns and counties of said Territory, reported:

Pauperism is an evil which has ever existed in the best regulated governments and the most flourishing communities. As it cannot be avoided, all civilized nations have made some public provision for the maintenance of those who, from their age or infirmity, are unable to support themselves.

In this country the support of the poor, excepting those who have become invalids in the public service, is not a subject of national legislation, but is under the provision of the State laws and municipal regulations. Hence it is that State and local taxes for the maintenance of the poor are as common as those for the support of State governments or the more limited jurisdictions and concerns.

Appropriations of the public lands have not unfrequently been made for the promotion of education and the construction of roads and canals; but these are objects of public importance, and in which the nation itself has an interest and concern. The maintenance of the poor has ever been regarded as a duty of a private and local character, and for which each State, county, or town is liable for its own particular share.

It is true that, from local situations or pecular circumstances, some sections of the country may be more encumbered with the indigent than others. Such inequalities are, however, generally transient and fluctuating; but when they are of a more permanent nature, other causes most commonly exist, as the disbursement of public money, the resort of travel, the thoroughfare of business, the facilities to wealth, and other advantages sufficient to counterbalance the ostensible disparity of the burdened.

The petition represents that two-thirds of the paupers are either emigrants from other States or discharged soldiers and seamen, or the widows and orphans of such from the United States army and navy, and a great share of the other third are foreigners. From these facts the petitioners infer the justice and equality of a claim upon the general government for assistance and relief, and pray for the grant of a township of land in the Territory of Michigan for the purpose of erecting a poor-house in the county of Wayne, and for supporting the above description of paupers.

The committee, however, are not aware of any such great peculiarity in the above description of paupers, or in the excess of their number, as should entitle the Territory of Michigan to the peculiar bounty of government, and recommend the following resolution:

Resolved, That the prayer of the above petition be not granted.

20TH CONGRESS.] No. 711. [2D SESSION.

PRIVATE CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 5, 1829.

Mr. EARLL, from the Committee on Private Land Claims, to whom was referred the petition of James Young, of Louisiana, reported:

That the petitioner "represents that he emigrated to said State (then a Territory) in 1782 from Virginia, where he has remained ever since, pursuing his business as a farmer." The petitioner further "represents that during the revolutionary struggle he was among the first who stepped forward in defence of his country's rights; that he fought under Messrs. Ritchie, Cannon, and Crawford; that he was hurt at Sandusky plains in June, 1782, and that he furnished himself; for all of which services the petitioner states that he has never received the smallest compensation from his government." The petitioner prays for that "remuneration which has been guarantied to so many under similar circumstances;" and that he "may have confirmed to him the title to the land mentioned in an annexed petition and order of survey." The petition mentioned by the applicant is one from himself to Estavari Miro, the then Spanish governor of Louisiana, dated at New Orleans the 6th day of March, 1790, in which the petitioner stated that he was an inhabitant of Opelousas, and had then been settled there seven years. That he had no lands whereon to establish himself, and prayed for a grant to him of six hundred arpents of land on Buffalo creek, in the district of Natchez. Accompanying this petition is the copy of an order of survey from Governor Miro, dated New Orleans, April 27, 1790, directing the surveyor of the province to locate the said six hundred square arpents of land petitioned for, in the place designated by the petitioner.

There is no evidence before the committee but the statement of the petitioner that any revolutionary services were performed by him. The only question, therefore, in the opinion of the committee, that they are called upon to decide is, whether the petitioner is or is not entitled to lands under the order of survey from the Spanish governor. The order of survey was upon the express condition of making the road and the requisite clearing within a year, and that the grant was to be void and null if, at the expiration of three years, the land should not be settled; and the petitioner was not to sell within that space of time. There is no evidence before the committee of the lands having been surveyed pursuant to the order of survey, or of the petitioner's having made the road and requisite clearing, or of the lands having been settled at the expiration of three years from the date of the order of survey, or that the petitioner did not sell said land within said space of time. It does not appear that the petitioner ever inhabited or cultivated the land mentioned in the order of survey. There is no reason assigned by the petitioner for not presenting his claim to the commissioners appointed to settle land claims in Louisiana, nor is there any evidence that the paper purporting to be an order of survey from Governor Miro is genuine. The committee are, therefore, of the opinion that the prayer of the petitioner ought not to be granted.

20TH CONGRESS.] No. 712. [2D SESSION.

PRIVATE CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE SENATE JANUARY 7, 1829.

Mr. BARTON, from the Committee on Private Land Claims, to whom the petition and documents of Isidore Moore, of Missouri, were referred, reported:

That on the 1st of June, 1797, Don Zenon Trudeau, then lieutenant governor of the country now formed into the State of Missouri, granted to Thomas Fenwick, an American emigrant, who still resides in Missouri, a tract of five hundred arpents of land, French superficial measure, to be located between Apple creek and Cinge Hommes creek, in the present county of Perry, in the State of Missouri.

The land granted lies within a tract of country upon which the Spanish government permitted a remnant of the old Shawnee nation of Indians to settle after their defeat and dispersion by the United States.

Owing to this usufructuary claim and actual occupation by the Shawnees, Fenwick, the grantee, made no actual location or settlement on the land, but betook himself to some other occupation.

On the 22d of May, 1813, the petitioner, who is a farmer by occupation, with a large family, purchased the claim from Fenwick; and in the following spring, by permission of the Shawnees, settled upon the land authorized to be occupied by the grant, and has resided there ever since, and now has a large plantation and other improvements upon it. When the petitioner purchased and settled this land there was no other lawful mode of acquiring land in Missouri but by means of the Spanish titles, most of which were in an incomplete state when the United States acquired Louisiana. No land office was opened in Missouri until the year 1818, and the law giving other lands in lieu of those injured by earthquakes had not then been passed.

The Apple creek band of Shawnees above alluded to have sometime since been removed by the United States far to the southwest, and the country upon which they resided, lying on the road from St. Louis to Cape Girardeau, within the strongest settlements of the Americans, is in a course of being brought into market as other public lands.

The petitioner laid his claim before the district court of Missouri for decision, under the law of 1824.

That court has no power to confirm a concession situated as this is, never having been located until 1814, and not yet surveyed; and the petitioner withdrew his claim from the court and applies to Congress.

The committee believe that Spain would confirm this claim if she had retained the country. The only obstacle to its being surveyed and occupied within the time contemplated by the grant arose from the act of humanity of the Spanish government in permitting that dispersed band of the Shawnees to occupy the ground granted to Fenwick. That obstacle has since been removed by the consent of the occupants, and the subsequent extinction of their claim by the United States. The committee therefore report a bill to confirm the claim of the petitioner.

20TH CONGRESS.] No. 713. [2D SESSION.

FRAUD IN THE LOCATION OF A CANADIAN BOUNTY LAND WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1829.

Mr. JENNINGS, from the Committee on the Public Lands, to whom was referred a resolution of the 19th instant, instructing the Committee on Private Land Claims to inquire into the expediency of allowing Minor Thomas to locate four hundred and eighty acres of land, as the assignee of Abraham Cutter, late a second lieutenant in the corps of Canadian volunteers, reported:

That the said Cutter, who obtained for his services a bounty land warrant, No. 93, for the four hundred and eighty acres of land aforesaid, conveyed the same to James Hair, of Ohio, by a deed bearing date the 9th of October, 1817; that said Hair conveyed the said warrant to Abraham McCollock, of Virginia, by deed bearing date the 29th of June, 1818, and that the warrant aforesaid was again conveyed by deed on the 22d day of May, 1821, by the said Abraham McCollock to his sons, Ebenezer McCollock and William McCollock, jr., the latter of whom empowered his brother, Ebenezer, to locate the said warrant, which was accordingly done, and a patent thereon issued to the brothers, as assignees, on the 6th of October, 1823.

It likewise appears, from the documents referred to the committee, that the aforesaid Cutter, upon the allegation that the aforesaid land warrant, No. 93, was unlawfully withheld from him by his agent, obtained a certificate signed by Josiah Meigs, late a Commissioner of the General Land Office, dated the 17th of July, 1820, purporting to authorize the said Cutter to locate the aforesaid four hundred and eighty acres of land; that notwithstanding the said Cutter had conveyed his land warrant for the said four hundred and eighty acres on the 9th of October, 1817, he assigned the certificate thus fraudulently obtained to Minor Thomas on the 16th of July, 1825, who now asks, as the assignee of said Cutter, to locate four hundred and eighty acres of land, by virtue of the certificate aforesaid.

The act of Congress approved March 5, 1816, granting bounties in land and extra pay to certain Canadian volunteers, authorizes the location of such bounties in land only upon warrants issued by the Secretary for the Department of War. The said Minor Thomas asks to be allowed to locate the four hundred and eighty acres of land on the ground that the register of the local land office advised him that a location of the land could be made upon the aforesaid certificate.

In the opinion of the committee, the unauthorized acts of its agents cannot render the United States government responsible for consequences resulting from individual contracts; nor does it appear that the said Thomas has made any legal exertion to obtain reparation for the fraud practiced upon him by said Cutter.

20TH CONGRESS.] No. 714. [2D SESSION.

CLAIM TO LAND ON HABITATION AND CULTIVATION IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 9, 1829.

Mr. VINTON, from the Committee on the Public Lands, to whom were referred the petitions of James Porlier, Alexander Gardipier, Jean Battiste Vine, and Joseph Jourdin, praying to be confirmed in certain lands at Green Bay, in the Territory of Michigan, reported:

The committee have examined the depositions and proofs in support of the claims of the petitioners, and ascertain that they are founded upon habitation and cultivation in 1812. By reference to the act of Congress of 21st of February, 1823, it will be perceived that "every person who, on the 1st day of July, 1812, was a resident of Green Bay, Prairie du Chien, or within the county of Michilimackinac, and who, on the said day, occupied and cultivated, or occupied a tract of land, which had previously been cultivated by said occupant, lying within either of said settlements, and who had continued to submit to the authority of the United States, or the legal representatives of such person, shall be confirmed in the tract so occupied and cultivated," &c., with a proviso annexed that no person shall be confirmed in a greater quantity than six hundred and forty acres.

It is alleged by the petitioners that in the year 1823, whilst others claiming lands under the provisions of the above-mentioned act forwarded their entries and testimony to the commissioners at Detroit, according to the provisions of the act, and who, in 1828, had their lands confirmed to them under the report of the commissioners and the act of Congress of the last session, *they* were, at the time, absent from home, as well as some of their witnesses, and were unable to prepare and forward the necessary proofs of their titles to said lands; that it being late in the fall, and no direct communication being then open between Detroit and Green Bay, the petitioners were unavoidably prevented from forwarding their claims in season for the inspection and consideration of the commissioners, in consequence of which their claims were not confirmed.

The committee consider that the proofs in support of the claims of the petitioners would have been sufficient to have procured them a confirmation by the commissioners, and by the act of Congress of the last session, had they been presented in time to the commissioners to have had them embodied in their reports. This, however, they failed to do; but, satisfied as the committee are of the difficulties which the petitioners labored under, from being upwards of five hundred miles from where the commissioners held their sessions, as well as from the difficulty of sending their papers at a late period in the season, when the ordinary channels of communication were closed by ice, added to the absence of the petitioners from home at the time, they are convinced that there has not been that kind of negligence on the part of the petitioners which should exclude them from a participation of the same rights and privileges which have been extended by government to others whose claims were based upon precisely the same principles. The testimony produced by the petitioners has satisfied the committee, not only that they inhabited and cultivated the lands which they ask to be confirmed in on the 1st day of July, 1812, and even some time previous, but that they had continued to submit to the authority of the United States; and in conformity with these views they herewith report a bill.

20TH CONGRESS.] No. 715. [2D SESSION.

CORRECTION OF AN ERROR AT THE LAND OFFICE AT CINCINNATI, OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 12, 1829.

Mr. STERIGERE, from the Committee on Private Land Claims, to whom was referred the bill from the Senate, entitled "An act for the relief of Henry Case," reported:

That from information received at the General Land Office it appears that Henry Case purchased the northeast quarter of section No. 2, township 8, range 2 west, of the land sold at Cincinnati the 17th day of July, 1813, at *two dollars per acre*. That this quarter section, by the surveyor general's return, contains 158.3 acres. That at the time of sale, by a mistake of the register, it was stated to contain only 123.58 acres. Mr. Case paid for this latter quantity, and received of the register a final certificate, which was presented at the Land Office for a patent, on comparing which with the surveyor general's return the mistake of the register was discovered, and the certificate returned him, who informed Mr. Case of the mistake and of the quantity of land contained in the quarter section. "In conformity with the law and the usage of the office," Mr. Case was required to pay for the 34.72 acres of surplus land before a patent would issue, which he refused. Mr. Case has since demanded of the Secretary of the Land Office a patent for the said quarter section, without paying for the said surplus, which the Secretary refused to issue till such payment should be made.

The said bill requires the Secretary of the Land Office to deliver to Case a patent for said quarter section without paying for the said surplus of 34.72 acres.

The act of the 11th of February, 1805, declares that each section or subdivision of a section of the public lands returned by the surveyor general "shall be held to contain the exact quantity expressed in such return."

This act was evidently intended to put an end to disputes about the quantity of sections and parts of sections of the public lands and make it obligatory on the Secretary to issue his patent for the quantity contained in such returns, and consequently to require payment for the quantity contained in the return previously to issuing the patent. And such has been the construction put on the act, and the practice under it, since its enactment.

It is not pretended on the part of Case that the quarter section does not contain 158.3 acres, but that the Secretary of the Land Office has no authority to correct the mistake and compel him to pay for the surplus.

The committee find that it has been the uniform practice of the land department to correct all such mistakes which may be discovered *before* a patent is issued, whether for or against the purchaser, and in conformity to this practice Case has been required to make the full payment required of him. From its being formed in the strictest justice, and its long and uniform observance, we think this practice as well as the law fully authorized and required the Secretary to take the course which he has taken in this case; that he has no discretionary authority in such matters, and was forbidden, by the law and practice adverted to, to comply with Case's demand.

In support of the principle on which Case rests his claim, he has introduced the case of James Reeves.—(See Senate Report No. 614, page 7.) This was an application to correct a mistake which was discovered *after* the patent issued, and, so far from supporting it, militates directly against Case's claim.

This claim is made against the law and the usage of the department relating to such cases. It is also against every principle of justice and equity. There is no dispute about the *quantity* of the land, or the price to be paid. Case has been required to pay only for the quantity of land he actually received at the price per acre he had bidden, as all other purchasers had been required to do. This he refuses, but asks to have the Secretary compelled to issue a patent to him for land which he has not paid for, and to

which he has no claim whatever. To grant such a demand would only be regarded as an invitation to thousands of applications of a similar kind, and we think it would be the best policy to leave such matters to be settled agreeably to the laws and usages of the department, as they have heretofore been.

The committee have been able to find only a single case in which such a request has been allowed, viz: that of Jacob Hampton, and they think this act was passed through mere inadvertence or a misunderstanding of the case.

The committee have been particular in their objection to this claim on account of the principle involved, and not on account of the amount. They are of opinion the bill ought not to pass, and therefore offer the following resolution:

Resolved, That the bill from Senate entitled "An act for the relief of Henry Case" be rejected.

GENERAL LAND OFFICE, *December* 27, 1828.

SIR: I return the memorandum and report left by you to-day at this office, and have to inform you that the refusal of the register to issue a certificate to Mr. Case, until he paid for the excess of land contained in the quarter section purchased by him, being approved, the agent of Mr. Case was advised that it would be necessary to make application to Congress.

I beg leave to refer you to the act of the 11th of February, 1805, to show that by law the public lands are to be sold in conformity to the surveyor's return. In the case of Mr. Case no error existed in the survey as returned; the mistake was in the register, who charged for less land than was contained in the surveyor's return, and Mr. Case was called upon to refund the difference. Had the mistake been made against Mr. Case, and he had been charged for more land than was returned by the surveyor, the difference would have been refunded to him, provided the mistake had been discovered previous to the issuing of a patent. This practice of the office is believed to be entirely in conformity to the law. After a patent has issued no error, whether in favor or against the purchaser, is corrected, except under the express authority of law. Congress is, of course, entirely competent to relieve individuals from any claim which the government may have against them; and in the case of Mr. Hampton, referred to in Mr. Symmes's letter, one somewhat similar to that of Mr. Case, an act was passed for his relief, but these special cases are not considered as changing the general principle of the law to which the practice of this office conforms.

With great respect, your obedient servant,

GEO. GRAHAM.

Hon. Mr. STERIGERE, *House of Representatives.*

20TH CONGRESS.] No. 716. [2D SESSION.

CHEROKEE RESERVATION CONFIRMED.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 12, 1829.

Mr. SHEPPERD, from the Committee on the Public Lands, to whom were referred the petitions of Joseph Elliott, Peggy Stephens, the wife of Sutton Stephens, formerly Peggy Elliott, and Connooluskee or Challenge, reported:

That by the eighth article of the treaty concluded between the government of the United States and the Cherokee nation of Indians on the 8th day of July, 1817, a donation for life of six hundred and forty acres of land is made to such of the heads of Indian families residing on the east side of the Mississippi as might be desirous of becoming citizens of the United States, with an express reservation of the fee-simple in said lands to their children. The petitioners are donees for life under the above-mentioned provision of the said treaty, and ask that the fee-simple in said reservations may be transferred to, and vested in, themselves; and as an inducement to the granting of this request, they are shown to be individuals of industrious habits, and ordinarily discreet and prudent in the management of their interests. But as the committee do not think the present application resolves itself into a mere question of expediency, they deem it unnecessary to enter into a grave consideration of the reasons offered by the petitioners; for a bare statement of the principle involved in the inquiry will at once show that either legislation is unnecessary, or that it would be a violent attempt to interfere with private vested rights, by seeking to take from one individual to give to another; for if it be said that the grant to the father or mother for life, with a reservation in fee to the children, is a mere term of limitation, then the inheritance of said lands would be already in the parent, and consequently would dispense with the necessity of legislation. But the committee by no means assent to such a construction; but think that, from the evident design of the treaty, as well as from the particular phraseology employed, the fee-simple reserved to the children is an estate which they take as purchasers, or a description of persons intended to be ascertained and particularly provided for; that therefore they do not claim by descent, although a life estate be given to the parents; nor is their interest in any other way connected with, or dependent upon, the previous life estate, except in relation to the condition of occupancy and improvement, which extends to and qualifies the entire grant, both for life and in fee. Nor are these reservations in fee-simple any longer contingent, even if any of them were so at the date of the treaty; for, upon inquiry, the committee are well assured that all the petitioners have children, in whom the reservations have vested; and that their parents, the

petitioners, have no color of right in asking Congress to attempt the absurdity of giving to them what has already, by a solemn act of the government, been given to their offspring. But from the representations made of the characters and dispositions of the petitioners, the committee, in obedience to many precedents to be found in the laws of the United States, are induced to relieve the petitioners, by providing against the forfeiture of their life estates by removal from the same; and for that purpose they report a bill, therein carefully guarding against any inference of an intention to interfere with the respective rights of the parents and their children.

20TH CONGRESS.] No. 717. [2D SESSION.

APPLICATION FOR LAND FOR THE CUMBERLAND HOSPITAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 12, 1829.

Mr. HUNT, from the Committee on the Public Lands, to whom was referred the resolution instructing them to inquire into the expediency of granting to the Cumberland Hospital, at Smithland, (mouth of the Cumberland river,) one-half of a township of land in the State of Illinois, for the benefit of said institution, reported:

That Smithland is represented as a thriving village of considerable mercantile business, and where a large portion of the produce and merchandise that pass up and down the Cumberland and Tennessee rivers is deposited. At this place many of the larger class of steamboats lay up during the time of low water, in the summer and autumn, which is the most unhealthy season of the year. Many persons, from different States, engaged in navigating these waters are taken sick, and require charity and public assistance for their necessary relief and support. It is further represented that the State of Kentucky has granted the sum of four thousand dollars for the establishment and support of this institution; that a commodious building has been erected; that the public funds are now exhausted, and no further assistance can be expected from the State; therefore an application is made to Congress for the grant of half a township of unappropriated land for the benefit of said hospital.

The support of the poor is a duty enjoined by the dictates of humanity, as well as by the positive law of all civilized nations. In this country the provision for the maintenance of the poor has ever been under the direction of State laws and municipal regulations; and, except in the case of those who may become invalids in the public service, it has never been regarded as the proper subject of national legislation.

Appropriations of public lands have not unfrequently been made for the promotion of education, and the construction of roads and canals; but these are objects of public importance, in which the people at large have a common interest, and from which the nation itself is presumed to derive a benefit. The maintenance of the poor, however, is a duty of a private and local character, creating no general interest, and can better be performed by the respective States, counties, and towns, in which paupers may happen to reside or have a settlement.

Smithland, like many other towns, is, from its peculiar local situation, exposed to a large share of paupers from abroad. It also enjoys peculiar privileges; and derives a profit from its being the resort of travel, the thoroughfare of business, and the depot of produce and merchandise for a large extent of country.

If a grant of land should be made to the Cumberland Hospital, other institutions of a similar character would urge their claims for like donations, and a door would be open to numerous applications for the public lands to aid in the support of the sick and indigent. The committee are of opinion that it would be inexpedient to make the grant of the half township of land, as contemplated in the resolution.

20TH CONGRESS.] No. 718. [2D SESSION.

PRIVATE LAND CLAIMS IN MISSOURI.

COMMUNICATED TO THE SENATE JANUARY 13, 1829.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The petition of the undersigned, citizens of the State of Missouri, respectfully showeth: That at the last session of Congress an act was passed wherein, amongst other things, it was provided that the time for filing petitions under the act of the 26th May, 1824, entitled "An act to enable claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," should be extended one year longer, to wit: until the twenty-sixth day of May, 1829; and in said act it was also provided that any confirmation to be made under said act was to be of no effect at law or in equity against any title anterior in date to the date of said confirmation.

Your petitioners show that it is highly important to them that the time so given by the act of last session should be further extended in order to protect them and the numerous other claimants of uncon-

firmed lands in Missouri and Arkansas from the heavy expense of a decree against them and an appeal from that decree to the Supreme Court of the United States.

Your petitioners show that an appeal is now pending in the Supreme Court of the United States in the case of the widow and heirs of Soulard *vs.* The United States, the decision in which, as your petitioners believe, will establish principles which must necessarily control the district court of the United States in Missouri in its adjudication of the claims of your petitioners; that said district court, according to the doctrine applied by it in the above case of Soulard's heirs, must pronounce a decree against the right of your petitioners; and, as your petitioners firmly believe, against every unconfirmed claim derived from concession or order of survey in Missouri. Your petitioners respectfully show that the appeal in said case of Soulard's heirs *vs.* The United States will probably be heard at the ensuing session of the Supreme Court, and that the decision of said court thereon will probably be had at the same session or at the session following.

Your petitioners further show that it is important to them that the provision hereinbefore mentioned respecting the nullity of a decree of confirmation, as between the confirmee and persons claiming under anterior titles, should be modified so as to exclude all titles subsequent in date and inception to the date of the concession or order of survey upon which, in each case, the claim to confirmation shall be founded. Your petitioners show that this modification is rendered peculiarly necessary in the State of Missouri, in which New Madrid certificates have been located on various unconfirmed tracts, and which, although long subsequent to the date of the concession or survey, might possibly be construed by the said district court of the United States and by the State courts in Missouri to be, as respects a confirmation under the act of the last session, an anterior and a paramount title.

In this view your petitioners pray that your honorable body will, by such an act as to its wisdom shall seem proper, grant them suitable relief.

And your petitioners will ever pray, &c.

AUGUSTE CHOUTEAU and others.

20TH CONGRESS.] No. 719. [2D SESSION.

REMISSION OF PRICE OF LAND ABOVE THE MINIMUM VALUE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 14, 1829.

Mr. HUNT, from the Committee on the Public Lands, to whom was referred the petition of Amos Howe, praying for relief in the payment of money contracted for the purchase of a fractional section of land in the Territory of Michigan, reported:

From the petition and the evidence submitted, it appears that on the 10th day of July, 1818, at a public sale of government lands, held at Detroit, one Amasa Bagley bid off, in his name, the fractional section No. 21, township No. 4 south, of range No. 9 east, containing $103\frac{54}{100}$ acres, at the rate of *four* dollars per acre, for which he paid the first instalment, being one-fourth of the purchase money; that at the time said land was sold the register at Detroit, under a misapprehension of the law, stated that the minimum price of sections Nos. 15, 21, and 22, in all the townships, was *four* dollars per acre, and limited the land in said sections at that sum, when in fact the price was established by law at two dollars per acre. The committee have no doubt that the aforesaid fractional section was put up by the register and receiver at four dollars, and not at two dollars, per acre as the minimum price. At the time of the sale, and for a year or more previous to the same, the petitioner was in the possession of said fractional section, and has ever since continued to occupy the same. After the purchase, the petitioner and one Tyler Bingham, who was his partner, but has since left the country, as the assignees of the aforesaid Bagley, obtained a further credit on the balance of the purchase money, under the act of the 2d of March, 1821. Although the purchase was made in the name of Bagley, yet the committee have good reason to believe that it was made for the benefit of the petitioner, or the petitioner and his said partner. The petitioner was poor, and still continues so; has ever occupied the land as his own, and is the only one who is known to take any interest and concern in it. Bagley was a man of property, and about the time of the purchase was in the habit of advancing money for purchasers, and taking the certificates in his own name as security. The petitioner, therefore, may be considered as the real purchaser in equity, and entitled to the same rights as if the purchase had been made in his name.

Other lands of the same value, and in the immediate vicinity of the above fractional section, were sold at two dollars per acre; and it was the improvements that had been made by the petitioner previous to the sale, and not the extra value of the land, that induced the purchase at double that sum. The committee are of opinion that the extra amount of the purchase money over the legal minimum price should be relinquished by the government; and for this purpose they report a bill.

The committee are also informed, by documents from the General Land Office, that there are a few cases in the land district of Detroit similar to that of Amos Howe, and recommend the adoption of the second section of the aforesaid bill for their relief.

20TH CONGRESS.] No. 720. [2D SESSION.

QUANTITY AND QUALITY OF INUNDATED LANDS IN LOUISIANA, THE COST OF RECLAIMING THEM, AND THEIR VALUE WHEN RECLAIMED.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 15, 1829.

Letter from the Secretary of the Treasury, transmitting the information required by a resolution of the House of the 24th of December last, in relation to lands on the Mississippi, in the State of Louisiana, which are rendered unfit for cultivation by the inundations of said river.

TREASURY DEPARTMENT, *January* 14, 1829.

SIR: In obedience to the resolution of the House of Representatives of the 24th of December last, directing the Secretary of the Treasury to "communicate to the House any information in his possession, showing the quantity and quality of the public lands in the State of Louisiana which are rendered unfit for cultivation from the inundations of the Mississippi, the value of said lands when reclaimed, and the probable cost of reclaiming them," I have the honor to transmit, herewith, a report from the Commissioner of the General Land Office, dated the 12th instant, the statements and views contained in which are deemed to be of much interest on the subject embraced by the resolution.

I have the honor to be, with great respect, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER *of the House of Representatives of the United States.*

GENERAL LAND OFFICE, *January* 12, 1829.

SIR: In compliance with a resolution of the House of Representatives, "directing the Secretary of the Treasury to communicate to this House any information in his possession, showing the quantity and quality of the public lands in the State of Louisiana which are rendered unfit for cultivation from the inundations of the Mississippi, and the value of said lands when reclaimed, and the probable cost of reclaiming them," I have the honor to report that the Mississippi, in its course between the 33d degree of north latitude, the northern boundary of Louisiana, and the Gulf of Mexico, inundates, when at its greatest height, a tract of country the superficial area of which may be estimated at 5,429,260 acres; that portion of the country thus inundated which lies below the 31st degree of latitude may be estimated at 3,183,580 acres; and that portion above the 31st degree of north latitude may be estimated at 2,245,680 acres, of which 398,000 acres lie in the State of Mississippi. This estimate includes the whole of the country which is subject to inundation by the Mississippi and the waters of the Gulf. A portion of this area, however, including both banks of the Mississippi from some distance below New Orleans to Baton Rouge, and the west bank nearly up to the 31st degree of latitude, and both sides of the Lafourche for about fifty miles from the Mississippi, has, by means of levees or embankments, been reclaimed at the expense of individuals. The strips of land thus reclaimed are of limited extent; and, estimating their amount as equal to the depth of forty acres on each side of the Mississippi and Lafourche for the distance above stated, they will amount to about 500,000 acres, which, deducted from 3,183,580 acres, will leave the quantity of 2,683,580 acres, below the 31st degree of latitude, which is now subject to annual or occasional inundations; this, added to the quantity of inundated lands above the 31st degree of latitude, makes the whole quantity of lands within the area stated, and not protected by embankments, equal to 4,929,160 acres.

By deepening and clearing out the existing natural channels, and by opening other artificial ones, through which the surplus water that the bed of the Mississippi is not of sufficient capacity to take off may be discharged into the Gulf, with the aid of embankments and natural or artificial reservoirs, and by the use of machinery (worked in the commencement by steam, and as the country becomes open and cleared of timber, by wind mills) to take off the rainwater that may fall during the period that the Mississippi may be above its natural banks, it is believed that the whole of this country may be reclaimed, and made in the highest degree productive.

The immense value of this district of country when reclaimed is not to be estimated so much by the extent of its superficies as by the extraordinary and inexhaustible quality of the soil, the richness of its products, and the extent of the population which it would be capable of sustaining. Every acre of this land lying below the 31st degree of north latitude might be made to produce three thousand weight of sugar; and the whole of it is particularly adapted to the production of the most luxuriant crops of rice, indigo, and cotton. Good sugar lands on the Mississippi, partially cleared, may be estimated as worth $100 per acre, and rapidly advancing in value. The rice lands of South Carolina, from their limited quantity, are of greater value. It is believed that the exchangeable value of the maximum products of these lands, when placed in a high state of cultivation, would be adequate to the comfortable support of 2,250,000 people, giving a population of one individual for every two acres; and it is highly probable that the population would rapidly accumulate to such an extent as to banish every kind of labor from agriculture except that of the human species, as is now the case in many of the best districts of China; and this result would also have been produced in many parts of Holland, had not that country become, from the nature of its climate, a grazing country.

The alluvial lands of Louisiana may be divided into two portions: the first, extending from the 33d to the 31st degree of north latitude, in a direction west of south, may be termed the upper plain, is 120 miles in length, and generally from 25 to 30 miles in breadth, and, at particular points, is of still greater width. That portion below the 31st degree of north latitude may be termed the lower plain. It extends in a direction from northwest to southeast for about 240 miles, to the mouth of the Mississippi; is compressed at its northern point, but, opening rapidly, it forms at its base a semicircle, as it protrudes into the Gulf of Mexico, of 200 miles in extent, from the Chafalaya to the Rigolets. The elevation of the plain at the 33d degree of north latitude, above the common tide waters of the Gulf of Mexico, must exceed one hundred and thirty feet.

This plain embraces lands of various descriptions, which may be arranged into four classes:

The first class, which is probably equal in quantity to two-thirds of the whole, is covered with heavy timber and an almost impenetrable undergrowth of cane and other shrubbery. This portion, from natural causes, is rapidly drained as fast as the waters retire within their natural channels, and, possessing a soil of the greatest fertility, tempts the settler after a few years of low water to make an establishment, from which he is driven off by the first extraordinary flood.

The second class consists of cypress swamps: these are basins, or depressions of the surface, from which there is no natural outlet, and which, filling with water during the floods, remain covered by it until the water is evaporated, or is gradually absorbed by the earth. The beds of these depressions being very universally above the common low-water mark of the rivers and bayous, they may be readily drained, and would then be more conveniently converted into rice fields than any other portions of the plain.

The third class embraces the sea marsh, which is a belt of land extending along the Gulf of Mexico, from the Chafalya to the Rigolets. This belt is but partially covered by the common tides, but is subject to inundation from the high waters of the Gulf during the autumnal equinoctial gales; it is generally without timber.

The fourth class consists of small bodies of prairie lands dispersed through different portions of the plain: these pieces of land, generally the most elevated spots, are without timber, but of great fertility.

The alluvial plain of Louisiana, and that of Egypt, having been created by the deposit of large rivers watering immense extents of country, and disemboguing themselves into shallow oceans moderately elevated by the tide, but which, from the influence of the winds, are constantly tending in a rapid manner to throw up obstructions at the mouths of all water-courses emptying into them, it is fairly to be inferred that the alluvial plain of Egypt has, in time past, been as much subject to inundation from the waters of the Nile, as that of Louisiana now is from those of the Mississippi; and that the floods of the Nile have not only been controlled and restricted within its banks by the labor and ingenuity of man, but have been regulated and directed to the irrigation and improvement of the soil of the adjacent plain; a work better entitled to have been handed down to posterity by the erection of those massive monuments, the pyramids of Egypt, than any other event that could have occurred in the history of that country.

That the labor and ingenuity of man are adequate to produce the same results in relation to the Mississippi river and the plain of Louisiana is a position not to be doubted; and it is believed that there are circumstances incident to the topography of this plain that will facilitate such results.

The Mississippi river, entering this plain at the 33d degree of north latitude, crosses it diagonally to the highlands a little below the mouth of the Yazoo; from thence it winds along the highlands of the States of Mississippi and Louisiana to Baton Rouge, leaving in this distance the alluvial lands on its western bank; from a point a little below Baton Rouge, it takes an easterly course through the alluvial plain and nearly parallel to the shores of the Gulf of Mexico, until it reaches the English Turn; and from thence, bending to the south, it disembogues itself into the Gulf of Mexico by six or seven different channels. The banks of the Mississippi, which are but two or three feet above common tide water near its mouth, gradually ascend with the plain, of which they constitute the highest ridges to the 33d degree of north latitude, where they are elevated above the low-water mark of the river from thirty to forty feet. The banks are, however, subject to be overflowed throughout this distance, except at those points protected by levees or embankments; this arises from a law incident to running water-courses of considerable length, which is, that the floods in them acquire their greatest elevation as you approach a point nearly equidistant from their mouths and sources. The depth of the Mississippi is from 120 to 200 feet, decreasing as you approach very near the mouth to a moderate depth. Exclusive of a number of small bayous, there are three large natural canals or channels by which the surplus waters of the Mississippi are taken off to the Gulf. The first of these above New Orleans is Lafourche, which, leaving the river at Donaldsonville, reaches the Gulf in a tolerably direct course of about 90 miles. The Lafourche is about 100 yards wide; its bed is nearly on a level with the low-water mark where it leaves the river; its banks are high and protected by slight levees, and in high floods it takes off a large column of water. Above Lafourche, the Bayou Manchac, or Iberville, connecting with the Lakes Maurepas and Pontchartrain, takes off into the Gulf through the Rigolets and other passes a considerable portion of the surplus water of the Mississippi; the bed of this bayou is 14 feet above the level of the low water of the Mississippi, and as it reaches tide water in a much shorter distance than the Mississippi itself, it would take off a large column of water if its channel was not very much obstructed.* Nearly opposite to Manchac, but lower down the river, is Bayou Plaquemine, a cut-off from the Mississippi to the Chafalaya; but as there is a considerable declination in this part of the plain of the alluvial lands, and being unobstructed in its passage, it is rapid and takes off a large body of water; where it leaves the river, however, its bed is five feet above the level of the low-water mark. About 88 miles above Manchac, and just below the 31st degree of latitude, is the Chafalaya. This is one of the ancient channels of the Mississippi river, and, being very deep, carries off at all times great quantities of water, and were its obstructions removed it would probably carry off a much larger quantity. As the distance from the point where the Chafalaya leaves the Mississippi along its channel to the Gulf is only 132 miles, and that which the Mississippi traverses from the point of separation to the Gulf is 318 miles, it is evident that a given column of water may be passed off in much less time through the channel of the latter stream. From this topographical description of that portion of the plain south of the 31st degree of latitude, it is evident that, independent of the general and gradual declination of this plain descending with the Mississippi, it also has a more rapid declination towards the Lakes Maurepas and Pontchartrain on the east, and towards the valley of the great Lake of Attakapas on the west; and it may, as to its form and configuration, be compared to the convex surface of a flattened scollop shell, having one of its sides very much curved, and the surface of the other somewhat indented. There is, therefore, good reason to believe that by conforming to the unerring indications of nature, and aiding her in those operations which she has commenced, this plain may be reclaimed from inundation.

The quantity of water which has been drawn off from the Mississippi through the Iberville, the Bayou Lafourche, and the Chafalaya, has so reduced the volume of water which passes off through the Mississippi proper that individual enterprise has been enabled to throw up embankments along the whole course of that river, from a point a little below that where the Chafalaya leaves the Mississippi nearly to its

* The difference between the highest elevation of waters at the efflux of the Manchac and the lowest level of the tide in Pontchartrain is from 27 to 30 feet.

mouth, and for forty or fifty miles on each side of the Lafourche. The lands thus reclaimed will not, however, average forty acres in depth fit for cultivation, and may be estimated at four hundred thousand acres. This is certainly the most productive body of land in the United States, and will be in a very short period, if it is not at present, as productive as any other known tract of country of equal extent.

If the waters drawn off in any given time from the Mississippi, through the natural channels now formed, were delivered into the Gulf through those channels in the same given time, then they would not overflow their natural banks, and the adjacent lands would be reclaimed. But this is not the fact; and the object can only be accomplished by increasing the capacity and numbers of outlets of the natural channels by which the water is now disembogued, and by forming other artificial ones, if necessary, by which the volume of water that enters into the lower plain of Louisiana in any given time may be discharged into the Gulf of Mexico within the same time. If that volume were ascertained with any tolerable degree of accuracy, then the number and capacity of the channels necessary for taking it off into the Gulf might be calculated with sufficient certainty. A reference to the map of that country will show that the rivers which discharge themselves into the lower plain of Louisiana, and whose waters are carried to the Gulf in common with those of the Mississippi, drain but a small tract of upland country; for Pearl river, and, if necessary, at a very moderate expense, the Teché, may be thrown into the ocean by separate and distinct channels.

At the thirty-first degree of north latitude, and near to the point where Red river flows into, and the Chafalaya is discharged from, the Mississippi, the waters of that river are compressed into a narrower space than at any other point below the thirty-third degree of north latitude. This may be considered as the apex of the lower plain. The contraction of the waters of the Mississippi at this point is occasioned by the Avoyelles, which, during high water, is an island, and is alluvial land, but of ancient origin. From this island a tongue of land projects towards the Mississippi, which, though covered at high water, is of considerable elevation. It is probable, therefore, that at the point thus designated a series of experiments and admeasurements could be made, by which the volume of water discharged, in any given time, on the lower plain by the Mississippi, at its different stages of elevation, might be ascertained with sufficient accuracy to calculate the number and capacity of the channels necessary to discharge that volume of water into the Gulf of Mexico in the same time. With this data, the practicability and the expense of enlarging the natural and excavating a sufficient number of new channels to effect this object might readily be ascertained. If that work could be accomplished by the government, everything else in respect to the lower plain should be left to individual exertion, and the lands would be reclaimed as the increase of the population and wealth of the country might create a demand for them.

The contraction of the plain of the Mississippi by the elevated lands of the Avoyelles, and the manner in which Red river passes through the whole width of the upper plain, in a distance of nearly thirty miles, has a strong tendency to back up all the waters of the upper plain. Therefore it is that immediately above this point there is a greater extent of alluvial lands more deeply covered with water than at any other point perhaps on the whole surface of the plain of Louisiana; and at some distance below this point the embankments of the Mississippi terminate. To enable individuals to progress with these embankments, and to facilitate the erection of others along the water-courses, and to reclaim with facility the lands of the upper plain, it will probably be found to be indispensably necessary to draw off a considerable portion of this water by artificial channels. The Red river, arrested in its direct progress by the elevated lands of the Avoyelles, is deflected in a direction contrary to the general course of the Mississippi, and traverses the whole width of the upper plain in a circuitous course of upwards of thirty miles before it reaches that river. There is good reason to believe that the waters of the Red river, or a very large portion of them, in times past, found their way though Bayou Bœuf and the Lake of the Attakapas to the ocean; and during high floods a small portion of the waters of that river are now dicharged into the Bayou Bœuf at different points between the Avoyelles and Rapide. A deep cut from the Red river, through the tongue of elevated alluvial land east of the Avoyelles, to the Chafalaya, and opening the natural channels by which it now occasionally flows into the Bayou Bœuf, would probably take off the waters which accumulate at the lower termination of the upper plain with such rapidity, and reduce their elevation so much as to enable individual enterprise and capital to continue the embankments, which now terminate below this point, not only along the whole course of the Mississippi, but along all those extensive water-courses running through the upper plain.

The Tensa, a continuation of Black river, is for fifty miles above its junction with Red river a deep water-course, and in breadth but little inferior to the Mississippi. It draws a very small portion of its waters from the highlands, but communicates with the Mississippi by a number of lakes and bayous at different points, from near its mouth to its source, which is near the thirty-third degree of latitude, and through these channels aids in drawing off the surplus water of the Mississippi, while it continues to rise. When the Mississippi, however, retires within its banks the waters in these bayous take a different direction, and are returned through the same channels into the Mississippi. Particular local causes will produce this effect at particular points; but the general cause, so far as these bayous connect with the Tensa, will be found in the fact that there is not a sufficient vent for the waters of the upper plain at the point of connexion with the lower plain of Louisiana. The Tensa is also connected, in times of high water, at several points, with the Washita and its branches. When the Mississippi has risen to a point a few feet below its natural banks the whole of the upper plain of Louisiana is divided by the natural channels which connect the Mississippi with the Tensa, and the Tensa with the Washita, into a number of distinct islands of various extent. The banks of the rivers, and the natural channels which connect them, are very generally the most elevated lands; and each and all these islands might be reclaimed from inundation by embankments thrown entirely around them of from six to twelve feet high, provision being made to take off the rain water, and that occasioned by leakage and accidental crevasses in the banks, with machinery. While the Mississippi is rising the waters are carried off through these natural channels and their outlets into the lakes and the lowest and most depressed parts of the plain. During this process there are currents and counter currents in every possible direction; but when the floods have attained their greatest known height, then this whole plain becomes covered with water, from a few inches to twelve feet deep, as its surface may be more or less depressed, and, if it could be exposed to view, would exhibit the appearance of an immense lake, with a few insulated spots dispersed throughout it, such as the island of Sicily, the banks of the Lakes Concordia, Providence, and Washington, and some very narrow strips partially distributed along the banks of the Mississippi and the other water-courses. If the whole of the upper plain were reclaimed in the manner above mentioned, then the waters, being contracted into much narrower channels, would necessarily be very considerably elevated above the point to which they

now rise; and passing off on the lower plain with greater elevation and greater rapidity, and having only the present natural channels of outlet to the Gulf, the inevitable consequence would be that the whole of the lower plain would be inundated, and probably parts of Attakapas and Opelousas would again be subject to inundation.

The reclamation of both of the plains of Louisiana will depend, under any possible plan that may be proposed, upon the practicability of tapping the Mississippi and Red rivers at one or more points, and to an extent that may draw off rapidly such a quantity of water as will prevent the refluent waters now collected just above the 31st degree of latitude from rising to the heights to which they now do, and the practicability of delivering the waters into the ocean within periods equal to those in which they were drawn off. We have seen that the natural channels of the Lafourche, Plaquemine, Iberville, and the Chafalaya have so reduced the mass of water in the Mississippi below their points of efflux, as to enable individuals, by very moderate embankments, to confine that part of the Mississippi within its banks. The Lafourche is the only one of these natural channels that takes off the waters to the ocean so rapidly and directly as to enable individuals to erect levees or embankments along its whole course. The passes at the Rigolets and at Berwick's bay not being sufficient to take off the waters which flow through them as fast as they are discharged into their reservoirs, it is evident that no beneficial effect could be derived from tapping the Mississippi at any point on its eastern bank, or at any point on its western bank above the Lafourche, unless the capacity of the outlets at Berwick's bay and the Rigolets be greatly enlarged. The passes at the Rigolets are well known; and it is probable that by enlarging them and cutting off that portion of the waters of Pearl river which now flows through them, they might be made adequate to take off, in a sufficiently short period, the waters of Iberville and those of the short rivers of Feliciana, so as to prevent that portion of the plain between the Iberville and the city of New Orleans from being inundated, except so far as the waters of Pontchartrain, elevated by high winds and tides, may produce that effect. It is only, therefore, on the west bank of that river, or the south bank of Red river, that the proposed tappings can be made with the prospect of a successful issue.

The course of the Mississippi from Donaldsonville to New Orleans being nearly parallel to the Gulf, and the distance to the Gulf across that part of the plain being much shorter than that by its natural channel to tide water, that portion of the river presents eligible points for tapping, particularly near to New Orleans, the commerce of which, in time not perhaps distant, may require a deep cut to be made to the Gulf. The width of the river at Donaldsonville being about seven hundred yards, the rise above its natural banks about one yard, and its velocity two and a half miles an hour; if, then, by one or more tappings below this point, a volume of water of the above dimensions could be carried off to the ocean with equal velocity, then would the highest elevation of the river be reduced very considerably everywhere below such tapping and for some distance above. Such a reduction of the elevation of this part of the river, aided by the clearing out of the rafts from the Chafalaya, would possibly produce so great a reduction of the refluent waters at the junction of the Red and Mississippi rivers as to enable individuals to proceed gradually to the reclamation of the whole of the upper plain by common embankments. It would then require only an increased capacity to be given to the outlets of the lake of Attakapas to insure the reclamation of both plains. But if this effect cannot be produced by the tappings below the Lafourche, then they must be made at points higher up, either between Plaquemine and the Chafalaya, or at a point about the mouth of the Bayou Lamourie, or Du Lac, on Red river. A reference to the map will show that the waters of Red river can be taken to the Gulf from this point in an almost direct course, through channels that it is more than probable they formerly occupied, and in a distance of less than one-half of that by which they reach the ocean through the channel of the Mississippi, and by forty or fifty miles less than that through the channel of the Chafalaya. A deep cut at this point of ten miles, through an alluvial soil, would discharge the waters of Red river into Bayou Bœuf; and as these waters would pass through an alluvial plain having probably a fall of not less than sixty feet in seventy miles from the point of tapping, there is reason to believe that they would work for themselves, without much artificial aid, a channel of great capacity.

The question then arises, how are these waters, in addition to the superabundant waters of the Chafalaya, which already overflow all the valley of the lake of Attakapas, to be taken off to the Gulf? To solve this question satisfactorily, it will be necessary to take a view of the outlets of the lake of Attakapas. The Teche is a natural canal, almost without feeders or outlet except at its mouth, and having, no doubt, been a channel for a much larger mass of water in time past, its adjacent lands have been formed precisely as those of the Mississippi have been, and its banks, of course, occupy the highest elevation of the country through which it runs. For forty miles above its mouth it is contracted by the waters of the Attakapas lake on the one side, and by those of the Gulf on the other, so as to exhibit almost literally a mere tongue of land just above high-water mark. It enters Berwick's bay about eighteen miles from the Gulf. Nearly opposite to the mouth of the Teche is the mouth of Bayou Black, or Bayou Bœuf. This bayou, like the Teche, is also a natural canal, occupying the highest elevation of a narrow tract of land extending eastwardly nearly to the Bayou Lafourche, that is seldom inundated, and which would seem to be a prolongation of the Attakapas country, inducing a belief that the Teche formerly discharged its waters at a point further east into a bay that occupied the whole of the present plain, from the Attakapas lake to Bayou Lafourche and the Mississippi. It is this elevated ridge that causes the indentation in the lower plain to be deluged by the waters of the Mississippi, which, forcing a passage for themselves across the Teche, have formed an outlet called Berwick's bay. This pass is narrow, and is about seven or eight feet deep, passing, in part of its course, through lands not of recent alluvion, and disembogues into the bay of Achafolia through the lake of that name and two or three other outlets.

Following up then this indication of nature, by cutting artificial outlets from the lake of Attakapas across the Teche, at different points for a distance of fifteen or twenty miles above its mouth, at such places as the drains emptying into the ocean may approach nearest to Attakapas lake, giving to such cuts any width that may be required, and a depth that may be on a level with low-water mark, and embanking the lake of Attakapas so as to raise it three feet above its present surface, it is believed that a capacity may be obtained for taking off any volume of water that it may be necessary to throw into the lake of Attakapas, and at an expense very trifling in comparison to the object to be obtained. All the waters of the Atchafalaya being thrown into Lake Attakapas, and that lake embanked, the whole of the plain between it and the Mississippi would be exempt from inundation. The rain water, and that from the weepings and crevasses in the embankments, would find a reservoir in the deeper lakes and beds of Grand river, the surplus being taken off by machinery, or by tide-locks in some of the bayous which now connect with these lakes in the highest floods.

It is believed that three brigades of the topographical corps, operating for a few seasons from the 1st of November to the 1st of July, would be able to obtain sufficient data to decide upon the practicability of devising, and the expense of accomplishing, a plan that would effect the reclamation of both plains; but if it should be found to be impracticable, or too expensive for the state of the population and wealth of the country, yet the minute knowledge which they would obtain of the topography of the entire plain would enable them to designate different portions of it in both plains which could be reclaimed from inundation at an expense commensurate with the present capital and population of the country.

The gradual elevation of the plain of the Mississippi* by the annual deposits, and the accumulation of population and capital, will ultimately accomplish its entire reclamation from the inundations of the Mississippi; but the interposition of the government, and the judicious expenditure of a few millions of dollars, would accomplish that object fifty or perhaps a hundred years sooner than it will be effected by individual capital aided by the slow operations of nature.

I attach a small diagram of the country, as illustrative of some of the points referred to in this report.

With great respect, your obedient servant,

GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

An estimate of the expense of excavating outlets from the Lake of the Attakapas to the Gulf of Mexico.

On the presumption that the waters of the Gulf of Mexico, at low tide, reach within six miles of the lake—and it is believed that they do at several points between the Bayou Cypress and Berwick's bay—let positions at one or more of the most favorable of these points be selected, the aggregate width of which shall be two thousand yards. Let such portions of these positions as may be inundated at high water be drained by common embankments, so that oxen may be used in removing the earth; let excavations be made through them, of such numbers and of such widths as may be best adapted to the removal of the earth, leaving, however, the proportion of excavation to that of embankment as three to one. A number of canals will then be formed, with an embankment between each, the excavation of which, their beds being on a level with low water, would not average a depth of three feet. These proportions will give the amount of excavation as equal to 15,840,000 cubic yards, which, at 20 cents the cubic yard, gives $3,168,000 as the expense of excavating outlets which, at low tide, would have the capacity of discharging from the lake, with great velocity, a column of water of fifteen hundred yards in width and one yard in depth at the point where it left the lake.

No estimate, with any tolerable approximation to accuracy, can be made of the expense of excavating a deep cut from Red river to the Bayou Bœuf, and of enlarging the bed of that bayou, of the embankments along the lake of the Attakapas, necessary to give it the required elevation, or for tide-locks, machinery, &c., until an accurate survey on the ground be made. It is possible that the judicious expenditure of five millions of dollars by the government would be sufficient to make the excavations and erect embankments, tide-locks, and other machinery that would be necessary to give such a control over the waters of the Mississippi and its outlets as to reduce them so nearly within their banks at high floods as to enable individual capital to progress with the entire embankment of them, and the reclamation of the whole plain.

The quantity of land belonging to the government within the limits of the alluvial plain may be estimated at upwards of three millions of acres, which, at a minimum price of ten dollars per acre, would be upwards of thirty millions of dollars.

20TH CONGRESS.] No. 721. [2D SESSION.

APPLICATION OF INDIANA FOR SALE OF PUBLIC LAND IN VICINITY OF LANDS GRANTED FOR THE CANAL FROM LAKE ERIE TO THE WABASH RIVER.

COMMUNICATED TO THE SENATE JANUARY 15, 1829.

A JOINT RESOLUTION relative to the reserved lands of the United States, on the margin of and contiguous to the contemplated canal, to unite the waters of Lake Erie and the Wabash river.

Whereas the Congress of the United States by their act of March 2, 1827, did grant a certain quantity of land in the State of Indiana, consisting of certain alternate sections on each side of said canal, to aid the State in constructing and putting the same in operation. And whereas it will much enhance the value of all the lands in the neighborhood of said canal, and be very beneficial to the citizens

* The gradual elevation of the plain is not perceptible, because the gradual elevation of the beds of the water-courses, arising from the same cause, occasions as general an overflow of their banks as formerly; but that which is perceptible is the rapid filling up of the ponds and shallow lakes; and there can be no question that the great annual alluvion and vegetable deposit must produce similar effects through the whole plain.

The Mississippi river is among the muddiest in the world, and deposits its muddy particles with great rapidity. Its waters hold in solution not less than one-sixteenth part of their bulk of alluvion matter, and some experiments are stated to give a greater proportion. If, then, within the embankments of the Mississippi a piece of level ground be surrounded by a dyke sixteen inches high, and filled with the waters of the Mississippi when above its banks, and those waters drawn off when they have deposited all their muddy particles, nearly one inch in depth of alluvion matter will have been obtained. If this process be repeated as often as practicable during a season of high waters, a quantity of alluvion will have been accumulated of not less than six or eight inches in depth. This process is similar to that termed warping in England, and is in use to some extent along the waters of the estuary of the Humber for manuring lands; and it is a process by which the lands of the plain of Louisiana will be rendered inexhaustible, so long as the Mississippi continues to bear its muddy waters to the ocean.

of Indiana, and greatly facilitate the progress and final execution of the work, if the land reserved by the United States, on the margin of and contiguous to the said canal, were immediately sold and settled. Therefore, be it—

Resolved by the general assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives be requested, to use their utmost and united endeavors and exertions to procure an immediate sale of all the lands which the United States may own on the margin of, and contiguous to, said canal, so far as the State may have finally located the same, and made choice of, and selected the lands donated as aforesaid to the State.

Resolved, That his excellency the governor be respectfully requested to transmit to each of our senators and representatives in Congress a copy of the foregoing preamble and resolution.

ISAAC HOWK,
Speaker of the House of Representatives.
M. STAPP,
President of the Senate.

Approved December 17, 1828.

J. BROWN RAY,
Governor of Indiana.

20TH CONGRESS.] No. 722. [2D SESSION.

APPLICATION OF INDIANA FOR FURTHER RELIEF TO PURCHASERS OF PUBLIC LANDS.

COMMUNICATED TO THE SENATE JANUARY 19, 1829.

A JOINT RESOLUTION relative to the purchasers of public lands.

Notwithstanding the liberality of the Congress of the United States, in the passage of sundry laws at different times for the relief of the purchasers of the public lands; yet, being sensible of the justice and magnanimity of the general government, and of its willingness to contribute to the general welfare of the citizens of every portion of the Union, the general assembly of the State of Indiana conceive themselves in duty bound to reiterate the sentiment, in part, of their predecessors, by calling the attention of that body to the situation of a large number of their fellow-citizens, whose case has been overlooked or neglected, and which we believe imperiously call for relief on the principles of justice.

The general assembly alluded to those persons who have purchased lands of the general government, made one or more payments thereon, and after improving the same have been compelled, by unforeseen misfortune or the pressure of the times, to suffer their lands thus improved to become forfeited. They would also beg leave to notice another class of their fellow-citizens, who, desirous to close their accounts with the general government, to escape from a debt which was a perpetual lien on their homes, to avail themselves of the power of relinquishing a part of their land, merely to secure a house and home for themselves and families, relinquished parts of large improvements, on which had been expended the money and labor of better days, and to secure a scanty portion for a home to families dear to them, sacrificed their labors. The existing laws of Congress make no provision by which the citizen who has spent money, time and labor on lands thus forfeited or relinquished, can have any advantage over other citizens or strangers to regain his property.

Impressed with the belief that it cannot be the policy of a just and magnanimous government to take advantage of its citizens; that the value of labor expended by the indigent or unfortunate citizen, on property of the nation, can never be appropriated by a just government, without rendering a full equivalent therefor; neither will such a government suffer the avaricious speculator to snatch from or monopolize the hard earnings of the indigent or unfortunate. For these reasons, they cannot but believe that the justice of the general government will extend relief to those purchasers who, in consequence of inability to complete their payments, as aforesaid, have either forfeited or relinquished improvements, by recognizing the principle of giving a preference at the minimum price of the public lands of the general government to such sufferers.

Deeming further detail unnecessary, and implicitly relying on the general government, the general assembly adopt the following resolution, viz:

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure the passage of a law granting to every *purchaser* and *occupant* of the public lands of the United States, who has *made one or more payments thereon, and made an improvement on the same*, which have become forfeited, or have been relinquished, a privilege in the nature of a pre-emption for —— years to repurchase such improved lands, at or before the same may be offered for sale or disposed of by the general government, at the minimum price of the public lands, with a right to occupy and enjoy the proceeds thereof.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing preamble and resolution to our senators and representatives in Congress of the United States.

ISAAC HOWK,
Speaker of the House of Representatives.
M. STAPP,
President of the Senate.

Approved December 17, A. D. 1828.

JAMES B. RAY.
Governor of Indiana.

20TH CONGRESS.] No. 723. [2D SESSION.

APPLICATION OF ILLINOIS FOR ASSENT OF CONGRESS FOR THE SALE OF SALINE RESERVATIONS IN THAT STATE.

COMMUNICATED TO THE SENATE JANUARY 20, 1829.

Resolved by the people of the State of Illinois represented in the general assembly, That our senators in the Congress of the United States be instructed, and our representative requested, to use their best exertions to procure the passage of a law declaring the assent of Congress to the sales by this State of all saline reservations within the same, except the saline reservation in Gallatin county.

J. McLEAN, *Speaker of the House of Representatives.*
WILLIAM KINNEY, *Speaker of the Senate.*

Attest: WM. LEE D. EWING, *Clerk of House of Representatives.*
RICHARD M. YOUNG, *Secretary of the Senate pro tem.*

20TH CONGRESS.] No. 724. [2D SESSION.

APPLICATION OF ILLINOIS FOR DONATIONS OF LAND TO CITIZENS OF GALENA AND JO DAVIESS COUNTY, IN THAT STATE.

COMMUNICATED TO THE SENATE JANUARY 20, 1829.

To the Congress of the United States:

Your memorialists, the people of the State of Illinois, represented in the general assembly, respectfully represent to your honorable body: That a number of the citizens of this State and others have migrated to, and settled at, Galena, the principal village at the Fever River lead mines, situate at the northern part of this State; that Galena is now the principal depot for the lead made at said mines; that at the period said citizens migrated to the place where Galena now stands the same was a wilderness or Indian country; that said persons have made improvements at Galena, and occupy and reside upon lots in said village, and in most, if not in all, cases by permission of the agent of the United States who superintends the lead mines.

Your memorialists further represent, in behalf of the citizens of Galena, that at the period they settled there the lands and lots were of but little value, from the remoteness of the place from population, and that the value now attached to said lots is owing to the improvements made upon them by the occupants and the opening of the lead mines. From these considerations it seems but reasonable that said citizens should be secured in the title to the lots improved and occupied by them, and that they should not be compelled to purchase their own improvements. The offspring of their own labor amid the competition which the increased value of the lots and buildings thus made have assumed, Galena has now become the seat of justice of the county, including part of the mineral country, and public buildings are necessary to the administration of justice. As no part of the lands in the county have as yet been sold, no revenue from taxation from that source is derived by which public buildings could be constructed. The government owns the land, and it is, therefore, deemed but reasonable that a portion of it should be given to the county to enable it to construct such public buildings and other improvements as are necessary for the convenience of the public.

Resolved by the people of the State of Illinois represented in the general assembly, That our senators in Congress be instructed, and our representative requested, to use their best exertions to procure the passage of a law by Congress confirming and granting to each actual settler in the town of Galena the lot or lots by them improved or occupied; and, further, that they use their best exertions to procure the passage of a law granting one entire section of land to the county of Jo Daviess, to include the town of Galena, to be disposed of by the county commissioners of said county for the purpose of constructing public buildings in Galena and such other improvements as are necessary to the convenience and accommodations of the public.

Resolved, That a copy of the foregoing memorial and resolution, signed by the speaker of the senate and house of representatives, and attested by the secretary of the senate and clerk of the house of representatives, be forwarded to each of our members in Congress.

J. McLEAN, *Speaker of the House of Representatives.*
WILLIAM KINNEY, *Speaker of the Senate.*

Attest: WM. LEE D. EWING, *Clerk of House of Representatives.*
RICHARD M. YOUNG, *Secretary to the Senate pro tem.*

20TH CONGRESS.] No. 725. [2D SESSION.

INDEMNITY FOR DEFECT IN TITLE TO LAND IN LOUISIANA SOLD BY THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 26, 1829.

Mr. ISACKS, from the Committee on the Public Lands, to whom was referred the petition of Nancy Dolan, reported:

That this claim received a careful examination in the committee last year, and the case is fully stated in the report then made, which is now referred to. The committee only think it necessary to state that in the conclusion of that report it is recommended that scrip to the amount of $1,200 should be issued to the petitioner, and made receivable in payment for any public lands, and so provided in the bill. This bill, however, was amended in the House and passed, directing the payment of $1,200 to the petitioner in money; and the committee, now understanding that to be the sense of the House, report the same bill as amended, which was passed in the House of Representatives at the last session.

The Committee on the Public Lands, to whom was referred the petition of Nancy Dolan, report:

That in the year 1818 the Executive of the United States determined to erect a principal military depot at Baton Rouge, in Louisiana. A piece of ground belonging to Mr. Hall was thought necessary to be procured for this work. The United States claimed a quantity of ground contiguous to the town, which had been reserved by the Spanish government, about the old fort at that place. Captain Rogers, the government's agent there, was authorized by the War Department to buy Hall's ground, or give in exchange for it a part of the said military reservation claimed by the United States. The latter course was recommended and effected. Rogers, as the agent of the United States, agreeably to his instructions, conveyed to Hall a portion of the public ground, and Hall conveyed to the United States his ground, which has since been occupied and used for the purpose it was procured for.

Hall conveyed the lot he acquired by the exchange, and the same now in question, to Peters, and Peters to the petitioner, shortly after the contract with Rogers, which was in 1819, for the consideration of $1,200. These deeds all contained a general warranty of title, and seem to have been duly recorded. The petitioner continued the possession of the lot until the last year, when she was evicted by one Poret, who appears to have had a claim to two lots of the ground claimed by the government as public property, one of which was the lot conveyed by Rogers, and purchased by the petitioner. He (Poret) obtained a confirmation of this claim before the board of commissioners for the adjustment of land claims, under the act of the 8th of May, 1822; presented his certificate of confirmation at the General Land Office, and a patent was issued to him for the land. Poret brought an action of ejectment against the petitioner, and upon the strength of his superior title (as it was decided to be) prevailed in the suit. The petitioner, who claimed by mesne conveyances under the deed and warranty of the government, now asks remuneration for the loss.

The facts above stated are fully supported by evidence obtained from the departments, and by the copies of title deeds, and the transcript of the record in the ejectment—all of which are placed in the files of the House.

The committee are of opinion that a fair case for relief has been made out, and therefore they report a bill allowing the issuance of scrip to the petitioner to the amount of $1,200, which will be receivable in payment for public lands, that being the usual mode of making remuneration for the loss of lands sold by the government.

20TH CONGRESS.] No. 726. [2D SESSION.

APPLICATION OF MISSOURI FOR A CHANGE IN THE SYSTEM OF DISPOSING OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE JANUARY 26, 1829.

To the Senate and House of Representatives of the United States:

The memorial of the general assembly of the State of Missouri respectfully showeth: That the system of disposing of the public lands of the United States now pursued is highly injurious, in many respects, to the States in which those lands lie, and to none, perhaps, more so than to the State of Missouri. This general assembly does not deem it necessary to inquire whether the present plan, when first adopted, and for many years thereafter, until the best lands were disposed of, might not have been harmless in its operation; but, under existing circumstances, and the condition of this country and the neighboring countries beyond the limits of the United States, a policy more injurious both to the United States and the States in which the public lands lie could not, as your memorialists confidently believe, be pursued. This general assembly will not set forth and reiterate the several objections to the present system which have heretofore been urged to the consideration of Congress, and which have not been answered satisfactorily

to those acquainted with the present condition of the western States. But the general assembly will state that a perseverance in the present system manifestly appears to them to be equivalent to a declaration on the part of Congress that it will not sell or dispose of nine-tenths of the public lands in this State; and this general assembly cannot refrain from declaring that it views such refusal as an infringement of the compact between the United States and this State; and that the State of Missouri never could have been brought to consent not to tax the lands of the United States whilst unsold; and not to tax the lands sold until five years thereafter, if it had been understood by the contracting parties that a system was to be pursued which would prevent nine-tenths of those lands from ever becoming the property of persons in whose hands they might be taxed. The State of Missouri views, with deep concern, a policy pursued by the general government in the disposal of the public lands. In demanding now for refuse lands, the largest part of which are not worth ten cents per acre, the full price of one dollar and twenty-five cents per acre, is, to all practical purposes, raising the prices of the public lands; and that it has the obvious effect of preventing the population of the new States cannot be denied. The general government has absolutely reserved from sale upwards of seven hundred acres of land, under a supposition that it contained lead ore. It has reserved from sale all the salt springs belonging to the government, and the lands contiguous thereto; and it has, through the Executive, refused to sell large districts of country supposed to contain iron ore, except in alternate sections, thereby, in effect, refusing the necessary quantity of those lands upon which to erect iron works. The price of lands, when we take into consideration the quality of those lands, and that they are the refuse of many years' sales, is not only *raised*, but is raised to a price, in most instances, *ten times above their value.* The prices are not only *raised far above their value*, but hundreds of thousands of acres, containing much of the natural wealth and resources of the State, are altogether *reserved from sale* The population of the State is not only *prevented*, but hundreds of our citizens have *left* it to seek lands in the Mexican States; and not one-third part of our citizens, where nineteen-twentieths of the domain are unappropriated, are possessed of lands, and the frontier of our infant State much exposed to the depredations of the restless hordes of predatory savages collected thereon by the same government that refuses us the means of strengthening our frontier, by requiring a price for the wild lands far above their value, thereby forcing numbers of our citizens, with their families and effects, to remove to countries beyond the limits of the United States, there to seek lands on terms more reasonable and advantageous than are offered by our government. This general assembly are convinced that the true interests of the United States, as well as the interests of the new States, require a radical change in the system of disposing of the public lands—to sell as rapidly as possible the wild lands, and apply the proceeds of those sales to the extinguishment of the public debt, the interest of which has consumed, and still consumes, so large a portion of the revenue—to give a home to millions of citizens, and attach them to the soil and institutions of the country—to increase the wealth and strength of the United States, and consequently the ability to bear the burdens of government in times of war or other public calamity—to augment the revenue of the United States, by increasing the consumption of foreign goods on which duties are paid, and the increase of the revenue of the States in which the public lands lie, are blessings and advantages which must arise from a change in the system of disposing of the public lands, and which are surely not to be treated lightly by a wise nation. This general assembly believe that the great objects hereinbefore enumerated can best be attained, and the evils complained of can most readily be obviated, by graduating the prices of the public lands, by making donations of land to actual settlers, and by ceding the refuse lands to the States in which they lie, in the manner proposed by the bill at the last session of Congress, for settlement and cultivation, and to advance the great interests of education and internal improvement. This general assembly, therefore, do most earnestly recommend to the justice, wisdom, and liberality of Congress, the passage of a law to effect those great objects.

JOHN THORNTON,
Speaker of the House of Representatives.
DANIEL DUNKLIN,
President of the Senate.

Approved December 23, 1828.

JOHN MILLER

20TH CONGRESS.] No. 727. [2D SESSION.

APPLICATION OF LOUISIANA FOR A CESSION OF THE PUBLIC LANDS THEREIN TO THAT STATE.

COMMUNICATED TO THE SENATE JANUARY 26, 1829.

Resolved by the Senate and House of Representatives of the State of Louisiana in general assembly convened, That it is deemed a matter of the utmost importance to the interests of the State that it should have and possess the sole and exclusive jurisdiction of the unappropriated lands within its limits, in order that internal improvements may be promoted and emigration increased.

Resolved, That while the federal government shall continue to claim sovereignty over a large portion of the soil of the State, with its tardy operations in disposing of the same to individuals, and the high prices stipulated in the terms of entry, we shall continue to behold the younger members of this republic outstripping us in population, improvements, and the arts.

Resolved, That inasmuch as a portion of our citizens hold lands under adverse and unsettled titles, the vital object of defence against the inundation of our streams, and the object common to man of rendering better his condition, are both retarded and repressed.

Resolved, That our senators in Congress be instructed, and our representatives requested, to exert their utmost abilities to obtain from the federal government a cession to this State of the public and unappropriated lands claimed by the United States, at as early a period and on such terms as may be beneficial to the State and advantageous to our citizens.

Resolved, That the governor of the State be requested to transmit a copy of these resolutions to each of our senators and representatives in Congress.

A. B. ROMAN,
Speaker of the House of Representatives.
A. BEAUVAIS,
President of the Senate.

Approved December 22, 1828.

P. DERBIGNY,
Governor of the State of Louisiana.

20TH CONGRESS.] No. 728. [2D SESSION.

APPLICATION FOR REMISSION OF PART OF THE PRICE OF LAND PURCHASED IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 27, 1829.

Mr. HUNT, from the Committee on the Public Lands, to whom was referred the petition of Allen Glover and Geo. S. Gaines, reported:

That the petitioners represent that at a public sale of lands held at the land office at St. Stephen's, in Alabama, in the year of our Lord 1819, they became the purchasers of public lands, at prices far beyond their real value, for the purpose of settlement and cultivation; that having, in the time of high speculation, made these purchases, they determined nevertheless to complete the payment of all the instalments, although at the great sacrifice of their property; that soon after their purchase, Congress reduced the price of the public lands, and have since passed several laws in favor of those who purchased under the credit system; and they pray for some relief from the justice and liberality of Congress.

The committee are aware that the petitioners and many others may have given and paid much more for lands that were purchased some ten or twelve years ago than they are worth at this time. The market price of land, as well as of most other kinds of property, is fluctuating and beyond the control of Congress. When the lands are bought at low prices, and the value is enhanced, the purchasers will derive the benefit; and when the value is depreciated they must, as a general rule, sustain the loss. It must be lamented that those industrious citizens who purchase the public lands for the purposes of cultivation should sustain loss and embarrassment; yet having paid for them, the government would find almost insuperable difficulties in undertaking to refund the money, or to afford other relief. The committee recommend the following resolution:

Resolved, That the prayer of the petitioners be not granted.

20TH CONGRESS.] No. 729. [2D SESSION.

TO REFUND MONEY PAID FOR LAND WHICH WAS HELD UNDER A SPANISH GRANT.

COMMUNICATED TO THE SENATE JANUARY 29, 1829.

Mr. SMITH, of South Carolina, from the Committee on Private Lands, to whom was referred the petition of Pierre Leglise, reported:

That the petitioner was the owner of a tract of land of five arpents front and forty deep, which was part of a tract of fifty arpents front, granted by the Spanish government, which was confirmed by the commissioners. But the commissioners not recollecting that this land was part of a confirmed title, and seeing no evidence of occupation, did not confirm the claimant in his title to the five arpents; in consequence of which, he was obliged to enter his land as a pre-emption in order to save his land, houses, and other improvements, for which he paid $338 to the government.

The committee are of opinion that the money ought to be refunded, and report a bill.

20TH CONGRESS.] No. 730. [2D SESSION.

APPLICATION OF ILLINOIS FOR A REDUCTION IN THE PRICE OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE FEBRUARY 2, 1829.

To the Senate and House of Representatives in Congress assembled:

The memorial of the general assembly of the State of Illinois respectfully showeth: That the condition of this State, in connexion with the newly admitted States into the Union, has heretofore, and now again, imposed it on the general assembly, as an indispensable duty, to remonstrate against the mode and price of disposing of the public lands lying within those States, and to urge upon the representatives of the nation the importance and absolute necessity of a salutary change in their disposition.

It has heretofore been represented to your honorable body that the State of Illinois alone contains about forty millions of acres of land, and that an amount very little exceeding one and a half million of acres have as yet been disposed of at the public sales. If the present price at which it is required by law to be sold shall not be reduced, it will be hundreds of years before the soil will have passed out of the control of the general government, and be subject to the laws and jurisdiction of this State. Your memorialists, therefore, cannot resist impressing it on the serious attention of the Congress of the Union how injurious must be the operation of such a retarded disposition of the vast bodies of public land lying within this State, and how inevitably it must check its increase and population, and consequent improvement and resources, proving highly detrimental to the State, in point of revenue, by withholding from taxation such vast proportions of its soil. If, as would seem to be most clearly inferrible, the high price at which those lands are required to be disposed of should prevent their sale, it may be a subject of serious inquiry whether it does not operate as a virtual infraction of the compact in relation to the not taxing those lands before they are sold, and for a certain term of time afterwards. From the terms of that compact, and upon the supposition that the same is obligatory upon the parties to it, any act on the part of the government to delay the sales of the land in a reasonable period, whether accomplished by a positive refusal to sell, or by demanding for it a sum greatly beyond its value, by which the sales would be defeated, in a great measure, if not wholly so, would doubtless be an infraction of the compact itself.

If such hitherto has been the effect of the system still adhered to by the government, it may not be unworthy of consideration, either on the part of the general government or the States, whose interests are directly concerned, to ascertain what might be the legal effects thereof.

Nothing, however, would seem to be more just or conformable to the relation of good faith, which ought ever to exist between a government based on federative principles and rights, and any portions of its citizens with whom it may have entered into agreements for the early disposition of its primary interests in the soil within the boundaries of such federative State, than to affix to its sale a sum not more than its real value, and to do every necessary act to facilitate the disposition of it at the earliest possible period. Indeed, if no other consideration than policy itself, as regards the government, were consulted, it would seem to lead to its early disposition. It never can be the interest of the United States to keep on hand a large and unproductive property, such as that of the public lands, and especially when no good results to the general government from such a course of policy, and which operates so injuriously to the prosperity of the western States. The excessive and unequal price at which the lands are held prevent their sale, and, as a necessary consequence, their population and improvement. Justice, then, to the new States, and considerations of interest on the part of the government, seem to prompt to the necessity of a prompt and reasonable reduction of the price of public lands. The prosperity of the new States would not merely be promoted by such a measure, but the Union at large would be benefited in the same ratio as the new States, in their increased capacity to contribute towards the common burdens of the whole would be increased.

Connected with this question of the reduction of the price of the public lands, there seems naturally to arise two others of similar interest: one is the right of pre-emption in the purchase of the land, and the other of donations of small tracts to actual settlers who shall have occupied and cultivated the same for a given period of time. It cannot, it is believed, be necessary to illustrate either the justice or usefulness of the first, which has been so repeatedly established by the precedents already created by legislative enactments; nor does it seem essential to enter into arguments, or to quote the liberality and discernment of other governments to show the sound policy of the other. It must be obvious to those who will take the trouble to make the inquiry, that its effects would necessarily tend to strengthen the country, to increase its resources, its wealth, and its population. Should the government view the ground which your memorialists have assumed, with relation to the public lands, as neither defensively right, nor based upon the principles of mutual interest and justice, as regards their future disposition, then they hope, that if, from no other consideration than those of general policy, and a due regard to the magnitude of the vital interests of seven if not nine of the new States, they will consent to a surrender of all the public lands within those States upon equitable terms, such as the government, upon enlarged views and due consideration of the interest of the whole Union, shall be willing to extend, and those States shall be willing to accept. It is not for your memorialists to recapitulate the various reasons which might be most forcibly urged for the adoption of such a course in relation to these lands, nor of the many contentions to which the subject may hereafter give birth. Should the present oppressive system continue, and no amelioration take place, it will not be denied that this question is susceptible of being presented in so grave an aspect as to involve considerations of the deepest magnitude, and demand the most serious and enlightened reflection of those charged with the interests of the whole confederacy. It may be one which, if seriously presented, must involve questions of the highest importance to a State, and of the most intense interest to its citizens—no less than of the deprivation of some of the essential attributes of its sovereignty; the control of the internal concerns and police of a free State by a power other than its own; a prohibition to regulate and improve the settlement of lands within its own limits and acknowledged boundaries, according to its own views of its prosperity and happiness; a deprivation of the collection of revenue from vast bodies of soil within such limits, until the general government shall choose to assent thereto, by the disposition of the soil—whether the citizens of such States shall be subject to the operation

of the laws of the United States, confessedly purely municipal, which have no existence in the older States, and which they alone have the right to pass, and to which no other power is competent without the consent of their own legislative power; whether, in reality, the compact under which the general government claims these extraordinary powers is consonant to the rights reserved to the States respectively by the Constitution of the United States, or have in anywise been granted by that instrument; and finally, whether the tenure by which they hold the public lands is valid and binding on the new States.

Your memorialists most devoutly hope that not only the agitation of the inquiries, but the questions themselves, may be avoided, and forever put at rest by a just and liberal disposition of the public lands, in the mode herein suggested, or in such other as the views of the government, having a due regard to the rights and interests of the States, shall dictate, and as shall be compatible with the great principles upon which our States and general government have been erected.

JOHN McLEAN,
Speaker of the House of Representatives.
WM. KINNEY,
Speaker of the Senate.

Attest: WM. LEE D. EWING,
Clerk House of Representatives.

20TH CONGRESS.] No. 731. [2D SESSION.

INSTRUCTIONS TO LAND OFFICERS IN ARKANSAS RELATIVE TO CLAIMS TO DONATIONS OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 7, 1829.

TREASURY DEPARTMENT, *February* 5, 1829.

SIR: In obedience to a resolution of the House of Representatives of the 4th instant, "instructing the Secretary of the Treasury to furnish the House, as soon as possible, with a copy of all the instructions given to the land officers in Arkansas on the subject of donations of land to certain persons in said Territory, and also with a copy of any opinion he may have received of the Attorney General of the United States upon that subject," I have the honor to transmit a letter from the Commissioner of the General Land Office, under date herewith, covering copies of the instructions and opinion referred to in the resolution, numbered from 1 to 12, inclusive.

I have the honor to be, very respectfully, your obedient servant,

SAMUEL L. SOUTHARD,
Acting Secretary of the Treasury.

Hon. SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *February* 5, 1829.

SIR: In compliance with a resolution of the House of Representatives, passed the 4th instant, requiring "a copy of the instructions given to the land officers in Arkansas on the subject of donations of lands to certain persons in said Territory, and also with a copy of any opinion of the Attorney General on the subject," I have the honor to submit the enclosed papers, numbered from No. 1 to No. 12, inclusive, which embrace the information required.

With great respect, your obedient servant,

GEORGE GRAHAM.

Hon. SECRETARY *of the Treasury.*

No. 1.

GENERAL LAND OFFICE, *August* 26, 1828.

GENTLEMEN: In compliance with your request, I now state to you the view which is taken at the Treasury Department of the provisions of the 8th section of the act, approved on the 24th May last, granting a donation of land to certain persons in Arkansas.

The persons entitled to such donation must—

1st. Be the head of a family, (a widow or single man cannot claim, unless they be the head of a family,) over the age of twenty-one years, and be an actual settler, *at the date of the act*, on that part of the land ceded which is appropriated to the Cherokees by the treaty dated the 6th May, 1828;

2d. The person entitled to the donation must have removed from the land appropriated to the Cherokees, according to the provisions of that treaty;

3d. The persons thus entitled may enter with the register, within two years from the passage of the act, two adjoining quarter sections of land, or two or more adjoining fractional quarter sections of such of the public lands as have been surveyed at the time of the entry, and are then subject to sale.

The 9th section of the act has made it the duty of the register and receiver of the land office, *at which the application may be made to enter such lands*, to take the proper testimony of such actual settlement and subsequent removal, as in cases of pre-emption heretofore granted to actual settlers. With these limited powers, and with the limited knowledge which you possess in relation to the number and character of the settlers on the ceded lands, it will be exceedingly difficult to guard against fraud and imposition. It is your duty, however, so to carry the provisions of the act into effect as to prevent, as far as practicable, imposition on the government.

With this view, you are advised to require of each settler claiming a donation a detailed statement of all the facts on which the claim is founded. This statement should be made on oath administered by the register and receiver; and in addition to the specified facts mentioned in the first and second heads of this communication, the locality and extent of the improvement in consideration of which the donation is granted should be stated, and the members of the family designated and described. All the important facts in such statements should be corroborated by other and creditable testimony. As it may not always be in the power of the parties to procure the attendance of witnesses at the land office, the corroborative testimony may be taken before a justice of the peace, duly certified to be such by the clerk of the county, with the seal annexed.

The treaty not having specified any particular time within which the settlers must remove from the ceded lands, such time will be designated by the War Department, and of which you will be notified.

The certificate of the Indian agent, that the party had removed with his or her family from *the lands ceded to the Cherokees*, according to the treaty, may be considered as sufficient corroborative testimony as to the fact of removal.

The decision of the register and receiver on each application should be indorsed, under their signatures, on the papers, which should be delivered over to the register, to be filed and carefully preserved; and when the decision is favorable he will issue a patent certificate, in conformity to the form marked A, and forward it to this office. No transfer of a claim can be made until a patent has issued.

A list, in numerical order, of all the cases *adjudicated* should be forwarded monthly by the register and receiver, and a monthly abstract of entries, accompanied by the patent certificates, should be forwarded by the register. You will take such additional precautions to prevent impositions as circumstances may suggest to you. To guard against the granting of two donations to the same person, or for the same settlement, it will be necessary that each office furnish the other with copies of the monthly list of adjudications, which will, of course, exhibit all the cases presented and acted upon.

I am, with great respect, your obedient servant,

GEORGE GRAHAM.

The Register and Receiver *at Little Rock and Batesville, A. T.*

No. 2.

General Land Office, *September* 4, 1828.

Sir: I enclose, for your information and guidance, copies of two letters—the one addressed to the Hon. Mr. Sevier, and the other to Colonel McRee. The absence of the township plat, embracing the land *desired to be entered*, should not prevent the register and receiver from deciding on the *right* of donation; but the register will suspend the entry until advised of the approval of the survey.

With great respect, &c., your obedient servant,

GEORGE GRAHAM.

The Register *at Batesville and Little Rock, A. T.*

No. 3.

General Land Office, *September* 4, 1828.

Sir: Your letter of the 30th of July having been submitted to the Secretary of the Treasury, I am directed to inform you that he does not consider himself at liberty to suspend the execution of the act granting donations to the settlers on the lands ceded to the Cherokees. The officers will, therefore, proceed to permit entries to be made, agreeably to their instructions, so soon as they are satisfactorily advised that the line from the Arkansas to the southwest corner of Missouri is run. To give the legal right of entry to these donations, it is not necessary that the township plats should be in the office of the registers. It is necessary, however, that the surveys should be approved by the surveyor previous to entry. The registers will, therefore, be directed not to receive entries until they are advised by the surveyor general (Colonel McRee) that he has approved of the surveys; and he will be directed to furnish them with such information from time to time as he may approve the returns.

I am, &c.,

GEORGE GRAHAM.

Hon. A. H. Sevier, *Little Rock, A. T.*

No. 4.

General Land Office, *September* 4, 1828.

Sir: The provisions of the law granting donations to the settlers on the lands ceded to the Cherokees authorize such entries to be made on any lands that may be surveyed. No lands can be considered as legally surveyed until the surveys are approved by you; and, as it will not always be in your power to

furnish the registers in Arkansas with the township plats immediately on approval, I have to request that you will, from time to time, furnish them with the dates of your approval of those surveys of which you have not furnished them the township plats.

With great respect, &c.,

GEORGE GRAHAM.

Colonel WILLIAM MCREE, *Surveyor General, St. Louis, Missouri.*

No. 5.

GENERAL LAND OFFICE, *September* 26, 1828.

GENTLEMEN: I enclose you a copy of a lettter from a respectable gentleman in Arkansas Territory, relating to land claimants to land under the late law, for your information.

I am, &c.,

GEORGE GRAHAM.

The REGISTER and RECEIVER *at Batesville and Little Rock.*

No. 6.

FORT SMITH, *Arkansas Terrritory, August* 15, 1828.

SIR: I cannot forbear writing to you and affording my additional testimony to the swindling against the government in this section of country. I allude to the operation of the law giving to actual settlers west of the line mentioned in the first article of the late treaty with the Cherokees the right of entering two quarter sections of land; and I believe, without a total suspension of the execution of the law as it now stands, the government will be sadly imposed upon.

I mention but one or two of the devices. Pieces of paper with twenty-one years marked on them are placed in the shoes of children, and witnesses innumerable can be found who will swear that said persons are over the age of twenty-one years, and entitled to a donation. White men, living, and who have lived with the Cherokees for years, have proven up their claims. Removals are made by crossing the line with a horse, and then sworn to, when the persons returned to their improvements. Boatmen who were on the river on that day (2d of May) have also proven up their claims.

But the decisions of the land officers, as they are reported to be, strike me as giving reason for great complaint.

Persons are permitted to give notices of the sections which they wish to enter, and file their claims, and such notices will, in the end, have the effect of actual entries.

This was permitted without a general publication being made. The consequence was that speculators who were about the land offices located claims or filed notices having some effect on the most valuable improvements in other parts of the Territory which had never yet been offered for sale.

I would submit these questions: Can an actual entry be made till the boundary line mentioned in the treaty be run?

Can a claim be said to be proved according to law till a removal, actual and *bona fide*, has taken place after the line run?

Are lands "*authorized for sale*" until the proclamation of the President is issued for their public sale?

Ought not a rigid and close examination by the register and receiver, in person, take place under the present law?

Ought not public notice be given for weeks of the day the offices would be open for the reception and location of claims, so as to permit the persons in the distant interested sections of the country to have an equal opportunity of locating as advantageously as persons speculators on the spot?

On the answer to these questions, let me assure you, the prosperity or adversity of the Territory depends.—"*Currente calamo.*"

With great respect, &c.

GEORGE GRAHAM, Esq.

No. 7.

GENERAL LAND OFFICE, *October* 17, 1828.

GENTLEMEN: I enclose, for your information, a copy of a letter received from a gentleman of great respectability, who is a resident of Arkansas.

In consequence of this and other representations which have been made to the government in relation to the attempts that will probably be made to impose on the government by improper testimony that will be adduced to establish claims to donations under the act of 24th May last, I am instructed by the Secretary of the Treasury to direct that *all* the evidence to establish the right to a donation shall be taken by the register and receiver, or by a justice of the peace in their presence; and that so much of your former instructions as relates to the mode of taking the *corroborative testimony* be annulled.

The Secretary of the Treasury, reposing great confidence in your judgment and zeal for the preservation of the public interest, feels assured that every possible precaution will be used by you to defeat the attempts which there seems too much reason to believe will be made to obtain donations on spurious testimony,

and that in all cases where you may have a doubt as to the credibility of the testimony adduced you will suspend the admission of the claim until such doubt shall be removed.

The settlers on the lands ceded to the Cherokees have, I presume, been in the habit of voting; it would, therefore, be desirable to obtain an authentic list of such settlers living west of the line who were permitted to vote at the last election. Such a list might be obtained by the officers at Little Rock from the sheriff of the county, and a copy furnished to that at Batesville; and although it would not be conclusive either for or against the parties, yet it would be a useful document.

I am, &c.,

GEORGE GRAHAM.

The REGISTER and RECEIVER *at Batesville and Little Rock, A. T.*

No. 8.

CRAWFORD COUNTY, *Arkansas, August* 30, 1828.

SIR: A treaty was negotiated by the government, in May last, with the Cherokees west of the Mississippi, making an exchange of country. Consequent on that treaty was a law granting a donation to the actual settler of two quarter sections of land, to compensate him for possessions relinquished.

This act of justice, perhaps benevolence, is likely to subserve the most iniquitous purposes. What I am conscious has been often acted on is now unblushingly avowed—that it is fair, it is advisable, to cheat the government. From the best information I can obtain, not more than 300 genuine claims could be originated under the law. Even this I consider a large estimate; yet universal consent admits that not less than 1,500, probably 2,000, will be offered for allowance.

The government, then, by its vigilance, must save itself from being swindled out of many hundred sections of choice land; it should save from depreciation the genuine claim; and I earnestly entreat it to save, as far as it can, from prostration the morality of the Territory.

To my mind, the law clearly and positively requires the evidence establishing a claim to be adduced before the register and receiver in person; and it further requires, in my view, the running of the Cherokee line before the adduction of this evidence. The line is not run; if adjudications can now take place the law is partial; it operates a system of favoritism; for this line will run through the settlements, and it is very doubtful whether the possessions of many citizens will fall east or west of it, whether they will or will not be entitled to its benefits.

It has been the practice to take the evidence in the country before justices of the peace. A written statement is drawn, "covering the case," and the willing witness gulps it down. Minors, Indians, transient persons, have had their claims most substantially made out on paper. It is sickening to think of the perjuries that have disgraced the country. The only corrective is the taking of evidence before the land officers in person, where, by examination and cross-examination, truth may be elicited from a reluctant witness. With regard to these transactions, I am as open as day in my avowals here, and I seek not concealment in my written communications.

I have the honor to be, &c., &c.

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office.*

No. 9.

GENERAL LAND OFFICE, *January* 9, 1829.

SIR: I enclose a copy of an act, approved by the President on the 6th instant, for your instructions as to the extent and meaning of the same.

For reasons stated in the letter to Mr. Sevier, (a copy of which is enclosed,) the 8th section of the act approved on the 24th May last, (page 115, acts of last session,) the persons entitled to the donations therein specified were confined to the settlers on the lands ceded by the treaty ratified the 23d May, 1828, (acts, &c., page 196,) a portion of which lies south of the Arkansas river.—(See the enclosed diagram.*) The question which now arises is whether the 2d section of the present act extends the donations to all persons settled on the lands formerly ceded to the Choctaws, and west of the present west boundary of the Arkansas.

I am, with great respect, your obedient servant,

GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

No. 10.

GENERAL LAND OFFICE, *December* 9, 1828.

SIR: Colonel Benton's letter of the 6th instant in relation to the construction of the 8th section of the act of 28th May last, granting donations to certain settlers in Arkansas, having been submitted to the Secretary of the Treasury, I am requested by him to inform you that, from the view taken by him of that section, two conditions are essentially necessary to entitle a claimant to the donation granted. The first is, that he must have been "actually settled on that part of the Territory of Arkansas which, by the first article of the treaty between the United States and the Cherokee Indians west of the Mississippi,

* Accompanies the original of this report.

ratified the 23d day of May, 1828, has ceased to be a part of said Territory." Secondly. That the claimant shall have removed from such settlement "according to the provisions of that treaty." The third article of the treaty so clearly designates and restricts the settlers to be removed to those who had settled on the land ceded by the 2d section of the treaty to the Cherokees, that he cannot feel himself at liberty to consider any other persons as entitled to the donation, except such as shall have been actually settled on, and shall have removed from, that part of the country ceded to the Cherokees by the 2d article of the treaty; a part of which country lies south of the Arkansas river.

The secretary feels the less embarrassment in adhering to the view which he has taken of the conditions of the act, as there are now two propositions before Congress proposing alterations in the law; and should it have been the intention of Congress to have granted the donation to the settlers on the lands heretofore ceded to the Choctaws, that intention can be more explicitly expressed, and provision also be made for confining those donations to such persons only as were actually settled on those lands previous to the cession of them to the Choctaws.

I am, &c.,

GEORGE GRAHAM.

Hon. A. H. SEVIER, *House of Representatives.*

No. 11.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES, *January* 17, 1829.

SIR: My opinion of the case stated from the land office is, that the act of the 6th instant "respecting the location of certain land claims in the Territory of Arkansas, and for other purposes," is confined to the same class of settlers embraced by the act of the 24th of May, 1828, to wit: to the settlers dislodged by the treaty with the Cherokees of May, 1828.

I have the honor to remain, sir, very respectfully, your obedient servant,

WILLIAM WIRT.

Hon. RICHARD RUSH, *Treasury Department.*

No. 12.

GENERAL LAND OFFICE, *January* 19, 1829.

GENTLEMEN: I enclose for your information a copy of "an act restricting the location of certain land claims in the Territory of Arkansas and for other purposes," passed the 6th instant. The improvements intended to be protected by this act must be of a permanent nature, and not such temporary improvements as may have been made for the purpose of depredating on the public lands by cutting timber, peeling bark, or making sugar camps, &c.

The question arising under the 2d section of this act was submitted to the Attorney General, who has given an opinion that this section does not extend the donations to any other persons than those who were entitled under the 8th section of the act of May last, to wit: "to the settlers dislodged by the treaty with the Cherokees of May, 1828."

I am, &c.,

GEORGE GRAHAM.

The REGISTER and RECEIVER *at Batesville and Little Rock, Arkansas Territory.*

20TH CONGRESS.] No. 732. [2D SESSION.

INDEMNIFICATION FOR LOSS OF CERTIFICATES FOR LAND IN THE GEORGIA COMPANY'S PURCHASE IN THE WESTERN TERRITORY OF THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 9, 1829.

Mr. BERRIEN, from the Committee on the Judiciary, to whom was referred the petition of George Wilson, of Pennsylvania, reported:

That by the documents submitted to them, it appears that the petitioner was the proprietor of two several certificates, granted by the then treasurer of the State of Georgia, bearing date August 3, 1795, one purporting to have received from James Harper the sum of eleven hundred and fifty-one dollars and ninety-five cents, in full for sixty-one thousand seven hundred and eleven acres of land, held as citizens' rights, in the Georgia Company's purchase of the western territory of that State—and the other the sum of one hundred and eighty-six dollars and sixty-six and two-third cents, for ten thousand acres of land in the Tennessee Company's purchase in the same territory; that these original certificates were lost by an agent of the petitioner, under circumstances which are fully explained, and supported by sufficient evidence, and that in consequence of such loss the petitioner was unable to present his claim to the commissioners appointed under the act "providing for the indemnification of certain claimants of public lands in the Mississippi Territory," passed March 31, 1814.

The object of the petitioner is to obtain now the indemnification to which he would have been entitled under the aforesaid act, on his compliance with the requirements of the same. The committee having satisfied themselves, from an examination of the evidence produced to them, of the existence and loss of the original certificates described in the petition, and that the petitioner would have been entitled to indemnification therefor under the act of 1814, if he had presented his claim to the commissioners appointed to carry the said act into effect, and had in other respects complied with the provisions of the same ; and that Congress have already, by an act passed on April 16, 1818, in behalf of the representatives of George Pearson, extended relief in a similar case ; and having, moreover, ascertained by inquiry at the proper department, that a considerable balance of the sums appropriated by the aforesaid act for the indemnification of the holders of claims denominated citizens' rights, and also of the holders of claims in the Tennessee Company, remain unexpended in the treasury of the United States, have considered that the prayer of the petitioner is reasonable, and that it ought to be granted.

By referring to the secretary of the board of commissioners under the act of 1814, the committee have ascertained that the indemnification which was allowed to the holders of citizens' rights in the purchase of the western territory of the State of Georgia was at the rate of twelve and a half cents per acre. The number of acres called for by the scrip held by the petitioner being 71,711 acres, the amount to which he is entitled is $8,963 87½ cents, for which sum they accordingly report a bill.

20TH CONGRESS.] No. 733. [2D SESSION.

APPLICATION OF INDIANA CLAIMING ALL THE PUBLIC LANDS IN THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 10, 1829.

Resolved by the general assembly of the State of Indiana, That this State, being a sovereign, free, and independent State, has the exclusive right to the soil and eminent domain of all the unappropriated lands within her acknowledged boundaries, which right was reserved for her by the State of Virginia, in the deed of cession of the Northwestern Territory to the United States, being confirmed and established by the articles of confederacy and the Constitution of the United States.

That our senators in Congress be instructed, and our representatives requested, to use every exertion in their power, by reason and argument, to induce the United States to acknowledge this vested right of the States, and place her upon an equal footing with the original States, in every respect whatsoever, as well in fact as in name.

That his excellency the governor be requested to transmit a copy of this resolution to each of our senators and representatives in Congress, and to each of their excellencies the governors of each of the following States, to wit : Ohio, Illinois, Missouri, Mississippi, Louisiana, and Alabama, requesting them to lay it before the legislatures of their respective States for consideration, requesting them to adopt similar measures if they should deem it expedient.

ISAAC HOWK, *Speaker of the House of Representatives.*
M. STAPP, *President of the Senate.*

Approved January 9, A. D. 1829.

J. BROWN RAY.

20TH CONGRESS.] No. 734. [2D SESSION.

CORRECTION OF ERROR IN PATENT FOR BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 12, 1829.

Mr. ISACKS, from the Committee on the Public Lands, to whom was referred the bill from the Senate, entitled " An act for the relief of Alexander Cunningham," reported:

That though it appears by the letter of the Commissioner of the General Land Office, of the 9th of January last, that an error was committed in making out the grant for the military bounty of said Cunningham's father, whereby a quarter section of land was inserted that had previously been granted, yet it is also shown, and so understood, that this error might now be corrected in the office, and a new patent be issued for the quarter section for which the warrant issued; and the committee do not consider that another quarter section ought to be selected or drawn for, especially as it appears from the evidence before them that the person to be benefited by the relief is not the grantee, or his heir-at-law, but an assignee of the title. They therefore recommend the rejection of the bill.

GENERAL LAND OFFICE, *January* 9, 1829.

SIR: The following is a statement of the conflicting claim of Ward Eldred and —— Foster, to the northeast quarter of section 12, in township 8, south of range 4 west, in the military district of Illinois, viz:

On the 8th December, 1818, warrant No. 19962, in the name of Alexander Cunningham, father and heir-at-law of Francis Cunningham, under whom Ward Eldred claims, was located on the northwest quarter of section 12, 8 south, 4 west.

The entry in the location book, the indorsement on the notification, and the record of the patent, all correspond with this location; but in filling up the patent for A. Cunningham, the words north*east* quarter were erroneously substituted for the north*west* quarter. On the same day the northeast quarter of same section, township, and range, was located by warrant No. 19492, in the name of George Thompson, and conveyed by him to a certain —— Foster, who has improved and occupies the same, as stated in the petition of Ward Eldred.

A new patent can be issued to *Alexander Cunningham* for the north*west* quarter, on the surrender of the patent erroneously issued for the north*east* quarter.

Should this tract (northwest quarter) have been sold for taxes, the sale will not be legal, because no patent had in fact issued for that tract, although it has been reported to the auditor of the State to have been located by Cunningham's warrants.

The patents in the name of A. Cunningham and George Thompson, the conveyance of Cunningham to Ward Eldred, and his petition, are returned.

I have the honor to be, sir, your obedient servant,

GEORGE GRAHAM.

Hon. E. K. KANE, *Senate.*

20TH CONGRESS.] No 735. [2D SESSION.

SPANISH AND FRENCH ORDINANCES AFFECTING LAND TITLES IN FLORIDA AND OTHER TERRITORIES OF FRANCE AND SPAIN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 13, 1829.

To the Senate and House of Representatives of the United States:

By the act of Congress of the 23d of May last, "supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," provision was made for the final adjudication of such claims by the judges of the superior courts of the districts wherein the lands claimed respectively lie, and by appeal from them to the Supreme Court of the United States; and the attorneys of the United States, in the several districts, were charged with the duty, in every case where the decision should be against the United States by the judge of the superior court of the district, to make out and transmit to the Attorney General of the United States a statement containing the facts of the case, and the points of law on which the same was decided; and it was made the duty of the Attorney General, in most of those cases, to direct an appeal to be made to the Supreme Court of the United States, and to appear for the United States and prosecute such appeal. By the same act the President of the United States was authorized to appoint a law agent to superintend the interests of the United States in the premises, and to employ assistant counsel if, in his opinion, the public interest should require the same.

In the process of carrying into execution this law, it was the opinion of the Attorney General of the United States that a translated complete collection of all the Spanish and French ordinances, &c., affecting the land titles in Florida, and the other Territories heretofore belonging to France and Spain, would be indispensable to a just decision of those claims by the Supreme Court. At his suggestion, the task of preparing this compilation was undertaken by Joseph M. White, of Florida, who was employed as assistant counsel on behalf of the United States. The collection has accordingly been made, and is deposited, in manuscript, at the Department of State, subject to such order as Congress may see fit to take concerning it. The letter from Mr. White to the Secretary of State, with a descriptive list of the documents collected and thus deposited, is herewith transmitted to Congress.

JOHN QUINCY ADAMS.

WASHINGTON, *February* 11, 1829.

No. 1.

WASHINGTON, *February* 4, 1829.

SIR: I have the honor to submit for your examination a collection of laws, ordinances, and local regulations, adopted from time to time by the government of Spain, touching the disposition of public lands in her colonies, compiled under the direction of the President of the United States.

In presenting the result of my labors, I beg leave to offer a short sketch of their origin and progress, that a better knowledge of the importance and difficulty of the subject may bespeak for the errors of my work the indulgence they will require.

By the cessions of Louisiana and Florida the United States succeeded to the territorial rights and

obligations of Spain in these provinces. In acquiring the public domain the duty of protecting the rights of individuals devolved on them. To dispose of one it was necessary to ascertain the other. The inhabitants of the ceded countries were secured in their lawful possessions by express treaty stipulations, the fulfilment of which were imperiously demanded, both by national interest and national honor.

Various attempts were made by the legislature of the Union to provide for the separation of private from public property, to restore confidence, and to quiet men in their possessions. To a certain extent they have been attended with the happiest effects. The labors of commissioners charged with the duty of investigating the landed titles derived from the former government, and the subsequent legislation of Congress in confirming a vast mass of claims which had been favorably reported upon, did much towards redeeming the plighted faith of the nation and promoting the prosperity of the ceded territories, while they enhanced the value of the public lands, and increased the revenue derived from them.

It is not to be disguised, however, that much yet remains to be done in compliance with the terms and spirit of the cession, and for the security of the interests of the United States.

It has been computed that the unadjusted land claims in Louisiana, Alabama, Missouri, Arkansas, and Florida, yet cover ten or twelve millions of acres. Their validity depends upon principles of Spanish law, local usages, and the construction of treaties, which, sooner or later, must be investigated and determined before the judicial tribunals of the country.

In Arkansas and Missouri a reference of these claims to the courts for adjudication was authorized, some time since, by Congress. In the former, it is understood, considerable progress has been made in determining the validity of titles presented; in the latter a small number only have been definitively acted on. The same question has been differently decided by the courts of the State and of the Territory; and in the former the applicants for confirmation have withdrawn their petitions to await the final decision of the Supreme Court upon a leading question, decided adversely to their interests in the inferior tribunal. No act has, as yet, been passed for the final adjustment of private land claims in the States of Louisiana, Mississippi, and Alabama. The magnitude of the grants, the variety of conflicting interests, the number of settlers, and intricacy of the whole subject, have hitherto induced Congress to forbear extending to Louisiana the provisions of the Missouri act, and rendered abortive all attempts on the part of that State to procure the termination of these long-protracted controversies. In the meantime the individual claimants have repeatedly applied to the federal legislature, by petition, for a confirmation of their titles. The impossibility of thus settling numerous and perplexed questions of private right, depending upon foreign law, seems now to be generally admitted; and the refusal of Congress to invest the judicial tribunals with authority to determine them, if it be not a denial or delay of justice, is, at least, a measure of doubtful policy. Though the claimants can institute no process against the United States, the moment they part with their title to individuals a suit may be commenced against the purchaser. In order to avoid the inconveniences arising from a sale under such circumstances government declines bringing the lands into market, and the result is often alike prejudicial to both parties.

By the 8th article of the treaty of cession, which transferred the Floridas from Spain to the United States, the latter obliged themselves to confirm the inhabitants in their possessions. The necessity of fulfilling this obligation, the annulment of the large grants of Alagon, Punon Rostro, and Vargas, and the confirmation of the smaller concessions by repeated acts of legislation, prepared the way for the law of the last session, by which the claimants to lands in Florida were authorized to bring their titles at once to the test of judicial scrutiny. The magnitude of the controversy excited the vigilance of Congress, and while provision was made for the speedy termination of these claims upon principles the most just and liberal, the interests of the United States were most watchfully guarded.

The President was authorized to engage assistant counsel; and, during the last summer, I had the honor to receive a letter, written by his direction, proposing to engage my professional services.

Subsequently, on my return from Quebec, I received, in New York, another communication, enclosing the copy of a letter from the Attorney General, containing the following suggestion:

"I beg leave to suggest that it will be very important to have a complete collection of all the Spanish and French ordinances, &c., affecting the land titles in Florida, and the other Territories and States formerly belonging to the crown of Spain and France at different times. Such a collection will be indispensable to a just decision of these claims by the Supreme Court. If Colonel White could be induced to compile such a collection, with an accurate index, it would be of inestimable value in the controversies, and the expense of printing a full edition would be well bestowed by the government. Such a work seems to me to be imperiously called for by all the courts and all the counsel who will have to act on this interesting subject; and the value of the subject at stake, as well as the activity with which these claims will be urged against the United States, require that no time should be lost in making the collection. Such a work would be of infinitely more value than the assistance of any counsel that could be commanded in the argument of the causes."

It was not without the most unfeigned diffidence I entered on the execution of the task thus proposed to me. My reluctance arose from a knowledge of the difficulties of the subject; the magnitude of the interests involved; the nature and policy of the Spanish government; the obscurity of the laws of Spain; and the want of access to books and documents illustrative of this portion of Spanish jurisprudence. This reluctance was increased, rather than diminished, by an experience of several years, acquired in the office of the United States Commissioner for the adjudication of land claims under the Florida treaty. In common with every jurist and statesman, whose duties have led him to an examination of such topics, I had felt, at every point, the want of authentic information; but to feel this deficiency was much easier than to supply it. Though repeatedly acknowledged by committees of Congress, by judges, commissioners, and other officers of government, nothing had yet been done toward collecting the scattered materials of a compilation like the present, from a thousand different sources, accessible only to the most patient industry. I was encouraged to the undertaking only in consequence of having, while in the office referred to, preserved copious notes of all the general laws and local ordinances, read or quoted, and procured copies of various official letters, decrees, proclamations, and other important public documents.

To have withheld these sources of knowledge from the public would scarcely have been just to the government or the claimants; to have intrusted their revision and arrangement to other hands than my own would have endangered their correctness, and impaired their utility. Preferring to be amenable only for my own mistakes, and willing to encounter the responsibility which belonged to such an enterprise, rather than forfeit the just share of reputation to which my contributions might be entitled, I entered on the execution of the work with a sincere distrust indeed of my own abilities, but a perfect assurance that those who could best appreciate its defects would always be the most ready to treat them with indulgence.

Considering that the portions of the Spanish law thus collected and embodied were hereafter, in all human probability, to have an extensive and material influence, not merely in the adjustment of claims to ten or twelve millions of acres of land, in which the United States are concerned, but also in the settlement of litigation between individuals holding conflicting titles; considering, also, that, while the public domain was to be protected on the one hand, the public faith was to be preserved on the other, I have not felt myself at liberty, in making my selections, to omit anything which, according to my apprehension, could be of consequence to either party.

Allow me, even at the risk of exhausting your patience, to state as briefly as possible the nature and extent of my researches, at least so far as they have led to the acquisition of valuable materials, omitting such as have proved fruitless, or comparatively unimportant.

For the purpose of ascertaining the extent of the information already in possession of the government, I carefully examined all the reports of the various boards of commissioners, from their first organization to the present time. It was only among the more recent of these ponderous masses of manuscript that I found any reference to the laws or ordinances of the country from which the titles in controversy were derived. In general, the cases followed each other in the order in which they were decided, without system or classification. Seldom could any uniform rules of decision be extracted from them, and the correctness of the few adopted was more than questionable, since they frequently consisted of common law principles applied to rights arising out of a different system of jurisprudence, and under a government whose organization, forms, and policy, have little resemblance to those, the maxims of which were thus made tests of excellence, or standards of comparison.

The instructions of Mr. Gallatin, and the report of Mr. Crawford, were also examined with anxious attention. I found, however, that they related chiefly to the interpretation which should be given to our own statutes providing for the adjudication of these claims, and the manner of their settlement, rather than to the treaties and ordinances under which they were to be decided.

In the hope of procuring some light upon the subjects of this compilation, various histories of Spain and of her colonies have been consulted. From these sources little information can be gained with reference to the law of real property, or the organization, powers, and duties, of the local authorities.

The jealousy of the mother country seems for a long time to have shrouded her colonial policy in studied obscurity; and when, at a late period, her provinces were opened to the inquiries of intelligent strangers, this branch of their history attracted little attention. No historian, commentator, or traveller, whose works have fallen within my reach, has attempted to present anything even professing to be full or satisfactory on the subject.

In the early settlement of the American colonies, conflicts with the aborigines, and, subsequently, the contention of European powers for colonial and commercial aggrandisement, prevented uniform legislation or regular systems of government. The accounts which have descended to us of Cortez, Fernando de Soto, and their contemporaries and immediate successors, are little more than chronicles of battles, conquests, or massacres; records of suffering, peril, and adventure. When, in the further progress of the colonies, some traces of their civil history appears, when their local ordinances were framed, and their territorial limits defined, the provinces of Spain were not regulated by charters and commissions, like those of France and England. The obscurity which veils their origin has continued, in some measure, to envelope their policy to the present day.

I find, indeed, in an account of the election of Cortez as president, some mention of an intended application to Don Carlos to ratify it, and subsequently his appointment by the Emperor Charles V to be captain general of New Spain. Soon afterwards, a royal audience [audiencia real] was appointed, and charged with the administration of the civil affairs of the country.

From the appointment of the first viceroy of New Spain, however, to the year 1701, I have met with no specification of his powers; no authentic detail of his subordinate authorities, nor any code of laws or system of regulations relative to concessions of the royal domain.

The viceroyalty was divided into three provinces and twelve intendancies; but these appear to have been political divisions of an entirely different character from others of the same name, adopted by the King of Spain during the last century. In the works of Clavigero, Humboldt, and Bonnycastle, statements of the revenues of New Spain are given. Nothing appears to have accrued from the sales of lands; from which it may, perhaps, be inferred that they were granted gratuitously.

In the history "*de las Provincias Internas*," extensive grants are spoken of; but whether made by the King in person, or a subordinate authority, does not appear.

The Emperor Charles V granted to a company of Weltzers, a German establishment of Augsburg, the sovereignty of the province of Venezuela, from Cape Vela to Maracapua.

Humboldt mentions that a small number of powerful families possess a great part of the shores of the intendancies of Vera Cruz and San Luis Potosi; and adds, that no agrarian law forces these extensive proprietors to sell their estates—*mayorasgos*.

Whether these grants were absolute or conditional, in the nature of fiefs, or merely for the encouragement of settlement and cultivation, I have found no means of ascertaining.

There are in Cuba a captain general, intendant, and superintendent general, and eighteen governors of districts, all authorized, in some form, and to some extent, to make grants or allotments of lands. Their powers, in many cases, depend on instructions, official letters, and decrees of the King, captain general, or intendant general, addressed to these respective subordinate departments. West Florida, as is well known, was a dependency of the government of Louisiana; and East Florida was attached to the intendancy of Cuba. To remove, as far as practicable, the perplexity of this branch of the subject, I extended my inquiries to Cuba, and received from thence some official letters, decrees and commissions; and have also obtained whatever authentic papers of this description the archives of Louisiana, and of East and West Florida, afforded.

By direction of the President, I have also collected some documents relative to claims derived from the former British government of West Florida. These claims cover more than a million of acres of land, and appear to be entirely unfounded in law or equity. They are urged upon our government for confirmation, in consequence of a precedent most erroneously and unfortunately established in the settlement of the land claims of Mississippi. Independent of any public act of the Spanish government, these claims, it would seem, were absolutely void at the expiration of the period allowed to the inhabitants of the ceded territory, by the treaty of 1783, for their removal and the disposition of their lands.

If Spain then extended to them some indulgence, in consequence of the value of their possessions, the forfeiture, it is apprehended, was only postponed to the expiration of the period allowed by her liberality.

The justice or policy of the conditions imposed on the inhabitants of Florida by the third article of the treaty between Spain and England, was it is believed, a matter exclusively between those two powers. The United States were neither parties nor privies to the compact; they derived no benefits from, and incurred no responsibilities under it. The treaty was contemporaneous with the acknowledgment of our independence. The invasion by Spain, the surrender and evacuation of the Floridas—all happened while both Spain and the United States were at open war with England. The condition imposed by Spain on England in the cession was the same imposed by the latter on the former in the treaty of 1762. There were numerous precedents of a similar description, all of which have been considered entirely consistent with the established principles of international law. These claims are advanced against the United States after a lapse of forty-five years, and they have been confirmed in the State of Mississippi, whenever the land which they covered had not been regranted by Spain. If it be true that his Catholic Majesty, or his lawful authorities, could rightfully concede the lands which were comprehended in these titles, there can, it is presumed, be little doubt that the cession, in "full property and absolute dominion," of all the territory not granted, conveyed to the United States a title as perfect and indefeasible as any Spain could have conferred upon her own subjects. My province, however, is neither to argue nor decide the question; and I content myself with annexing such documents as exhibit the light in which these titles were regarded by the Spanish authorities.

To avail myself of every facility towards making the researches called for on the faithful execution of this arduous commission, I addressed letters to two learned professors in the universities of Cambridge and Virginia, requesting an examination of the different works in the libraries of each, and translations of whatever might be found connected with the subject. To each I sent a schedule of the ordinances of a general nature referred to in the proceedings of the Spanish tribunals, and of the various boards of commissioners appointed under the laws of the United States. For the assistance and courtesy extended to me by both these gentlemen I owe them my sincere acknowledgments. I am also indebted to a gentleman of great learning and research in Florida for translations of such parts of the Recopilacion de las leyes de los Reynos de las Indias, as related to real property. They have been compared in the Department of State by the authorized translator of the government, and approved.

The Curia Philipica and Febrero Adicionada was found to contain nothing worthy of being presented under my instructions. No reference has been made to the partisans of Don Alonzo, as there is a translation of the work accessible to those who may desire to refer to it.

The compilation which I now send to your department is—

1st. An ordinance establishing the Council of the Indies, dated in 1524, in Spanish, with a translation, to be found in a work entitled "Ordenanzas del Consejo Real de las Indias Neuvamente recopiladas, y por el Rey Don Felipe Quarto."—(Published at Madrid in 1681.)

2d. Various laws, ordinances and decrees, in relation to the organization of Spanish tribunals, the form and authentication of Spanish documents, and the various duties and responsibilities of governors, intendants, and tribunals, relating to the concessions of lands, from a work entitled "Recopilacion de leyes de los Reynos de las Indias mandadas imprimer y publicar por la Majestad Catolica del Rey Don Carlos II."—(Folio; printed in 1756: and again printed in two subsequent editions, 1774 and 1791.)

3d. Extracts on the same subject from the "Novissima Recopilacion de las leyes de España, dividada in XII libros, en que se reforma la Recopilacion publicada por el Señor Don Felipe II, y se incorporan las pragmaticas, cedulas, decretos, ordenes y resoluciones Reales, y otras providencias no recopiladas, y expedidas hasta el de 1804, mandada formar por el Señor Don Carlos IV."—(Printed in Madrid in 1805.)

4th. Extracts from a work entitled "Real Ordenanza para el establicimento y instruccion de Intendantes," &c.—(Printed at Madrid in 1786.)

5th. Decretos del Rey Don Fernando Septimo, from his restoration in 1814 to the end of 1816.—(Printed in Madrid.)

6th. Extracts from the Institutes of the civil law of Spain, by Doctors Don Ignatius Jordan de Asso y del Rio and Don Miguel de Manuel y Roderiguez, with references to the book and chapter of all the most approved writers, compilers, and commentators on Spanish laws.

7th. Treaties relating to the subject of this compilation.

8th. Commissions, official letters, decrees, proclamations, instructions, and regulations of the officers, captains general, intendants, governors, and sub-delegates in Louisiana and the Floridas.

9th. Some papers showing the absolute nullity of the titles derived from the former British government of West Florida, in Louisiana, Mississippi, Alabama and West Florida, and those in East Florida, derived from the provincial government there.

The general laws above specified have been translated or compared by the authorized translator at the Department of State, and those of a local character by those whose accuracy cannot be questioned; the originals, whenever it was practicable, were deposited in the department.

I sought assiduously, but have been unable to discover, a record or notice of the proceedings upon some grant or concession which had been made by a captain general, intendant or governor, and disapproved of by the King. I have been unable to ascertain whether any such exist. In the limited time, and with the limited means allowed me, it is impossible to prosecute my inquiries more extensively than I have done. How far the objects of the government and the ends of justice may be subserved by researches instituted at Madrid, under the permission of the King of Spain, among the archives of the Council of the Indies, is respectfully submitted.

Having stated the origin of the work with which I have been charged; having sketched its plan; given some account of the labor and difficulty of its execution, I may, I trust, be excused from palliating its faults, or insisting on its merits. Let it be permitted to me merely to say, that no pains have been spared to render it correct and useful: of its necessity there can be no doubt. The numerous inquiries I have had concerning its progress, the solicitude evinced for its completion; and the anxiety to procure copies, sufficiently attest the interest it has excited. In the hope that it may not disappoint the reasonable expectations of the government and the public; and that, whatever may be its deficiencies, it will in the main facilitate the administration and attainment of justice, I ask for it your candid consideration; and

Have the honor to subscribe myself, with the highest respect, your most obedient servant,

JOS. M. WHITE.

Hon. H. CLAY,
Secretary of State of the United States.

DESCRIPTIVE LIST OF DOCUMENTS.

No. 1. A letter to the Secretary of State, explaining the object of the commission confided by the President, and the performance of the duties.

No. 2. An ordinance of the King of Spain, establishing the Council of the Indies for the government of his transatlantic dominions.

No. 3. A translation of so much of the "compilation of the laws of the kingdoms of the Indies," (Recopilacion de las leyes de los Reynos de las Indias,) as relates to the organization of the tribunals, the powers of the different officers of government, and the grants of public lands in the American possessions of the crown of Spain.

No. 4. Royal ordinance, given at San Lorenzo el Real, October 15, 1754.

No. 5. A royal ordinance referring to and declaring in force, with some extensions amd restrictions, those of Don Philipe Quinto and Don Ferdinand VI, of the 4th of July, 1718, and the 13th of October, 1749.

No. 6. Extracts of so much of the royal ordinance for the establishment and instruction of the intendants of the army and province in the kingdom of New Spain as relates to the subject, with sections, numbers and titles.

No. 7. Extracts from the institutes of the civil law of Spain, by Doctors Don Ignatius Jordan de Asso y del Rio and Don Miguel Manuel y Roderiguez, containing numerous references and extracts.

No. 8. Extracts from book 2d, part 2, of the Royal Exchequer.

No. 9. Copies of various laws and ordinances prescribing the duties of the subordinate officers of the crown of Spain.

No. 10. Oath to be taken by the governor, as directed by the laws of the Indies; book 5, chapter ii.

No. 11. Translation from the Novissima Recopilacion de las leyes de España, containing the orders, decrees, royal resolutions, and other provisions not before compiled, down to 1804.

No. 12. Translation of law 4, title 8, book 11, of the Recopilacion in relation to possession in cities, towns and villages, and other laws in reference to inheritance or estates, called Mayorasgos.

No. 13. Translations from the work, entitled "Decretos del Rey Don Ferdinand VII."—(Printed at Madrid, 1816.)

No. 14. An official despatch of the King, given at San Idlefonso, on the 24th of August, 1770, on the subject of the letter and instructions of Don Alexandro O'Reilly, lieutenant general and governor of Louisiana.

No. 15. Some laws relating to primogeniture or inheritance, trusts, and rights of presentation, containing various articles published at Puerte Principe by the King.

No. 16. An official communication of the 3d of July, 1816, announcing the appointment of Don Alexandro Ramirez, as intendant and superintendent general of Cuba.

No. 17. A letter from the intendant of Cuba, notifying an accord between the captain general and intendant, on the subject of jurisdiction, 26th August, 1816.

LOUISIANA.

No. 18. A part of the grant to Crozat.

No. 19. Treaty of San Idlefonso, by which Spain ceded Louisiana to France.

No. 20. Royal order of Don Carlos for the delivery of Louisiana, given at Barcelona on the 15th of October, 1802.

No. 21. The proclamation of Don Manuel Salcedo and Don Sebastian Calvo de la Puerta y O'Ferrill, Marquis of Casso Calvo, commissioners of his Catholic Majesty for the delivery of Louisiana, dated 18th of May, 1803.

No. 22. The act of delivery of the province of Louisiana by Spain to France, by the above-mentioned commissioners, to Citizen Pierre Clement Lausat, colonial prefect and commissioner of the French republic.

No. 23. Treaty between the French republic and the United States for the cession of Louisiana.

No. 24. A letter of the colonial prefect, Lausat, to Intendant Morales, informing him of despatches from the First Consul, informing him of the cession.

No. 25. Act of delivery to the United States, and letter of the United States commissioners announcing the same, dated 20th December, 1803.

No. 26. Regulations of Don Alexandro O'Reilly, governor and captain general, and of Governor Don Manuel Gayoso de Lemos, and of the Intendant Morales, for the allotment and concession of lands in Louisiana.

No. 27. Several royal orders of the King of Spain, given at San Lorenzo and Aranjuez, in relation to lands in Louisiana, between the years 1798 and 1804.

No. 28. A report on some claims in the western district of Louisiana, by the United States commissioners, taken from the records at Opelousas.

No. 29. A list of the governors of West Florida, with the date of their commissions, taken from the public archives.

No. 30. A letter of Don Gardoqui, announcing the appointment of Vincente Folch, governor of West Florida, dated at San Idlefonso, 26th of September, 1795.

Nos. 31, 32, 33, 34, 35, 36. Official despatches, letters, orders, and decrees of the governor, captain general, and other authorities of the King of Spain, in relation to the grants of land in the Floridas.

No. 37. Proceedings of the provisional deputation of Havana in regard to lands in East Florida.

No. 38. Letter of Governor White, announcing that he had taken command of East Florida, 20th July, 1796.

No. 39. Letter from the captain general to the governor, communicating the royal order encouraging a trade in naval stores, &c.

No. 40. Appointment of Estrada as governor of East Florida.

No. 41. Commission of Don José Copinger, governor, &c.

No. 42. An authenticated copy of various orders, decrees, and local ordinances in East Florida.

No. 43. Treaty of 22d February, 1819.

No. 44. Extracts from the treaty of 1763, and the proclamation of the same date.

No. 45. An ordinance of the British government in relation to claims in Florida, and a report thereon, and a decree of the governor in relation thereto.

No. 46. Extracts from treaties between Great Britain and the Indians, of 26th March, 28th of May, and 18th of November, 1765.

No. 2.

Ordinance establishing the Council of the Indies.

Que el consejo real de las Indias resida en la Corte, y tenga los ministros y officiales que esta Ordenança declara:

Considerando los grandes beneficios y mercedes, que de la benignidad soberana avemos recibido, y cada dia recebimos, con el acrecentamiento y ampliacion de los Reynos y Señorios de las nuestras Indias; y entiendo bien la obligacion y cargo que con ellos se nos impone, procuramos de nuestra parte (despues del favor divino,) poner medios convenientes para que tan grandes Reynos y Señorios sean regidos y governados como conviene. Y porque en las cosas de Dios N. S. y bien de aquellos Estados se provea con mayor acuerdo, deliberacion, y consejo, establecemos y ordenamos que siempre en Nuestra Corte resida cerca de Nos el nuestro Consejo de las Indias, y en él un Presidente dél, el Gran Canceller de las Indias, que ha de ser tambien Consejero, y los Consejeros Letrados, que la occurrencia y necessidad de los negocios demandaren, que por ahora sean ocho, un Fiscal, y dos Secretarios; un Teniente de Gran Canciller, que todos seã personas aprobadas en costumbres, nobleza y limpiera de linage, temerosos de Dios, y escogidos en letras, y prudencia; tres Relatores y un Escribano de Camara de Justicia, expertos y diligentes en sus oficios, y de la fidelidad que se requiere; quatro Contadores de Cuentes habiles y suficientes; y un receptor de las penas de Camara, y condenaciones, y depositos; dos Solicitadores Fiscales; un Coronista mayor y Cosmografo, y un Catedriatico de Matematico; un Tassador de los processos; un Abogado, y un Procurador de pobres; un Capellan que diga Missa al Consejo en los dias dél; quatro Porteros, y un Alguazil; los quales todos sean de la habilidad y suficiéncia que se requiere; y antes de ser admitidos á sus oficios hagan juramento de que los usurán bien y fielmente, y quadaran las ordenanças del Consejo, hechas, y que se hizieren, y el secreto dél.

[The above was found in the "Ordonanças del Consejo Real de las Indias. Nuevamente recopiladas, y por el Rey Don Felipe Quarto, para su Govierno, establecidas, Año de MDCXXXVI." Published at Madrid, 1681.]

[Translation.]

That the royal Council of the Indies may reside in the court, and have the servants and officers which this ordinance declares:

Considering the great benefits and advantages which, by the grace of God, we have received, and every day do receive, from the increase and growth of the kingdoms and dominions of our Indies; and, being well advised of the obligation and duty towards them, which this imposes upon us, we are solicitous, on our part, (with God's assistance,) to devise suitable means by which such great kingdoms and dominions may be governed and ruled in a proper manner. And in order that we may provide with the greater judgment, deliberation, and prudence, in matters relating to religion and the good of these States, we establish and ordain that our council of the Indies may always reside in our court, near our person, and in it a president thereof, a grand chancellor of the Indies, who must also be a counsellor; and the counsellors learned men, which the business to come before them will necessarily require, of whom, for the present, there may be eight: a chancellor of the exchequer and two secretaries; a deputy grand chancellor; all of whom must be men of approved morals, of noble and pure lineage, fearing God, and eminent for their learning and prudence; three reporters, and a clerk of the chamber of justice, skilful and diligent in the discharge of their offices, and of approved fidelity; four auditors of accounts, able and competent persons, and a receiver of the fines imposed by the chamber, and confiscations and deposits; two fiscal solicitors; a chief chronicler and cosmographer, and a professor of mathematics; an assessor of suits; an advocate and proctor of poor persons; a chaplain, who may say mass to the council on the days for it; four porters and a constable, who must all be men of the requisite ability and qualifications; and, before being admitted to their offices, they shall take an oath that they will discharge them well and faithfully, and that they will keep the ordinances of the council, those already made and those which shall be made, and the secret of it.

No. 3.

TRANSLATIONS FROM THE RECOPILACION DE LEYES DE LAS INDIAS.

Translation of so much of the "Compilation of the laws of the Kingdoms of the Indies," (recopilacion de las leyes de los Reynos de las Indias,) as relates to the organization of the tribunals, the powers of the different officers of government and the grants of public lands in the American possessions of the Crown of Spain.

Prefatory act declaratory of the authority given to the laws contained in this compilation.

I, Don Carlos, by the grace of God, King of Castile, Leon, Aragon, of the Two Sicilies, of Jerusalem, Navarre, Grenada, Toledo, Valencia, Gallicia, Mallorea, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Algesiras, Gibraltar, of the Canary Islands, the East and West Indies, of the islands and continents of the ocean; Archduke of Austria, Duke of Burgundy, Brabant, and Milan; Count of Apsburg, Flanders, Tyrol, and Barcelona; Lord of Biscay and Molina, &c., to the dukes, counts, marquisses, nobles,

and to the presidents, governors, grand chancellor, and members of our council of the Indies; to our viceroys, presidents, auditors of our royal audiences, governors, magistrates, (corregidores,) superior and ordinary alcaldes, and others; our judges and justices, accountants, and officers of the royal treasury of these our kingdoms of the Indies, islands, and continents of the ocean, our priors and consulates of Seville, Mexico, and Lima, and to our president and judges, and the learned of our court of *contratacion* of Seville; generals, admirals, captains, and other ministers and officers of our armadas, fleets, merchant ships and vessels employed in the commerce of the Indies, and to all other persons whom the tenor of these, our letters, does or may concern:

Know ye, that from the discovery of our West Indies, islands, and continent of the ocean, our first and principal desire, and that of the Kings, our glorious ancestors, having been to enact laws by which those kingdoms might be governed in peace and justice, many letters, charters, provisions, ordinances, instructions, acts of government, and other public acts, have been issued, which, owing to the remoteness of some provinces, have not come to the notice of our subjects, in consequence of which, great injury may have accrued to the good government, and to the rights of the parties interested; and we, on our part, being anxious to remedy these inconveniences, and taking into consideration the great diversity of matters, and the number and intricacy of subjects, it being, besides, expedient that all that we shall provide and determine be made known to all, in order that they be made acquainted with the laws by which they are governed, and to which they are to conform in matters of government, justice, war, finance, and others, and with the penalties incurred by offenders against those laws; having caused a careful and diligent examination to be made of the books in our offices, and of all the public acts, which, through so long a lapse of time, have become excessively numerous; having seen that some books and volumes, both printed and manuscript, which do not contain that authenticity, weight, arrangement, and clearness, required by our royal enactments, are inadequate and unfit to form the basis of decisions in any matter whatsoever; and that the Kings, our ancestors, had directed and commanded a digest to be made of all matters and final decisions, which had been enacted and determined down to their time, and particularly to the years one thousand five hundred and fifty-two, and one thousand five hundred and sixty: various commissions were given to Don Luis de Velasco, our viceroy to New Spain, at the instance of Doctor Francisco Hernandez de Liebana, fiscal [attorney] of our council of the Indies, directing him to cause a collection to be made of all the letters, enactments, and chapters in the charters, concerning the good government and administration of justice in our royal tribunal [audiencia] of Mexico, that the same might be printed, who committed the execution of this duty to the Licentiate Vasco de Puga, auditor [oidor] of the said tribunal, by whom a volume of ordinances [cedulas] was digested and published in the year one thousand five hundred and sixty-three. Don Francisco de Toledo having subsequently been appointed viceroy of Peru, with special instructions forthwith to cause a compilation to be made of all the ordinances [cedulas] which he might find; he directed that they should be collected into one volume, divided into titles, and arranged in order of matter; but these directions were not carried into effect, it being deemed more proper that the work should be completed within these kingdoms, where, in the year one thousand five hundred and seventy, the King, Don Felipe the Second, caused a declaration and digest to be made of the regulations enacted for the good government of the Indies, in order that they might all be known and understood, suppressing such as were unnecessary, and supplying others which were wanting, promulgating and explaining such as were susceptible of doubtful meaning, or repugnant in themselves, and dividing them into titles and under general heads. Of this work there was only printed and published the title relating to the council and its ordinances, whose provisions were promulgated, and commanded to be enforced by an ordinance of the twenty-fourth of September, one thousand five hundred and seventy-one; and, in order to supply the deficiency caused by the important engagements of our council, orders were given to Diego de Encinas, clerk in the secretary's office, to transcribe the enactments, ordinances, (cedulas) chapters in the ordinances, and letters issued and delivered at different times, down to the year one thousand five hundred and ninety-six, which formed four printed volumes, but which, owing to their not being divided and arranged in a proper manner, have not yet answered the desired purpose of a well digested compilation. In the year one thousand six hundred and eight, Count de Lemus being then president of the council, a commission was appointed and a place designated where the Licentiates Hernando Villagomez and Don Rodrigo de Aguiar y Aucuña, of the same council, were to proceed to execute that work, and to settle all doubtful matters; but the stated duties of their offices did not permit of its being completed, and although its president, the Licentiate Don Fernando Carillo, used particular exertions to promote that object the same causes prevented its completion. As it was, however, so necessary and important its further prosecution was committed to the Licentiate Don Rodrigo de Aguiar, assisted by the Licentiate Don Antonio de Leon, a learned judge of the court of *contratacion* of the Indies. In the year one thousand six hundred and twenty-eight, while this great work was progressing, the book, which has to this day been in circulation under the title of summary of the general compilation of the laws, was ordered and published for the purpose of promulgating the resolutions and decisions which it contained. After the decease of Don Rodrigo de Aguiar, the work was continued by Doctor Don Juan de Solorzano Pereyra, of the same council, under the direction of the Count de Castrillo, who likewise used his particular exertions in forwarding its completion. In the year one thousand six hundred and seventy the Licentiate Joseph Gonzalez, governor, having, jointly with the whole council, examined what progress had been made up to that time, and, having taken advice from ourselves, thought it expedient to constitute a commission composed of the governor and the Licentiates Don Antonio de Monsalve, Don Miguel de Luna, and Don Gil, the custejon, who were succeeded by Don Alvaro de Benavidez, Don Thomas D. Valdes, Don Alonzo de Llanos, Don Juan de Santelices, Don Antonio de Castro, Don Juan de Corul, and Don Diego de Alvarado, all of our said council of the Indies, to be assisted by the Licentiate Don Fernando Ximenez Paniagua, learned judge of the court of *contratacion*, in order to discuss and settle such points as might require mature consideration. Subsequently, Doctor Don Francisco Ramos de Manzano, governor, Count de Peñuranda, Count de Medellin, and the Duke de Medina Celi, presidents of our said council of the Indies, continued the same undertaking; and, sensible of the importance, both to our royal service and to public good, of its prosecution and completion, took all necessary measures to attain the desired object, and to give it publicity under the proper authority. Now, having considered and taken advice on the subject, Prince Don Vincente Gonzaga being governor of the council, we decree and command that the laws contained in this book, and framed for the good government and administration of justice in our council of the Indies, in our court of *contratacion* of Seville, of the East and West Indies, islands and continent of the northern and southern oceans, of their navigation, fleets, and vessels, and all our possessions and dependencies, which are ruled and governed by ourselves, through our said council, be obeyed, ful-

filled, and executed, and that they regulate and determine all suits and differences which may arise in this as well as in the aforesaid kingdoms, although some of the said laws be newly made and enacted, and may not have been published or promulgated, or be contradictory of, or different from, other laws, chapters in our charters, and regulations of our kingdoms, or from other *cedulas*, letters patent, provisions, ordinances, instructions, and acts of government, and other documents, either manuscript or printed; all which our will is that henceforth they have no authority whatever; that no judgments be given according to them, they being hereby enacted in a different form, or expressly repealed, as we do by this law more fully repeal them, but solely according to the laws contained in this compilation, or, in default of them, according to what is enacted by the second law in the first title and second book of this compilation, the *cedulas* and ordinances given at our royal audiences, continuing in full force and vigor, were not contrary to its provisions; when printed, it shall be made up into one volume and book and placed in the archives of our council of the Indies, revised and signed by the members of our said council; and it shall form an original record, by which, in all cases of doubts and difficulties which may hereafter arise, the text of said laws shall be corrected and amended; another volume and copy shall, moreover, be deposited in our archives of Simancas, revised and amended, signed by the members of our council, compared and collated with it, which shall remain there and shall have the same authority as the original. Such is our pleasure. Given at Madrid the eighteenth of May, one thousand six hundred and eighty-two.

I, THE KING.

By command of the King, our lord,

D. Joseph de Veytia Linage.
D. Vincente Gonzaga.
D. Bernabe Ochoa.
Count de Canulejas de Chinchetra.

Recorded:

D. Francisco de Salazar.

By the Grand Chancellor:

D. Francisco de Salazar, *Substitute.*

2.—*Lib.* II, *Tit.* 1, *Law* 2.—(*Vol.* 1, *p.* 217.)

The laws contained in this compilation to be observed in the manner and cases herein set forth.

Considering that it is of the utmost importance that the laws framed for the good government of our Indies, islands, and continent of the northern and southern oceans, which have been promulgated in separate *cedulas*, enactments, instructions, and charters, be collected and digested into one body, and in the form of a code, and that the same be obeyed, fulfilled and executed, we decree and command that all the laws herein contained be fulfilled and executed as our laws, and in the manner set forth in the law prefixed to this compilation, and that they all have force of law and supreme authority in whatever they decide and determine; and if it should be deemed expedient to enact others besides those contained in this book, the viceroys, presidents, tribunals, governors, and superior alcades shall give us information thereof through our council of the Indies, stating their motives and reasons for so doing, in order that on due consideration such measures may be taken as shall be thought proper, and added in a separate book. We command that no addition be made to the municipal laws and ordinances of each city, nor in those which shall be made by any community or university, nor in the ordinances enacted for the good and benefit of the Indies, and confirmed by our viceroys or royal tribunals for their good government, when not repugnant to the laws contained in this book, which shall have the same force and operation as if they were confirmed by the tribunals (audiencias) until, after being seen by the council of the Indies, they shall have been approved or rejected. And as regards what is not determined by the laws contained in this compilation, with respect to the decision of causes, the laws in the compilation and *partidas* of the kingdom of Castile shall be observed in the manner set forth in the following law.

3.—*Lib.* II, *Tit.* 1, *Law* 2.—(*Vol.* 1, *p.* 218.)

For the observance of the laws of Castile, in cases which are not provided by those of the Indies.

We decree and command that in all cases, transactions, and suits which are not decided nor provided by the laws contained in this compilation, nor by the regulations, provisions, or ordinances enacted and unrepealed, concerning the Indies, and by those which may be promulgated by our orders, the laws of our kingdom of Castile shall be observed conformably to the law of Toro, with respect as well to the substance, determination, and decision of cases, transactions, and suits, as to the form of proceedings.

4.—*Ibid.*, *Law* 4.—(*Vol.* 1, *p.* 218.)

For the observance of the ancient laws in force for the government of the Indies, and of those which have been re-enacted.

We decree and command, that the laws and good customs anciently in force in the Indies for their good government and police, and the usages and customs observed and retained from the introduction of Christianity among them, which are not repugnant to our sacred religion, or to the laws contained in this book, and to those which have been framed anew, be observed and fulfilled; and it having become expedient to do so, we hereby approve and confirm them, reserving to ourselves the power of adding thereto whatever we shall think fit, and will appear to us necessary for the service of God our Lord, and our own, and for the protection of, and Christian police among, the natives of those provinces, without prejudice to established usages among them, or to their good and wholesome customs and statutes.

5.—*Lib.* II, *Tit.* 2, *Law* 1.—(*Vol.* 1, *p.* 228.)

The council of the Indies to be held in the capital, and to have such ministers and officers as are provided by this law.

In consideration of the great benefits and mercies which we have received, and daily continue to receive, from the Supreme Bounty, through the advancement and improvement of the kingdoms and dominions of our Indies, and sensible of the duties and obligations they impose upon us, we desire, on our

part, (through Divine favor,) to devise the proper means for the good government of so extensive kingdoms and dominions. And in order to provide with more mature deliberation and better counsel, for the service of God our Lord, and for the good of those States: We establish and ordain that henceforth our council of the Indies shall reside, together with a president thereof, in our capital, near our person, as likewise the grand chancellor, who shall also be a counsellor, such of the learned counsellors as the state of affairs shall require, who for the present shall be eight in number; one attorney, [fiscal,] and two secretaries, and one deputy [teniente] grand chancellor, all of whom will be persons of approved demeanor, and of noble and high lineage, fearing God, and selected for their knowledge and prudence; three reporters, and a clerk of court, skilful and diligent in the discharge of their duties, and of approved fidelity; four able and experienced accountants, and a treasurer general; two attorneys and solicitors; one historian and cosmographer; one professor of mathematics; one assessor of costs of suits; one advocate and attorney for the poor; one chaplain to say mass on council days; four porters and one constable; all able and duly qualified men who, before being installed in their respective offices, will make oath well and faithfully to discharge their duties, and will observe the ordinances now framed, or hereafter to be framed, by the council, and to keep its secrets.

6.—*Lib.* II, *Tit.* 2, *Law* 2.—(*Vol.* 1, *p.* 229.)

The council to have supreme jurisdiction in the Indies, to make laws, examine statutes, and to be obeyed there and in these kingdoms.

In order that the members of our council may more effectually and with more authority assist us in fulfilling our obligations towards so great kingdoms and dominions, it is our will and pleasure that said council have supreme jurisdiction throughout our West Indies, now discovered, or which may hereafter be discovered, and over the transactions there arising and depending; and that the same may, with our council, and for the good government and administration of justice therein, ordain and make laws, regulations, ordinances, and provisions, general and particular, necessary for the good of those provinces for the time being; and further, that it have power to see and examine, that we may approve and enforce obedience thereto, all ordinances, constitutions, and other statutes, made by prelates, chapters, canons, and convents of ecclesiastics, and by our viceroys, tribunals, councils, and other corporations in the Indies, where, as well as in all the other kingdoms and dominions, in matters relating to affairs of the Indies, and subjects connected therewith, our said council shall be obeyed and respected, in the same manner as our council of Castile, and our other councils, are obeyed in whatever concerns them; and its enactments and commands shall, in every respect, be fulfilled and obeyed in all parts as well of these kingdoms as of those of the Indies, and by all persons whatsoever.

7.—*Lib.* II, *Tit.* 2, *Law* 3.—(*Vol.* 1, *p.* 229.)

No council, chancery, tribunal, judge, nor justices of these kingdoms, other than the Council of the Indies, shall take cognizance of affairs connected with them.

We decree and command that none of our royal councils, tribunals, alcaldes either of our court or house, chancery, or audiences, nor any other judge whatever, or justices of our kingdoms and dominions, presume to take cognizance, or exercise any jurisdiction over the affairs of the Indies, or anything appertaining to our Council of the Indies, either by petition or complaint, or in the form of appeal, in the usual manner, or in execution, in first, second, or any other resort; but that as soon as any causes come before them, they all be remanded to our said Council of the Indies. And we command the clerks of the alcaldes of court, the clerks in the provinces, and of the *Numero* and others, whoever they may be, whenever they shall be called upon by our Council of the Indies to lay before it any suit or business whatever depending before them, or passing through their hands, which may in any matter relate to, or be connected with, affairs of the Indies, to appear in person, and make report of said suits or business, without pleading any cause of impediment whatever.

8.—*Lib.* II, *Tit.* 2, *Law* 41.—(*Vol.* 1, *p.* 242.)

The full council necessary to grant and reward.

We command that no petition for relief be answered or decreed, and that no relief be granted, or compensation be made, in the absence of the president, or unless all the members of the council be present.

9.—*Ibid.*, *Law* 42.—(*Ibid.*)

The nature of the services and evidence of the same to be inserted in the reports, and placed on record, in cases of petition for rewards.

In the reports made to us, in cases of rewards and compensation for services, the qualifications, merits, and services of the persons in whose behalf they are made, shall be fully stated, together with the testimony, and the facts supporting the same, setting forth how and where such services have been rendered, the compensation made in money or otherwise, and the objections of our fiscal, if such there be; and for the better fulfilment of this, there shall be in the custody of our secretaries a record and statement of said compensation and rewards as shall have been granted by us; and each shall keep one for the provinces and districts resorting to his office.

10.—*Lib.* II, *Tit.* 2, *Law* 43.—(*Vol.* 1, *p.* 243.)

No memorial for services shall be admitted which shall not be supported by certificates.

No memorial, from any person whatever, shall be received for services, which shall not be supported by certificates from the viceroys, generals, or other chiefs, under whom such services shall have been performed, except those of persons who shall have served in the councils.

11.—*Ibid., Law* 44.—(*Vol.* 1, *p.* 243.)

A petitioner for services performed by another person shall have to prove that he is entitled to claim the compensation.

Whoever shall apply for services rendered by another person, even by his father, besides proving that no compensation has been received, shall have to prove his right to present the claim; and the papers exhibited for that purpose shall be certified by the oldest counsellor, [Togado,] and by the secretary, who shall declare whether he is so entitled, and the amount shall be adjudged by the council, conformably to said certificates.

12.—*Lib.* II, *Tit.* 2, *Law* 45.—(*Vol.* 1, *p.* 243.)

The memorial to set forth all the services, and no others to be admitted.

The party addressing a memorial shall therein set forth all the services rendered by him up to its date, because no other shall thereafter be admitted; and the members of our royal Council of the Indies shall receive orders not to admit them.

13.—*Ibid., Law* 46.—(*Ibid.*)

In case of pretensions for fresh services, the council shall certify whether they are entitled to additional compensation.

If, after relief shall have been granted to a person who shall have performed additional services, additional compensation be asked for the same, the council shall inquire and declare whether they are entitled to further compensation; and if so, the memorial shall be admitted for consideration.

14.—*Lib.* II, *Tit.* 2, *Law* 47.—(*Ibid.*)

A person alleging services which he cannot substantiate loses his compensation for those that are proved, and the right of petitioning for the same.

A memorialist alleging in his petition services which are uncertain, and cannot be proved, thereby forfeits his claims for such as are substantiated, and the right of petitioning for the same.

15.—*Ibid., Law* 54.—(*Vol.* 1, *p.* 245.)

No claim for relief to be presented a third time, or be reconsidered.

We command that no claim for compensation for services, grace or relief, or connected with such subjects, of whatever description, be brought before the council a third time; and we permit that, in cases of petitions and memorials for rewards, or for compensation for services, or other matters of grace, the same may be entitled to consideration and reconsideration, the records whereof, and of all matters connected therewith, shall remain in the custody of the secretary of the council, together with the other papers of the office; and after having thus been twice considered, the case shall be closed and ended; and if, with a view of fraudulently using a second time the pleadings and papers, the petitions were withdrawn or secreted, or any of the memorials and decrees contained therein, the person guilty of so doing, if an attorney, shall be suspended from his office for the term of six months, and if the party himself, or any other person acting in his name, he shall incur a fine of ten thousand maravedis to our treasury; and the same shall be observed in cases where, after decision by the report made to us, the party shall have declined accepting the first compensation allowed, or where none shall have been granted.

16.—*Lib.* II, *Tit.* 2, *Law* 55.—(*Vol.* 1, *p.* 245.)

The pleadings, in cases of claims for services presented by the parties, not to be returned to them, and the official records to be kept secret.

We command that the records of proceedings for services rendered, made out at the request of the parties and laid before our Council of the Indies for the purpose of obtaining compensation, be not returned to the said parties, and that they remain in the custody of the secretaries, who shall keep them as heretofore provided; and the official records made out by the audiences, and sent up, together with their opinions, shall be kept secret, so as to prevent their being seen or read by any one not in possession of the secrets of the council.

17.—*Lib.* II, *Tit.* 5, *Law* 7.—(*Vol.* 1, *p.* 275.)

The fiscal to have communication of the petitions for relief, whenever he shall require it, and may plead against them.

The King's attorney [fiscal] may allege and state whatever he may see fit, in the interest of our service, against petitions for reward or compensation for services, and against the pleadings and opinions of the tribunals [audiences] which shall be presented for that purpose; all which shall be communicated to him whenever he may require it.

18.—*Lib.* II, *Tit.* 6, *Law* 24.—(*Vol.* 1, *p.* 283.)

Rescripts and orders for rewards not to be intrusted to the audiences.

Whereas inconveniences have arisen from the practice of giving our rescripts and letters of reward, patronage, or appointments in our Indies, or others of the same description, directed to our tribunals, [audiences,] which have taken those occasions of interfering in affairs of government: We command that none be henceforth given in that form by our Council of the Indies, but that the said letters be addressed to the viceroys, presidents, or governors.

19.—*Lib.* II, *Tit.* 6, *Law* 25.—(*Vol.* 1, *p.* 283.)

Orders for compensation not to be given after four months, without a supplement.

Orders for compensation, which shall not be taken out within four months, shall not be delivered without a supplement.

20.—*Lib.* II, *Tit.* 15, *Law* 1.—(*Vol.* 1, *p.* 323.)

Dividing the discovered parts of the Indies into twelve jurisdictions [audiencias,] and in governments, *Corregimientos* and *Alcaldias Mayores.*

Whereas twelve tribunals [audiences] and royal chanceries, with the limits prescribed in the following laws, have been established in those parts of our kingdoms and dominions in the Indies which have been discovered to this day, for the government of our subjects, in peace and justice; and whereas their districts have been divided into governments, *Corregimientos,* and *Alcaldias Mayores,* in compliance with our laws and orders, and subordinate to the royal tribunals, [audiences,] and all of them under the jurisdiction of our supreme Council of the Indies, which represents our royal person: We ordain and command that henceforth, and till further orders, the said twelve audiences be continued, and, within their respective districts, the governments, *Corregimientos,* and *Alcaldias Mayores,* existing at this time, and that no alteration be made therein without express orders from ourselves or from our council.

21.—*Lib.* II, *Tit.* 15, *Law* 16.—(*Vol.* 1, *p.* 330.)

Decrees of the [audiences] tribunals to be observed and fulfilled as if emanating from the King; and what they are to do in case of war.

We ordain and command that all our councils, judges, justices, knights, squires, officers, and good men of the cities, towns, and villages in the Indies, who, at any time, and on any occasions, in time of peace or war, may have been called by our president and auditors of the royal tribunals, [audiences,] do assist them, and execute and fulfil all that the same shall, in our name, say and command them to do, as good and loyal subjects, and with the fidelity which they owe us; and that for their fulfilment they grant them all the aid and favor which they may require and demand, under pain of incurring our disgrace, and the other penalties to which are subject such vassals as do not assist their Kings and masters, and refuse to execute their decrees and commands, to which penalties we condemn them, in case of disobedience, to be executed upon their persons and their goods.

We do further command that, where the president is governor and captain general, the royal tribunal [audience] shall issue no orders in matters of war, nor shall interfere therein, whenever the governor and captain general shall be present; these being under his exclusive jurisdiction, or, when absent, under that of the audience. This shall be so executed wherever the laws in this book make no special provision in the case.

22.—*Lib.* II, *Tit.* 15, *Law* 35.—(*Vol.* 1, *p.* 334.)

Those who shall think themselves aggrieved by the acts of the viceroy or president may appeal to the audience.

We declare and command that whenever a person shall think himself aggrieved by any official act or decision of the viceroy or president he may appeal to our audiences, where justice shall be done to him, according to the laws and ordinances; and the viceroys and presidents shall not prevent their appeals, nor shall be present at the examination and decisions of their causes, for which purpose they shall abstain from attending.

23.—*Lib.* II, *Tit.* 15, *Law* 43.—(*Vol.* 1, *p.* 336.)

The viceroys and presidents to exercise jurisdiction in matters of government; the captains general in matters of war.

Matters and affairs of government are under the exclusive jurisdiction of viceroys and presidents, with the privilege of appeal to the tribunals, [audiences,] as provided by law 35 of this title. And we command that, in cases of doubts, the orders of the viceroys and presidents be executed, and that the audiences give us notice thereof, together with their motives and reasons, in order that we may take such measures as may be necessary. And matters relating to war, military government, and garrisons, are under the jurisdiction of the captains general, and the audiences shall not take cognizance thereof, even by way of appeal; for our pleasure is that, if any person shall think himself aggrieved by the decisions of the captain general, such person shall, in cases where he is of right entitled thereto, be allowed to appeal to our board of war of the Indies; and in cases of soldiers, the laws contained in the title which treats of such matters shall be observed.

24.—*Lib.* II, *Tit.* 15, *Law* 57.—(*Vol.* 1, *p.* 340.)

In the absence of the viceroy or president, the tribunals [audiences] to assume the government; the senior auditor [oidor] to take the place of the president, although he were captain general.

We command that, in the absence of the viceroy or president, or during their inability to govern, our royal tribunals [audiences] shall succeed to the government, and shall have the same power as the viceroy or president while serving in those capacities; the senior auditor [oidor] shall be president, and shall alone decide in all matters properly belonging to the president; if a captain general, such senior auditor shall, nevertheless, exercise that office until we shall have appointed a successor, or sent thither such person as, agreeable to our orders, shall be authorized to that effect, unless, by the laws contained in this book, some other or contrary provision be made with respect to particular audiences.

25.—*Lib.* II, *Tit.* 15, *Law* 164.—(*Vol.* 1, *p.* 365.)

Each audience to keep a register of the inhabitants and of their occupations, a copy of which to be transmitted to the council.

The audiences shall, besides, keep a register, where shall be inscribed the names of the inhabitants of their respective districts, a statement of their services, and the amount of compensation paid to each, in money, by way of extra compensation [ayuda de costa] or otherwise, and of the offices to which he has been appointed; which register shall agree with the journal of the audience, in order that whenever a claim for services shall be presented said audience may set forth its opinion thereon. Of this register a copy shall be transmitted to our royal Council of the Indies, with as little delay as possible; and if, subsequently, there be made to it any addition, correction, or amendment, information thereof shall immediately be transmitted to us, that the corresponding alterations may be made in the copy first sent, and that we may know what is the nature of the services and grant the proper compensation.

26.—*Lib.* II, *Tit.* 16, *Law* 55.—(*Vol.* 1, *p.* 384.)

The auditors, [oidores,] alcaldes, and King's attorneys, [fiscales,] shall not own any houses, huts, estates, gardens, or lands.

We forbid the auditors, [oidores,] alcaldes, and King's attorneys owning, in any case, or in any manner whatever, any houses for their dwellings or for rent, or any huts, estates, lands, or gardens, or building any houses or stores within the cities where they may reside, or without the same, or in any other place within the district of the audience, in their own right, nor in that of any other person, directly or indirectly, under the penalties incurred by those who trade, contract, or exercise any lucrative occupation.

27.—*Lib.* II, *Tit.* 16, *Law* 56.—(*Vol.* 1, *p.* 385.)

The officers mentioned in the preceding to forfeit the value of their estates, even after disposing of them; as also the persons in whose name they were held.

Whereas, notwithstanding the provisions enacted by the Emperor and by the Kings, our grandfather and father, the said ministers interpose third persons in whose names they own houses and exercise trade, they being the real owners; and whereas our service requires that offences should be punished without waiting for the delays of legal inquiries: We command that, besides the aforesaid penalties, whenever it shall appear that they purchase or have purchased, or that they own or have owned, in the names of other persons, the property above mentioned, although they may have sold the same, and in fact transferred it to another possessor, they shall forfeit the amount for which such property shall have been sold; and further, the persons in whose name such property stood shall incur the penalty of forfeiture to the amount of the sale of such gardens, houses, lands, or estates.

28.—*Lib.* II, *Tit.* 16, *Law* 57.—(*Vol.* 1, *p.* 385.)

The ministers not to sow any wheat or corn.

The presidents, auditors, alcaldes, and attorneys, shall in no case sow any wheat or corn, either for their own use or for sale.

29.—*Lib.* II, *Tit.* 16, *Law* 64.—(*Vol.* 1, *p.* 386.)

Prohibiting the officers of audiences to trade and contract; which may be proved by informal evidence.

We declare that the prohibition to trade and contract, contained in the laws of this title, extends to the secretaries, servants, and other members of the families of the viceroys, presidents, judges, alcaldes, and King's attorneys in the audiences, and the reporters and clerks, and all other of our officers in the Indies, who shall observe and fulfil these provisions as if they were specifically mentioned therein; and from this moment we do declare them as included and comprehended in said provisions, not only in the cases therein provided, but also in all others where it can be proved that they have been concerned, either openly or secretly, in any firm, or traded under the name of a third person or substitute. And we command that the proofs of these offences may be by such witnesses as are deemed competent in cases of bribery of the judges and other officers. And to the end that this may be carried more fully into effect, and that it may be known when these offences have been punished, it is our pleasure that, in the examinations and inquiries which shall be made into the conduct of our viceroys, presidents, judges, alcaldes, attorneys, governors, justices of the peace, (corregidores,) and other justices and officers in the Indies, the provisions of this law be made the subject of particular inquiry, in order that justice may be executed against the offenders, as well for the past as for the future.

30.—*Lib.* II, *Tit.* 16, *Law* 66.—(*Vol.* 1, *p.* 387.)

The foregoing prohibition extends to the wives and children of said officers while under their authority.

We declare that the law prohibiting the viceroys, presidents, and other officers of audiences, from trading and contracting extends to their wives, and children unmarried, unless they have taken the veil, or live separately.

31.—*Lib.* II, *Tit.* 18, *Law* 36.—(*Vol.* 1, *p.* 412.)

When in cases of grants of land the persons interested are cited to appear, the King's attorney is to be summoned in behalf of the Indians.

It being our wish that the Indians be protected and well treated, and that they be not molested nor injured in their persons or property: We command that, in all cases, and on all occasions, when it shall be proposed to institute an inquiry whether any injury is to accrue to any person in consequence of any grant of land, whether for tillage, pasture, or other purposes, the viceroys, presidents, and judges shall

cause summonses to be directed to all persons whom it may really concern, and to the attorneys of our royal audiences, wherever Indians may be interested, in order that all and every person may take such measures as may be expedient to protect his rights against all injuries which might result therefrom.

32.—*Lib.* II, *Tit.* 31, *Law* 13.—(*Vol.* 1, *p.* 484.)

Visitors to ascertain whether certain farms are located to the prejudice of the Indians; and, if so, to see justice done them.

Whereas some grazing farms, owned by Spaniards for the use of their cattle, have been productive of injury to the Indians, by being located upon their lands, or very near their fields and settlements, whereby said cattle eat and destroy their produce, and do them other damage: We command that the judges who shall examine the lands make it their duty to visit such farms, without previous request to do so, and ascertain whether any injury accrues therefrom to the Indians or their property; and, if so, that, after due notice to the parties interested, they forthwith, and by summary or legal process, according as they may think most fit, remove them to some other place, without damage or prejudice to any third person.

33.—*Lib.* II, *Tit.* 33, *Law* 1.

OF APPLICATIONS FOR OFFICES.

The audiences to receive applications for offices, and to give their opinions thereon.

In order that we may be made fully acquainted with the qualifications and capacity of persons in our service, and that they may be suitably rewarded: We do order and command that whenever any one shall appear before us, either in person or by attorney, to ask for reward or employment in our royal service, he shall come before the royal audience of the district, and shall set forth the object of his petition, and the said audience shall inquire and secretly receive official information respecting the qualifications of such person; which being done, the president and auditors shall add thereto their opinion of the same, and determine the reward to which he may be entitled; and after having closed and sealed the same, and without communicating it to the party, they will transmit it officially, through two different channels, to our Council of the Indies, in order that, upon consideration, suitable and just provision may be made; and in case the party should wish to apply in person, his application shall be received and transmitted, without the opinion of the audience, in order that the same may be dealt with according to its merits.

34.—*Lib.* II, *Tit.* 33, *Law* 3.

No application to be received from persons who shall not declare what they intend to ask.

If the applicant does not declare before the audience what he intends to petition for, his application shall not be received.

35.—*Lib.* II, *Tit.* 33, *Law* 3.—(*Vol.* 1, *p.* 507.)

The informations shall be referred to an auditor of the audience, who shall investigate the qualifications or disqualifications of the party.

Whenever any application is to be received by our royal audiences they shall use particular care and diligence in examining and determining the qualifications or disqualifications of the applicant, and the president, or the auditor who shall preside in his stead, shall appoint an auditor of the same audience, who shall, in person, execute such investigation of qualifications, and examine witnesses; he shall not refer it to the clerk nor to any other person; and the clerk shall certify that the same were examined by said auditor in person. No other judges but those of audiences shall have power to make such investigations.

36.—*Lib.* II, *Tit.* 33, *Law* 4.

The witnesses examined to be competent; to be summoned by the King's attorney; the most inviolable secrecy to be kept.

Investigations of office shall be made by the summons and under the directions of the King's attorney of the audience; the witnesses examined shall be the most honorable, credible, conscientious, and competent that can be found, and such as shall be known to be incapable, on any pretence, to conceal the truth; and the auditor shall administer to them an oath to keep the secret, which secret shall be so inviolable that neither the names of the witnesses nor the subject-matter of their depositions shall, in any case whatever, come to the notice of the party.

37.—*Lib.* II, *Tit.* 33, *Law* 5.

The opinion to be in the handwriting of an auditor; to be signed by the president, auditors, and attorney; and not to be delivered to the party.

The opinion shall be written in the handwriting of one of the auditors, with the day, month, and year; and shall be signed by the president, auditors, and attorney; and neither the information, opinions, nor duplicates thereof, shall be delivered to the party.

38.—*Lib.* II, *Tit.* 33, *Law* 6.—(*Vol.* 1, *p.* 508.)

The president and auditors, the attorney being summoned, shall examine the proceedings, and give their opinion, and in what form.

We command that after the auditor to whom the investigation has been referred shall have made and completed it, he shall lay the same before the audience; and that, in presence of the president and auditors, the attorney being duly notified, and not otherwise, the proceedings be examined, and an opinion given for or against, describing the qualifications of the applicant, and setting forth what the audience shall know or believe of the persons, in what manner they have served us, or whether they have failed in their duties; what compensation they have received in money, offices, extra compensation, or otherwise;

what amount in rents, premiums, or remuneration they are entitled to, and out of what fund to be paid; and if the applicant be a monastery, hospital, or charitable institution, what are its wants, what alms, and where to be given; and they shall endeavor to point out some expedient by which our treasury may not be affected. And they shall, upon all these matters, ascertain the truth and set it forth entire, briefly, fully, and substantially, without preamble or additions. They shall not recount what may appear from the proceedings, nor refer to them; and if they judge it proper to send the opinion separate from the proceedings, they may do it secretly, and state what connexion of consanguinity or affinity may exist between the applicant and any of the auditors of that audience. The proceedings and opinions shall, moreover, remain of record, in order that, in case of need, copies of the same may be obtained.

39.—*Lib.* II, *Tit.* 33, *Law* 7.—(*Vol.* 1, *p.* 508.)

The King's attorneys shall use due diligence, apply for what is necessary, and give notice thereof to the council.

The attorneys of the audiences shall, on their own part, use all due diligence, and ask for the needful, in order that the proceedings and opinions may be accompanied by the proper evidence, and that the deserving may be remunerated. And whereas they are apt to differ in opinion and to require the conflicting opinions to be entered on the journal of the audience, if said audience decline their being so entered the attorney shall give information thereof to us in our Council of the Indies, and in a separate letter, and of what he thinks proper and fit to be done, setting forth all that shall be well founded, certain, and true, in order that we may distribute the rewards according to the merits of those who have performed services.

40.—*Lib.* II, *Tit.* 33, *Law* 8.—(*Vol.* 1, *p.* 508.)

No informations to be received except concerning persons of reputation and ability; the opinions to state how long they have been in the Indies, and whether they have exercised any mechanical trades.

The president and auditors shall not admit to give the said information to any persons but those who are generally reputed to possess such merits and qualifications, and to have rendered such services as will entitle them to a reward from us; and they shall state in their opinions how long such persons have been in the Indies, and whether they have served in menial capacities or exercised any mechanical trade.

41.—*Lib.* II, *Tit.* 33, *Law* 10.—(*Vol.* 1, *p.* 509.)

Governors and judges not to receive information from persons or places remote from the audience; the inquiry to be made by a commission [receptoria;] what is enacted to be observed concerning legal inquiries, [informaciones de oficio.]

We ordain and command that the governors and judges shall receive no informations respecting qualifications and services, but that they shall refer the petitions to our royal audiences; and if the inquiry is to be made in provinces or places so distant from the audiences that the parties cannot, without much cost and trouble, produce their witnesses, said audiences shall appoint commissions, [receptorias,] before which the governors and corregidores shall proceed personally to receive the informations from the applicants, without substituting others in their stead; they shall transmit the proceedings to the audiences, and the same shall be observed in legal inquiries, [informaciones de oficio.]

42.—*Lib.* II, *Tit.* 33, *Law* 19.—(*Vol.* 1, *p.* 511.)

The ordinary judges to take cognizance of matters relating to settlements on lands newly discovered, and in other cases.

If any chapter, council, or corporation, or any private person, shall apply to us for the purpose of settling newly discovered lands, of discovering others, or for other matters wherein it is necessary, in order to make the proper provisions, to proceed to an inquiry and obtain a full knowledge of the subject of the application, we command that in such and other similar cases they shall lay the same before the ordinary officers of justice of the place or island where they reside, in order that, after due examination, they may give their opinions; and the applicants shall not be heard in any other manner or form.

43.—*Lib.* II, *Tit.* 34, *Law* 29.—(*Vol.* 1, *p.* 518.)

The visitor may execute the penalties decreed against officers [*ministros*] who are proprietors of houses, country-seats, and mills.

The visitor may, notwithstanding appeal sued out either of office or at the request of the party, execute the penalties imposed by laws 54 and following, title 16, of this book, upon such judges [ministros] as shall be proprietors of houses, country-seats, mills, and other estates, for the sake of public example and of justice to all parties.

44.—*Lib.* III, *Tit.* 2, *Law* 15.—(*Vol.* 1, *p.* 529.)

Services to be rewarded where rendered, and in no other place or province.

It is our pleasure that services be remunerated where they shall have been performed, and in no other place or province in the Indies; and as regards the soldiers of Chile, the law 19 of this title shall be observed.

45.—*Lib.* III, *Tit.* 3, *Law* 2—(*Vol.* 1, *p.* 543.)

The viceroys to possess the qualifications required by this law.

All who may be appointed viceroys of Peru and New Spain shall possess the abilities and qualifications required for such important and elevated offices; and as soon as they enter upon the exercise of their functions they shall make it the object of their first and greatest care to endeavor that God our Lord be served, and His holy law preached and taught for the benefit of the souls of the natives and inhabitants of those provinces; they shall govern them in peace and tranquillity, endeavoring to increase

and improve them; and they shall provide everything which may be necessary for the administration and execution of justice, agreeably to the powers granted them by the laws contained in this book; they shall, moreover, have charge of the government and defence of their respective districts, and they shall reward and compensate the descendants and successors of such as have rendered services in the discovery, pacification, and settlement of the Indies; they shall give special attention to the good treatment, protection, and increase of the Indian population; and particularly to the faithful collection, administration, and recovery of the funds of our royal treasury; and in all cases, things, and affairs that shall come before them, they shall do all that to them may appear fit and necessary, and provide and order all that we could do and provide, of whatever sort or nature it may be, within the provinces under their charge, if such provinces were governed by ourselves in person, in all matters that are not expressly prohibited by law; and we command and order our royal audiences of Peru and New Spain, and others subject and subordinate to the jurisdiction of viceroys, and all governors, justices, subjects, and vassals of ours, ecclesiastical and secular, of whatever state, condition, grade, or dignity, to obey and respect them as persons representing us; to observe, fulfil, and execute their orders and commands, whether verbal or in writing, and not to plead any excuse or delay in obeying their letters or mandates, nor give them any other meaning, interpretation, or declaration, nor to wait until again required, nor consult us touching the same, nor to expect other commands, but to obey as if commanded by ourselves personally, or by letters signed with our royal hand. All this they should observe, under pain of incurring our displeasure and such other penalties as await those who do not obey our letters and commands, and such others as shall be imposed upon them; to which, by this our law, we condemn, and have condemned, all such as shall act contrary thereto. And we give and grant to, and confer upon, the said viceroys all such sufficient and full power as may be requisite and necessary for the observance of all that is herein contained, or in any manner consequent upon it; and we promise, upon our royal word, that all that they may do, order and command in our name, and under our power and authority, shall be held firm, stable, and valid forever.

46.—*Lib.* III, *Tit.* 3, *Law* 4.—(*Vol.* 1, *p.* 545.)

The viceroys to be presidents of their respective audiences.

We order and command that the viceroys of Peru and New Spain be presidents of our royal audiences of Lima and Mexico, as provided by laws 3 and 5, title 15, and law 1, title 16, book 2, and others contained in said book, which treat of the authority exercised by the viceroys in our name, and annexed and appertaining to the other presidents of our audiences and chanceries of these our kingdoms, and that they enjoy the powers and prerogatives which, as such, they are entitled to.

47.—*Lib.* III, *Tit.* 3, *Law* 5.—(*Vol.* 1, *p.* 545.)

The viceroys are governors of their respective districts, and of the provinces subordinate thereto.

It is our will, and we command, that the viceroys of Peru and New Spain be governors of the provinces under their authority, and that they rule and govern the same in our name; that they grant such rewards, favors, and compensation, as to them may seem fit; and that they fill the offices of government and justice established by custom and not prohibited by our laws and orders. And all our subordinate audiences, judges, and justices, and all our subjects and vassals, shall consider and obey them as governors, and shall allow them freely to enjoy and exercise such offices, giving and granting them all the aid and assistance which they may ask and want.

48.—*Lib.* III, *Tit.* 14, *Law* 13.—(*Vol.* 1, *p.* 624.)

Viceroys to send information of such as pretend to rewards, and of those whom they have rewarded.

We desire to grant rewards and remunerations and to distribute the offices and profits of the Indies between persons who have deserved well, and who have most faithfully served us, as is provided in law 2 of this book; and whereas some persons come from those kingdoms to these to ask for rewards, alleging injuries, and complaining of the viceroys and presidents for not giving them employment, patronage, and other advantages; and whereas it is proper that we should possess a full knowledge of the truth, we command the viceroys and presidents, on all occasions, to transmit to us particular and specific information of all deserving persons who expect reward for services rendered in the reduction, pacification and preservation of those provinces, with the qualifications and circumstances of each, and of such persons as they may have rewarded and preferred there, and their reasons and motives for doing so, and the foundation of the complaints and wrongs. This information shall be specific, without regard to considerations of enmity or affection, as is required by the nature and importance of the matter.

49.—*Lib.* IV, *Tit.* 1, *Law* 1.—(*Vol.* 2, *p.* 1.)

Lands already discovered to be peopled before new discoveries are made.

Whereas the chief object which induces us to make new discoveries is the preaching and spreading of the holy Catholic faith, and that the Indians be educated and made to live in peace and good order, we order and command that, before granting new discoveries and settlements, orders be given that what is now discovered and reduced to peace and obedience to our holy mother the Catholic church be peopled and permanently settled for the peace and harmony between the two republics, as provided in the laws which treat of the settlements; and after what is now discovered shall have been peopled and settled in peace and obedience to the holy apostolic see and to ourselves, then shall it be proceeded to discover and settle the circumjacent country, and to continue in making new discoveries.

50.—*Lib.* IV, *Tit.* 1, *Law* 4.—(*Vol.* 2, *p.* 1.)

No person to make, on his own authority, any new discovery, entry, or settlement.

We ordain and command that no person, of whatever estate or condition, shall make, upon his own authority, any new discovery by land or by water, nor any entry or settlement, nor found any town in lands now discovered, or hereafter to be discovered, in our Indies, without license or appointment granted by ourselves, or by such persons as may be thereto authorized, under pain of death and forfeiture of all their goods to our chamber, [camera.] And we command the viceroys, audiences, governors, and other justices, not to grant any license to make new discoveries without consulting us and obtaining our special license. But in that which is now discovered and pacified we permit them to grant licenses, within their respective jurisdictions, to form such settlements as may be proper, observing the laws contained in this book, provided that, such settlements being made, they immediately transmit to us information of what they shall have done. And as respects the power of the viceroys in relation to new discoveries, the law 28, title 3, (51,) lib. 4, shall be observed in the cases therein mentioned.

51.—*Lib.* III, *Tit.* 3, *Law* 28.—(*Vol.* 1, *p.* 552.)—*Referred to in No.* 50.

The viceroys to have power to order new discoveries.

We further grant power to the viceroys, although prohibited from establishing governments for new discoveries, and from reducing and settling the same, to do so if necessary or proper for the tranquillity, quiet, and peace of their provinces, they employing for that purpose the idle people who jeopard and disturb the public peace, and giving us prompt notice thereof; and we do grant them permission to appoint for such discoveries and settlements such persons as to them shall appear most fit; and we command the viceroys and auditors to give the necessary instructions, in order that the natives be well treated, the principal object being to spread and teach the doctrine of our holy Catholic faith.

52.—*Lib.* IV, *Tit.* 1, *Law* 13.—(*Vol.* 2, *p.* 4.)

No governors to make entries, [entradas,] barters, or contracts in other governments.

We forbid our governors in the Indies, and their lieutenants, to go or send out of their respective governments into any other whatever, either by sea or land, to make entries, [entradas,] barters, or contracts, with the Indians, under any color or pretence, without license from the governors in whose districts they should have to enter for that purpose, under pain of our displeasure, and forfeiture of whatever they may carry away, take, or barter, to our chamber of treasury, and of being suspended from their offices and functions.

53.—*Lib.* IV, *Tit.* 1, *Law* 14.—(*Vol.* 2, *p.* 4.)

Discoverers to render an account, to be rewarded, and send statements to the council.

Those who may go forth on voyages of discovery, whether by sea or by land, by virtue of agreement made in the Indies, shall render an account to the government or audience with whom such agreement shall have been made of their discoveries and of the results thereof, who shall transmit a full and detailed statement of the whole to our Council of the Indies, in order that that may be provided which shall be most proper for the service of God our Lord, and for our own. The discoverer shall have charge of the settlement of what he shall have discovered, provided he do possess the necessary abilities for that purpose; or he shall receive such remuneration as he may be entitled to for his labor and expenses in fulfilling the agreement, provided he shall have complied with it on his own part.

54.—*Lib.* IV, *Tit.* 1, *Law* 17.—(*Vol.* 1, *p.* 4.)

No discoveries to be made at the cost of the King.

We command that no discoveries, new sea voyages, or settlements, be made at the charge of our treasury; and those who govern shall not expend any moneys for such purposes, although they may be authorized by us to make discoveries and voyages, unless they are specially authorized to do it at our cost.

55.—*Lib.* IV, *Tit.* 3, *Law* 1.—(*Vol.* 2, *p.* 7.)

Governors to inform themselves touching what is to be discovered, and, after making the agreement, to give information thereof.

We charge and command all who administer the government, spiritual and temporal, of the Indies to inquire, with great care and diligence, whether there is within their respective districts, or within the lands and provinces adjoining the same, which do not belong to any other government, any land to be discovered and pacified, and the number of people and nations inhabiting therein, and the substance and quality of the land, without sending thereto any warlike people or other persons who might cause scandal. And having so informed themselves, through the best means within their reach, and likewise of the persons most fit to make the discovery, they shall make a contract and agreement with them, offering them such honors and profits as may, with justice, and without prejudice to the natives, be so offered, taking care that said agreements be in conformity with the laws of this title, and to others which prescribe the forms of discoveries; and of all that they shall have ascertained and agreed upon they shall inform the viceroy and the audience, and they shall transmit said information, in like manner, to the council, in order that if, after due examination, the discovery should be adjudged expedient, license may be granted to them, agreeably to what is provided in that behalf.

56.—*Lib.* IV, *Tit.* 3, *Law* 8.—(*Vol.* 2, *p.* 9.)

The leaders of discoveries, [adelantados,] superior *alcaldes* and corregidores, to contract for the founding of cities.

Among other matters which may be agreed upon with the leader of the discovery, [adelantados,] one shall be that within a certain time he shall erect, found, build, and people at least three cities, and a province with suffragan villages, and, if he be a *corregidor*, a suffragan city, with jurisdiction over a sufficient number of villages for the labor and supply of the city.

57.—*Lib.* IV, *Tit.* 3, *Law* 28.—(*Vol.* 2, *p.* 11.)

Those who faithfully fulfil their agreement shall receive vassals and perpetual titles.

If the adelantado, or principal chief, shall have duly accomplished his voyage and fulfilled his agreement, we will acknowledge his services and diligence by granting him for reward perpetual vassals, with the title of marquis, or some other, whereby we may honor his person and his house, agreeably to what shall have been settled by the contract.

58.—*Lib.* IV, *Tit.* 3, *Law* 24.—(*Vol.* 2, *p.* 11.)

The settlement being completed, the principal settler [poblador] may establish the right of primogeniture and work the mines by paying one-fifth to the crown.

He who shall have performed his contract, and made a settlement in conformity to his agreement, is hereby empowered and permitted to establish therein the right of primogeniture [mayorazgo] to all that he shall have built, and to all that shall have been granted to him, and the improvements he may have made within the same; also the mines of gold and silver and other minerals, and salts and pearl fisheries, provided that out of such gold, silver, pearls, and all other proceeds of such metals and mines, the founder and inhabitants of said settlement, and all other persons, shall give and pay unto us and our successors one-fifth, free from all charges, from the expiration of the first ten years.

59.—*Lib.* IV, *Tit.* 5, *Law* 6.—(*Vol.* 2, *p.* 15.)

Agreements for the founding of cities with ordinary *alcaldes* and *regidores* to be made according to this law.

If the situation of the land be adapted to the founding of any town to be peopled by Spaniards, with a council of ordinary alcaldes and *regidores*, and if there be persons who will contract for their settlement, the agreement shall be made upon the following conditions: That, within the prescribed time, it shall comprise at least thirty heads of families, each of whom to possess a house, ten breeding cows, four steers, or two steers and two young bullocks, a breeding mare, a breeding sow, twenty breeding ewes from Castile, and six hens and a cock; he shall, moreover, appoint a priest to administer the sacraments, who, the first time, shall be of his choice, and afterwards according to our royal patronage; he shall provide the church with ornaments and articles necessary for Divine worship, and he shall give bond to perform the same within said period of time; and if he fails in fulfilling his agreement he will lose all that he may have built, worked, or repaired, which shall be applied to our royal patrimony, and incur the forfeiture of one thousand ounces of gold to our chamber [camera;] and if he should fulfil his obligations there shall be granted to him four square leagues of territory, either in a square or lengthwise, according to the quality of the land, in such a manner that, when located and surveyed, the four leagues shall be in a quadrangle, and so that the boundaries of said territory be at least five leagues distant from any city, town, or village, inhabited by Spaniards, and previously settled, and that it cause no prejudice to any Indian tribe, nor to any private individual.

60.—*Lib.* IV, *Tit.* 5, *Law* 7.—(*Vol.* 2, *p.* 16.)

The lands granted to be in proportion of the number of heads of families specified by the agreement, and upon the same conditions.

If any one should propose to contract for a settlement in the prescribed form, to consist of more or less than thirty heads of families, provided it be not below ten, he shall receive a grant of a proportionate quantity of land, and upon the same conditions.

61.—*Ibid.*, *Law* 8.—(*Ibid.*)

The sons and relatives of the founders to be considered as housekeepers.

We constitute as housekeepers of the new settlement the son or daughter of the new founder, and all his relatives, of whatever degree, although within the fourth, they being married and having distinct and separate houses and families.

62.—*Lib.* IV, *Tit.* 5, *Law* 9.—(*Vol.* 2, *p.* 16.)

The founder to enter into agreement with each person enlisted for the settlement.

In contracts for new settlements made by the government, or whoever shall be thereto authorized in the Indies, with cities, *adelantado*, superior *alcalde* or *corregidor*, the person entering into the agreement shall do so likewise with each individual who may enlist to join the settlement; and he will bind himself to grant building lots in the new settlement, together with pastures and lands for cultivation, in a number of *peonias* and *caballerias* proportionate to the quantity of land which each settler shall obligate himself to improve; provided it shall not exceed, nor shall he grant more to each, than five *peonias* or three *caballerias*, according to the express distinction, difference, and measurement, prescribed in the laws of the title concerning the distribution of lands, lots, and waters.

63.—*Lib.* IV, *Tit.* 5, *Law* 10.—(*Vol.* 2, *p.* 16.)

If there be no founder but married housekeepers, the settlement shall be granted to them, provided they be not less than ten in number.

Whenever particular individuals shall unite for the purpose of forming new settlements, and among them there shall be a sufficient number of married men for that purpose, license may be granted to them, provided there be not less than ten married men, together with an extent of territory proportionate to what is stipulated; and we empower them to elect, annually, from among themselves, ordinary *alcaldes* and officers of the council.

64.—*Lib.* IV, *Tit.* 6, *Law* 7.—(*Vol.* 2, *p.* 18.)

The requisites of this law to be observed before remunerating discoverers, pacificators, and founders.

It is our will and pleasure that all who may have served in the discovery, pacification, and settlement of the Indies be rewarded. And, in order that they may the better obtain the reward, without injury to the most meritorious, we command the viceroys and presidents to observe this order whenever they shall have occasion to grant such rewards, in those cases and for those things to which they are authorized by our powers and instructions. Those who are entitled to rewards shall make a declaration of their merits and services before the audience of the district, having previously summoned our attorney, who, after consideration, shall grant rewards in our name to those who shall have the best title thereto, conforming, in graduating the amount, to Law 14, Title 2, Lib. III; and they shall order a secret register to be kept in the custody of the clerk of the government, where shall be recorded, for reference, the names of all the persons applying, with a summary account of their merits and services, together with what they shall do to reward them, and their motives for the same; all which shall be signed by them, and certified by the secretary of government. And there shall be, at the beginning of the said record, a transcript of this our law, in order that the rewards and remunerations be made in conformity thereto, and in no other manner. Each year they shall transmit to our council a statement of all that they shall have done in the year, and entered in said record; which statement shall be signed and authenticated by said secretary, in order that we may know in what manner the provisions of this our law shall have been carried into effect.

65.—*Lib.* IV, *Tit.* 7, *Law* 6.—(*Vol.* 2, *p.* 20.)

The tract not to be located in a seaport, nor any other place which may be injurious to the crown.

No tract of land for new settlements shall be granted or taken by agreement in any seaport, nor in any part which might, at any time, be prejudicial to our royal crown or to the republic, our will being that they be reserved to us.

66.—*Ibid., Law* 7.—(*Ibid.*)

The territory to be divided between the person who makes the agreement and the settlers, as follows:

The tract of territory granted by agreement to the founder of a settlement shall be distributed in the following manner: They shall, in the first place, lay out what shall be necessary for the site of the town and sufficient liberties, [exidos,] and abundant pasture for the cattle to be owned by the inhabitants, and as much besides for that which shall belong to the town [propios.] The balance of the tract shall then be divided into four parts; one to be selected by the person obligated to form the settlement, and the remaining three parts to be divided in equal portions among the settlers.

67.—*Lib.* IV, *Tit.* 7, *Law* 11.—(*Vol.* 2, *p.* 22.)

The lots to be distributed by lot.

The lots shall be distributed among the settlers by lot, beginning with those adjoining the main square, and the remainder shall be reserved to us, to give, as rewards, to new settlers, or otherwise, according to our will; and we command that a plan of the settlement be always made out.

68.—*Lib.* IV, *Tit.* 7, *Law* 12.—(*Ibid.*)

No houses to be erected within 300 paces from the walls.

We command that no houses be erected within the distance of three hundred paces from the walls or breastworks of the town, this being necessary for the good of our service and for the safety and defence of the towns, as provided with regard to castles and fortresses.

69.—*Lib.* IV, *Tit.* 7, *Law* 13.—(*Vol.* 2, *p.* 22.)

Sufficient commons to be designated.

The reservations [exidos] shall be at such a distance that, in case the town should increase, there may still be a sufficient space for the amusement of the people, and for cattle to go at large without doing any damage.

70.—*Ibid., Law* 14.—(*Ibid.*)

Commons to be reserved.

After having laid out a sufficient quantity of land for the liberties of the town [exido,] conformably to what is provided in that behalf, the persons authorized to make the discovery and settlement shall lay out reservations [dehesas] adjoining the liberties [exidos] for oxen, horses, and cattle, to be slaughtered, as well as for the ordinary number of other cattle which the settlers are bound, by law, to maintain, and a good deal more, besides, which shall belong to the council, and the remainder shall be laid out for

cultivation in tracts equal in number to the town lots contained in the settlement, and to be drawn by lot. And if there be any land suited for irrigation, it shall also be distributed by lot in the same proportion to the first settlers, and the remainder shall remain vacant, that we may grant them to new settlers. From these lands the viceroys shall separate those which appear to be fit for reservations [propios] for those settlements which have none; the proceeds of which will serve to pay the corregidors, leaving always sufficient liberties, reservations, and pastures, as is prescribed above, and let it be so executed.

71.—*Lib.* IV, *Tit.* 7, *Law* 18.—(*Vol.* 2, *p.* 23.)

Declaring what persons shall be selected as settlers of new colonies, and how to describe themselves.

We command that, whenever a colony shall be drawn from any city, the judges and municipal council [regimiento] shall cause all persons wishing to join the new settlement to give in their names and description before the secretary of the council, admitting all married men, the sons and descendants of the settlers of the place from whence the colony sets out, who do not possess any lots nor lands for pasture or cultivation, and excluding all persons who do possess such lots or lands, in order that what is already peopled may not be depopulated.

72.—*Lib.* IV, *Tit.* 7, *Law* 23.—(*Vol.* 2, *p.* 24.)

If the natives oppose the settlement, they shall be induced to remain peaceable, and the settlement shall continue.

Should the natives attempt to oppose the settlement, they shall be given to understand that the intention in forming it is, to teach them to know God and His holy law by which they are to be saved; to preserve friendship with them, and teach them to live in a civilized state, and not to do them any harm or take from them their settlements. They shall be convinced of this by mild means, through the interference of religion and priests, and of other persons appointed by the governor, by means of interpreters, and by endeavoring, by all possible good means, that the settlement may be made in peace and with their consent; and if, notwithstanding, they do withhold their consent, the settlers, after having notified them pursuant to Law 9, Tit. 4, Lib. 3, shall proceed to make their settlement without taking anything that may belong to the Indians, and without doing them any greater damage than shall be necessary for the protection of the settlers and to remove obstacles to the settlement.

73.—*Lib.* IV, *Tit.* 7, *Law* 25.—(*Vol.* 2, *p.* 24.)

The term to be extended if accident should prevent the completion of the settlement.

In case any fortuitous circumstance should prevent the completion of the settlement within the term prescribed in the agreement, the settlers shall not forfeit what they may have expended or built, nor incur the penalty; and the governor of the district may extend the term according to the circumstances of the case.

74.—*Lib.* IV, *Tit.* 2, *Law* 1.—(*Vol.* 2, *p.* 39.)

OF THE SALE, COMPOSITION, AND DISTRIBUTION OF LANDS, LOTS, AND WATERS.

Lands, lots, and Indians, to be granted to new settlers; and what are a *peonia* and a *caballeria*.

In order to promote the zeal of our subjects in the discovery and settlement of the Indies, and that they may live in that ease and comfort which we desire them to enjoy, it is our will that there be distributed among them houses, lots, lands, *caballerias* and *peonias*, to all those who shall repair to settle on new lands in the villages and places which shall be designated to them by the governor of the new settlement, making a distinction between gentlemen or esquires [escuderos] and laborers [peones] and those of inferior grade and merit, and graduating such grants according to their qualifications and services, in order that they may attend to working the said land and to the breeding of stock; and when said settlers shall have lived and labored in said settlements during the space of four years, they are hereby empowered, from the expiration of said term, to sell the same, and freely to dispose of them at their will as their own property; and the governor, or whoever shall be thereto authorized by ourselves, shall, in the distribution which he shall make of the Indians, and according to the merits and rank of said settlers, grant them said Indians, so that they may enjoy the profits arising from their possession, according to the established rates and the enactments in that behalf.

And whereas it may happen that, in the distribution of lands, doubts may arise respecting the measurement thereof, we declare that a *peonia* is a lot of fifty feet front and one hundred feet deep, one hundred *fanegas* of arable land fit for the cultivation of wheat or barley, ten for corn, two *huebras* (a measure equal to as much land as a yoke of oxen can plough in one day) of land for garden, and eight for planting other trees which grow in dry land, with pasture sufficient for ten breeding sows, twenty cows, five breeding mares, one hundred ewes, and twenty goats. A *caballeria* is a lot of one hundred feet front and two hundred feet deep, and equal, in all other respects, to five *peonias*, that is five hundred *fanegas* of arable land fit for the raising of wheat or barley, fifty for corn, ten *huebras* of land for gardens, forty for other trees growing in dry soils, pasture for fifty breeding sows, one hundred cows, twenty mares, five hundred ewes, and one hundred goats. And we command that the distribution may be made in such a form that all shall participate in the good as well as in the middling, or all other qualities of land in the tract which shall be allotted to them.

75.—*Lib.* IV, *Tit.* 12, *Law* 2.—(*Vol.* 2, *p.* 40.)

Mode of distributing the lands in new settlements.

It shall not be lawful to give or distribute lands in a settlement to such persons as already possess some in another settlement, unless they shall leave their former residence and remove themselves to the new place to be settled, except where they shall have resided in the first settlement during the four years necessary to entitle them to fee-simple right, or unless they shall relinquish their title to the same for not having fulfilled their obligation; and we declare as null any distribution which may be made contrary to

the provisions of this our law; and we condemn those who may make such distribution to suffer our displeasure, and to be fined ten thousand maravedis for the benefit of our chamber [*camera.*]

76.—*Lib.* IV, *Tit.* 12, *Law* 3.—(*Vol.* 1, *p.* 40.)

The houses to be built and the pasture lands occupied within a given time, under the penalties provided by this law.

The persons who shall accept grants of *caballerias* or *peonias* shall enter into an obligation to build upon the lots and to occupy the houses, to divide and clear the arable lands, and to work and plant them, and to stock with cattle those which are destined for pasture, within a limited time, divided into terms, and declaring what is to be done in each, under the penalty of forfeiting their grants of lots and lands, and besides a certain number of maravedis for the republic; which obligation shall be in due form, with good and sufficient sureties.

77.—*Lib.* IV, *Tit.* 12, *Law* 4.—(*Vol.* 2, *p.* 40.)

The viceroys to have power to grant lots and lands to settlers.

If, in those parts of the Indies which are already discovered, there should be any sites and districts sufficiently good to render it expedient to settle the same, and if any person should apply to form settlements therein, in order that they may do so with zeal and profit the viceroys and presidents shall, in our name, grant them lots, lands, and waters, taking into consideration the situation of the land; provided it be not to the prejudice of any third person, and that said grants be for such a period as we shall determine.

78.—*Lib.* IV, *Tit.* 12, *Law* 5.—(*Vol.* 2, *p.* 40.)

The distribution of lands to be made by the advice of the *cabildo*, and to the regidores in preference.

In distributing the lands, waters, watering places, and pastures among the settlers, the viceroys or governors thereto authorized by ourselves shall make such distribution by the advice of the *cabildo* [council] of the cities or villages, taking care that a preference be given to the *regidores* if they do not possess an equivalent quantity of lands and lots. The Indians shall be left in possession of their lands, hereditaments, and pastures, in such a manner that they shall not stand in need of the necessaries of life, and shall be allowed all the aid and facilities for the sustenance of their household and families.

79.—*Lib.* IV, *Tit.* 12, *Law* 8.—(*Vol.* 2, *p.* 41.)

Declaring to whom application is to be made for lots, lands, and waters.

We command that if petitions be presented asking for lots or lands in any city or village where our audience shall reside, such petitions shall be addressed to the *cabildo* [council,] who, having considered the same, shall name two deputy *regidores*, who shall inform the viceroy or president of the opinion of the cabildo; and the same having been seen by the viceroy, president, and deputies, the order shall be issued, signed by all, and in the presence of the clerk of the cabildo to be entered in the record of the cabildo. And if such petition be for distribution of waters and of lands calculated for the erection of mechanical engines, it shall first be presented to the viceroy or president, who shall refer it to the cabildo; whence, after due examination, notice shall be given by a regidor to the viceroy or president, who, after having considered the same, shall give such orders as may be deemed expedient.

80.—*Lib.* IV, *Tit.* 12, *Law* 9.—(*Vol.* 2, *p.* 41.)

No land to be granted to the prejudice of the Indians, and those thus granted to be restored.

We command that the farms and lands which may be granted to Spaniards be so granted without prejudice to the Indians; and that such as may have been granted to their prejudice and injury be restored to whoever they of right shall belong.

81.—*Lib.* IV, *Tit.* 12, *Law* 11.—(*Vol.* 2, *p.* 41.)

Possession to be taken of lands distributed within three months, and plantations made, under penalty of forfeiture.

All the settlers and housekeepers to whom distributions of lands shall be made shall, within the three months which shall be stipulated, take possession of the same, designate their confines and the boundaries which separate them from other lands, by planting, in the proper season, willows and other trees, in such a manner that, besides a correct and agreeable laying out of said lands, they may avail themselves of the timber which they may want, under penalty if, after the expiration of said term, they shall not have planted the aforesaid boundaries, of forfeiting the land, that the same may be vacated and granted to some other settler. This shall be done, not only with regard to the lands, but likewise with regard to the settlements and improvements which they may hold and be possessed of within the limits of towns and villages.

82.—*Lib.* IV, *Tit.* 12, *Law* 12.—(*Vol.* 2, *p.* 42.)

The grazing estates for cattle to be located apart from the villages and fields of Indians.

Whereas the grazing estates for horned cattle, mares, swine, and others, large and small, cause great damage in the corn-fields belonging to the Indians, and particularly where such cattle are allowed to go at large, we do command that no estates whatever be granted in any parts or places where any damage can accrue to the Indians; and where said cattle cannot be dispensed with they shall be removed far from any Indian settlements and fields, since there are separate lands appropriated for cattle and grass, where they may graze without injury. And the justices shall take care that the owners of cattle, and all who have an interest in the public good, shall employ a sufficient number of herdsmen and watchmen to guard against all injuries; and in case any damage shall accrue, they shall make them give satisfaction.

(83.—*Lib.* IV, *Tit.* 12, *Law* 13.—*Vol.* 2, *p.* 42.)

The viceroys to cause the cattle to be withdrawn from lands proper for irrigation, and wheat to be raised thereon.

We command the viceroys to inquire concerning lands susceptible of irrigation, and to order the cattle to be withdrawn from the same; and they shall cause wheat to be sown on the said lands if the proprietors have not a legal title to raise cattle thereon.

(84.—*Lib.* IV, *Tit.* 12, *Law* 14.—*Vol.* 2, *p.* 42.)

Owners of lands, &c., having a legal title thereto, to be maintained in the possession of the same; the others to be restored to the King.

Whereas we have fully inherited the dominion of the Indies; and whereas the waste lands and soil which were not granted by the Kings, our predecessors, or by ourselves, in our name, belong to our patrimony and royal crown, it is expedient that all the land which is held without just and true titles be restored as belonging to us, in order that we may retain, before all things, all the lands which may appear to us and to our viceroys, audiences, and governors, to be necessary for public squares, liberties, [exidos,] reservations, [propios,] pastures, and commons, to be granted to the villages and councils already settled, with due regard as well to their present condition as to their future state, and to the increase they may receive; and after distributing among the Indians whatever they may justly want to cultivate, sow, and raise cattle, confirming to them what they now hold, and granting what they may want besides, all the remaining land may be reserved to us, clear of any encumbrance, for the purpose of being given as rewards, or disposed of according to our pleasure; for all this we order and command the viceroys, presidents, and pretorial audiences, whenever they shall think fit, to appoint a sufficient time for the owners of land to exhibit before them and the ministers of their audiences, whom they shall appoint for that purpose, the titles to lands, estates, huts, and *caballerias*, who, after confirming the possession of such as hold the same by virtue of good and legal titles, or by a just prescription, shall restore to us the remainder, to be disposed of according to our pleasure.

(85.—*Lib.* IV, *Tit.* 12, *Law* 15.—*Vol.* 2, *p.* 43.)

Lands to be admitted to composition.

With a view to the greater advantage of our vassals, we order and command the viceroys and president-governors not to alter the acts of their predecessors with regard to lands admitted by them to composition, [compuestas,] and to leave the holders thereof in quiet possession; and those persons who shall have encroached and held more than, according to the boundaries, they are entitled to, shall be allowed to pay a moderate composition, and new titles shall be issued to them. All the lands which are to be admitted to composition shall be sold at auction, and without reserve, to the highest bidder, as tenant at will, [censo al quitar,] agreeably to the laws of the kingdom of Castile. And we commit the execution of the foregoing provisions, as to manner and form, to the viceroys and presidents, to be carried into effect with the least possible charges; and to save, as much as may be, the expenses of collection, they shall order our royal officers in each district to make such collection themselves, without sending executors for that purpose, and availing themselves of our royal audiences, or, if there be none, of the *corregidores*.

And whereas titles to lands have been issued by officers who were not authorized to distribute such lands, which titles have been confirmed by ourselves in our council, we command those who have letters of confirmation to retain them, and that they be maintained in their possession, within the limits therein prescribed; and as regards their encroachment beyond said limits, they are hereby entitled to the benefits of this law.

(86.—*Lib.* IV, *Tit.* 12, *Law* 16.—*Vol.* 2, *p.* 43.)

Lands to be granted and sold according to the provisions of this law.

In order to avoid the inconveniences and damages resulting from the sale or gift to Spaniards of *caballerias* or *peonias* and other tracts of land to the prejudice of the Indians, upon the suspicious testimony of witnesses, we order and command that all sales or gifts shall be made before the attorneys of our royal audiencias, to be summoned for that purpose, who shall be bound to examine, with due care and diligence, the character and depositions of witnesses; and the presidents and audiences, where they shall administer the government, shall give or grant such lands by the advice of the board of treasury, where it shall appear that they belong to us, at auction, to the highest bidder, as other estates of ours, and always with an eye to the benefit of the Indians. And where the grant or sale shall be made by the viceroys, it is our will that none of the officers above mentioned shall interfere. Upon the letters which shall be granted to the parties interested they shall sue out confirmations within the usual time prescribed in cases of grants of Indians, [encomiendas de Indios.]

(87.—*Lib.* IV, *Tit.* 12, *Law* 17.—*Vol.* 2, *p.* 43.)

No lands to be admitted to composition which shall have belonged to Indians and are held by illegal title; and the attorneys and protectors are to see justice done.

In order more effectually to favor the Indians and to prevent their receiving any injury, we command that no composition shall be admitted of lands which Spaniards shall have acquired from Indians in violation of our royal letters and ordinances, and which shall be held upon illegal titles; it being our will that the attorneys-protectors should proceed according to right and justice, as required by letters and ordinances, in procuring such illegal contracts to be annulled. And we command the viceroys, presidents, and audiences to grant them their assistance for its entire execution.

88.—*Lib.* IV, *Tit.* 12, *Law* 17.—(*Vol.* 2, *p.* 44.)

Lands to be left in possession of the Indians.

We command that the sale, grant, and composition of lands be executed with such attention that the Indians shall be left in possession of the full amount of lands belonging to them, either singly or in communities, together with their rivers and waters; and the lands which they shall have drained or otherwise improved, whereby they may, by their own industry, have rendered them fertile, are reserved, in the first place, and can in no case be sold or aliened. And the judges who shall have been sent thither shall specify what Indians they may have found on the land, and what lands they shall have left in possession of each of the elders of tribes, caciques, governors, or communities.

89.—*Lib.* IV, *Tit.* 12, *Law* 19.—(*Vol.* 2, *p.* 44.)

No one to be admitted to make composition who shall not have held the land during ten years. Indians to be preferred.

No one shall be admitted to make composition of lands who shall not have been in possession thereof for the term of ten years, although he should state that he is in possession at the time; for such circumstance, by itself, is not sufficient; and communities of Indians shall be admitted to make such compositions in preference to other private individuals, giving them all facilities for that purpose.

90.—*Lib.* IV, *Tit.* 12, *Law* 20.—(*Vol.* 2, *p.* 44.)

The viceroys and presidents to revoke grants of land made by *cabildos*, and to admit them to composition.

Our pleasure is, that the viceroys and president-governors shall have power to revoke and annul grants of land made by the councils [cabildos] of cities, or hereafter to be made, within their respective districts, unless such grants be confirmed by ourselves; and if said lands belong to Indians, they shall be ordered to be returned to them, and the uncultivated lands shall remain as they are: those who hold them shall be admitted to make composition, paying to us such sum as may be deemed just.

91.—*Lib.* IV, *Tit.* 12, *Law* 21.—(*Vol.* 2, *p.* 44.)

Viceroys and presidents not to appoint commissioners to receive composition without positive necessity, and giving notice thereof to the King.

Where any private person shall have occupied lands belonging to public places or corporations they shall restore them, conformably to the law of Toledo, and to those which prescribe the mode of effecting such restitution, and establish the right of prescription for the benefit of private persons. And we command the viceroys and presidents not to grant commissions for compositions of land without evident necessity, and immediately notifying us of the motives which induce them to grant such commissions, in what places the lands are, and who are the persons interested: how long they have held them, and the quantity of plain or forest land. And we command them, whenever they may have to grant such commissions, to name persons whose age, experience, and abilities shall fit them for their execution.

92.—*Lib.* IV, *Tit.* 13, *Law* 1.

Of reservations, [propios,] and reservations to be laid out at the founding of settlements.

The viceroys and governors, being thereto authorized, shall lay out, for each town or village which shall be newly founded and peopled, the lands and lots which they may want, and the same shall be granted to them as reservations, [propios,] without prejudice to third persons. They shall transmit to us information of what they shall have laid out, that we may order the same to be confirmed.

93.—*Lib.* IV, *Tit.* 17, *Law* 5.—(*Vol.* 2, *p.* 57.)

Pastures, mountains, waters, and limits, to be common; and provisions to be observed in the island of Hispañola.

We have ordained that pastures, mountains, and waters, shall be common in the Indies: And whereas some persons, without any title from us, have occupied extensive tracts of land, and will not permit any one to establish pens and herdsmen's huts thereon, and to drive their cattle thither, we command that all pastures, mountains, and waters, in the provinces of the Indies, be common to all the inhabitants thereof, present and to come; and that they may freely enjoy the use of them, and construct their huts near their pens, drive therein their cattle, either in herds or separately, at their option, all ordinances to the contrary notwithstanding; which, if necessary for this object, are hereby so far repealed, and declared to be of no force or value. And we command all councils, justices, and *regidores* to observe and fulfil the provisions of this our law; and all persons who shall hinder their execution shall incur a fine of five thousand ounces of gold, to be levied on their persons and property for the benefit of our chamber [camera.] And as respects the city of Santo Domingo, in the island of Hispañola, the same provisions shall be enforced, provided it be understood as applying only to lands situate at the distance of a radius of ten leagues from said city, and without prejudice to third persons. And as to lands lying at the said distance of ten leagues, we hereby authorize and declare it to be our pleasure that each flock or herd be entitled to a tract of one league in circumference, within which no other shall erect any pens or huts, provided the pasture of said tract be common to all, as provided above. And wherever there shall be any flocks or herds, sites shall be granted for the erection of workshops and other improvements; and on each grazing farm there shall be a stone house, and not less than two thousand head of cattle; and if there be above six thousand head, two tracts shall be granted; and if above ten thousand, three tracts; each tract shall have its stone house, and no person shall be allowed to occupy more than three tracts. And this shall be observed wherever there shall be no title or authority from ourselves by which a different disposition should be made.

94.—*Lib.* IV. *Tit.* 17, *Law* 8.—(*Vol.* 2, *p.* 58.)

Wild fruits to be common.

Our pleasure is, and we hereby declare, that the wild fruits of the woods be common, and that every one may gather them, and carry away the plants to place them within their improvements and estates, and to use them as common property.

95.—*Lib.* V, *Tit.* 2, *Law* 1.—(*Vol.* 2, *p.* 113.)

OF THE GOVERNORS, CORREGIDORES, SUPERIOR ALCALDES, AND THEIR DEPUTIES, AND ALGUACILES [CONSTABLES.]

Describing the governments, offices of the corregidors, [corregimientos,] and of the superior alcaldes, [alcadias mayores,] reserved to the will of the King and his lieutenants, named by the council.

In conformity with the provisions of the Law 1, Title 2, Lib. 3, the appointment and disposition of the *corregimientos*, [offices of corregidors,] and the principal *alcaldias superiores*, [offices of supreme alcaldes,] in the Indies, is reserved to us, together with the power of fixing the pay and salary which they are to receive in each year; of which offices mention is made in this recopilation, and particularly in the laws contained in this title. And in order that their nature may be distinctly understood, it is our pleasure to declare them, as follows:

Peru, &c..... ———

New Spain, &c..... ———

(*Page* 115.)—The governor and captain general of Florida shall be appointed by ourselves, and immediately subject and subordinate to our Council of the Indies, and to no other audience thereof; but it shall be his duty to fulfil the orders of the viceroys of New Spain, with respect to matters of superior government, and others established by custom.

96.—*Lib.* V, *Tit.* 2, *Law* 47.—(*Vol.* 2, *p.* 125.)

The prohibition of treating, &c., to apply to governors, corregidores, and alcaldes, with their lieutenants.

We declare that the governors, corregidors, superior alcaldes, and their lieutenants, are included in the prohibition and penalties imposed upon officers trading and contracting in the West Indies, and that in their trials and punishment the Law 54, and following, of Title 16, Lib. 2, in that behalf, shall be observed.

97.—*Lib.* V, *Tit.* 8, *Law* 1.—(*Vol.* 2, *p.* 144.)

The viceroys and justices to have no power to appoint clerks, [escribanos;] they shall receive their title from the King, through the Council of the Indies.

Whereas the practice has been introduced by the viceroys, audiences, governors, and other justices, in the Indies, under pretence that there is a want of royal clerks, [escribanos,] in the cities and settlements, to appoint persons to write and act in the visits and inquiries [residencias] as well as in other affairs, and to draw writings, testaments, and public instruments, as if they were, in reality, our royal clerks, [escribanos,] whence it has risen that the records of proceedings, inquiries, and examinations, are liable to contain material errors and nullities; and whereas it is necessary that they should combine that correctness and skill so important in the exercise of those functions, and which are known, upon examination; and that a proper degree of security and good form should prevail through the records and protocols, which they do not keep with sufficient care and attention; whence result confusion and doubt in the establishment of truth, and sometimes the loss of records and writings, together with the statement of established facts; and whereas it is already provided by our royal orders, [cedulas,] that no one can exercise those offices, but such as derive their title and employ [notaria] from our royal person, or from such others as are empowered, with our special license and authority, to confer them, because this is an act of our jurisdiction, and a part of our royal prerogative; and desiring to apply the proper remedy to these and to many other inconveniences affecting the government and the rights of parties, we ordain and command that the following be observed precisely and inviolably, and that none of our viceroys, presidents, audiences, governors, corregidors, judges, and commissioners for visits and inquiries, *perquisidores*, ordinary alcaldes, or justices, of whatever name, dignity, or quality, have power to appoint, or issue titles or commissions of clerks, [escribanos,] either perpetual or for a limited time, for any purpose whatever, whether general or private, however secret or important, under the pretence that there is a deficiency of clerks in the district where they wish to appoint them, nor for any other cause, however necessary, nor to consent to tolerate or permit them to serve; taking care that all offenders be prosecuted with all the rigor of the laws; that they shall be accused in the visits and inquiries, and that all proceedings, judicial and extrajudicial, public writings, testaments, notifications, and others, which are to be made before clerks, [escribanos,] and attested, legalized, and authenticated by them, shall pass through, and be delivered and acted upon by public royal escribanos, deriving their title and authority from the Kings, our predecessors, or ourselves, through the Council of the Indies. And no one who shall have exercised the office of escribano by virtue of an appointment from viceroys, governors, audiencias, and other officers referred to above, shall presume to continue to exercise such office, under a penalty of five hundred dollars for the first offence, and of eight hundred for the second; and in case of a third offence, not only the pecuniary penalty hereby imposed shall be executed, for the benefit of our treasury, of the judge, and of the informer, in three equal portions, but that, likewise, of six years banishment from the kingdom or province wherein the offender may reside. And it is our pleasure that the same be practiced and executed with regard to the judges, attorneys, [procuradores,] and clerks, [escribanos,] who shall admit the writings and instruments, and the judicial or extrajudicial proceedings, or who shall use the same, adding, with respect to the escribanos who shall offend against the foregoing provisions, the penalties imposed by law upon persons guilty of forgery. And to give more effect to the foregoing, we declare that all the instruments, writings, and judicial and extrajudicial records, made out or acted upon, and all attestations and testimonies given in violation of this our law, shall be of no effect or value, nor shall be permitted to

be offered, in court or out of court, since being deficient in form of substance, which defect is material, and wanting our sanction, through the title already given, or to be given, by our said council, who alone have power to grant it, they can have no effect or value whatever. Nor shall our said judges and justices, in like manner, permit that the clerks of government, [escribanos de gobernacion,] who shall have no particular or express power from us to make out records of proceedings, unless where such power shall appertain to their office, under the penalties defined above, and of nullity of their acts. And we command the attorney [fiscales] of our audiences to take special care that the provisions of this law be observed in their respective districts; and the same obligation of deriving their titles or commissions from the Council of the Indies, is to extend to the clerks [escribanos] appointed in these kingdoms of Castile, to act with the judges in visits, inquiries, and indayations, who, in compliance with our orders, commissions, and letters, may have to proceed to the Indies. And whereas it may happen that at the time of making new discoveries and settlements, there may be a deficiency of clerks, [escribanos,] or that those who are in the cities, towns, and villages may die, or be disabled from serving, and that, if it were necessary to wait for such offices to be sold, the course and despatch of business might be suspended, we hereby grant power and license to the viceroys, presidents, and governors to appoint, in the cases just referred to, and in no others, as clerks [escribanos] of the *numero* and council, such persons, as being able and sufficient, may appear to them duly qualified to discharge the duties of those offices, until we may dispose of them in favor of such persons as we may choose to appoint, or sell the same, or until such relinquishments be made according to law: of all which they shall advise us through our Council of the Indies.

98.—*Lib.* VI, *Tit.* 3, *Law* 9.—(*Vol.* 2, *p.* 209.)

Subjected Indians not to be deprived of the lands which they before possessed.

Whereas the Indians would sooner and more willingly be reduced into settlements, if they were allowed to retain the lands and improvements which they may possess in the districts from which they shall remove, we command that no alteration be made therein, and that the same be left to them to be owned as before, in order that they may continue to cultivate them and to dispose of their produce.

99.—*Lib.* IX, *Tit.* 27, *Law* 1.—(*Vol.* 3, *p.* 326.)

No stranger or prohibited person shall be permitted to trade with the Indies.

We order and command that no stranger or any other person forbidden by these laws be permitted to trade with, or contract in the Indies, or from thence to these kingdoms, or to any other parts, or to go thither, if not thereto authorized by letters of naturalization or license from us. They shall not make use of such license, except with their own funds, and not with those of any other individuals of the nation, whether private or united in corporations or companies, public or secret, composed of many or few persons, and whether in their own name or in the name of persons interposed in their stead, under the penalty of forfeiting the goods thus traded or contracted for, and of all other goods in their possession, to be applied, one-third to our royal chamber, [camera,] one-third to the judge, and one-third to the informer. The same penalty shall be incurred by foreigners residing in the Indies, and trading thence with these kingdoms, or contracting without our license. The same penalty shall, moreover, be incurred by the natives of those kingdoms substituted in the stead of such foreigners, and trading or contracting for them or any of them. And we command the president, and the judicial and ministerial officers of the tribunal [casa de contratation] of Seville, and the judge [official] of the tribunal of the Indies, in the city of Cadiz, if it shall be our pleasure to authorize such tribunal, and our viceroys, audiences, and justices in our Indies and the islands adjacent, to cause, with particular care, this law to be observed, and all that is contained therein to be fufilled, as well as all such other laws as prohibit strangers to trade and contract, and to enforce the penalties hereby imposed, without remission.

100.—*Lib.* IX, *Tit.* 27, *Law* 19.—(*Vol.* 3, *p.* 330.)

Persons legally licensed [compuestos] not included in the prohibition of foreigners.

Foreigners licensed [compuestos] by virtue of our orders and commissions, by officers legally authorized to that effect, are declared not to be included in the prohibition of foreigners, when they shall have been thus licensed, but such only as shall arrive without our order or license.

101.—*Lib.* IX, *Tit.* 27, *Law* 21.—(*Vol.* 3, *p.* 331.)

Licensed strangers to be withdrawn from the seaports.

We command that it shall be lawful to grant to strangers lawfully licensed permission to live and reside wherever they please in our Indies, and to trade and contract therein, notwithstanding what is prohibited above, provided they do not reside in maritime ports and places, which shall be prohibited by heavy penalties, and they shall be removed to such distance in the interior as shall be deemed proper; and, with a view to greater security, the viceroys and governors shall ascertain what are the occupations, the callings, and the means of living of such strangers, and what persons they trade with, in order to know whether they act according to law, or whether they transcend their obligations.

102.—*Lib.* IX, *Tit.* 27, *Law* 31.—(*Vol.* 3, *p.* 333.)

No stranger to be considered as naturalized so as to trade and contract in the Indies who shall not possess the qualifications required by this law.

In order that a stranger of these kingdoms may be considered as naturalized, so as to be authorized to trade and contract in the Indies and western islands, it is our will, and we command, that he must have resided within these kingdoms, or in the Indies, during the space of twenty consecutive years; and during ten of these years that he have owned a house and real property; that he be married to a native, or daughter of a stranger, born in these kingdoms, or in the Indies: Provided such strangers shall not enjoy this privilege, unless they shall have been declared by our royal Council of the Indies to have

complied with the provisions contained in this law; for this purpose they shall apply to our said council, and transmit the proceedings and formalities which, for this purpose, they shall institute and fulfil, before the audiences within the provinces where they may reside, if such there be, and before our attorneys who shall be duly summoned; or before the *consulado*, if such proceedings be had in the tribunal [casa] of Seville, with respect to inhabitants of Seville, San Lucar, Cadiz, or other parts of these kingdoms, who shall make such allegations as to them shall seem fit; and, when prepared for decision, shall transmit said proceedings, together with their opinions thereon, to the council; and, where there shall be no such audiences, the proceedings shall be had before the governor, or superior judge, and conducted by an attorney, to be appointed and summoned for that purpose; and the judges before whom such proceedings shall be had shall give their opinions thereon. The council, having considered said proceedings and fulfilled the foregoing directions, shall receive orders to issue our letters of naturalization, and our authorization to trade and contract in the Indies: And provided, further, that such strangers, after being authorized in the manner above stated, shall trade only with their own funds, and shall not be permitted to do so with the goods of other strangers not enjoying such privileges, under penalty of forfeiture of the merchandise with which they trade under their names and of the authorization granted to them, for thus having made an illegal use of it: And provided also, that, within the term of thirty days, counting from the date of such authorization, they shall make an inventory, upon oath, of their goods, and file the same before the court of justice of the town wherein they reside, in order that it may, at all times, be known what amount of property they owned at the time they commenced trading in the Indies; and if they shall fail so to do within the above-mentioned period, the license granted them shall become null and repealed, and they shall, as before, be considered as strangers.

103.—*Lib.* IX, *Tit.* 27, *Law* 32.—(*Vol.* 3, *p.* 333.)

The real property mentioned in the preceding law to amount in value to four thousand ducats, and to appear by documents.

Besides the qualifications described in the preceding law, we order and declare, as relates to that clause requiring strangers to be possessed of real estate in order to acquire the right of naturalization, and of trading and contracting in the Indies, that such estate shall be, and known to be, of the value of four thousand ducats, either belonging to them or acquired by legacy, donation, purchase, or on condition, all which must be made to appear by documentary evidence, sale, or perpetual permutations, and not by mere testimony of witnesses.

No. 4.

ROYAL REGULATION OF OCTOBER 15, 1754.

Experience having proved the inconveniences that arise to my subjects of the kingdoms of the Indies from the decree issued by royal order of the 24th of November, 1735, that those who would enter upon the royal possessions of those dominions should necessarily apply to my royal person to obtain their confirmation within the time assigned, under the penalty of losing them in case of their failure to do so; and many persons having failed to avail themselves of this benefit, from their inability to sustain the expense of an application to this court to obtain the confirmation of what they compromised for or purchased, it being of small amount, or some few caballerias, [lots,] and those who may apply, from their purchases being of greater value, are at great expense on account of the testimony they must present, the transmission of money, the appointment of agents, and other necessary expenses that usually exceed the principal sum paid for the composition or purchase of these royal lands before the sub-delegates; and, as a consequence of this, much land is left uncultivated which might support the provinces in which they are, by being cultivated and grazing cattle; and it is another result that persons occupy lands illegally, through defect of title, without properly cultivating them, for fear of being denounced and prosecuted for it; and my royal treasury also suffering, both in the amount of sales of these lands, and in the consequent neglect of agriculture and tending of cattle: I have therefore resolved that in the grants, sales, and compromises of royal cultivated and uncultivated lands now made, or which shall hereafter be made, the provisions of the regulation shall be faithfully observed and executed.

I. That, from the date of this my royal order, the power of appointing sub-delegate judges to sell and compromise for the lands and uncultivated parts of the said dominions shall belong thereafter exclusively to the viceroys and presidents of my royal audiences of those kingdoms, who shall send them their appointment or commission with an authentic copy of this regulation. The said viceroys and presidents shall be obliged to give immediate notice to the secretary of state and universal despatch of the Indies, of the ministers whom they shall make sub-delegates in their respective districts and places where they have been usually appointed, or where it may seem necessary to appoint new ones for his approbation. Those at present exercising this commission shall continue. These, and those whom the said viceroys and presidents shall hereafter appoint, may sub-delegate their commissions to others for the distant parts and provinces of their stations, as was previously done. By virtue of this law, my Council of the Indies and its ministers are excluded from the superintendence and management of this branch of the royal hacienda.

II. The judges and officers to whom jurisdiction for the sale and composition of the royal lands [realengos] may be sub-delegated shall proceed with mildness, gentleness, and moderation, with verbal and not judicial proceedings, in the case of those lands which the Indians shall have possessed, and of others when required, especially for their labor, tillage, and tending of cattle.

But in regard to the lands of community, and those granted to the towns for pasturage and commons, no change shall be made; the towns shall still be maintained in the possession of them; and those that may have seized shall be restored to them, and their extent enlarged according to the wants of the population; nor shall severe strictness be used towards those already in possession of Spaniards or persons of other nations; and in regard to all, the requirements of Laws 14, 15, 17, 18, and 19, Title 12, Lib. 4, of the Recopilacion de Indias, shall be observed.

III. The present regulations, and the appointment which shall be issued in the form prescribed in the first section, being received by the principal sub-delegate, they shall furnish, on their part, general

orders to the justices of the capitals and chief places of their respective districts, commanding them to be published therein in the manner usual with other general orders issued by viceroys, presidents, and audiencias relating to my service, so that every and all persons who shall have possessed royal lands, whether settled, cultivated, tilled, or not, from the year 1700 to the day of the publication of said order, may prove before the sub-delegate, by themselves, their correspondents, or attorneys, the titles and patents in virtue of which they hold their land. For this exhibition an adequate time shall be fixed, proportioned to the distances; and notice shall be given that they shall be deprived of, and ejected from, such lands, and grants of them made to other persons if they fail to exhibit their warrants within the limited time without just and proper cause.

IV. If it shall appear from the warrants or writings so presented, or from other legal authority, that these persons are in possession of such royal lands by virtue of a sale or composition made by the sub-delegates so empowered before the said year 1700, although these acts may not have been confirmed by my royal person, nor by the viceroys and presidents, they shall still be suffered to retain free and quiet possession of them, without being caused the least molestation or deprived of any rights by these orders, conformable with the 15th Law, Title 12, Lib. 4, of the Recopilacion de Indias, already cited.

On these warrants it shall be noted that the persons have complied with the obligation of exhibiting them, so that they may not in future be disturbed in nor sued for their royal lands, they nor their successors. If persons have not warrants, their proof of long possession shall be held as a title by prescription. If they shall not have tilled or cultivated these lands, the term of three months, prescribed by the 11th law of the said title and book, shall be allowed them, or whatever time may be thought sufficient for this purpose; and notice shall be given them that if they fail to cultivate the lands, they shall be granted to those who shall lodge information thereof, under the same condition of cultivating them.

V. The possessors of lands sold, or compromised for by the respective sub-delegates, from the said year 1700 to the present time, shall not be molested, disturbed, nor informed against now nor at any time, if it shall appear that they have been confirmed by my royal person or by the viceroys and presidents of the respective districts while in office; but those who shall have held their lands without this necessary requisite shall apply for their confirmation to the audiencias of their district, and to the other officers on whom this power is confirmed by the present regulation. These authorities, having examined the proceedings of the sub-delegates in ascertaining the quantity and the value of the lands in question, and the patent that may have been issued for them, shall determine whether sale or composition was made without fraud or collusion, and at reasonable prices. This shall be done with the judgment and advice of the fiscals; after considering every circumstance, and the price of the sale or composition, and the respective dues of medianata* appearing to have been paid into the royal treasury, and the King's money being again paid in the amount that may seem proper, the confirmation of the patents of the possessors of these lands shall be given in my royal name, by which their property and claim in the said lands shall be rendered legal, as well as in the waters and uncultivated parts, and they and their successors, general and particular, shall not be molested therein.

VI. If, by the proceedings that should have been used for the sales and compositions, unconfirmed since the year 1700, it shall appear that these royal lands have not been surveyed nor valued, as is understood to be the case in some provinces, the confirmation shall be withheld until this be executed; and the King's money shall be regulated by the increased value of the lands, as determined by the survey and valuation, which money must precede the confirmation.

VII. There shall also be contained in the general orders to be issued, as before said, by the sub-delegates, to the justices of the chief towns and places of their district, a clause that those who shall have exceeded the limits of the purchase or composition, adding thereto, and entering upon more land than was granted, whether the principal part be confirmed or not, shall necessarily apply to them for the composition of these lands, so that after a survey and valuation of them the patents and confirmation of them may be issued.

Notice shall also be given that the lands so occupied shall be adjudged in a moderate quantity to those who shall inform of them, and that the royal lands occupied without title shall be adjudged to be the property of the King if, within the time appointed, the intruding possessors shall not discover them and treat for their composition and confirmation. This shall be observed and fulfilled without exception of persons or communities, of what state or description they may be.

VIII. A proper reward shall be given to those who shall inform of lands, grounds, places, waters, and of cultivated and desert lands, and shall be allowed a moderate portion of those of which they shall have informed as being occupied without title. This shall also be included in the public notice which the sub-delegates to be appointed shall cause to be published in their respective districts.

IX. The audiencias shall issue the confirmations by provinces, and in my royal name, after an examination by the fiscal, as before said, without greater judicial expense to the parties than what is required by the regulated prices for such act. For this purpose they shall collect from the sub-delegates of their district the proceedings that have taken place in the sale or composition of that for which confirmation shall be required. With these, and in proportion to the estimated value of the lands, and considering, at the same time, the benefit which it was my pleasure to grant to those my subjects, by relieving them from the expense of applying to my royal person, they shall determine the sum to be paid me for this new favor.

X. To avoid costs and delay in this business, which would happen if, after the patents have been issued by the sub-delegates, the audiencias should determine upon new surveys, or valuations, or other measures, the sub-delegates shall report to the respective audiencias the original proceedings upon each matter. These they shall consider as finished and prepared for the issuing of the patents; and after being examined by the audiencias, and the opinion of their fiscals being received, they shall be returned, and, if no objection is made, the warrants be issued, or the measures used that shall be dictated as previously necessary, and in this way shall be facilitated the prompt issue of the royal confirmations, without a duplication of new patent.

XI. These audiencias shall be a court of appeal for trying the decisions and sentences of the sub-delegates pronounced by them in any suit about the sale or composition of royal lands, the information lodged concerning them and their survey and valuation. By this provision, the expensive recourse to the council will be avoided, and the necessity will no longer exist of abandoning claims, which some persons have been obliged to do from their inability to sustain the consequent expense of the recourse.

* First fruits of the half year.

XII. In the distant provinces of the audiencias, or where sea intervenes, as Caraccas, Havana, Carthagena, Buenos Ayres, Panama, Yucatan, Cumana, Margarita, Puerto Rico, and in others of like situation, confirmations shall be issued by their governors, with the advice of the oficiales reales, [King's fiscal ministers,] and of the Lieutenant General Letrado, where he may be stationed. The same officers shall also determine the appeals from the sub-delegates who shall have been, or shall be, appointed in each one of the said provinces and islands, without recourse being had to the audiencia or chancery of the district, unless the two decisions be at variance, and then this is to be officially, and by way of consultation, to avoid the expenses of appeal. Wherever there shall be two oficiales reales, the younger in office shall be the advocate of the royal treasury in these causes, and the elder the associate judge of the governor, using the aid of counsel where there is no auditor or lieutenant governor, and if the question is a point of law, by applying to any lawyer within or out of the district. And where there shall be but one oficial real, any intelligent person of the place may be appointed as the advocate of the royal treasury. It shall also be the duty of the governors, with their associate judges, to examine concerning the compositions of the sub-delegates, as provided in respect to the audiencias.

XIII. The money arising from the sales and compositions of each audience and district, and from the King's money paid for confirmations, shall be deposited in the proper office, and an account kept of them in a separate book; and the audiences and presidents thereof, the governors and oficiales reales of the districts shall furnish me an account, through my secretary of despatch of the Indies, of what this branch of the royal revenue may have produced in each year, so that, upon their information, I may be able to make the proper disposition of this revenue.

XIV. The sub-delegates who may be appointed for the administration of this business shall not exact any fees from the parties for what services they may have rendered; I therefore assign to each one, by way of gratuity, two per centum on the amount of their sales and compositions, as was allowed by the council in their regulation of the year 1696; and the clerks alone, before whom the proceedings, shall receive the regular fees, which shall be certified at the end of the records. In case of a violation of this rule, the respective audiencias and the governors shall proceed against them.

I will that all the provisions of this regulation be strictly and punctually observed by my viceroys, audiencias, presidents, and governors of all my dominions of the Indies, and by sub-delegates and other persons whom its observance does or may concern, and that it be not violated for any cause or pretext, as it is proper for my service, and the good of those subjects. And I command that notice be taken of this regulation by the general accompting office of the Council of the Indies, by the audiencias and chanceries, governments and cities, by the tribunals and accompting offices of the royal treasury, by their recording it, and by all other offices whom it may concern, so that it may be understood and faithfully observed by all.

I, THE KING.

Given at San Lorenzo el Real, October 15, 1754.

DON GULIAN DE ARRIAGA.

No. 5.

ROYAL ORDINANCE.

I, the King, influenced by the paternal love which all my subjects, even the most distant, merit of me, and by that sincere desire which I have felt ever since my elevation to the throne to render uniform the government of the vast empires that God has intrusted to me, and to place my extensive dominions of the two Americas in proper order and defence, and to render them prosperous, have resolved, from the best information and mature reflection, to establish in the kingdom of New Spain intendants of army and province; that, being provided with competent authority and salaries, they may govern the towns and inhabitants in peace, and with justice, as to what is confided to them by these regulations; may preserve their police, and secure the lawful claims of my royal treasury, with the integrity, zeal, and vigilance prescribed by the wise laws of the Indies, and the two royal ordinances published by my august father, Lord D. Felipe Quinto, and my beloved brother, D. Fernando the Sixth, on the fourth of July, one thousand seven hundred and eighteen, and the thirteenth of October, one thousand seven hundred and forty-nine, whose wise and just laws I wish to be faithfully observed by the intendants of the said kingdom, with the extensions and restrictions to be expressed in the articles of this ordinance and regulation.

ARTICLE 1. That my royal will may have its effect, fully and promptly, I order that empire to be divided, for the present, into twelve intendancies, exclusively of the Californias, and that hereafter the territory or limits of each intendancy, to bear the name of its capital city, shall be considered as one province alone. In this capital the intendant shall reside, and what at present are termed provinces, shall be called partidas, [districts,] and bear the names of the former. One of these intendancies shall be the general intendancy of army and province, and shall be established in the capital of Mexico. The eleven others shall be of province alone, and of which one shall be established at the city of Puebla de los Angeles; another at the town and station of New Vera Cruz; one at the city of Merida de Yucatan; at the city Antequera de Oaxaca; at the city of Valladolid de Mechoacan; at the city of Santa Fé de Guanaxuato; at the city of San Louis Potosi; at the city of Guadalaxara; at the city of Zacatecas; and one at the city of Durango; the other shall be that already established at the city of Arispe, and extends to the two provinces of Sonora and Sinaloa. Each of the above intendancies shall comprehend the jurisdictions, territories, and districts allotted to them, respectively, at the end of these regulations, which shall be delivered to the new intendants whom I may appoint, with their corresponding commissions, (to be issued for the present by the office of state and of the general despatch of the Indies.) I reserve to myself to appoint, forever, and during my pleasure, to these offices persons distinguished for their zeal, integrity, and intelligence, and deportment, who will relieve me of my cares, by my committing to them the immediate government and protection of my people.

ART. 2. The viceroy of New Spain shall continue, with the full extent of the superior authority and various powers conferred on him by my royal commission and instruction, and by the laws of the Indies, as the governor and captain general over that district. To these high offices is added that of president

of the audiencia and chancery of the metropolis of Mexico. But the superintendence and regulation of my royal treasury, in all its branches and revenue, is committed to the care, direction, and management of the intendancy general of the army and treasury, to be established in the said capital; and the other intendancies of province, which I order by these regulations to be created, shall be subordinate to it.

ART. 6. *Of the junta superior.*—This junta shall meet once or twice every week, on the days and at the hours which the superintendent shall appoint, according to his own important occupations, and those of the other vocals, [members,] but, if any urgent occasion happen, he shall have power to convene extraordinary juntas. But all these shall be governed by the present regulations, and the orders which I shall furnish in future, for rendering uniform, as far as possible, in the provinces of the said empire, the government of, and administration of justice in, matters relating to my royal treasury, and to war.

This superior junta shall not only have exclusive jurisdiction of these two branches or objects, but of the public property, and revenue, and community, goods of the towns; for the management and judicial superintendence of which, I confer on this junta what jurisdiction and powers may be necessary to the absolute exclusion of all my tribunals, and it shall be subordinate to my royal person alone, through the office of the universal despatch of the Indies. The cases which arise under the ordinary royal jurisdiction, and those of police and government, in appeal from the intendants, their sub-delegates, and other common judges, shall remain subject to the audiencia of the district in which they may occur, as they are by the laws of the Indies.

ART. 7. The political governments of Puebla de los Angeles, of Nueva Vizcaya, Sonora, and Sinaloa, the offices of corregidor for Mexico and Antequera de Oaxaca, that of Vera Cruz to be created, and the offices of superior alcalde or corregidor for Valladolid, Guanaxuato, San Luis Potosi, and Zacatecas, shall be respectively united with the intendancies which I establish in said capitals and their provinces, and the emoluments at present enjoyed by them who hold the said offices shall cease, and the president regent of the audiencia of Guadalaxara shall, for the present, govern that intendancy. And I command that the intendants have in charge the four branches or subjects of justice, police, treasury, and war, giving them, for this purpose, as I do, all the necessary jurisdiction and powers. These intendancies shall be subordinate and dependent in regard to the two first branches; those of Arispe and Durango on commandant general of their provinces; the other ten on the viceroy, and all of them shall be subordinate to the territorial audiencias, according to the distinction of commands, the nature of the cases and objects of their cognizance, and conformably with the collected laws of the Indies, as will be explained in the body of this ordinance; for it is my royal intention that the jurisdictions established therein, shall not all concur in one person, by confounding or changing, or by implication. These regulations are principally intended to prevent the frequent difficulties and questions of jurisdiction that would arise between governors, corregidors, or superior alcaldes, if these ancient officers should remain distinct in the capitals and provinces where the new ones are now established.

ART. 81. The intendants shall also be the exclusive judges of the causes and questions that may arise in the district of their provinces about the sale, composition, and grant of royal lands, and of seignory, it being required of their possessors, and of those who pretend to new grants of them, to produce their rights and institute their claims before the same intendants, so that these matters being legally prepared in conjunction with a promoter of my royal treasury, whom they may appoint, may be decided upon, the opinion of their ordinary assessors being heard, and they may admit appeals to the superior junta de hacienda; or, if the parties interested do not appeal, they shall communicate to it the original proceedings for its information when they shall judge these proceedings ready for the issuing of the warrant Being seen by the junta they shall be returned, and the warrant issued unless some difficulty occur; and then, before executing it, the measures found to be neglected by the junta shall be observed. The proper confirmations shall, in consequence, be furnished by the same superior junta in due time, which shall proceed in the case, as also the intendants, their sub-delegates, and others, in conformity with the royal regulation of the 15th of October, 1754, as far as it may not be opposed to the requirements of the latter, without losing sight of the wise dispositions of the laws cited therein, and of the 9th, Title 12, Lib. 4.

No. 6.

[Translation.]

EXTRACT FROM THE ROYAL ORDINANCE FOR THE ESTABLISHMENT AND INSTRUCTION OF THE INTENDANTS OF ARMY AND PROVINCE IN THE KINGDOM OF NEW SPAIN.

Section 61, *page* 70.

It shall be an object worthy of the special attention of the intendants, not only to encourage and extend, through the lands situated within their respective districts, which may be calculated for such culture, the valuable produce of *grana fina*, or cochineal, which in former times was much cultivated in many provinces of this empire, but is now confined to that of Oaxaca, by efficiently assisting such Indians as shall apply themselves to that most useful branch of agriculture, in order to enable them freely to dispose of it within the said kingdom, (New Spain,) or, if they choose, to send it to Spain on their own account, as they are allowed to do by Law 21, Title 18, Lib. 4; but also to take care that the said natives and other classes of the people should devote themselves, in preference, to the sowing, raising and preparing of hemp and flax, conformably to Law 20 of the same title and book. And if, in order to attain so important objects, the intendants should find it necessary to make a distribution of the King's lands or of private domains, I grant them power to do so, giving notice thereof, together with their motives, to the supreme board of the treasury; but this is to be understood, as respects the property of private individuals, as applying only to such as, either from the negligence or inability of the owners, shall remain unimproved, and the aforesaid board shall make compensation for the same out of the public treasury; and as respects the royal lands, without prejudice to such commons as, by the provisions of the Law No. 8, ought to belong to each town or corporation; and the lands of the second class shall be distributed by the said intendants in lots proportioned to the number of Indians married, who shall not own any, either in their names, or in the names of their wives, with defence to alien the same, in order that their heirs of both

sexes may succeed to the said lands. For my royal pleasure is that all said natives may own a competent amount of real property, and that the lands which shall be distributed for the aforesaid objects, whether purchased with public funds, or commons, or King's domains, may belong to those individuals to whom they shall have been allotted, whether they be Indians, or belong to other classes, together with the necessary right of property; retaining always the right reserved to my royal crown and to the public domains, respectively; and our intendants shall see that they are, by all, improved for their own benefit, by making them understand the advantages which are to accrue to their interests from this beneficent provision of mine. And where any shall not apply themselves to improve in a proper manner the lands which shall have been allotted to them, the same shall be taken from them (which I command to be done without mercy) and granted to others who shall fulfil the conditions.

Section 81, *page* 93.

The intendants shall also be the particular judges in transactions and suits originating within the district of their provinces, over sales, contracts, and distributions of lands in possession of or held from the King; the persons in possession, and those applying for new grants of the same, shall establish their titles and lay their petitions before the aforesaid intendants, who, after a legal investigation conducted by an attorney of our royal treasury, whom they shall appoint for that purpose, shall decide the same according to law, by the advice of his ordinary assistants, [asesores,] and shall grant appeals to the supreme board of treasury. And in case the parties interested shall fail to appeal, he shall transmit the case, together with the original records, whenever he shall deem them sufficient to determine the title, to the said board, who, after examining the same, shall, if no cause to the contrary be shown, return the said records, for the purpose of deciding the title, or, in order that such formalities as shall have been found wanting may be fulfilled; by which means new confirmation may, without let or impediment, be adduced, upon which the said supreme board shall decide in due time—they, as well as the intendants, their deputies and others, proceeding according to the provisions of the royal instruction of the 15th October, 1754, so far as the same be not repugnant to the present law, and without losing sight of the beneficent dispositions contained in the laws therein cited, and in Law No. 9, Title 12, Book 4.

Section 305, *page* 407.

In the same manner that the magistrates in the Indies are liable to be called to account [residencia] on leaving their employs, it is my will and pleasure that the intendants of said kingdom be likewise so liable, with respect to officers of justice, police, and government, which I commit to them as *corregidores;* and this is to be understood as applying in like manner to their substitutes, deputies and other subalterns. The inquiries to that effect shall be instituted by my Council of the Indies, who shall proceed according to the provisions of Laws No. 69, Title 15, Book 2, and No. 8, Title 12, Book 5, and the records duly completed, with the sentences, shall be transmitted to said tribunal, who, after due consideration, will do justice in the case.

No. 7.

EXTRACTS FROM THE INSTITUTES OF THE CIVIL LAWS OF SPAIN, BY DOCTORS D. IGNATIUS JORDON DE ASSO Y DEL RIO, AND D. MIGUEL DE MANUEL Y RODRIGUEZ.

Historical introduction.

This legal and historical information, which we have brought down to this period, upon the four states or conditions of our jurisprudence, we believe will suffice to form some idea of what Spanish legislation is; conceiving our Kings, by means of such solid ground-works, have been at all times very solicitous and careful of the right administration of justice, without there being observable the least neglect or inattention to this object, so interesting to a monarchy, happy from those early years, which, having sprung up amongst wars, confusion, and turbulence, hath nourished itself and grown with them until it hath attained to rendering itself robust and vigorous in the pacific days of our always unconquerable Catholic monarch, Charles the Third, (whom God prosper.) Happy days, in which we hope, through Divine favor, and the affectionate love of so beneficent a sovereign towards his people, to see Spanish jurisprudence acquiring all the fulness of its lustre, by which, in a short time, the dark cloud of ignorance and confusion must be dispersed, that, with so much self-injury, conceals it from our sight and knowledge. Let us see, therefore, upon what certain principles justice is found established among us, and the lawful consequences which ought to be deduced from them, according to our laws, in order that, being prepared with these means, we may proceed to the study of the elements of our law.

The only object of law is justice, which is "rooted virtue, [raigada virtud,] which always lasts in the wills of just men, and gives and distributes to every one equally his due or right."—(L. 1, Tit. 1, P. 3.) All law is divided into written and unwritten. Of written law we only know one kind, which is law: "that is, the reading [leyenda] in which there exists [yace] written instruction and chastisement; which binds and restrains the life of man, that it may not commit evil, and points out and teaches the good which man ought to do and practice."—(L. 4, Tit. 1, P. 1.)

From this definition these four principles are extracted: 1st. That the law is a general precept to all the kingdom. 2d. That no one can establish or publish it but the King.—(L. 12, Tit. 1, Part 1.) 3d. That all those who live under the dominion of the King are bound to obey it.—(L. 15, Tit. 1, Part 1.) 4th. That its virtues or maxims are seven: to believe or ordain, to command, to unite, to reward, to forbid or prohibit, and to punish, as expressed by L. 5, Tit. 1, Part 1.

From the first principle it follows: 1st. That the law is not obligatory, unless published by proclamation [pregon] or edict, executed by order of the magistrate, according to Auto Acordado, 1st April, 1767.—(L. 12, T. 2, Lib. 3, Nov. Rec.) 2d. That, immediately on being published, it binds, without any excuse or exemption being admitted under pretence of ignorance; because all, without distinction of person or quality, are bound to know and to study it, (L. 20, Tit. 1, Part 1, and L. 1, Tit. 1, Lib. 2, Rec.,)

which clearly repeals the limitation of this rule, which L. 21, Tit. 1, Part 1, draws. 3d. That the law ought to conform itself to that which commonly and not that which rarely happens.—(L. 8, Tit. 1, Part 1.) 4th. That it ought to be clear and intelligible, so that all may understand it.—(Ll. 8 and 13, Tit. 1, Part 1.)

From the second principle it is inferred: 1st. That the lords or vassals cannot make a law without having the royal permission for the purpose, neither can any other person.—(L. 12, Tit. 1, Part 1.) 2d. That the laws, statutes, and ordinances which a corporation, [concejo,] an assembly, [junta,] or college, [collegio,] establishes for its government, have no force and are not binding if they want the royal approbation.—(L. 8, Tit. 1, Lib. 7, Rec.) 3d. That the King alone can annul, in part or in whole, and interpret the law according to Ll. 14 and 17, Tit. 1, Part 1, with other laws. 4th. That he may exempt any one from its penalties and obligation, as the exceptions of Ll. 3, Tit. 8, Part 7, and L. 31, Tit. 4, Part 5, and others of this tenor, prove. 5th. That only the civil laws of the kingdom, and not other foreign laws, are binding.—(L. 8, Tit. 2, Lib. 1, Fuero Juzgo, and those agreeing with it.)

From the third principle it is inferred: 1st. That those who shall live for any time in the kingdom of the lawgiver are bound to contract and litigate according to the laws of the country, unless they should contract with respect to real property situate in other countries.—(L. 15, Tit. 1, Part 1.) 2d. That offenders ought to be punished according to the law of the dominion in which they transgressed or contravened it.—(L. 15, Tit. 1, Part 1.) 3d. That the law does not cease to bind by its non-use, it being necessary for it to be repealed, in order not to be in force.—(Auto 2, Tit. 1, Lib. 2, Rec.)

Finally, conformable to the seven virtues or maxims of law, it is evident: 1st. That its precepts ought to be respecting things good, reasonable, just, and not opposed to the law of God.—(Ll. 1 and 4, Tit. 1, Part 1.) 2d. That the time and place, when and where, the law is published ought to be suitable.—(L. 4, Tit. 2, Lib. 1, del Fuero Juzgo.) 3d. That the law should reward and punish according to the merit or desert of each one.—(L. 3, Tit. 1, Part 1.) 4th. That the laws should unite men by love and friendship.—(L. 6, Tit. 2, Lib. 1, Fuero Juzgo, and L. 7, Tit. 1, Part 1.) 5th. That the prince ought to observe the law, although he cannot be compelled to do so.—(Ll. 15 and 16, Tit. 1, Part 1.) 6th. That the law ought to be made by wise, learned, faithful, and upright men.—(L. 9, Tit. 1, P. 1.)

Under the name or term of unwritten law we distinguish three kinds: those are use, custom, and the common law, [uso, costumbre y fuero.] Use is that which arises from those things which a man says and does, and is of long continuance, and without any interruption.—(L. 1, Tit. 2, Part 1.) In order that a use be valid five things ought to concur: 1st. That it be of a thing from which good may follow. 2d. That it be public. 3d. That there intervene the general consent. 4th. That it be not opposed to any written law. 5th. That it have the consent or order of the King.—(Ll. 2 and 3, Tit. 2, Part 1.)

Custom [costumbre] is the law [derecho] or rule [fuero] which is not written, and which men have used for a long time, supporting themselves by it in the things and reasons with respect to which they have exercised it.—(L. 4, Tit. 2, Part 1.)

On this definition are founded three axioms: 1st. That custom is introduced by the people, under which name we understand the union or assemblage of persons of all descriptions of that country where they are collected.—(L. 5, Tit 2, Part 1.) 2d. That it receives its authority from the express or tacit consent of the King.—(L. 5, Tit. 2, Part 1.) 3d. That, once introduced, it has the force of law.—(L. 5, Tit. 2, Part 1.)

From the first axiom it is inferred: 1st. That, in order to establish a custom, the whole or greater part of the people ought to concur in it.—(L. 5, Tit. 2, Part 1.) 2d. That ten years must have elapsed amongst persons present, and twenty at least amongst persons absent, in order to its being introduced.—(L. 5, Tit. 2, Part 1.) 3d. That, in default of this continuance, it shall be proved by two sentences of judges, or judgments given upon or according to it.—(L. 5, Tit. 2, Part 1.) 4th. That, for the same proof, one sentence alone shall be sufficient, when this was given upon a question, whether that which was alleged to be was or was not a custom, and the judge determined that it was.—(L. 5, Tit. 2, Part 1.)

From the second axiom it follows: 1st. That tacit consent cannot be supposed or presumed, when the custom is opposed to the law of God, to good reason, to the law of the kingdom, and to natural law.—(L. 5, Tit. 2, Part 1; L. 3, Tit. 1, Lib. 2, Rec., and Aut. 2, Tit. 1, Lib. 2, Rec.) 2d. That the custom introduced by error, stealth, or with force, and opposition of some, is of no validity.—(L. 5, Tit. 2, Part 1.)

From the third axiom it proceeds: 1st. That custom ought to possess the virtues of law. 2d. That it ought to be a good interpreter of it.—(L. 6, Tit. 2, Part 1.) 3d. That, being general and immemorial, it may repeal or alter the anterior law by the approbation of the prince, being supposed or presumed.—(L. 6, Tit. 2, Part 1, vide Berni Apuntam, on L. 4, Tit. 2, Part 1.) 4th. That it is itself destroyed and repealed by a new law, or by the revocation of the ancient custom.—(L. 6, Tit. 2, Part 1.)

There are two kinds of custom, one general and the other special or particular.—(L. 4, Tit. 2, Part 1.) The special or particular custom is of two sorts, either with respect to a specific or determinate thing, (*ex. gr.*, with respect to a particular place or person,) or with respect to the whole of certain persons or places. The general is with respect to specific acts of all the inhabitants of the kingdom. Hence it arises, that a custom generally introduced by all the kingdom may destroy the law; but a particular custom in any province or seigniory has only this effect in that district or part where it hath been exercised.—(L. 6, Tit. 2, Part 1.)

Fuero [forum] is a use and custom combined, as appears from L. 7, Tit. 2, Part 1. By this definition, it is certain that a fuero has the force of law.—(L. 7, Tit. 2, Part 1.) And, consequently, it must possess the circumstances which a use and custom require, in order to be valid.—(L. 8, Tit. 2, Part 1.)

BOOK II.

OF THINGS.

TITLE I.

Of the division of things.

We have treated hitherto of the first object of law, which relates to persons; we proceed now to treat of the second, which relates to things. The term thing is applied to whatever is of such a condition that it may be counted among our property.

The first general division of things is that which is made into things of divine right, and those of human right. The first are divided into things sacred and religious. The latter into things common, public, of a corporation or a university, and private.

Every sacred thing is established for the service of God; and therefore the dominion of such is not in our person, and cannot be counted as property, (Ll. 12 and 2, Tit. 28, Part 3,) as are churches, altars chalices, &c.—(L. 13, Tit. 28, P. 3.)

We term religious that place where any one is buried in order never to be removed thence, and if all his body or at least his head lies there.—(L. 14, Tit. 28, P. 3.)

Although our laws may have borrowed these divisions from paganism, nevertheless, since the solemn consecration of churches and cemeteries has been established, we are of opinion that immediately upon being consecrated, religion occupies them and cannot be separated from them at any time. The consequences, therefore, which result from this principle ought to be explained by the canon law.

Things common are those which belong to the birds, to the beasts, and to all other living creatures, as being able to make use of them as well as men.—(L. 2, Tit. 28, P. 3.) Such are the air, the waters from heaven, the sea and its shore.—(L. 3, Tit. 28, P. 2.) By shore of the sea we understand whatever part of it is covered with water, whether in winter or summer.—(L. 4, Tit. 28, P. 3.) Hence it arises that any one may fish or navigate on the sea, and on its shore, where also he may build a cottage or house for shelter.—(Ll. 3 and 4, Tit. 28, P. 3.)

Things public are those which belong only to mankind.—(L. 2, Tit. 28, P. 3.) Hence it is: 1st. That rivers, ports or harbors, and high roads [caminos] are things public.—(L. 6, Tit 28, P. 3.) 2d. The walls and gates of towns or cities according to L. 20, Tit. 32, P. 3, and L. 3, Tit. 5, Lib. 6, and L. 3, Tit. 7, Lib. 7, Rec., are public in their benefits to all; wherefore the obligation to repair them is common to all, although L. 15, Tit. 28, P. 3, classes them among things holy, adopting in this the doctrine of the Romans. 3d. That not only may the natives or inhabitants of a place make use of things that are public, but also strangers.—(L. 6, Tit. 28, P. 3.) 4th. That although the banks of rivers may belong to persons on whose estates they are situate, nevertheless they cannot prevent any one from making fast his boats or vessels [sus embarcaciones] to the trees or posts in them, and doing all that may be convenient for the free use of the things which belong to the art, calling, or industry by which he makes his livelihood.—(L. 6, Tit. 28, P. 3.) 5th. That notwithstanding he whose grounds are planted on the bank of the river may be the proprietor of the trees, he cannot cut that to which any boat or vessel hath been moored, or to which a person may be desirous to moor one.—(L. 7, Tit. 28, P. 3.) 6th. That no new mill nor any other thing can be built on the part of the river by which its navigation may be impeded, and any old building may be destroyed or pulled down which obstructs the common use of these things.—(L. 8, Tit. 28, P. 3.) 7th. That neither can any building or thing be erected by which the common use of high roads, squares, or market places, [plazes,] any threshing grounds for corn, &c., [exidos,] churches, &c., may be obstructed.—(Ll. 22, 23, and 24, Tit. 32, P. 3.)

Things belonging to a corporation or university are those which belong exclusively to the inhabitants [al comun] of any city, town, or castle, or any other place where men reside.—(L. 2, Tit. 28, P. 3.) Of these some may be used by any inhabitant of that city, town, or place, and others are for the particular use of the corporation, [concejo,] which ought to apply the fruits, produce, or rents to the common benefit of the city or town.—(Ll. 9 and 10, Tit. 28, P. 3.)

Of the first description are fountains or springs, places where they hold markets and fairs, and places where the corporation meet, sandy beaches or grounds [arenales] which are on the banks of rivers; and, finally, commons or pasture grounds, [dehesas.]—(L. 9, Tit. 28, P. 3.)

Of the second kind are flocks, fields, and vineyards, olive plantations, and lands, which produce fruit and rent.—(L. 10, Tit. 28, P. 3.) The great variation which is observed in this principal part of our jurisprudence renders its comprehension very difficult; and therefore, for greater clearness, it is necessary to treat of each thing separately.

With respect to what relates to the use of forests or woods, [montes,] and the commonable lands of a corporation or municipal body, [terminos de concejo,] it is to be observed that the abuse arising from their occupancy by many private individuals, without the royal license, gave rise to the following orders or provisions: 1st. That every common [termino] or forest [monte] occupied should be restored to the corporation or municipal body to which it belonged; and when once restored should not be transferred or sold, nor the pastures ploughed or converted [ne romper sus exidos] into arable lands.—(L. 1, Tit. 7, Lib. 7, Rec.) 2d. That from this restitution the clerk or officer [oficial] of the corporation shall not be excepted, under pain of loss of office, and of being rendered unfit to hold it.—(L. 2, Tit. 7, Lib. 7, Rec.) The process and mode which are to be observed by the judges in such restitution are prescribed by L. 3, Tit. 7, Lib. 7, Rec., conformable [arreglada] to L. 18 of Toro, and the modifications laid down in Ll. 4 and 5, Tit. 7, Lib. 7, Rec. 3d. Those commons [terminos] occupied or sold without the royal license, ten years previous to the year 1551, in which the law of King Charles I was published, were required to be reconverted into pasture ground, giving information to the council of what part might have been worked or cultivated by the permission of the municipality, [pueblo.]—(L. 6, Tit. 7, Lib. 7, Rec.) 4th. That vineyards, orchards, or buildings made on common [termino] belonging to a King or a corporation, with the license of the council, possessed for twenty years, shall not be destroyed or pulled down, but the person who possesses it shall pay an annual tax or rent, [censo,] at the rate of five maravedis for every acre of vineyard; and so proportionally.—(L. 3, Tit. 7, Lib. 7, Rec.) 5th. That the buildings given up on account of improper occupation shall not be destroyed, nor the forests or woods [montes] already planted be felled or laid waste, except they should be so extensively planted that the people can cut estovers, [lena,] which shall be done so as to leave the two principal boughs on the trees, [dexando horca y pendon,] that they may grow again, and never to cut the trees at the trunk or foot, allowing the smaller branches [montes] to remain for pasturage, (L. 7, Tit. 7, Lib. 7, Rec.;) all which hath been extended to the forests or woods belonging to private individuals.—(L. 28, Tit. 7, Lib. 7, Rec.) 6th. That no grants [mercedes] may be made of commons [terminos] by the King, corporation, nor judges.—(L. 10, Tit. 7, Lib. 7, Rec.) 7th. Nor may justices grant commonable lands without royal license.—(L. 10, Tit. 7, Lib. 7, Rec.)

Also, in consideration of the utility of these public forests or woods, [montes,] it hath been ordered: 1st. That the planting of trees should be attended to according to the quality of the soil, the old forests [montes] being preserved, and watches [guardas] placed thereover; for which purpose the justices shall visit, every year, the said forests, and take care that the penalties expressed in the ordinance be carried into effect, (L. 15, Tit. 7, Lib. 7,) which must be confirmed by the council.—(L. 13, Tit. 1, Lib. 7, Rec.) 2d. That the corregidors, or magistrates, who should be remiss in the fulfilment of these laws shall lose a

third of their salary, (L. 16, Tit. 17, Lib. 7, Rec. ;) all which hath been expressed more fully in the ordinances of the 7th and 12th December, 1748, which direct that no trees shall be cut without permission of the justice ; and that for every old tree cut five young ones shall be planted ; all felling or burning of public groves [alamedas] with walks, mountains, woods, &c., is forbidden ; and it is ordered that each inhabitant shall plant, every year, five trees, in the situations which should appear best to the corregidor; and, not having them, acorns may be planted at his discretion; that the justices may take cognizances of this, and not the audiencias nor chanceries, with appeal to the board [junta] of works and woods. This ordinance was extended to the forests of private individuals, by the cedula of 18th October, 1763.

TITLE II.

Of dominion, the modes of acquiring it, and its kinds.

The first species of right in the thing is that of dominion, which is a power that arises from the right every one has in the thing, by reason of which he may dispose of and derive from it every possible advantage ; may exclude others from its use, and claim it [vindicarla] from any possessor, unless a contract or the law hinder it. It is, from this, inferred that there are two kinds of dominion, one absolute, or perfect, which consists both of the power of disposing of and receiving the profit, (utilidad ;) the other qualified, or less perfect, by which these two rights are divided between the direct or immediate proprietor, who may dispose of the thing; and the useful usufructuary [util] proprietor, who has the power of claiming [vindicarla] and of enjoying the use or profits of it. Of this last class are the feud or fee [feudo] and the enfiteusis, [lease,] which we proceed to explain before entering on the exposition of the modes of acquiring dominion.

Feud is a grant which the lord makes to any man, on condition that he becomes his vassal, and does him homage, to be faithful to him.—(L. 1, Tit. 26, P. 4.) The origin of feuds must be ascribed to the ancient Franks or Germans; for it appears that their Kings were accustomed to grant lands to their generals and nobles, [senores,] on the condition of their doing homage and performing military service. From them the Lombards adopted them, who introduced them into Italy in the sixth century.—(Jorge Adam Struvio, Syntagma Juris Feudalis, cap. 1, 3.) Feuds were not known in Spain until the ninth century; and the first notice that is taken of them is by the Emperor Charles the Bald, having granted, in fee, Barcelona to Wifredo II, the Handsome, [belloso.]—(Diago, Hist. de los Condes de Barcelona, Lib. 2, cap. 7.) From Catalonia it is to be supposed that feuds would be introduced into Castile; and, in truth, the Behetrias, such as they are described by Pedro Lopez de Ayalo, in his Cron. del Rey Don Pedro, Ano. 2, cap. 14, and the dominio solariego, partook much of the nature of feuds; to which were annexed homage and military service until the duty paid in lieu of military service, [lanza,] and the annats of the half year, [media annata,] were introduced as equivalent to them. This is confirmed by L. 68, Tit. 18, P. 3, which, referring to the solemnities of investiture, says that the grandees [ricoshomes] granted feuds; and that there existed feuds, strictly so called, in Castile, is proved by Tit. 26, P. 4; the laws of which, upon the constitution, dissolution, and recognition or acknowledgment of the feud, and the obligations of the feudatory, agree with the feudal laws of the Lombards contained in the Consuetudines Feudorum. We only observe one remarkable difference in point of succession or descent; for L. 6, Tit. 26, P. 4, says that the succession does not descend beyond grandsons, but returns to the lord; and it is clear that, by the feudal common law, the succession was extended in *infinitum;* but this gives us to understand that such a law, enactment, or provision was made in favor of lords to afford them by this means the greater liberty of disposal.—(See Tit. 25, P. 4, upon the reciprocal obligations of vassals and lords, and the cases in which the former might abandon the feudal dominion [senorio] of the latter.)

L. 5, Tit. 30, P. 3, makes a clear distinction between the feud usufruct and emphyteusis. The last is a contract or agreement which is made respecting real property granted for the whole life of the tenant, or his heirs, on condition of the payment of an annual rent, or as shall be agreed on.—(L. 28, Tit. 8, P. 5.) Whence it follows: 1. That it is a contract partly between sale and lease.—(L. 3, Tit. 14, P. 1.) 2. That the terms set forth in the deed must be fulfilled.—(L. 28, Tit. 8, P. 5.) 3. That if the thing or property be lost or destroyed by fire, earthquake, or inundation, the tenant [enfiteuta] shall not be obliged, from that time forward, to pay the rent, [pension;] but if the whole be not destroyed, so that there should remain at least an eighth part, he shall be obliged to pay.—(L. 28, Tit. 8, P. 5.) 4. If the tenant hath allowed three years to go by without paying the rent to a lay lord, the property becomes forfeited, [cae en comiso,] without its being necessary to have recourse to the authority of the judge: *Provided, however,* That if, within ten days after the expiration of the above time, he should wish to pay the rent, the lord must allow him to retain the thing or property.—(L. 28, Tit. 8, P. 5.) 5. That if the direct or immediate lord be an ecclesiastic, an omission to pay the rent for two years is sufficient to work the forfeiture of the property.—(L. 28, Tit. 8, P. 5.) 6. That the tenant may alien the land, acquainting the lord who has the right of pre-emption [tanteo] with the price that another has offered; and he not giving that price, or being silent with respect thereto for two months, the tenant may sell, but to a person from whom the lord may recover the rent, in order that he shall execute a new deed of lease, and for which he is entitled to a relief, [laudemio,] which is the fiftieth part of the price or value.—(L. 29, Tit. 8, P. 5.) 7. That by alienating is understood selling, exchanging, pledging, or mortgaging, imposing services, or assigning to one without such power of alienation.—(L. 10, Tit. 23, P. 7.) And thus the tenant [el enfiteuta] shall be able to rent the land or thing, notwithstanding Lopez (L 29, Tit. 23, P. 7, Gl. 3) says the contrary. 8. That if a sale thereof was made without the permission of the lord, and he knew and consented to it, no forfeiture is incurred.—(Lopez, L. 29, Tit. 8, P. 5, Gl. 6, Quaest. 4.)

The modes of acquiring or absolute dominion are either by the laws of nations or by the civil or municipal law. The natural modes are original or derivative. The first are so called because by them that thing which was not in the power or possession of another commences to be under the dominion of some one, and derivative modes are so called because by them the dominion is transferred from one to another. Of the original, some put us in possession of [entregan] the body or substance of the thing, as occupancy or invention; others produce a certain augmentation to the thing already ours: such does accession. Tradition or delivery [entrega] is the derivative mode.

Occupancy is the taking corporeal things which do not belong to another with the intention of retaining them for one's self. Things are said to be no one's property which, by their nature, are not under the dominion of any one, or were thrown away by the owner with the intention of parting with them in future.—(Ll. 49 and 50, Tit. 28, P. 3.)

To industrial accession belongs the union or addition of another person's property to one's own: *ex. gr.*, a foot to a statue of the same metal; the writing to the paper; a tablet to the painting, and a house to the soil. In these cases the accessory or addition belongs to the owner of the principal; the foot in respect of the statue, the writing in respect of the paper, the tablet in respect of the painting, the buildings and fruits in respect of the land on which they were planted or sown, and the materials in respect of the building being considered as accessories; but he who united or added another's property with or to his own, or worked on it with good faith, [con buena fé,] shall be entitled to remuneration for the expenses and improvements from him who acquires them by reason of the accession; and if he proceeded with bad faith [mala fé] he loses the whole, as explained, with a variety of examples, by Ll. 35, 36, 37, 38, 42, and 43, Tit. 28, P. 3, which have copied all that the Roman laws say upon the subject.

A species of industrial accession is the specification or formation of a new kind of thing with the material of another, as if from grapes wine be made, a vase from silver, &c. If the materials of which the thing is constructed cannot be reduced to their original state, they shall belong to him who made it in good faith, on paying the value of the materials to the owner; and if it be possible to reduce them to their original state, the thing shall be given to the original owner of the materials, who shall satisfy the party for the expense occasioned in forming the new thing; but in case of acting in bad faith the workman shall lose his labor and expenses.—(L. 33, Tit. 28, P. 3.)

Mixtion [mixtion] results from the mixture of materials of one kind with those of another; and therefore he who mixes his own gold with that of another never makes it his, although he may have done it with good faith, (L. 24, Tit. 28, P. 3;) and if they should be mixed by chance, or by the will of the owners, they shall be common, they being such as can be separated; and if this be not possible, each shall preserve his property in his share.—(L. 34, Tit. 28, P. 3.)

Tradition or delivery, [tradicion,] which is the derivative mode of acquiring dominion, is made when men give possession of their property to others for some lawful reason.—(L. 46, Tit. 28, P. 3.) It is corporeal, as if delivery be made of the thing into the hands of him who purchases it, &c., (L. 46, Tit. 28, P. 3.;) and also fictitious or feigned, as in the case where one should transfer or alien a thing which he hath lent to another.—(L. 47, Tit. 28, P. 3.) This takes place in respect to things corporeal as well as incorporeal, and as demonstrated by the examples referred to in Ll. 46 and 47, Tit. 28, P. 3.

Symbolical tradition or delivery is when one thing is delivered in token or earnest [senal] of another, the dominion of which it is desired to transfer; *ex. gr.*, if the keys of the granary be delivered which contains the corn which is sold.—(See Ll. 6, 7, and 8, Tit. 30, P. 30.)

The modes of acquiring full dominion, according to civil or municipal law, are prescription, donation, and other contracts, of which we shall speak hereafter. We are now treating of prescription as having a very natural connexion or affinity with possession, which we are to consider as accessory to dominion, although it may happen that it is sometimes found separate.

Prescription is to hold the property or thing of another for a certain time, and to make it thereby one's own, so that the right owner cannot afterwards deprive you of it. To constitute prescription, good faith, [buena fé,] just title, and capacity of the thing for the purpose, and of the person who prescribes, are necessary; as, also, continued or uninterrupted possession for a determinate time.—(L. 9, Tit. 29, P. 3.)

Good faith consists in the possessor's believing that the person from whom he received the thing had right to alien or transfer it, (L. 9, Tit. 29, P. 3;) and therefore there will not exist good faith: 1. If the right owner of the thing sold warns or gives notice to the purchaser that it does not belong to the vender.—(L. 10, Tit. 29, P. 3.) 2. Nor if one purchases a thing from a minor, a madman, or the attorney of another, fraudulently or collusively inducing him to dispose of it.—(L. 11, Tit. 29, P. 3.) 3. But there will exist good faith in one who, when he receives the thing, believes the person from whom he makes the purchase to be the right owner, and he ought to be in possession of it all the time necessary by law to acquire the right of prescription; so that if, before the completion of this time, bad faith intervenes, he cannot prescribe, (Ll. 12 and 14, Tit. 29, P. 3,) unless he received the thing by way of gift or exchange, in which cases good faith at the time of delivery is sufficient.—(L. 12, Tit. 29, P. 3.) 4. In the same way, if such possessor, knowing that the thing did not belong to the person who transferred it to him, should sell it to another before the expiration of the time necessary to complete his prescriptive right, the latter cannot take it by prescription, because there existed bad faith at the time of its passing to him, (L. 12, Tit. 29, P. 3;) so that it follows that there must exist good faith at the commencement of the possession of the thing.—(L. 12, Tit. 29, P. 3.) 5. If, with respect to slaves or animals, this bad faith supervenes before the females conceive or are with young, he shall not acquire the young.—(L. 5, Tit. 29, P. 3.) 6. There is not bad faith in one who acquires a thing through the medium of an attorney, if the latter informed his constituent that it was transferred to him by a just title, although it be false, because the error arises in respect of the principal by a lawful reason or way.—(L. 14, Tit. 29, P. 3.)

Just title consists in the cause or consideration by which possession of the thing is obtained, being one of those by reason of which dominion is acquired, as purchase, gift, inheritance, &c.—(Ll. 9, 14 and 15, Tit. 29, P. 3.)

There is capacity in the thing if it is from its nature capable of prescription; and therefore sacred and religious things cannot be acquired by time, nor civil jurisdiction, nor tributes and royal rights.—(L. 6, Tit. 29, P. 3.)

In order that the person may be able to prescribe, it is necessary—1st. That he be of sane mind; wherefore the madman and idiot [desmemoriado] cannot begin to prescribe; but if, previously to becoming mad, such a one begin to acquire, the capacity of person will continue in, and enure to him or his heirs.—(L. 2, Tit. 29, P. 3.) 2d. It will be sufficient that the capacity exists in the attorney who may prescribe for the principal; in which case the bad faith of the former does not prejudice the latter, as we have already said.—(Ll. 13 and 14, Tit. 29, P. 3.) 3d. Mortgagee and lessee cannot prescribe, because they are in possession in the name of another.—(L. 4, Tit. 15, Lib. 4, Recop.) 4th. Nor can one joint heir or copartner prescribe against another.—(L. 5, Tit. 15, Lib. 4, Rec.)

Continued or uninterrupted possession is necessary to the acquiring the thing. By possession, we understand the lawful possession [tenencia derecha] which a man has of things corporeal, with the assistance of the body and mind.—(L. 1, Tit. 30, P. 3.) There are two sorts of possession: one natural, as when corporeal possession is had of the thing, as of a house, an estate, &c., (L. 2, Tit. 30, P. 3;) and the other civil or by permission or sanction of law, as when a person goes out of or quits his house with an intention of not relinquishing it, then he is in possession by will, [de voluntad,] and this is as valid as though he were in corporeal possession.—(L. 2, Tit. 30, P. 3.) The possession of things incorporeal, as

services, [servidumbus,] rights, [derechos,] &c., is proved by use and the sufferance of the owner.—(L. 1, Tit. 30, P. 3.)

Every person of sound mind may gain the possession of things by himself, or by another duly authorized or empowered by him. Hence it is: 1st. That children acquire or hold possession for their parents, and the attorney for his principal.—(Ll. 3 and 11, Tit. 30, P. 3.) 2d. The guardian or curator for the ward or minor, the madman, and the spendthrift, [degastador.]—(L. 4, Tit. 30, P. 3.) 3d. The officer of the corporation [oficial del comun] of any city or town for the corporation whose officer he is.—(L. 4, Tit. 30, P. 3.) 4th. The laborers and ploughmen who are tenants or lessees of any estate for the proprietor of it.—(Ll. 5 and 9, Tit 30, P. 3.) 5th. He who shall promise to hold possession of a thing for the person in whose name he promises to possess it.—(L. 3, Tit. 30, P. 3.) 6th. The friend or innkeeper, [huesped,] &c., for him in whose name he has possession.—(L. 12, Tit. 30, P. 3.) Possession is also gained by those modes which transfer dominion, of which various examples may be seen in Ll. 7, 8, 9, 10, 11, and 15, Tit. 30, P. 3.

As possession consists in corporally or mentally possessing [tenencia] the thing, it follows that the possession of personal property [muebles] will be lost: 1st. Always when the thing is reduced to that state in which it cannot be possessed corporally nor by will, [de voluntad,] of which examples are given in Ll. 14 and 17, Tit. 30, P. 3; but in those cases the owner, although he loses the possession, does not lose the dominion, and therefore may recover the thing from the possessor.—(L. 14, Tit. 30, P. 3.) 2d. The possession of real property [cosas raices] is lost if the possessor is evicted by force; if, when he is not present, another enters on it, and prevents his re-entry; and if, seeing that another enters on his property, he submits to it, and does not drive out the intruder, (L. 17, Tit. 30, P. 3;) but in neither of these cases does he lose the dominion.

No one ought to be dispossessed without a hearing, (L 2, Tit. 15, Lib. 4, Rec.;) nor can the creditor of his own authority enter by force on the property of his debtor, but shall be obliged to pursue his remedy by another mode, as laid down by Ll. 5 and 6, Tit 15, Lib. 4, Rec.; neither can the property of the deceased be taken possession of without the will of the heirs, nor the inheritance of one who is in the service of the King, (L. 3, Tit. 15, Lib. 4, Rec.;) but he who possesses the thing a year and a day in the face of the claimant or plaintiff, according to the custom of some cities, ought not to be compelled to answer with respect to the possession, provided he have it with title and good faith.—(L. 3, Tit. 15, Lib. 4, Rec.)

Continued or uninterrupted possession for the time pointed out by the laws causes prescription. Hence it follows: 1st. That possession, being interrupted or impeded by any reason or cause, also interrupts or impedes prescription; so that, in order to prescribe subsequently, the person must begin to possess anew.—(L. 29, Tit. 29, P. 3.) 2d. That prescription is interrupted by the interposition of a judicial demand, or even by a simple complaint, [querella,] and by a claim made before the neighbors of the place where the house or property is situate, and, if the possessor be a minor, before his guardian.—(Ll. 29 and 30, Tit. 29, P. 3.) 3d. That if the debtor wishes to gain by time or prescription what he owes, and renews the obligation or makes an acknowledgment of the debt, in this case the prescription is interrupted.—(L. 29, Tit. 29, P. 3.)

The time in which things are prescribed is comprehended under the two kinds of prescription, immemorial and temporal. The first is proved by witnesses of good fame or character, who depose to having seen the person in possession of the thing or property for forty years, and having heard their ancestors say that they never saw nor heard anything to the contrary.—(L. 1, Tit. 7, Lib. 5, Rec.) By immemorial possession, seigniory or dominion of cities, towns, and civil and criminal jurisdiction, are acquired; but not that which kings possess by their pre-eminence and taxes, nor taxes, nor tributes, (L. 1, Tit. 15, Lib. 5, Rec.,) which ought to be taken as an exception to what we have said before. Neither by it are duties [alcabalas] prescribed, although the doing so may have been tolerated or permitted, (L. 2, Tit. 15, Lib. 4, Rec.) Nor is the right to raise or levy taxes or impositions acquired, (L. 8, Tit. 15, Lib. 4, Rec.) It may be remarked, that the right of prescription as to dominion or property is interrupted by the interruption of possession.—(L. 7, Tit. 15, Lib. 4, Rec.)

Temporal prescription is confined or limited to a certain number of years. To this sort belong—1st. The limitation of a year, in which the claim to the penalty incurred by judicial bail for not producing the person bailed is prescribed.—(L. 10, Tit. 16, Lib. 5, Rec.) 2d. The prescription of three years, in which personal property is acquired, (Ll. 15 and 17, Tit. 29, P. 3;) and the salaries or wages of apothecaries, spice venders, and other tradesmen or mechanics, in respect of their wares and work, (L. 9, Tit. 15, Lib. 4, Rec.;) and the fees [salarios] of advocates and solicitors are prescribed.—(L. 32, Tit. 16, Lib. 2, Rec.) 3d. The prescription of ten years, in which real property [las raices] is acquired among persons present, (L. 18, Tit. 29, P. 3,) and in which the executive action is barred.—(L. 6, Tit. 15, Lib. 4, Rec.) 4th. That of twenty years, which prescribes the right of absent persons to real property, (L. 18, Tit. 29, P. 3,) and the personal action and execution [executoria] granted thereon.—(L. 6, Tit. 15, Lib. 4, Rec.) 5th. That of thirty years, in which property generally is acquired, even without good faith, with the difference that in case of there being good faith, if another deprives the possessor by prescription of the property, he may sue for its recovery, unless it be the right owner who ousted him; but if he possessed it with bad faith he cannot demand back the possession, except in cases where the property was stolen from him, or he was deprived of it by the judge for not answering on citation, and he should not demand it within the year.—(L. 21, Tit. 29, P. 3.) Actions real, hypothecary, and mixed, are also prescribed in thirty years.—(L. 6, Tit. 15, Lib. 4, Rec.)

BOOK III.

OF ACTION.

TITLE I.

Of jurisdiction, judges, and trials, or judicial proceedings in Spain in general.

Having treated of the two first objects of justice, it remains to discuss in this third book the last, which relates to actions, under which term is understood all that is embraced or comprised in a trial or judicial proceeding, [juicio;] therefore we shall treat in succession of each of its parts.

Jurisdiction is the power which the King or lord of a domain possesses over his subjects or vassals, as arising from the dominion which he exercises over them. This dominion [imperium] is pure [mero] and mixed.

Pure dominion or jurisdiction is that which confers upon the prince the power of deciding criminal causes. Mixed is that which confers upon him the cognizance of civil causes.—(L. 18, Tit. 4, P. 3.) Thus, then, this supreme jurisdiction, in matters civil and criminal, resides only in the King, (L. 1, Tit. 1, Lib. 4, Rec.;) and, therefore, no lord or private individual can exercise, in the dominions of the crown, this jurisdiction without producing the title or privilege he possesses for so doing.—(L. 2, Tit. 1, Lib. 4, Rec.) Whence proceeds the pre-eminence or right of the crown to appoint secular judges to the cognizance of these two kinds of causes, as also escribanos and other ministers of justice.—(L. 2, Tit. 4, P. 3.)

Jurisdiction, in the first place, is ordinary or delegated. Ordinary is that which is vested with every extension in the magistrate by reason or virtue of his office. Delegated is that which is given to any one for the cognizance of a certain and determinate cause, which is exercised by all judges who are commissioned or deputed [comisionados.]

From the different nature of these two jurisdictions we deduce that the ordinary is favorable and perpetual, and the delegated odious and limited.

First. Wherefore, if a commission is given to an ordinary judge to take cognizance of any cause over which he possesses ordinary jurisdiction, he is understood to exercise the latter, unless something be added to or taken from it; but, even in this last case, if he hath not made use of the limitation or extension, he will be always considered to have exercised the ordinary.—(Hevia, Cur. Filip., part 1, 4, num. 4 and 5.) 2d. That both jurisdictions concurring in one judge, he is understood to exercise the ordinary.—(Hevia, ibid., num. 5.)

As in delegation oftentimes regard is had to the ability or fitness which the substitute shows for the office which he is to exercise, it hence follows: 1st. That the appointment can only pass to his successor when the substitute or delegate is not named, or, being named, if it can be proved that the person delegating was unacquainted with the delegate at the time he commissioned him.—(Hevia, ibid., num. 12.) 2d. That the delegate cannot commit his jurisdiction to another judge, although he be an ordinary one.—(L. 47, Tit. 18, P. 3.)

In the second place jurisdiction is divided into privative or exclusive, [privativa,] and preventive, [acumulativa.] The first is that which of itself alone deprives other judges of, or excludes them from, the cognizance of the cause; and this all judges enjoy or exercise to whom causes are committed, with an inhibition to others of the district to take cognizance of them. The second is that by which a judge may have cognizance of causes which another judge undertakes, or in which he has concurrent jurisdiction, with prevention between them.—(L. 19, Tit. 8, Lib. 2, Rec.) The latter those enjoy: 1st. Who acquire it by favor of the person while living. 2d. Those who acquire it by prescription. 3d. Those who possess jurisdiction delegated to them by a judge superior to the one of the district or place, by reason or virtue of which they may inhibit the ordinary and other judges from the cognizance of causes contained in their commission, although they may be pending before such judges; and, in the meantime, if this commissioned judge dies, or his office or power is defective or at an end, they cannot even take cognizance of such causes without a new power or delegation from the person who appointed, [el delegante.]—(L. 47, Tit. 18, P. 3; Hevia, ibid., n. 14 and 15.)

In the third place, jurisdiction is divided into necessary and voluntary. Necessary is that which is actually exercised over persons who are subject to it. Voluntary is that which is possessed over him who, of his own accord or free will, is disposed to submit to it.—(L. 32, Tit. 2, P. 3.)

From this last arises the jurisdiction called prorogada, which is the extension of jurisdiction to the case or person to which or whom it is not by its nature extended.—(Carleval, Tit. 1, Disp. 2, Sec. 1, Q. 8, L. 20, Tit. 21, Lib. 4, Rec.)

Hence it is that, in order to be bound by an incompetent jurisdiction, [prorogarse la jurisdiccion,] two things are necessary. The first, consent of the parties; the second, that the judge, to whom submission is made, has antecedently lawful jurisdiction.—(Carleval, ibid., num 979 and 1071.)

The first requisite arises from tacit or express consent, whence springs jurisdiction prorogada, tacit or express. Tacit jurisdiction prorogada takes place when those who contract or commit a crime subject themselves to a foreign or other [ageno] judge, who has cognizance of any of these proceedings in another jurisdiction, (L. 32, Tit. 2, P. 3,) or when one appears before a judge, to whose jurisdiction he is not amenable, without pleading to it, (L. 32, Tit. 2, P. 3, Carleval, ibid., sec. 2, num. 892 to 1000;) but contumacy, as it is compulsory, or not voluntary, does not induce or infer submission, [prorogacion.]—(Carleval, ibid., num. 1000, et seq.) Jurisdiction prorogada express is, when one submits to the jurisdiction of another judge, renouncing his own privilege or right, (Carleval 1, ibid., sec. 1, num. 967, and sec. 2, num. 1003 to 1019,) where may be seen the cases in which this express consent is not valid; neither does this jurisdiction take place when the defendant files a cross bill, by way of compensation or set-off against the plaintiff, before the same judge before whom he is sued or cited. The reason of this submission [prorogacion] is founded on this principle: that it is proper that after the plaintiff hath desired to establish or obtain his right before a judge, the defendant should be allowed to do the like before the same judge.—(L. 20, Tit. 4, P. 3.)

From the second requisite follows: 1st. That every superior judge may submit to the jurisdiction of an inferior ordinary judge.—(L. 7, Tit. 9, P. 1.) 2d. That so also may the judge of equal jurisdiction submit to that of his equal.—(Hevia, ibid., num. 23.) 3d. That the jurisdiction of every ordinary judge appointed for one or three years, although the term be expired, is submitted to until his successor enters on the possession of the office.—(L. 5, Tit. 5, Lib. 2, Rec.) 4th. That all jurisdiction, although necessary or compulsory, [forzosa,] may be exercised in another territory with permission of the judge of that district.—(Hevia, ibid., num. 25.) 5th. That the prince, lord, or judge, being absent from their territory or jurisdiction, may appoint a person to preside or decide in their name; but having two or more separate seignories or jurisdictions, and being in one of them, they may take cognizance of causes from the other, provided that the party be not obliged to go from his domicile.—(L. 13, Tit. 7, P. 3.)

Hence it also follows that all jurisdiction, from its nature, may be submitted to unless that its constitution or a statute forbid it on another account.—(Carleval, ibid., sec. 4.) By the law of the realm the following persons are prohibited from submitting themselves to an incompetent jurisdiction: 1st. Laymen to an ecclesiastical judge.—(Ll. 11 and 13, Tit. 1, Lib. 4, Rec.) 2d. Persons under twenty-five years of age, without the authority of their curator.—(Carleval, ibid., n. 1130.) 3d. Agriculturists, [labradores,]

even in case of submitting themselves to the nearest royal corregidor, or to the head of the district.—(L. 25, Cap. 4, Tit. 21, Lib. 4, Rec.) 4th. Poor persons.—(Carleval, ibid., n. 1142.) 5th. An attorney without special authority.—(Carleval, ibid., n. 1143.) Jurisdiction by its constitution cannot be submitted to: 1st. In suits pending in the audiences, which cannot be invoked to the council.—(Ll. 10 and 23, Tit. 5, Lib. 2, Rec.) 2d. In cases of the value of thirty thousand maravedis, the cognizance of which belongs to the councils or corporations of cities or towns.—(Pragmatica of 28th of June, 1619.) 3d. In causes of appeal, because no appeal can be preferred but to the immediate superior judge.—(Carleval, ibid., sec. 5, num. 1224.)

The effects of prorogacion are: 1st. That this jurisdiction passes to the successor in office, unless the submission hath been personal.—(Carleval, ibid., sec. 6, num. 1234 and 1235.) 2d. That being made to the judge delegate, it is at an end with the delegation.—(Carleval, ibid., num. 1236.) 3d. That the sentence given by the judge, to whose jurisdiction submission hath been made, may be carried into execution by him, unless the assistance of another jurisdiction be necessary, as happens in respect of the ecclesiastical judge, who cannot execute his sentences without the assistance of the secular power.—(Ll. 14 and 15, Tit. 1, Lib. 4, Rec.) 4th. That, when once the submission is admitted by the judge, he can be compelled to the cognizance of the cause.—(Carleval, ibid., n. 1240.) 5th. That the judge may delegate this jurisdiction which has been submitted to.—(Carleval, ibid., n. 1241.)

From the royal and ecclesiastical jurisdiction emanate other subordinate or inferior ones, known under the name of fueros privilegiados; such are the military jurisdiction, those of the universities, and of the inquisition, &c.; but such as can in no way prejudice or affect the civil or royal, from whence they have derived their existence. For the conservation of this jurisdiction, reference is had to the following provisions: 1st. That no ecclesiastical jurisdiction can impede the royal, under pain of losing its privileges [see naturaleza] and its temporalities, [temporalidades,] (Ll. 3 and 4, Tit. 1, Lib. 4, Rec., jointly with L. 12, Tit. 8, Lib. 1, Rec.,) which comprises the penalty of judges conservadores who intermeddle in profane or lay causes. 2d. That only in causes relating to benefices, tithes, and in criminal and matrimonial causes, can ecclesiastical judges cite laymen in the tribunal or jurisdiction [cabeza] of the bishops.—(L. 5, Tit. 1, Lib. 4, Rec.) 3d. That ecclesiastics who possess temporal jurisdiction must exercise it through laymen.—(L. 8, Tit. 3, Lib. 1, Rec.) 4th. That the corregidors and justices must make their report every year, if the ecclesiastical judges usurp the royal jurisdiction.—(L. 17, Tit. 5, Lib. 3, Rec.) 5th. That special commissions may not be given in prejudice of the ordinary jurisdiction, except when it shall seem fit to the council.—(L. 10, Tit. 9, Lib. 3, Rec.)

These jurisdictions are given and appropriated by the King to magistrates who judge in his name; therefore they are called judges, which implies good men, who are appointed to order and to administer justice.—(L. 1, Tit. 4, P. 3.) Hence it is that every judge ought to be qualified, of good manners and habits, and endowed with the qualities expressed by L. 3, Tit. 4, P. 3. This qualification or fitness consists in age, science, and capacity. In respect of age, no one under twenty-six years can hold a judicial appointment.—(L. 2, Tit. 9, Lib. 3, Rec.) As regards science, every judge must have studied ten full years, (L. 2, Tit. 9, Lib. 3, Rec.,) and must decide by the laws of the kingdom.—(L. 4, Tit. 1, Lib. 2, Rec.) Finally, in regard of capacity, neither the insane, [loco,] the dumb, the deaf, the blind, the habitually infirm, the religious, the female, nor the clergyman, can be a judge.—(Ll. 7 and 8, Tit. 9, Lib. 3, and L. 10, Tit. 3, Lib. 1, Rec.)

As a judge ought to be a good man, [hombre bueno,] it is inferred that no man of ill conduct can be judge nor alcalde.—(L. 7, Tit. 9, Lib. 3, Rec.) 2d. Nor he who receives presents for administering justice.—(L. 5, Tit. 9, Lib. 3, Rec.) 3d. That no one can be such in causes in which his relations and friends [allegados] are interested.—(Ll. 9 and 10, Tit. 4, p. 3.)

The obligations of judges are very numerous, and do not properly belong to the object of our institutes. Reference is made to Ll. 6, 7, 8, 12, 13, 14, 15, and 16, Tit. 4, p. 3, and Ll. 3 and 16, Tit. 9, Lib. 3, Rec.

There are three kinds of judges, ordinary, delegated, and arbitrators, or judges of the fact, [arbitros.] The ordinary are persons who are ordinarily appointed to perform their offices in regard of those over whom they are to decide, in places in which they have jurisdiction.—(L. 1, Tit. 4, p. 3.) In this class are comprehended all judges who are appointed officially by the King, as magistrates, [corregidores,] alcaldes, &c., (L. 1, Tit. 4, P. 3,) with regard to whose powers, privileges, and other things belonging to their office and duties, there are various provisions collected in various titles of Lib. 2, Rec., which ought to be studied with reflection.

Delegated judges are those appointed to hear and determine [oir] certain or specific suits by command of the King, or of other judges ordinary, [jueces ordinarios,] (L. 19, Tit. 4, P. 3;) and it is to be observed that he who is delegated by the King may commit to another his delegation; but not he who is delegated by the ordinary judge.—(L. 19, Tit. 4, P. 3.) In the person delegated by the ordinary judge, these four circumstances ought to concur: 1st. That he exercise his jurisdiction in the territory of the person delegating. 2d. That the cause or suit over which the delegation devolves be within the cognizance of the person delegating. 3d. That it be not of that number which cannot be delegated according to L. 18, Tit. 4, P. 3. 4th. That he investigate the cause to which he is commissioned, abiding in the place directed by the commission, or appointed by the person delegating.—(L. 17, Tit. 4, P. 3.) These circumstances are not necessary with respect to the person delegated by the King, who, before setting out on his commission, ought to qualify himself with the solemnities of the oath, and other requisites expressed by L. 18, Cap. 19, and 20, Tit. 26, Lib. 8, Rec., not being able to give as his sureties any of the officers who shall accompany him, nor the escribano de camara. Auto 28, Tit. 19, Lib. 2, Rec., explains the mode in which these judges, commissioned by council, [concejo,] must proceed in commissions de oficio, not being allowed to be accompanied by agents [diligencieros] or fiscals, (Auto 9, Tit. 1, Lib. 8, Rec.;) nor to exceed the bounds prescribed to their powers.—(Auto 4, Tit. 1, Lib. 8, Rec.) Their commission being completed, they ought to give an account of it to the council within twenty days, (L. 46, Tit. 4, Lib. 2, Rec.,) without whose certificate they cannot obtain that from the fiscal of having giving an account of the penalties or fines of the camara.—(Auto 3, Tit. 13, Lib. 2, Rec.) The persons whom these judges shall condemn ought to present themselves to the council within fifteen days, if within the walls of the city, [los puertos,] and within forty days if without the city.—(Auto 5, Tit. 14, Lib. 2, Rec.)

These delegations are made for two purposes, either for the full or entire cognizance of the cause to definitive sentence, or for conducting the process [actuar el proceso] the judge delegating reserving to himself the pronunciation of the sentence.—(L. 1, Tit. 4, P. 3.)

Every delegated judge ought to decide according to the orders of the persons delegating, (L. 1, Tit. 4, P. 3;) and from this principle it follows that he can only hear the cause delegated, and its accessory,

without which the commission cannot be carried into effect, [expedirse.]—(Ll. 19 and 20, Tit. 4, P. 3, L. 46, T. 10, P. 3.) 2d. That it is in the power of the person delegating to suspend him from the exercise of the office delegated whenever he pleases.—(L. 19, Tit. 4, P. 3.) 3d. That the person delegated may take cognizance of [oir] the action of reconvention, and the agreement by the parties to refer to arbitrators, [compromisos] upon matter appertaining to the commission, although nothing relating thereto be expressed in it.—(L. 20, Tit. 4, P. 3.) Delegated jurisdiction is terminated, 1st, By the revocation of the person delegating.—(L. 21, Tit. 4, P. 3.) 2d. By the non-exercise of it within the year, by the person delegated.—(L. 35, Tit. 18, P. 3.) 3d. By the death of the person delegating, or of any of the parties before the commission is entered on, [principiarse] (L. 21, Tit. 4, P. 3;) for the delegation once acted on is perpetuated.—(Hevia, ibid., n. 11.) Of the delegation of the coroner, or judge of inquest, [juez pesquisidor] we will treat in the 11th title.

No. 8.

BOOK II.—Part 2.—Chap 2.

OF THE ROYAL EXCHEQUER.—BIENES.*

Chattles vacant and without owners.

1. The royal treasury is heir, where succession fails in the fourth degree, to the chattles of a known owner dying intestate, after the wife, who alone is preferred and has the better right; which chattles are called of an intestate, and vacant.

2. The royal treasury also succeeds to and takes possession of the chattles left derelict and abandoned, not having an owner, and is preferred to any person whatsoever who may have first taken possession of them, as belonging to nobody; because it is a royalty and the King's right, asserted and notorious, and the primitive right of the occupation of chattles without a master merges in it. These chattles are known to be derelict by the signs of an intention to leave them.

3. Chattles lost and without a possessor, the owner of which is uncertain, shall be applied to the use of his Majesty, as the Catholic Kings, in a compiled law, give to understand that they possess this dominion by virtue of the bull of the supreme pontiff's so confessing, as donees of his holiness Pius IV.

4. Although in other kingdoms of his Majesty's monarchy, the administration and collection of chattles without owners appertains to the officers of the tribunal of the holy crusade, in the kingdom of Peru, where their pretensions to this were very ancient, it is declared to belong to no others than the King's officers, who are, in all its minutest branches, charged with the royal revenue; and this being the case, and the said proceedings and investigations being made, as the laws of the kingdom direct, according to the usual administration of justice, they shall take an inventory of them, and incorporate them in the royal patrimony, without allowing the said officers of the tribunal of the holy crusade to enter upon possession of them.

5. In derogation of, and to the injury of this royal right, interdictory papal decrees have been despatched to Peru, respecting chattles without owners, in favor of the religious order of our Blessed Lady of Mercy, and not to militate the reagainst what his Majesty has commanded in Spain, let said briefs be withdrawn, as contrary to royal orders and the King's prerogative, and said chattles belong to the royal cabinet and treasury.

6. From hence it results that the treasurer of the royal revenue is to take charge of this branch and class, in the same manner as the others which he administers, both himself and the other officers of his department, as this royal order directs.

7. The doubt remains if there can be a prescription against his Majesty of vacant and unowned chattles, and if such are alienable; which doubt, observing distinctions clearly explanatory of doubtful points, is satisfied as follows:

8. Chattles vacant, derelict, and abandoned, have a prescription against the Prince: this prescription is against the *right* to them; also, the things themselves found. If we treat of prescribing the title to the chattles, immemorial prescription is necessary: thus, the cited authors write, and I weigh law 1, chap. 15, of the divisions of book 4 of the Digest, [Recopilacion,] where it treats of the jurisdictions, that some are imprescriptible, and others are prescribed by immemorial use; then saying that it is thus understood as respects the tributes and rights due to the crown.

9. If we treat of prescribing the chattles when they are vacant or abandoned: notice being given to the treasury, they are prescribed by four years, if he who seeks the prescription has a title and good faith, as in a public sale, movable by three years, immovable by ten years, to persons present; without a title and with good faith, thirty years.

10. In the lost effects of uncertain owners no prescription takes place, because there is bad faith, and that resists even immemorial use, and for that reason the law of the kingdom, treating of them, said that privilege, use, and custom were necessary; that is, a privilege made use of and kept as in the law of lawful money.

11. As respects the donation and privileges of these chattles, it is said: the privileges comprise the vacant and abandoned, because the prince can bestow them, and those of the intestates of these kingdoms. The uncertain, that is, those goods without owners, whose masters are not known, from being lost, belonging to the King solely, as donee of the supreme pontiff for special purposes, and not appertaining to him as a prince, he cannot bestow them; and to be able to obtain them, use and custom must concur with privilege, for which purpose prescription of forty years and privilege are equal to immemorial usage.

12. Those of travellers, that is, of strangers, appertain to pious works, and although in the kingdom of France they belong to the King, not so in Spain absolutely, but only the disposal and custody of what shall remain after the necessary expenses of the funeral.

* *Bienes* seems to include all kinds of property; perhaps with exception of Mayorasgo and bienes raices, *real property;* although, in many respects here, it, *bona stabilia*, seems confined to personal effects.

No. 9.

Law 34. That the King's solicitors [fiscales] be protectors of the Indians, and defend and plead for them—Philip II, at Alonzon, in Arragon, 6th September, 1563; and in Ordinance 81 of the Audiences [Audiencias] of this year, Madrid, 8th January, 1575; at the same place, 23d June, 1587; and in Ordinance 93, Audiencias, 1596; Philip IV, in this collection [recopilacion.]

The King's fiscals in our royal courts of audience [reales audiencias] shall be protectors of the Indians, and aid and favor them in all cases and things where they have a lawful right, to obtain justice, and plead for them in all civil and criminal suits, whether official or between parties, with Spaniards demanding or defending; and so they shall give the Indians to understand, and in particular suits between Indians, they shall assist neither of the parties; and in the courts of audience where there may be general protectors, advocates, and solicitors for the Indians, they shall report how they may aid them in complying with what is wanting, and co-operating with them, should it appear necessary.

Law 35. That, when an Indian has a suit with the royal treasury, a person shall be provided to defend the Indian.—Emp. Charles and the Prince Regent, at Valladolid, February 13, 1554.

In case the fiscal prosecute a suit against any Indian, and that no protector should be present, or the solicitors prevented from defending from being employed by other litigants, the court will appoint a person more proper for his defence.

Law 36. When notice of granting lands shall be given to those interested, the fiscals shall be cited for the Indians.—Philip II, at Aranjues, May 24, 1571, and Philip IV, in this collection.

We desire that the Indians may be in every respect relieved and well treated, and receive no molestation, damage, or injury, in their persons or property. And we command that, on all cases and occasions where it may be necessary to send or get information whether any injury would result to individuals by granting lands to cultivate or distribute, or for other purposes, the viceroys, presidents, and auditors, will cause to be cited those really interested, and on the part of the Indians the fiscals of the royal audience, in order that all and each of the aforesaid may take his proceedings and allege his right against any injury that may result to his prejudice.

Law 46. That, where there may be no fiscals, the factors of the royal domain make the judicial inquiries required for the fiscal of the council.—Emp. Charles, and Prince Philip in his name, at Valladolid, August 7, 1548.—(See Law 37, Chap. 4, Book 8.)

If the fiscal of the council should have occasion to make judicial inquiries, or other proceedings in the Indies, we order the factors of our royal domain, where no fiscals are provided to attend to this with all care and diligence, and without excuse or delay send an answer of what they shall have done in the business about which the fiscal wrote to them: for thus our royal service requires.

(*Vol.* 2.)

Law 25. That the Indians may freely trade their products and provisions.—Emp. Charles and the Kings of Bohemia regents, Valladolid, May 12, 1551; Philip II, at the Prado, January 30, 1567.

It falls out that the magistrates, rulers, and guardians [encomenderos] of the Indians do not allow them to trade freely with their provisions and other things, under the pretext of good order, or because they are under their charge, [encomienda,] from which the Indians receive much vexation and injury, with force and violence, not being able to dispose of their produce and provisions, which they are sometimes deprived of, having to support their wives and children. We order our courts and tribunals not to permit these grievances, but allow them freely and without impediment to sell their goods and produce.

Law 30. That the encomenderos [guardians] do not succeed to the lands vacant by death of the Indians.—Emp. Charles and the Prince Regent, Madrid, May 14, 1546.

The encomenderos cannot succeed to the lands and hereditaments vacant by the death of the Indians of their encomiendas, without heirs or successors; the towns of which they were resident shall succeed, as far as the amount necessary to pay the tribute at which they might have been taxed, and something over, and the surplus be applied to our royal patrimony.

Law 22. That the fiscals defend the law suits of the communities of Indians.—Philip III, at Madrid, February 13, 1698, chap. 12; Charles II and the Queen Regent.

The fiscal of the court of audience has to demand in the causes touching the imposts and goods of the community what he shall judge proper, being their defender and advocate in all demands, petitions, answers, exceptions, and every other judicial proceeding whatsoever, and have recourse to all in the completest manner, as he is obliged to do, so that all the suits have to be at his risk; and this is conformable to what is charged all fiscals in the defence and protection of the Indians and their property; and if his occupations should not allow him to do thus, he will hand them over to the advocates, protectors, and solictors, who may be appointed to take charge of Indian affairs, whom we command to assist and help those referred to in this and take charge of them, the same as the other tribunals do.

Law 2. That the audiences shall take private cognizance of these rights, and report officially.—Philip II and the Princess Regent, at Valladolid, June 19, 1558.

The audiences have to take private cognizance of the rights of the Caziques; and if the Caziques or their descendants pretend to succeed to them and the jurisdiction which they formerly had, and if they should demand judicially let them proceed as has been commanded; and they shall also report officially on what passes on this subject; and it being plain to them that any have been unjustly dispossessed of their caziqueships and jurisdictions, rights, and revenues annexed to them, they shall be restored to the said parties to whom they appertain; and the same shall be done if any towns are dispossessed of the right which they had of electing caziques.

Law 6 charges the tribunals and royal officers with the recovery of effects without owners, and commands the laws to be observed.—Empress Regent, Madrid, November 27, 1552; Philip IV, same place, August 26, 1631.

In the recovery of effects without owners, the masters of which do not appear, the proceedings commanded by the laws of our kingdom of Castile being taken, and it belongs to our royal cabinet and treasury, our tribunals and royal officers shall take great care and not consent or allow that the treasurers and collectors and other persons charged with the recovery of the property of the tribunal of the holy crusade, recover anything unless with our royal letters patent, signed by our Council of the Indies, giving proper orders for the aforesaid; and let law 18, chap. 20, book 1, and law 1, chap. 5, book 5, be observed and kept.

Law 24. That duties on sales [alcabala] be not recovered from the Indians.—Same, chap. 3.

The Indians henceforth have not to pay the alcabala for what they sell, traffic, or contract, not belonging to Spaniards or persons who ought to pay it, because they have to pay it for what they sell, not belonging to Indians but to others; and, in order that their intervention should not prevent its being recovered, they shall be warned and apprised every time it appears, that the things they sell belong to themselves or other Indians, and that they have not in their shops merchandise, manufactures, or utensils of their trades, belonging to Spaniards, or others liable to the duty, for sale, and that all they have for sale belongs to them or other Indians, and that they do not clandestinely sell anything not belonging to themselves or other Indians; and if they have for sale anything belonging to any person liable to the duty, they shall discover and show it; and if, warning having been given, the contrary shall appear, double the amount of the duty shall be recovered from the concealer, and he shall be imprisoned in jail thirty days. All which will be thus done.

No. 10.

OATH TO BE TAKEN BY THE GOVERNORS.

Laws of Indies, Book 5, *Chap.* 2.

You swear to God on this cross, and to the words of the Holy Evangelists, that you will exercise well and faithfully the office of governor and captain general, of which you have received the gift; and you will maintain the service of God and of his Majesty, and attend to the well-being and good government of that province; and you will look to the welfare, augmentation, and preservation of the Indians; and you will do justice on both sides, without respect to persons; and you will keep and obey the articles respecting good government and the laws of the kingdom, orders, and dispositions of his Majesty, both those which are made and issued, and those to be made and issued, for the good government of the monarchy of the Indies; and you will not treat nor contract, by yourself, nor by intermediate persons, and you will have no bargain nor concert or understanding with your lieutenant, sheriffs, nor other officers, about salaries or impositions, and you will leave these free to them, as his Majesty orders; and you will not bear nor consent that your officers exact too much fees, nor presents, nor bribes, nor any other thing beyond their dues, under penalty of privation of office, and paying from your perquisites; and that you will keep and make keep the tariff and such dispositions as in it are found; and that you will not carry with you any of the aforesaid officers at the request or by the intercession of any one about this court nor out of it, agreeably to the article of good government which speaks to this point, but will freely carry with you such persons as, in your judgment, are fit for these offices; and if you have received any officers contrary to this form and tenor, you will despatch them immediately; and in everything you will act as you ought and are obliged to do.

Say: Yes, I swear.

Then, as you do this, God assist you; and if not, may He call you to account.

No. 11.

TRANSLATIONS FROM THE NOVISSIMA RECOPILACION DE LAS LEYES DE ESPAÑA.

[Latest compilation of the laws of Spain, in twelve books, in which are incorporated the compilation published by Don Philip II, in the year 1567, and subsequently reprinted in 1775; and the orders, decrees, royal resolutions, and other provisions, not before compiled, down to the year 1804. Compiled by order of Don Carlos IV. Madrid, 1805.]

Liber III, *Title* 5, *Law* 1.—(*Vol.* 2, *p.* 19.)

OF ROYAL DONATIONS, GRANTS, AND PRIVILEGES.

Royal grants cannot be revoked, without some default of the grantee; and descend to his heirs.

Those things which the King gives to any one, cannot be taken from him, either by the King or by any one else, without some fault of his; and he to whom they are given, shall dispose of them at his will, as of any other things belonging to him; and, in case of his dying intestate, it shall descend to his heirs, nor shall his wife demand any part thereof; in the same manner, the husband shall not demand any part of what may have been given by the King to the wife.

Ibid., Law 7.—(*Page* 21.)

No grants of villages, castles, lands, and hereditaments of this kingdom, can be made in favor of any King or other persons, strangers therein.

In pursuance of the foregoing law, (Law 6,) we declare that we will not give or grant to any king or other person, being out of, or strangers to, these kingdoms, any cities, villages, castles, hamlets, lands, or hereditaments, nor any islands belonging to these kingdoms, or to our royal crown, nor permit or cause

any to be so given or granted; and we assert it upon our true faith and royal word; and we forbid any and all our subjects to presume to give, sell, or exchange any towns, villages, castles, lands, or hereditaments, nor any islands belonging to our kingdoms, to any king, lord, or any other person, being out of, or strangers to, our kingdoms, under penalty of incurring our displeasure.

Lib. 7, *Tit.* 3, *Law* 4.—(*Vlo.* 3, *p.* 286.)

Jurisdiction of justices and regidors in matters connected with ordinances concerning the rents of the municipal domains of the villages, with appeal and resort to the chanceries.

Whereas the town of Valladolid and the city of Grenada have made and continue to make ordinances, as well for their officers and functionaries and superintendents of the limits and commons in the country and the weights and measures as for other matters which are of the resort of the judiciary and regidors, we command the auditors and alcaldes not to interfere therein except by way of appeal and in cases of damages; and in these cases the judge who shall have given judgment shall be called, in order that the same may be tried without the delays of pleading. And we command, further, that the same be observed in cases of complaints and damages concerning the rents of the domains [propios] of the council, or of those which are collected for the fraternity, [hermandad.]

Lib. VII, *Tit.* 16.

OF THE MUNICIPAL DOMAINS [PROPIOS] AND TAXES [ARBITRIOS] OF TOWNS.

Law 1.—(*Vol.* 3, *p.* 382.)

Nullity of grants made by the King of the municipal domains of the towns.

Our will and pleasure is, that the cities, towns, and villages shall retain their rights, revenues, and municipal domains, [propios,] and that no grants be made of them; wherefore, we command that all grants of the same, or any part thereof, which we may make to any person be of no value whatever.

Law 2.—(*Vol.* 3, *p.* 382.)

Restitution to the towns of the estates, rents, and offices appertaining to the municipal domains, [propios.]

Whereas our pleasure is, that the cities, towns, and villages be relieved, with regard to their municipal domains, [propios,] we command that the stores, shops, granaries, and the lots within their squares and market spaces which yield rents, or which they may rent, and which were set apart as the municipal domains of said cities, towns, and villages, as also the offices appertaining thereto, or which are to be granted to said cities, towns, and villages, and from which rents may accrue to the same, which may have been entered and unjustly occupied by any person, or by virtue of any power which they may possess, without paying any equivalent or rent for said lots, be forthwith returned to said cities, towns, and villages. And if any charters or grants of this property have been made by the Kings, our ancestors, or by ourselves, we further command that the same be of no value, and that they be neither obeyed nor fufilled; and that our justices shall incur no penalty whatever for not fulfilling them, although they may contain clauses contrary to this order.

Law 3.—(*Vol.* 3, *p.* 382.)

Mode of terminating suits relating to municipal domains and to rents belonging to towns, and of executing the sentences.

We order and command that all suits which may arise touching the revenues and municipal domains of the cities, towns, and villages of our kingdoms and seigneuries be decided and determined in a summary way, without the delays or forms of judgment, in the same manner as with respect to our revenues and rights; that is to say, that if two sentences shall have been given by any two judges which shall agree with one another they shall not be appealed from nor complained of; and if one of said sentences be contrary to the other, then said sentence may be appealed from or complained of. And we command that no appeal be granted on any action but a definitive sentence, and on interlocutory questions, for which appeal must of right be granted; nor shall any superior judges grant any writ of inhibition against judges of original jurisdiction until they shall have ascertained whether there be cause for an appeal, under penalty of such protest as may be entered against them, the costs being moderate.

Law 4.—(*Vol.* 3, *p.* 383.)

Requisites for the renting of the domains and revenues of the council.

Whenever the estates, domains, and revenues of the cities, towns, and villages shall be about being rented we command that a day be fixed by the council for a public renting of the same, when they shall so be rented and adjudged, after being publicly offered during nine days, at the end of which the day for adjudication shall be fixed. The adjudication shall be to the highest bidder, provided he be not one of the persons disqualified by the provisions of law 7, title 9, of this book; and the persons to whom adjudication shall be made shall make oath that such adjudication is not for the benefit of any persons so disqualified, but for his own, under penalty, to those who shall take such adjudication in behalf of persons disqualified as above, of the punishment provided by the law above cited, and of said renting being made at their own risk, in the manner above set forth.

Law 7.—(*Vol.* 3, *p.* 384.)

Duties of the corregidors in the renting of the revenues and municipal domains, and manner of proceeding therein.

We command the corregidors to make themselves acquainted with the manner and conditions upon which the domains are rented, and to take such measures that their proceeds may not be lost through neglect or partiality, and not to consent to their being rented by persons in power nor by officers of the council, either by themselves or through persons interposed in their behalf. They shall act in such manner

that any person who pleases may be entirely at liberty to bid and rent said revenues without any fear whatever; and we further command them to do the like with respect to the revenues and domains of the villages and hamlets within their respective districts.

Law 8.—(*Vol.* 3, *p.* 384.)

Duties of the intendants-corregidors in the public leasing of the municipal domains of the villages, and care of the public supplies.

Nothing is more important for the public good than fairness, integrity, and loyalty, in the public leasing of the domains of towns, and in the care of their supplies, because the general good is interested in having the former leased for their just value, and in procuring the latter with the greatest possible convenience and least cost; for this purpose, it is necessary to avoid the leagues and monopolies which are frequently found to exist within and without the corporations [ayuntamientos.] With this view, the intendants-corregidors shall see that the city appoint, annually, two of its deputies, who, together with the attorney, recorder, and assessor, shall attend at the accustomed place, or at such other as shall be made known to them, for the purpose of making adjudications of said domains and supplies, after having given thirty days' public notice thereof, in the first place, by sending their notices to the surrounding villages, and then by putting up handbills, in such a manner that it shall be generally known, and that all may come to put in their bids, being informed of their free admission; and they shall see that the regidors do not interfere, to the prejudice of the public, in using their authority to procure for their friends and intimates the benefit of leasing the domains at a lower rent, or of supplying, at a higher price, the objects which are to supply the means of subsistence. They shall, moreover, charge and command the other justices of the cities, towns, and villages within their provinces, to proceed, in this behalf, with uniformity, correcting the abuses which have heretofore existed and contributed to their present misfortune and falling off; and, should their orders and vigilance prove inefficient, they shall report the same to the governor of my council, or to its attorneys, that the proper remedies may be adopted, and a punishment provided for such as shall commit or conceal those injurious excesses.

Law 12.—(*Vol.* 3, *p.* 389.)

Peculiar cognizance and direction of the council in matters relating to the domains and duties of the towns, and establishment of the office of accountant general for the same at this court.

The desire which I entertain of relieving my beloved vassals, being a subject of my constant solicitude, I neglect no means or diligence which may be conducive to it. This idea has made me conscious that the want of municipal domains which is generally felt by the cities, towns, and villages of these my kingdoms, which should constitute their precise dotation, has compelled them, in all cases of necessity, to apply for grants of power to lay on supplies and other articles of commerce certain duties, under the description of *arbitrios*, to be applied to the necessities which suggested such applications, and using other means injurious to the public good, under pretence of relieving public pressure, so that this species of exactions has proved more burdensome than the contributions imposed for the support of the commonwealth. And, although such grants ought to be limited to the period for which they were made, were their proceeds faithfully applied to the ends for which they were intended, it has happened that, though successive extensions, they have become endless, under the specious pretence of being compelled, for want of municipal domains, to consume part of their proceeds in meeting the indispensable charges of the commonwealth. In consequence of this, and the absence of a better administration in the management of the public treasury, the towns have been so far reduced that it has become impossible for them to satisfy the annual charges imposed upon them. And although this important subject has at all times attracted the attention of my glorious ancestors, as involving the happiness of the towns, who have provided such remedies as appeared most expedient and beneficial for the government, direction, and faithful administration of the public moneys, yet they have not produced the good effects which were to have been expected from them, on account of their not having been properly applied by the different persons to whose care they were committed—who, I have remarked, have not made use of all that activity and zeal for the public good which they ought to have manifested in the discharge of duties of so confidential a nature. Wishing to devise a remedy for this evil, I have resolved that all the municipal domains and duties possessed and enjoyed by each of the towns of my kingdoms be placed under the superintendence of my council of Castile, whom I most particularly charge to take cognizance of said domains and duties, and of their value and charges, in order that, conformably to the accompanying instructions, (Law 13,) they may direct, govern, and administer the same, and to take, annually, an account thereof, in order that, their real proceeds being known, it may also be ascertained whether they have been applied to the purposes for which they were intended, without any diversion in favor of others, not contemplated. And it is my will that said council shall annually render me an account, through my treasury, of the state of the municipal domains and duties, their value, charges, the redemptions which may have been made, the duties which may have been abolished in consequence of the expiration of grants, which it may not be expedient to continue, in order that I may know the results of this provision. And to the end that said council may discharge this trust in such a manner as to promote my royal service and the good of my subjects, I have resolved to create, at this court, an office of general accountant, under the title of municipal domains and taxes of the kingdom, through which the accounts shall be rendered, according to the aforesaid instructions; and I set apart two per cent., which shall be levied on the value of the municipal domains and taxes, to pay their salaries, and those of accountants and officers who shall, besides, reside in the provinces, which shall be accounted for at my general treasury, with a view that if it should amount to more than the indispensable salaries, it may be reduced to less than two per cent. I further command that, from the first of August next, the duty of four per cent. which was levied for the profit of my royal treasury may be discontinued, and from that time my towns and subjects are relieved from the same.

Law 13.—(*Vol.* 3, *p.* 390.)

Instructions for the government, administration, and accountability of the municipal domains and duties.

1. The council of Castile, to whom I confide the direction of the municipal domains and taxes of the kingdom, shall take all such measures as it may see fit, in order that the same may be administered with due fidelity, and that their products be applied agreeably to law.

2. To this end, it shall require statements of the domains possessed by each town, and the taxes which it levies, setting forth whether they are perpetual, or only for a limited time, and if raised by virtue of a royal authority, or by consent of the corporation or council; what are their value, charges, and obligations; the whole to be distinctly stated.

3. On being made acquainted with the true value of said domains, and the obligations and charges to which they are liable, it shall regulate and settle those which each town shall have to meet; that is to say, by pointing out the amount to which it must confine itself, as well in the costs of the administration of justice, as in festivals, salaries of physicians and apothecary, and teachers, and the other obligations which it may have assumed, taking care that such assignation be with due regard to the value of the domains, and that there always may remain an excess which may be applied to pay off its taxes, if such there be; and if not, to be applied to the reduction of the duties, [arbitrios.]

4. The intendants of army and province being the persons to whom, in consideration of their integrity and knowledge, I have confided the care of the police and government, and all other matters connected with the management of the affairs of treasury and war, and who, from the nature of their offices, ought to be acquainted with the condition of the towns in their respective provinces, it is my pleasure that they also have the care of the domains and taxes, and that they take such measures as they may think expedient to conform their administration to my royal intentions; entering, for that purpose, into communication with such person as may be designated by the council, with a view that they should proceed with uniformity in all their acts, and that the council may advise them of whatever it may think calculated to lead to the desired end.

5. It shall be the duty of the intendants to let it be understood by all the justices of each town within their respective jurisdictions that the municipal domains are to be administered by them with perfect fairness, suppressing all monopolies and misapplications of their proceeds; that leasable estates be annually offered to be leased publicly, and adjudged to the highest bidder, without permitting that, in such leasing, the justices or their relatives take any part, either directly or indirectly; and the other subjects, whose administration may be committed to them, be administered with the greatest justice, and proper accounts rendered thereof; they shall see that the proceeds of such leases be paid into the treasury, or in the hands of the major domo of the domains, to whom, for this duty, and for the responsibility of the public moneys, there shall be allowed fifteen per thousand.

6. They shall annually make out their account, charging themselves with the proceeds of the domains, distinguishing each species; and the credit shall consist of warrants issued by the justices, for the complete settlement of expenditures made by the council, and certified by the accountant, if there be one, or, in default thereof, by the clerk or recorder of each town, of the fifteen per thousand allowed to the treasurer, and of the unavoidable expenses of administration.

7. These accounts shall be transmitted, in due form, within the space of one month from the expiration of the year, to the respective intendants, who shall refer the same to the accountant's office for examination and allowance; and after settlement, that is to say, after the charges shall have been proved, and the credits given, according to the regulations made by the council, of the fifteen per thousand allowed to the treasurer, and the expenses of administration, they shall be investigated and finally passed. But if it shall happen that they are not conformable to said regulations, they shall be returned to the justices, with the necessary remarks, in order that the objectionable parts may be explained. If such explanations be not made within the term of one month, the objectionable items shall be struck out from the account, and the justices shall be prosecuted by the intendant, for recovery, without the privilege of pleading being allowed them. All this shall be done of office, without the least expense to the town; and for this extra duty the accountant shall be allowed a suitable additional compensation out of the two per cent., and the same to the other officers whom it may be found necessary to employ on that duty.

8. The accounts being settled one way or another, the accountant shall give a certified and detailed statement of the debits and credits, as also of the result, which the intendant shall transmit to the council, in order that the accountant department at the court may take such measures as may be called for by any case that may occur.

9. If the council shall think it expedient to call for the accounts, in order that they may be revised by the accountant, the intendants shall forthwith transmit the originals, retaining all necessary information touching the same, to have their results ready to be used in the succeeding accounts.

10. If any extraordinary expenditure should be incurred by the town, it shall not be paid without representing the same to the intendant, who, if he ascertains the same to be indispensable, shall authorize its payment, provided it shall not exceed one hundred reals; but if of larger amount, he will inform the council thereof, and await its decision, which he shall communicate to the town, that it may conform thereto.

11. In the year 1745 instructions were issued for the government and administration of the domains of the kingdom, and in those towns where they have been carried into effect the contemplated results have been obtained; wherefore it is my will that the municipal domains of the kingdom be managed and administered in conformity thereto, and that the council see to their entire observance and fulfilment.

12. In compliance with said instructions, there shall be commissions, composed of the superintendent and two members of corporation, [ayuntamiento,] to attend to the administration and despatch of all affairs connected with the municipal taxes, to the receipts delivered to the parties interested, and to all measures for their better administration. And, sensible of the benefits which have resulted from this mode, it is my will that therein, and under the same rules, the municipal domains be likewise managed and administered, and that the same be established in those towns where it does not already exist. The council shall provide such measures as shall be deemed expedient, in order that such commissions be presided by the corregidors or superior alcaldes; and where there shall be no such officers, in consequence of the small size of the towns, said commissions shall be composed of the alcaldes and regidores, and, if thought proper, of the general attorney and recorder, [procurador sindico generale,] to be presided by the highest in rank.

13. Where there are no municipal taxes, these commissions shall attend to the best management of the municipal domains; and where there are such taxes, of both.

14. It shall be their duty to inquire whether the taxes which weigh most heavily upon the people can be changed for others less burdensome, and to represent the same to the intendant, in order that, if he thinks it proper, he may communicate it to the council, who shall advise me, through the department of the treasury, of whatever shall be deemed expedient for the relief and benefit of the town, and communicate such resolution as I may form to the intendant, who shall make known the same to the commission for its

fulfilment, in such a manner that the town shall not incur the expense of a single maravedi for such substitution of taxes, since the whole is to be done through government interference.

15. The intendants shall notify the towns, or the commissions which shall be established therein, that the accounts of taxes are to be made out and transmitted by the accountant, in the same manner as provided in relation to accounts of the domains.

16. The council shall advise me through the treasury, in the manner before provided, of what taxes are necessary to the towns, according to their wants, and of the expediency of extending the term of such as are already granted, after the expiration of the grant; they shall, for that purpose, carefully inquire into the condition of the town, and of its wants, in order that, if possible, the inhabitants may be relieved of their burdens.

17. It shall make all such provisions as it may deem proper to prevent the proceeds of taxes from being, under any pretence, applied to other purposes than those for which they are intended, and in order that the excess be applied, as far as it may go, to pay off the mortgages on the same, to the end that the towns may by all possible means be relieved from the burden of duties imposed on the principal articles of consumption.

18. In those towns where the domains do not suffice to fulfil their engagements, the council shall endeavor to apply the excess arising from taxes to the purchase of some estates sufficient to complete the dotation required, so that it may not be compelled to resort to other means prejudicial to the liberty and enjoyment of the commons by the inhabitants; and so long as the funds shall be inadequate to the purchase of estates, the deficiency arising from the domains shall be supplied by the taxes.

19. To the end that the council be placed in possession of the requisite information respecting the domains of the kingdom, and that the accounts now transmitted, or hereafter to be transmitted, be examined and settled without expense to the towns, I have resolved to establish at this court an office of general accountant of the municipal domains and taxes of the kingdom, consisting, for the present, and until experience shall have enabled us to know what persons are necessary for the discharge of its duties, of an accountant general and eight officers; and in order to provide for the payment of their salaries, and those of an accountant and two officers to be appointed in each office of accountant of army and province, it is my will that an allowance of two per cent. be made out of the proceeds of the domains and taxes, and that this allowance be expressed in the accounts of the accountant general, in order that if the said allowance should amount to more than said salaries, the same may be reduced so as merely to cover indispensable expenditures; and it is my pleasure, further, that from and after the 1st of August next, the four per cent. levied by the royal treasury upon the proceeds of the municipal taxes be discontinued.

20. The accountant shall be able, skilful, zealous, and otherwise qualified for the discharge of his office; and care shall be had that the officers be intelligent and experienced in the management and settlement of accounts, and that their qualifications be known at the accountant general's office, from which they shall be detailed to assist the accountant in a manner calculated to expedite the transaction of business.

21. The council shall, through the treasury, communicate to me such propositions as it may deem expedient, concerning all matters connected with the execution of the foregoing provisions, and the salaries to be allowed, bearing in mind that they are to receive no emoluments for this service, which is to be performed *ex officio*.

22. The office of accountant above referred to shall be established in the palace called of the Queen Mother, in one of the offices of said council, and all accounts touching the municipal domains, pending and settled, shall immediately be referred to it, and the accountant shall forthwith proceed to their final settlement; their results shall be communicated to the council, whose advice shall be taken on the definitive settlement, and the available balances, if any, shall be applied to the purposes for which they are intended.

23. To this office shall be referred all communications made by the intendants concerning the municipal domains and taxes of the kingdom, their value and charges, in order that, the same being communicated to the council, it may make the dotation prescribed by the third chapter of these instructions.

24. In like manner reference shall be made as above of all the accounts which shall be presented to the council for examination by the accountant, but the same shall not be finally passed until after having been communicated to the council, and its advice taken thereon.

25. All the certificates given by the accountants of army and province, of the debits and credits of the accounts stated by them in the different towns, shall likewise be filed in said office, in order that it may acquaint the council with the condition of all and each of the municipal domains of the kingdom.

26. The accountant shall transmit, for despatch, to the first chamber of the council, all that shall relate to the municipal domains of the kingdom; and shall, agreeably to the decisions given therein, communicate the provisions adopted in that behalf to the intendants for their due observance, and shall give such orders as may be expedient for the same.

27. If, notwithstanding these instructions, it shall happen that measures of expediency require that any of the articles therein contained be amended or extended, with a view to a more complete fulfilment of my desire to see the municipal domains managed and administered with fairness and integrity, and the towns enjoying the relief contemplated by them, the council shall, through my treasury, advise me thereof, and await my royal decision.

28. In order that I may be made acquainted with the results of these provisions, it is my pleasure that the council inform me, through the same channel of the treasury, once in each year, of the condition of the municipal domains and taxes of the kingdom, their value, charges, and the extinguishments of encumbrances, the taxes which have been discontinued in consequence of the expiration of the grants, which there may have been no reason for renewing.

29. Notwithstanding the foregoing provisions, having understood that some of the municipal taxes have been specifically appropriated for the pay of the ordinary service, utensils, and other contributions, and to refund to the royal treasury various sums paid in different parts for quarters and other necessities of the towns, as likewise for the payment of the contribution of one-tenth, it is my pleasure that all kinds of taxes be administered by the intendants, under the control of the superintendent general of the royal treasury, and that the council do not meddle therewith until it shall have been informed by said superintendent that said sums have been refunded to the royal treasury.

Lib. VII, *Tit.* 16, *Law* 14.—(*Vol.* 3, *p.* 395.)

Regulations allowing such towns as possess neither municipal domains nor taxes to make the requisite propositions.

Whereas one of the principal objects of the attention of the council is the administration of the municipal domains and taxes of the towns, and to see that these be provided with a sufficient amount thereof to meet their charges, agreeably to the provisions of the royal decree and instructions of the 30th July, 1760, (see the preceding law,) the intendants in all those towns which, at the time of making out the statement of their municipal domains, shall make it appear that the proceeds thereof are inadequate to meet their legal expenditures and charges, shall notify the justices of the city, town, or village, where such may be the case, to propose such taxes as may be deemed most expedient and less burdensome to the town, to be applied to the ends above referred to, without specific destination, but that of meeting its general engagements, taking into consideration the funds available for any object whatever. This done, the intendants shall make report thereof, and shall make out a separate statement to accompany the above proposition, which shall express individually, and in detail, the proceeds, charges, and condition of the commons; and if such proposition be for the privilege of clearing and cultivating the land, the wants of the town shall be expressed, and it shall be shown that there are no other means of supplying them. The rate of taxes chargeable to each *fanega* of land to be cleared, and the annual proceeds of each, whether distributed among the inhabitants, leased, or adjudged to the highest bidder, whether the authorization so granted to clear the land shall be prejudicial to the herdsmen of the town, and to the persons enjoying the right of commons for want of pasture, these persons being consulted thereon, as also the attorney and recorder general, and all other persons who shall be interested, and the travelling herdsmen frequenting the commons, pastures, and watering places; and if said proposition be for the privilege of enjoying the right of pasture, the intendants shall in like manner proceed to summon all persons interested, to ascertain whether such right may be prejudicial to the flocks belonging to the *mesta* from the causes before referred to. They shall state the extent of ground to be enclosed, together with the limits thereof, in order that the same may not be exceeded in case of differences concerning them; the amount of proceeds which, on a fair computation, may be anticipated for each year; whether any town owns pasture grounds within the tract proposed to be enclosed, and how many there are. If such proposition be for permission to make plantations of grape-vines, the intendants shall state whether they abound in the country, what is the extent of the tract of land, and whether it is calculated for grain, pasture, or timber; and lastly, if it be for the cutting of timber, brushwood, or weeds, the condition of the timber shall previously be ascertained by some practical and intelligent person, who shall state in his report whether there has before been such a cutting of timber, brushwood, or weeds, and how many years since, by what authority or permission, what profits it has yielded, and those which are anticipated on fair presumption from the cutting now asked; and also whether a refusal to grant the permission asked can prove injurious to the increase of the timber and to the preservation of the pasture. They shall further state in how many years the cutting of said timber, brushwood, or weeds may be beneficial, adding to all this information their own opinion with clearness and distinctness, in order that the council may, upon a view of the whole subject, determine what shall be most expedient.

Lib. VII, *Tit.* 16, *Law* 17.—(*Vol.* 3, *p.* 398.)

Particular jurisdiction of the council in matters of municipal domains and taxes, whether of mere government or of litigation

The intendant of Palencia having communicated to me the provisions enacted by the criminal chamber of Valladolid to arrest the proceedings in the case of a prosecution commenced by the superior alcalde of the city of Aguilar de Campoo, against the purveyor of meat of said place, in certain matters connected with the municipal domains, it is declared that the cognizance of such proceedings does not belong to the chancery of Valladolid, nor to its criminal chamber, because all the chanceries and audiences are disqualified from taking such cognizance, as well in matters of government as of litigation, respecting affairs of municipal domains and taxes, whose inspection is reserved in the first instance to the intendants, under the control of the council, even after the royal order of November 13, 1766, (Law 26, Title 2,) which separates the offices of corregidors from those of intendants; and that, in this case, the intendant could not, therefore, take cognizance by way of appeal, which was the means by which the said purveyor was brought before him, because it has been adjudged, and constantly practiced, that original jurisdiction having been granted in those matters to the corregidors and superior and ordinary alcaldes, appeals can only be brought before the council to the exclusion of all other tribunals, agreeably to the royal decree of the 12th May, 1762, (Law 15.) This decision shall be communicated to the chancery, with notice not to presume for the future to take cognizance in such matters, either by way of original resort or appeals; and to the intendant not to admit therein any appeals from the ordinary justices, their cognizance being particularly reserved to the council.

Liber VII, *Title* 21, *Law* 1.—(*Vol.* 3, *p.* 477.)

BOUNDARIES OF THE TOWNS; VISITS; RESTITUTION OF PROPERTY OCCUPIED BY STRANGERS.

Defence of dispossessing the towns of their lands and tenements without a hearing and judicial decision.

We ordain that the councils, cities, towns, and villages who may possess, either by purchase or prescription, any lands, forts, or tenements, shall not be dispossessed thereof without being previously notified and heard, and the right of the parties decided, whether by right or privilege; and if they shall have been so dispossessed, the same shall be restored to them without the delays of trial and judgment.

Law 2.—(*Ibid*.)

Restitution of the lands and hereditaments belonging to the councils, and prohibition of working or selling them, and of ploughing the reservations, [exidos.]

We ordain that all the reservations, timber lands, lands, and hereditaments belonging to the councils of our cities, towns, and villages within our kingdoms and seigneuries, which have been taken and occu-

pied by any persons on their own authority, or by virtue of any letters of ours, be forthwith restituted and restored to the said councils to which they belong; but we forbid such councils to work the same, or to sell or alien them, unless it be for the common advantage of said cities, towns, or villages to which they belong; and if any person shall have ploughed or settled any part of the said hereditaments, the improvements shall forthwith be destroyed; and we command the same with respect to the reservations owned and possessed by the said towns, and that they be not ploughed for the cultivation of grain; and if any person has our authorization for doing so, they shall send the same to us, in order that, upon a view of it, we may adopt such measures as we may think expedient.

Lib. VII, *Tit.* 21, *Law* 3.—(*Vol.* 3, *p.* 478.)

Obligation of the towns and of the regidors to prosecute the suits instituted for the recovery of their hereditaments and revenues.

Whereas some gentlemen and persons in power are in the practice of seizing the revenues, lands, and jurisdictions of the cities and towns, and do other damage to the prejudice of the public good; and whereas the regidors and other lawyers within the same show favor to those persons in the corporations of said towns, by placing obstacles to the course of justice against them, we therefore command that said regidors, and said lawyers who may be regidors, show no favor to such gentlemen and persons in power, nor to any other persons, either publicly or secretly, in the suits which may be instituted against them, nor prevent their being prosecuted; and that all be animated by one desire of guarding, protecting, and aiding the course of justice in favor of the domains, revenues, lands, jurisdictions, and privileges to which the towns are entitled over the same, under penalty of thereby losing their offices, and of being excluded from the corporation, [ayuntamientos;] and with a view to the punishment of such as shall offend against this provision, and to afford an example to others, we command the judiciary officers of the places where such things may happen to proceed to carry such penalty into execution; and the same penalty shall be incurred by the corregidors, alcaldes, bailiffs, and justices, [merinos,] and by all other persons whatsoever holding a seat in the council, who shall show any favor, to the prejudice of such city, town, or village, to any person, prelate, order, or monastery, in violation of the foregoing.

Lib. VII, *Tit.* 21, *Law* 4.—(*Vol.* 3, *p.* 478.)

Restitution by the officers of the council of what shall have been taken of their lands and revenues.

All superior alcaldes, or regidors, members, jurors, or clerks of the council, or all other officers whatsoever, in any city or town of our kingdoms and seigniories, who may have taken or occupied any revenues of the domains, or any rights or lands, meadows, pastures, timber lands, commons, waters, salt works, and jurisdictions whatsoever, or any other things belonging to the same, whether commons or waste lands, or any municipal domains belonging to said cities, towns, and villages of our kingdoms and seigniories, shall restore them free and unencumbered to the corporation or council of said city, town, or village, through the clerk of said council; and thenceforth they shall not again take the property so occupied and restored, nor take any other of the things above described, under penalty, in case of their doing so, besides the other penalties provided by the laws of these kingdoms, to the said alcaldes, regidors, or clerks of the council, or to any other officers thereof so guilty of taking or occupying any of the things before mentioned, and of not restoring the same, or of hereafter taking or occupying them or any of them as aforesaid, of thereby losing their said offices of alcaldes, regidors, members, jurors, or clerks, or any other offices in said council, and of being removed from said offices, that we may dispose of the same according to our pleasure, without any other sentence or declaration whatsoever, and without any trial or suit, and of being incapacitated from holding any other office in said council; all corregidors, commissioners, or local judges, may, *ex officio*, execute the aforesaid penalty.

Lib. VII, *Tit.* 21, *Law* 5.—(*Vol.* 3, *p.* 478.)

Manner of making restitution to the towns of lands occupied by strangers.

The attorneys [procuradores] in the cities and villages of our kingdoms shall prefer a complaint, by petition, to these cortes, stating that such council, gentleman, or other persons, unduly and unjustly take and occupy the places, jurisdictions, lands, meadows, pastures, watering places, &c., of the hereditaments belonging to them, or of parts thereof, and, which is worse, that even the natives and inhabitants of the cities and villages wherein they reside, seize and occupy the tenements belonging to them; and that, although the villagers have complained to us and obtained sentence of restitution, such sentence has not been carried into execution, and asking that, to the end that said sentence may be executed, the original owners may again occupy the said hereditaments as heretofore, in such a manner that the towns shall be doubly indemnified: first, by the reoccupation of their hereditaments, and then by the recovery of costs incurred in obtaining them. And whereas we are advised that many cities, towns, and villages within our kingdoms, and especially within the possessions of our royal crown, are in a great degree dispossessed and deprived of their said property and jurisdictions, and of their lands, meadows, pastures, and watering places, and, notwithstanding they have obtained sentences of recovery, yet they cannot have the same carried into effect: therefore, we, wishing to provide a redress of those abuses, ordain and command that whenever any council shall complain that another council, or any gentleman, or any other person whatsoever, have taken and occupied their tenements, jurisdictions, lands, meadows, pastures, watering places, or any other hereditaments appertaining to said council, or any other things belonging thereto, it shall be the duty of the corregidor or of any other judge who can take cognizance thereof, or of any commissioner of inquiry appointed by ourselves to summon the other party against whom such complaint is made, and to appoint, as we do hereby appoint, a term of thirty days, which shall not be extended, within which he must and shall show what title or right he has to said tenements, jurisdictions, lands, meadows, pastures, watering places, or any other thing so occupied by him; and said judge or commissioner shall investigate the same, *simpliciter*, and without judicial forms, and ascertain the truth either by deeds, witnesses, or any other means in his power, the property taken from said council or appertaining to its jurisdiction, or to the common stock of property thereto belonging, by such persons as may be charged with taking the same. And said inquiry being made, and proofs obtained within the said term of thirty days, as also such as may have been adduced by the other party within said term, no other writings or

answers being admitted, nor objections to witnesses, nor permitting any writings to be presented on either side, if it shall be found that the seizing or occupation of said tenements or lands, or any of the things above described is true, or that said council was dispossessed of the same, they shall immediately, without any other form of judgment, conclusion of suit, or any other delay whatsoever, restore, or cause to be restored, said property to the council, with the free and undisturbed possession of all that shall have been taken from it as aforesaid; and they shall cause the attorney of said council to be put in said possession, and shall protect and maintain him therein. They shall prevent said council from being disturbed, either by the other council or by any other person formerly in the wrongful possession of said tenements, nor permit that any impediment or resistance whatever be offered to it; and if any such should be attempted, we command that it be put down and punished, which punishment we, by these presents, do ordain; and that, by the very act, the said occupant who shall make any resistance against said sentence or command shall lose, and thereby shall have lost, all right which he may have or pretend to have to the ownership or property of the thing for which he contends or to which he may lay any pretensions; he shall, moreover, lose any office which he may hold, whether of us or of any city, town, or village; and if he holds no such office, he shall forfeit one-third of his goods for the benefit of our chamber; and if he have no right whatever to the thing for which he contends, he shall forfeit the value thereof and as much more besides, one-half for the council against which he contends, and the other half for our chamber and treasury, besides incurring the other penalties above described. All which we command to be observed and fulfilled, although the party which may have held such occupation should appeal to the judge of inquiry, and again from his sentence, or although he may use any other expedient to arrest such sentence; and notwithstanding, further, anything which he may allege about the cause being depending before us in our council or before our audience, or any other judges, or any other things or reasons which he may allege to prevent the execution of said sentence, saving, however, his right of property, if he should have any, which he may come or send to be proved before us in our council, and anything which they may deem sufficient to establish the same; but in the meantime the sentence shall be executed fully and effectually. And with regard to the sentences heretofore given concerning the things mentioned above, or any of them, by any corregidors, judges, or commissioners, as well under the reigns of the Kings Don Juan and Don Enrique as of any other, and of ourselves, we command that where said sentences are already executed and carried into effect, the other parties interested be heard as to the right of property; and that, in the meantime, the councils in whose favor such sentences were given take possession as aforesaid, notwithstanding the depending of any cause, whether in first or other instance, or of appeal, saving always, as aforesaid, the rights of the parties with respect to the right of property; but where such sentences shall have been given without summoning or hearing the parties in possession, we command that in such case the causes be remanded to be commenced anew, according to the tenor of this law. And we command the said parties interested that, with respect to the possession of the things which they may have so restituted, or which they may have to restitute, they offer no resistance, nor take nor occupy the same upon their own authority, nor disturb nor interrupt the council or councils in said possession, nor the inhabitants or residents of the tenements whereof such possession was given, until the question of property shall have been examined and decided, under pain of incurring the penalties above stated. And to the end that these causes touching said tenements may be more speedily expedited, we command the parties who may sue out appeals, or who may think themselves aggrieved by the sentences or commands given therein to appear before us in our council, within the term prescribed by law, to prosecute their claims, if such be their pleasure; and that in the meantime no judge or judges whatever of our house or court, or of our chancery, presume to meddle with or take cognizance of such suits or demands, nor impeach the jurisdiction of the same, nor their execution by such judges as we may appoint for that purpose.

Lib. VII, *Tit.* 21, *Law* 6.—(*Vol.* 3, *p.* 480.)

Instructions to judges concerning the fulfilment of the provisions contained in the preceding law.

We command that the judges, who shall proceed according to the law of Toledo concerning the restitution of the hereditaments belonging to the towns, (see the preceding law,) shall observe the provisions of said law agreeably to the following instructions: First, that when any council, or its attorney, shall complain of some other council, church, monastery, hospital, gentleman, or other person whatsoever, who may have taken possession and occupied any tenement, meadow, pasture, common, or watering place, or any other hereditament appertaining to said council, shall summon the party or parties against whom such complaint shall be directed and assign a term of seventy days, which shall not be extended; and within such term he shall notify both parties to exhibit their title to the possession of such tenement, common, meadow, pasture, or watering place, or of any other public property forming the subject of such complaint, by the examination of deeds or witnesses, as the case may be. Further, during said term the judge shall proceed, *ex officio, simpliciter*, and in a summary way, to inquire and ascertain the truth concerning the matter in dispute. He shall, further, after the expiration of fifty days of said term of seventy days, make publication thereof, or sooner if the parties agree thereto, and shall cause all the writings and evidence then collected to be communicated to the parties, whether obtained at the instance of said parties or by the judge in regular process of law; and he will then receive the pleadings and answers, and the proofs to substantiate the same, adduced by the adverse party, which said judge may think ought to be received; provided all this take place within the said term of seventy days and not thereafter. And at the expiration of the said term the said judge, upon the proceedings had and the proofs adduced, and the written evidence produced on both sides within the aforesaid term, without granting any extension thereof, nor receiving any writings, pleadings, or any other things which may be offered after the expiration of said term of seventy days, without any form of judgment, shall pronounce sentence; and if he shall find that said council has been dispossessed of its property then demanded, he shall forthwith, and without any delay whatsoever, restore and cause to be restored to such council, or to its attorney in its name, the possession of such property as may have been taken from it, and shall protect and maintain it in said possession and prevent its being occupied by the said or any other council, or by any other person whatsoever, under the penalties provided by the law of Toledo, saving, however, in case such sentence be against any church, hospital, monastery, or military order, or against any person having any title to the same tenement, that if, in such case, said sentence be appealed from in time, said judge shall grant them such appeal before our council, but before no other judges whatsoever, and the execution shall be suspended. And, in like manner, if it be alleged before said judge that a suit is depending before

another judge concerning the possession of the tenement or hereditament which forms the subject of the action, and if the restitution be demanded within the prescribed term, he shall take no further cognizance of said suit and possession, and shall remand the same to the judge before whom it shall be depending. In like manner, if execution be sued out upon a sentence or sentences given by the judge in such cases of tenements which shall not have been tried according to the law before referred to, of which appeal shall have been sued or which may have been annulled, or on which question shall be depending, and proof of the same be adduced, such sentence or sentences shall not be executed, and the suit or suits shall be remanded to the judge before whom said question shall be depending, unless said sentence shall have been given upon process conformable to the law of Toledo; and in all the foregoing, we command said judge to observe and fulfil the provisions of the law of Toledo as the same are therein set forth; and, with respect to such cases as are not provided by said law after the parties shall have been summoned, justice shall be done to them in a brief and summary way, without the delays or forms of judgment, with due regard only to the truth as the same may be established.

Lib. VII, *Tit.* 21, *Law* 7.—(*Vol.* 3, *p.* 481.)

Instructions to judges how to proceed in suits for the recovery of hereditaments agreeably to the provisions of the preceding law.

Whereas the instructions given to judges (see the preceding law) provide that the execution shall be suspended in cases where the defendant holds by any title from the council, we command that if said title shall have been granted, without license from us, by the city, town, or village, plaintiff in the case, subsequently to the year 1542, the judges shall execute the sentence which restores the possession notwithstanding any appeal. And we command that the judges, in suits for the recovery of hereditaments, shall take up the proceedings and pleadings at the stage where they shall have been brought by other judges in such suits, or by ordinary judges, and that they do justice therein according to the law of Toledo, the instructions predicated thereon, (Laws 5 and 6,) and the present law, provided said suits shall not be depending before our audiences or any of them.

Lib. VII, *Tit.* 21, *Law* 8.—(*Vol.* 3, *p.* 481.)

Defence to grant the tenements appropriated to the councils.

Whereas it sometimes happens that the judges who are sent to try causes respecting the tenements belonging to the cities, towns, and villages of our kingdoms adjudge to said councils sundry tenements and pastures which were occupied by others, and whereas some persons contrive to obtain from us grants of such tenements and pastures, or of parts thereof, and others contrive to obtain such grants from the councils to which the same were adjudged; whereas both these practices are prejudicial to ourselves and injurious to the public good of our kingdoms, we command that henceforth no such grants be made by ourselves, or by any of the cities, towns, and villages possessing such tenements or pasture, nor by any part of them.

Lib. VII, *Tit.* 21, *Law* 9.—(*Vol.* 3, *p.* 482.)

Defence to the corporations (ayuntamientos) to make grants of any council lands without royal license.

Whereas supplications have been addressed to us that henceforth no grants be made to any person whatsoever of the tenements and municipal domains, and of the commons belonging to cities and villages, on account of the great injury which results therefrom to the said cities and villages of our kingdoms; and whereas some have the privilege not to make such grants, and not to execute such as may have been made, but not yet completed, we declare that much moderation has been observed therein, and that due consideration shall be had, in that behalf, for the future; but we ordain that no justices or regidors shall have power to grant any lands whatever, without previous license from ourselves to that effect, and that such as may have been made without such license be of no value; and with respect to grants made by ourselves, stating the persons to whom the same were made and the lands granted, we command the members of our council to adopt such measures in that behalf as justice may render expedient.

Lib. VII, *Tit.* 21, *Law* 10.—(*Vol.* 3, *p.* 482.)

Defence to grant authority for the sale of commons or for ploughing the land.

Considering the great inconveniences which result from the sale and alienation of lands and commons, I have resolved henceforth to prohibit such sales and alienation, and that those which are actually sold be confirmed, and no others, causing the same to be redeemed, and that the profits thereon be paid into the royal treasury; and with respect to the authority applied for for the ploughing of the land, it shall be absolutely refused under all circumstances, whether it be for public or private benefit; and it shall be ascertained what authority has been so granted and for what time; and after the expiration of the period for which the same shall have been granted it shall absolutely cease, and no further use shall be made of it, and both shall determine, on account of the prejudice resulting therefrom to the public good and to cultivation, and of the burden which such authority imposes upon the poor classes.

Lib. VII, *Tit.* 21, *Law* 11.—(*Vol.* 3, *p.* 482.)

Duties of the corregidors and judges to repair and lay out the hereditaments contiguous to other kingdoms.

We ordain that, in order that the limits of our kingdoms may be known, which adjoin other conterminous kingdoms, the corregidors and judges of the cities and villages adjoining the same take particular care to place boundaries and landmarks in such manner that it may be clearly ascertained how far the limits of our kingdoms extend.

Ibid., Law 12.

Annual visit of the corregidors to the hereditaments of towns, restitution of such as are occupied, and execution of sentences given in their behalf.

We command the corregidors and governors, diligently and *ex officio*, to inform themselves, within the term of seventy days, counting from the time of their arrival at the place where they are to be received, of such sentences as may have been given in favor of such place, upon the lands and hereditaments thereof, and in whose possession the same are and have been. They shall cause such sentences to be exhibited to them, and take copies of the same; they shall ascertain which of them have been executed, and whether, after they have been so executed, such tenements have been trespassed upon by the persons who previously held them, or by any other, contrary to the tenor of such sentences; they shall cause the same to be forthwith executed, and such tenements to be left free and unencumbered if the same shall have been taken and occupied contrary to such sentences; and they shall command that no such persons again presume to occupy them, under the penalties provided by said sentences, which they shall cause to be executed against such persons as they shall find to have violated or to be violating said sentences, conformably to the tenor and form of the law of Toledo and the instructions (Laws 5 and 6) predicated thereon; they shall in like manner inflict the penalties therein provided for the first occupation; they shall, moreover, visit all the said tenements of the city or village, and all the lands appertaining thereto, without receiving any compensation for that service; and during such visits they shall not encumber themselves with any civil affairs which may embarrass or retard them. They shall ascertain whether there are not other occupied tenements upon which no sentence has been pronounced, and if the occupants are under their jurisdiction they shall take cognizance thereof, agreeably to the provisions of said law, and cause restitution to be made; and if not within their jurisdiction they shall give us notice thereof, stating what and how many such hereditaments there are, and by whom they are held, in order that we may provide what shall appear to be just. They shall likewise visit, once a year, and in person, the towns and villages of the district under their charge, either by themselves or by their deputies, and not by bailiffs or clerks. They shall inquire how they are governed, how justice is administered, and in what manner their officers discharge their duties—whether there are persons in power who oppress the poor; and they shall cause all abuses to be reformed if they can do it with propriety, and if not, they shall give us timely notice thereof. They shall engage to use all their power to cause the provisions contained in this chapter to be fulfilled and executed, and if the assistant, or governor, or corregidor, be negligent in observing the foregoing directions respecting said tenements, they shall send others, at their costs, who shall fulfil the same.

Lib. VII, *Tit.* 21, *Law* 13.—(*Vol.* 3, *p.* 483.)

Defence to ordinary judges to visit the places within their jurisdiction in the months of June, July, and August.

We command the ordinary judges not to visit the places under their jurisdiction during the months of June, July, and August, and our council shall give such orders in that behalf as shall be necessary to prevent any inconvenience to the farmers during that season of harvest.

Ibid., Law 14.—(*Ibid.*)

Defence to the corregidors and other judges to visit the towns in their respective districts more than once.

Although by the Law 12 of this title it is ordered to the assistants, governors, corregidors, and resident judges of our kingdoms, to visit the villages and places of the districts under their charge once in each year, either by themselves or their lieutenants, and not by bailiffs or clerks, and to inquire how the same are governed, how justice is administered, and how the officers thereof discharge their duties; whether there are persons in power who oppress the poor, and to cause all such abuses to be corrected if they can properly do so, and if not, to give us timely notice thereof, as set forth at greater length in the law to which we refer, whereby it appeared that sufficient provision was made for the good government and administration of justice, and for the welfare and comfort of our subjects, yet experience having shown that many inconveniences resulted from the frequency of said visits, and that their being made once in each year subjected said cities and villages, together with their inhabitants, to annoyance and oppression, and that not only the objects contemplated by said law are not attained, but, on the contrary, the injury which results therefrom is much greater than any benefit that can arise from said annual visits, in order to check the excesses which are committed on such occasions, having consulted our council thereon, we have commanded this law and supreme order to be enacted, whereby we forbid and command that henceforth none of the said assistants, governors, corregidors, and resident judges of the kingdoms, or of the villages and places belonging to the orders or to abbots and seigniories, or of the territories of towns independent thereof, or of any other part, to visit said villages and places of the district under their charge more than once during the entire period of their government, although the privilege of said independent villages and places, or of any of the others above described, should stipulate that they may be visited once in each year, for, with respect to this, we repeal and annul such privileges and the law above referred to; and we order that the same be observed and fulfilled agreeably to the tenor of this law and supreme order; and that to said assistants, governors, corregidors, and resident judges and others whatsoever whose duty it is to make such visits in said villages and places once during the whole period of their government, no salary or additional compensation whatsoever be allowed, nor to their ministers, officers, or servants, either for each day or for the whole service, nor any board or lodging, nor any other things whatsoever, except such as by the laws of our kingdoms, or by ordinances confirmed by us, or by the provisions contained in their titles, are allowed them, under the penalty, in case of exceeding the number of visits, of immediate forfeiture of their offices, and of whatever salary or compensation they may receive contrary to the provisions of this law and supreme order, and of quadruple amount thereof besides.

Lib. VII, *Tit.* 21, *Law* 15.—(*Vol.* 3, *p.* 484.)

Time at which the judges of provinces and districts are to visit their respective towns—declaration and limitation of the preceding law.

We command all the corregidors, assistants, and governors, and their superior alcaldes and lieutenants, now appointed and authorized, or hereafter to be appointed and authorized, in all the provinces and heads of districts, whether by myself or by persons legally empowered to make such appointments to any of the said offices, not to visit the towns and villages within their respective districts, nor such as are or may be exempted, more than once in three years, allowing ten days to each village and two to hamlets containing one hundred housekeepers, or in districts or councils composed of hamlets containing a smaller number of inhabitants, whose stewards and councils they shall summon to appear before them at the head town of such districts. It shall not be lawful for said corregidors, governors, or superior alcaldes, to make more than one visit in three years, nor to receive more than one thousand two hundred maravedis per day for themselves, and four hundred for the bailiff who shall accompany them. They shall be attended in such visits by one of the clerks of said towns or villages, if there be any, and if not, they shall bring them from the head town of the district, with a compensation of six hundred maravedis per day. The said judge, bailiff, and clerk shall not be engaged for a longer time, nor receive any other fees for any journey, nor for signing any sentences or proceedings, warrants or orders of arrest; nor shall the clerk draw any compensation for writing the proceedings, or for visiting the municipal domains or commons, nor the said judge and bailiff part of any fine which shall be recovered on their information, which fines shall only be recovered at the request of some person or persons belonging to said town or village; and although by the laws of these kingdoms part of said fines ought to belong to them, yet it shall be their duty to apply one-half thereof to our treasury, and the other for the benefit of the municipal domains of said town or village, or of some charitable institution, under penalty, if it be proved against them by two concurring witnesses, or by three, deposing to separate facts, or by any other testimony, according with the laws of these kingdoms, that they have levied greater fees or compensation, board, presents, or other things, directly or indirectly, by themselves or by persons interposed in their stead, to refund the same into said treasury, towns, and villages, with the quadruple amount besides. The resident judges shall ascertain the same, and bring charges against them for the said offence, and they shall execute such sentences as they may pronounce against said judges, bailiffs, and clerks, whatever be the amount thereof, and although it should exceed the three thousand maravedis, provided it be such as can be recovered without appeal. They shall, moreover, proceed against the officers who shall have paid such compensation, and shall cause them to refund the same, out of their own goods, to the domains, commons, and other revenues from which they shall have drawn said compensation, any excuse or appeal notwithstanding. And we command the president and the members of our council of treasury, and the president and members of the orders, and all other persons of whatever rank or condition they may be, to provide and order that in all the commissions which shall be granted to the said corregidors, governors, and superior alcaldes, by any of said offices, this our law be recited, that they may know their obligation to observe and fulfil the same; and if they shall not do so, we command our resident judges to examine the same, bring charges against them, and execute such condemnations as may be passed upon said judges, bailiffs, and clerks, of whatever amount, and although they should exceed the three thousand maravedis, if the same can be recovered notwithstanding appeal; and they shall cause the said amount to be refunded out of the goods of such officers and other persons who may have paid it, to the profit of the municipal domains, commons, and other revenues from which such sums shall have been drawn, notwithstanding any appeal which may be taken therefrom. All which shall be observed, fulfilled, and executed in the manner aforesaid, notwithstanding any laws or ordinances of these our kingdoms, and anything to the contrary thereof, so much whereof as touches the foregoing we hereby supersede, abrogate, modify, repeal, and annul, and declare to be of no value or effect, otherwise remaining in full effect and vigor for the future.

Lib. VII, *Tit.* 21, *Law* 16.—(*Vol.* 3, *p.* 485.)

Time and manner in which the corregidors are to visit the towns of their respective districts.

35. The corregidor shall not, during the entire duration of his office, visit the towns and villages of his jurisdiction, nor the exempted places under his charge, more than once, although he should enjoy privileges to the contrary; and then it shall be with a salary of four ducats vellon for each and every day which he shall justly and legally occupy in such visits. The clerks whom he shall take along with him to act therein shall receive one thousand maravedis vellon for each day of labor, and the bailiff five hundred maravedis of lawful money, under the penalty, in case they should exceed that amount, or the number of visits aforesaid, of being forthwith removed from their offices; and whatever they shall receive over and above the prescribed salary, although by way of extra compensation, or in any other manner, contrary to the tenor of the foregoing, shall be refunded, with the quadruple amount besides; and, in every respect, the order (Law 14) ordered to be promulgated on the 15th September of the year 1618 shall be observed and fulfilled.

36. With regard to the time which is to be consumed by the corregidors in their visits, they shall conform to the provisions of the preceding law; it being well understood that they shall not spend therein a greater number of days than that which is specified in said law; that is to say, ten days in each town and two in the villages of one hundred housekeepers; and with respect to villages of a less number of inhabitants, they shall make such visits by districts or councils, calling them to the head town of such districts; but if the number of days allowed by law should not be necessary, they shall remain only during the requisite time, avoiding with the most careful and scrupulous attention all superfluous or voluntary delay and detention; and the said corregidors and the members of the said first chamber of government, charged with the administration of the provinces, shall take care that there be transmitted through them to the council brief recapitulations of the results of such visits, that the proper steps may be taken without loss of time.

37. The payment of the stipulated salaries shall be made out of the forfeitures and fines; and, in case such fines should not amount to a sum sufficient to meet said salaries, the deficiency shall be supplied out of the moneys arising from the municipal domains and taxes of the towns which shall have been visited, the said visit being for their benefit and advantage; and if, after such salaries shall have been paid, the fines imposed should leave a balance unexpended, said balance shall be scrupulously applied

to the credit of said fund arising from the domains and taxes, deduction being first made of the fines levied for the profit of the treasury.

38. The said corregidors or superior alcaldes, their officers and attendants, shall receive no donations or presents of any kind whatsoever, either directly or indirectly, and upon no pretence, cause, or motive, take higher compensation than is before prescribed; and they shall maintain themselves in said visits at their own cost, without soliciting or permitting said towns to maintain them or any other person belonging to them.

39. They shall positively forbear from appointing accountants for said visits, such appointment being wholly unnecessary, burdensome to the towns, and expressly contrary to law, without any other use than that of doubling the fees and cost of such visits; for the same reason they shall not carry more than one clerk, who, in that capacity, and without performing other duties, shall set down the proceedings; he shall never belong to the village which is to be visited, but he shall be drawn from the head town of the district, or from some other place.

43. The members of the first chamber of government, charged each year with the correspondence with the provinces, shall see that the respective corregidors and superior alcaldes perform the visits at the time and in the manner stipulated, and shall give information of the whole to the council.

44. They shall in said visits examine and ascertain by actual inspection the limits of the towns within their jurisdiction, laying out such as from evil intent or neglect have become uncertain, for which purpose they shall erect the necessary landmarks, and they shall do the like with respect to the limits of conterminous foreign kingdoms.

Lib. VII, *Tit.* 22, *Law* 1.—(*Vol.* 3, *p.* 486.)

OF DEPOPULATED SETTLEMENTS AND THEIR REPOPULATION.

Defence to housekeepers who own dwellings within the walls of towns to reside in the suburbs, and to new comers to settle without said walls

We command all persons who own or may own dwelling-houses within the walls of cities, towns, and villages of our kingdoms not to presume to go out to reside in the suburbs without said walls; and, in like manner if there be any land within the city or village which can be occupied, such persons as may come from elsewhere to reside therein shall not dwell in the suburbs. And whereas it is expedient to endeavor to populate first the cities and enclosed villages, and not to attend to the peopling of suburbs which are not enclosed, and to the depopulation of those which are enclosed and fortified, we command that the merchants and jewellers and other persons living within enclosed places do not go out to sell their goods and merchandise in the suburbs; and that henceforth all the said merchants, as well those of our capital as those of other cities and villages, sell their merchandise within the walls; and that our household purveyors, whenever we shall visit such cities or villages, together with the purveyor of the said cities or villages, cause to be given to the merchants of our courts lodgings and stores in proper places, as, duly and honestly, and without inconvenience to the citizens, the same ought to be given.

Lib. VII, *Tit.* 22, *Law* 2.—(*Vol.* 3, *p.* 486.)

Defence of pulling down what has been built or planted on public ground, or on ground belonging to any council; taxes imposed thereon.

Whereas it has been represented to us that many persons, citizens and residents in the cities, towns, and villages of our kingdoms, have entered upon and taken parts of the lands belonging to the crown and to the councils of said cities, towns, and villages, wherein they have planted vines, gardens, and trees, and erected various other improvements, with license from said councils of such cities, towns, and villages, granted long since, which lands, thus worked and improved, they state are now asked and demanded of them; and whereas much injury would accrue in said improvements and plantations to those who have improved and planted such lands, if they were now compelled to relinquish them; whereas it belongs to us, as King, Queen, and lords, to provide the proper remedies, we command that there be levied upon all such as shall have planted in said royal and council lands vines, gardens, and other plantations, or made any other improvements with license of the council of said city, town, or village, within the term of twenty years last past, a tax of five maravedis for each *aranzada* of vine, and at the same rate for other things so planted and erected, according to the quality of the land, and on these terms said lands shall remain to those who shall have thus planted or improved them, and the said tax so imposed on said hereditaments shall be for the profit of the domains of the councils of said towns, cities, or villages, in order that the same may serve to meet the other impositions and wants of the town.

Lib. VII, *Tit.* 22, *Law* 3.—(*Vol.* 3, *p.* 487.)

Regulations for the new settlements of Sierra Morena, and municipal law of the same.

Whereas a proposition has been made to me for the introduction of six thousand German and Flemish Catholic colonists within my dominions, I have resolved to accept said proposition under the several conditions which, having been reduced to an agreement, are set forth in detail in my royal order [cedula] promulgated from the Pardo on the 2d April of this year; and charged the council to prepare, with the agreement of the superintendent general of the royal treasury, such instructions as may be proper for the introduction and establishment of said settlers; and, agreeably thereto, the attorney [fiscal] of said council has, by its order, prepared said instructions, under the regulations contained in the following chapters, which I approve and confirm, and command to be punctually fulfilled, in every respect, as the same are therein set forth.

Instructions.

5. The first care of the superintendent of said settlements shall be to select the tracts on which the settlements are to be made, and to see that they be healthy, airy, and free from stagnant waters which may produce diseases; and they shall cause a plan thereof to be made, in order that in all doubts which may arise, the exact location of the tracts may be ascertained on a mere inspection, and the matter settled.

6. Each settlement shall be of fifteen, twenty, or thirty houses at most, and a sufficient extent shall be given to each.

7. The superintendent will be at liberty to locate the houses either contiguous to each other or to the farm which shall be assigned to each settler, in order that he may reside near said farm, and enclose and cultivate the land, without loss of time in going to or returning from his work, adopting this last mode in preference, whenever the situation of the land will admit of it.

8. To each house-keeping settler shall be given, of that land which is denominated *level land* or *fields*, fifty fanegas of arable land for his share in the distribution, it being well understood that, if any part of the tract belonging to each settlement be proper for irrigation, it shall be distributed among all, in proportion to the share to which each may be entitled, in order that they may lay it out into gardens, or in such other improvements as the nature of the land may admit or require; it shall be incumbent upon the settlers to open the channels for irrigation, and to contribute equally to their repairs, the expenses of which shall be paid in proportion to the benefits derived therefrom.

9. There shall, besides, be distributed among them tracts of land upon the hills and declivities for the plantation of vines and timber; and liberty shall be left to them to drive their cattle, sheep, goats, and swine in the valleys and upon the mountains for the benefit of pastures, and to cut wood for necessary purposes, each one planting, on his own account, such trees as he may please on the commons and public grounds, for the purpose of raising timber for his own use and for sale.

10. An account shall be taken of the value of those lands and lots which shall be equally distributed to each new settler, and having regard to the time necessary for clearing and ploughing the same; a slight tax shall be laid thereon in behalf of the crown, and all other emphiteutic conditions, and particularly that of remaining forever the property of one single settler, and of not being subject to be encumbered by any tax, or liable for any bonds, security, tribute, or any imposition whatever, which might be charged upon said lands, houses, pastures, or timber land, under pain of being forfeited, and of reverting to the crown to be granted to some other settler; and, consequently, such lands shall not be divided, nor aliened in mortmain, nor shall there be founded upon them any ecclesiastical benefices, anniversaries, or any other charges of such nature.

11. When the tracts which are to be assigned to each settlement shall have been laid and marked out, stone landmarks shall be erected, which shall divide each settlement from the others already occupied, or to be occupied, in order that thereby all differences and disputes between the old and new settlers may be avoided.

12. For the same reason boundaries and landmarks shall be marked and erected between each lot, the settlers taking care to plant fruit or forest trees along the dividing lines as the best mode of setting out such lines of division; there shall be in each settlement a record of distribution which shall contain the number of tracts in which the same may be divided, and the name of the settlers to whom they shall have been allotted, giving to each of them a sheet or plot of his tract, which shall be his title for the future, and which shall remain in his possession, to be consulted without the necessity of resorting to the record itself.

13. The distance from one settlement to another shall be such as may be convenient, as a quarter or half a league, more or less, according to the location and fertility of the land; and care shall be taken that there be, at the beginning of the book, a plan which shall represent the tract and define its boundaries, in order that the same may at all times be clear and easily ascertained.

14. Every three or four settlements, or five, if the location require it, shall form a parish district or council, with a deputy from each settlement, who shall be the regidors of such councils; and they shall have a curate and alcalde and an attorney, [personero,] common to all the settlements, who shall constitute their government, spiritual and temporal. The alcalde, deputy, and attorney, aforesaid, shall be elected on some holy-day, which shall not interfere with their labor, and in the manner prescribed in the act granted on the 5th May, and the instructions of June 26, 1766, (Laws 1 and 2, Tit. 18,) it being well understood that none of those offices shall ever be made perpetual, but remain elective, constantly and perpetually, in order to spare to these settlements the injury which has resulted from their alienation to older ones; and it is hereby declared that, within the first five years, the superintendent of the settlements shall have power, himself, to make such elections, or those to similar offices.

15. In a convenient place, that is, in a central spot of the settlements of each council, there shall be erected a church, with a dwelling for the curate, a council house, and jail, which buildings shall be used promiscuously by all the settlers of such settlements, for their temporal and spiritual purposes.

16. In the same neighborhood may be located the artisans, exercising trades for the convenience of the district, and their allotments of land shall be assigned to them in said places, in the same manner as to other settlers.

17. For the future, it shall be incumbent upon the said settlements, in each council, to establish mills and other mechanical fabrics, either to be worked by water or wind, and the same shall be erected in the most convenient places, without prejudice to third persons; this being submitted to the corporation, [ayuntamiento,] whose deliberation and consent shall first be had.

18. For the present, the election of a curate shall be of a person speaking precisely the language of the settlers, and the ordinary diocesan shall grant him license, upon presenting his testimonials and his appointment, made by the superintendent of the settlements in my name; but, as soon as the necessity of employing foreign priests shall have ceased, the election shall be made generally, and free for all the clergy, and the chamber shall give its advice, upon which his Majesty shall make the appointment by virtue of his royal patronage.

19. The tithes arising from uncultivated lands, such as those which have been recently ploughed, belong wholly to the royal patrimony, as Jura Regalia, and as an indemnity for the expenses incurred by the formation of those new settlements, and by the conversion, by dint of heavy expenditures of money, of lands abandoned, and in which there are no permanent improvements; and the attorneys shall oppose any demand or unfounded pretensions which might be raised against the royal title.

20. To the curates shall be applied the ecclesiastical benefices which remain vacant in the colleges formerly belonging to the regulars of the company (Jesuits) who served in the churches, saving always the rights of the founders; and, in the meantime, such allowance shall be made to them out of my royal treasury as the superintendent shall judge proper.

21. Each council in the new settlements shall be entitled to commons for black cattle, [boyal,] sufficient for the maintenance of beasts of the plough; but the pasture grounds, exceeding those just mentioned, shall not be rented, and shall serve for grazing lands for cows and other tame and wild cattle, to

supply beasts of the plough, and it shall not be lawful for the *mesta*, or any other herdsmen, to acquire possession thereof, nor introduce therein any other kind of cattle ; these commons for black cattle shall be made and marked out, and shall be located in some place which, besides being provided with water for the cattle, shall be at convenient distance from all the farms which shall compose the settlement, if it be practicable ; and this location shall be made by the superintendent of said settlements, by virtue of his authority.

22. If it be found expedient to set apart any lands as a reservation for the council, to be worked by the settlers, and whose products shall be applied to meet the general expenditures, and to other public purposes, the same may also be laid out, under the denomination of council reservation, Senara, [Consejil,] and shall be entered in the records of distributions, in the same manner as the commons for black cattle. It being well understood that, in these settlements, no tax shall ever be laid upon any provisions, nor upon any stores or shops which may have the effect of forestalling or impeding commerce.

23. The selection of sites and boundaries of the new settlements shall be made by the superintendent at pleasure, who shall endeavor to make it in such places as not to include the property of the inhabitants of the villages and hamlets standing near the Sierra, and in such manner as not to cause any damage to them ; but if there should be any fields within the limits of the new settlements which, either on account of its containing water fit for cattle, or of being surrounded by said limits, it should become necessary to include therein, in such case the superintendent may do so, on giving to the persons interested some other lands of equal extent and value with those thus taken from them, and located in some other districts; all this shall be done in a summary manner, upon a view of the real state of the case, and with the aid of skilful persons, who shall measure and lay out both tracts, the latter of which shall be located, surveyed, and marked out, at the cost of my royal treasury, without permitting any delays or difficulties to be interposed in an operation which requires promptness and activity to be brought to a speedy and proper termination.

24. As there may arise doubtful cases, requiring a superior decision, it shall be the duty of the superintendent to refer the parties to the council, who shall do the needful therein, without, therefore, delaying his operations, unless he shall receive express orders to do so ; because the laying out and planting of new settlements ought to be viewed as of an executive and summary character, and because the occurrence of a slight injury (for which there is always time enough to afford indemnity) is infinitely less important than a delay in establishing these families, prejudicial to my royal treasury, and ruinous to those families themselves.

25. Agreeably to the foregoing, all sites shall be considered as calculated for new settlements which are uncultivated in the Sierra Morena, and particularly those in the districts of Hespiel, Hornachuclos, Fuenteovejuna, Alanis, el Santuario de la Cabeza, la Penuela, la Aldegüelu, the Commons of Martinmalo, with all the neighboring districts, and generally all such as are situated in the chain and branches of said ridge, [sierra,] (and which the superintendent shall think proper for the location of new settlements.)

26. As fast as the survey shall proceed, a plan or drawing shall be made, and a duplicate thereof shall be transmitted to the council, without delaying the clearing of the land and the erection of houses, and other preparatory measures ; and said plan shall exhibit the boundaries, that the council may approve the same, or decide whether any change is to be made ; such descriptions shall also serve to suggest and supply information, upon due consideration of which all proper measures may be resolved upon and decided ; the other duplicate shall remain in the possession of the superintendent for his direction, and to be placed, in due time, on the record of distributions, as provided in the 13th article : said plans shall be signed by the superintendent and by the engineer or surveyor, or such other officer as may have made the survey, and may be made up upon the model of the plan of the abandoned settlement of Espiel, as transmitted by the intendant of Cordova.

27. The colonists shall be established on the located lands of the new settlements, in proportion to the number of houses and the extent of each tract, in order that they may build their huts and cabins, and commence to clear the land and fell the timber ; care shall be had that settlers using the same language be placed together, in order that they may have a curate speaking that language for the present, which would be very difficult if those who use different languages were mixed together.

28. The superintendent shall, nevertheless, be authorized to promote intermarriages between the new settlers and Spaniards, of both sexes respectively, with a view to their more easy incorporation with the nation ; but they shall not, for the present, be subjects of the kingdoms of Cordova, Jaen, Sevilla, or of the province of La Mancha, for fear of inducing the settlers of the surrounding country to leave their homes and come into the new settlements, which the superintendent and his subalterns shall take particular care in strictly preventing.

29. It shall be lawful for said superintendent to draw from the hospitals now established, or hereafter to be established, within the kingdom, such persons as he may think proper to promote said marriages, as soon as they shall have been instructed in the Christian religion, and enabled, through the exercise of some profession, to earn their bread, or acquired sufficient strength to devote themselves to agriculture.

30. It is hereby declared that the persons taken from the hospitals of Cordova, Jaen, Sevilla, and Almargo, already established, or hereafter to be established, shall not be comprehended in the prohibition of being carried to the new settlements of Sierra Morena on account of vagrancy, or of having abandoned their property, not with a view of defrauding the ancient settlement, but only when impelled to it by indolence and idleness.

31. The foregoing renders it necessary that said superintendent should keep up a correspondence with those who have the charge of the hospitals now established, or hereafter to be established, and to confer with the respective intendants and corregidors concerning whatever may be expedient ; said hospitals and houses of charity being considered as a perpetual nursery of settlers whence the Sierra may be supplied with useful and industrious inhabitants

32. Among other things, said superintendents shall take particular care that the new settlements be upon or near the King's highways, as well for the sake of the greater facility it shall afford them in disposing of their produce as for the advantage of being protected, and of presenting a refuge against thieves and public malefactors.

33. All the colonists who exercise any mechanical trade ought to be supplied with the proper utensils for their respective professions, in order that they may forthwith be employed for the benefit of the settlements.

41. There shall likewise be distributed to each family two cows, five ewes, five goats, five hens and a cock, and a breeding sow.

47. The superintendent shall establish in such place as he may judge most convenient one, two, or more, free weekly markets, according to the extent of the new settlements, where the inhabitants and the troops may be supplied with necessaries at fair and current prices.

52. In whatever is before stipulated, and in all other things annexed and connected therewith, full power is conferred upon the said superintendent, with the faculty of delegating one or more persons in his stead, and to the exclusion of all intendants, corregidors, judges, and justices, being accountable only to the council, through its first chamber of government, and, in matters of economy to the office of superintendent general of the royal treasury, to the end that, by these means, he may not be disturbed in the exercise of his powers, nor impeded in giving effect to them. It is well understood that when the settlements shall be completely established, they shall remain subject to the laws in force in their respective districts [partido;] but till then the local judges shall not have power to interfere with the new settlers, nor shall the inhabitants of the adjoining districts be entitled to enter with their cattle within the limits of the new settlements, nor these in those of the old ones, as well because such community of rights is prejudicial, as with a view to prevent dissensions and jealousies which would easily arise between the new and the old settlements, an inconvenience which must cease as soon as the former shall have become accustomed to the country, and to the use of the common language.

53. These instructions shall likewise be placed at the head of the records of distribution, that the same may always be known, and that they may always be considered by the new establishments as invariable by-laws of the settlements, and as a rule for such as may in future be formed upon the model of these.

54. Within the term of two years, if it cannot be done before, each settler ought to have his dwelling finished and his farm in operation; if this be not the case, or if any looseness be observed in his conduct, he shall be considered as in the class of vagrants, and it shall be left at the discretion of the superintendent of the settlement, according to circumstances, either to dispose of him for the service of the army, navy, or any other which he may judge proper, or to extend the term, if he shall allege true and just cause.

55. In the years set apart for the clearing, breaking, and cultivation of the lands within their respective tracts, the colonists shall pay no rent or tax whatsoever, on account of the emphiteutic right, into my royal treasury, and its assessment is left to the prudent regulation of the superintendent of the settlements, who shall make it with due regard to the laws of the kingdom.

56. Although, by these presents, we have granted an exemption of tribute and charges, for six years, to foreign mechanics who shall repair to these kingdoms, [Law 1, Tit. 2, Lib. 6,] this term is extended to ten years, in consideration of the character of the settlers, and of the greater labor which they shall have to encounter, in building, improving, and cultivating the land.

57. Considering that these are waste lands, they are exempted from tithes for the term of four years, said tithes being left for the benefit of the colonists; and any pretensions which may be set up for them shall be opposed by the attorneys; and at the expiration of the said term of four years they shall thereafter be for the benefit of my royal patrimony, as set forth in article 19.

58. The superintendent shall have power to receive the offers and propositions of all such capitalists as may wish to form settlements, on their own account, in any tracts or portions of the Sierra Morena, making to the settlers the same distribution as the royal treasury, and they are empowered to collect tithes in my royal name to meet the costs and expenditures; this right shall never be taken from them, nor redeemed nor incorporated with my royal patrimony, but, on the contrary, the stipulations herein contained shall be observed with good faith towards them, and, upon application to me through my council, I shall grant my sovereign approbation.

59. The new settlers shall be bound to keep their houses occupied, and to dwell in the hamlets, without moving or permitting their children or domestics to remove to other places, unless with license from me, for the term of ten years, under penalty of being enrolled in the service of the army or navy to all who shall act contrary to this stipulation. In this respect the condition of the colonists is not rendered worse, since in those countries whence they come the laborers are generally subjected to the performance of such duties [manentes y adscripticios.]

60. After said term of ten years the settlers, or their heirs and assigns, shall be bound likewise to keep their houses occupied, for the purpose of receiving the profits of the land, under the penalty of forfeiture of said land, and of its being granted to some other actual settler.

61. The settlers shall not have power to divide their tracts, although such division should be between heirs, the same being intended to be always owned by one single person; nor shall the same be aliened in mortmain, as before provided, either by bargain between living persons or by testament, under the same penalty of forfeiture; and against these provisions no custom, prescription, possession, or length of time, shall have any force, all this being provided against by an annulling clause; nor shall any tax [censo] or any other burden be imposed thereon, this being in conformity to the nature of the emphiteutic contract, and to the usual mode of making it.

62. It being intended that each tract or lot shall descend from father to son, or to the nearest relative, or to a daughter married to an actual settler who possesses no other tract, with a view that two tracts be never united in the same person, care shall be had on the part of the government to distribute, successively, lands or new tracts to second, third, and other sons, in order that, in this manner, the improvements and increase of population may gradually continue.

63. If any settler shall die intestate, without leaving any known heir who has any claim to succeed to his property, his tract shall revert to the crown, to be granted to another actual settler.

64. Of all alienations which shall be made to persons qualified to that effect—that is to say, to taxable cultivators, the entire tract being so aliened, and not in parts, an entry shall be made upon the record of distributions, in order that the change of owners may be known, and whether the contract be contrary to the by-laws of the settlement and to the responsibility of allegiance to the crown.

65. Whenever the alienation of the tract belonging to a settler shall be made to another settler by conditional bargain, the fine shall be paid to my royal treasury at the rate prescribed by the law of Partida, (Law 29, Title 8, Part 5)—that is, the fifteenth part; otherwise, the bargain and transfer shall be null and void, and no change of owner shall result therefrom.

66. At the expiration of the ten years' exemption those new settlers shall pay me all the tributes which at that time shall be levied upon my other vassals, as also the emphiteutic right which shall be regulated, in acknowledgment of the direct seigneury, according to the provisions of article 55.

67. In order that in those settlements the settlers be at the same time cultivators and herdsmen, without which agriculture cannot flourish, since a few herdsmen may consume all the common produce, as is unhappily the case in many parts of these kingdoms, each settler shall convert to the particular use

of his cattle all the pasture grounds within his tract, independently of the right of driving it upon the commons or grounds laid out and assigned, or to be laid out and assigned, to each village.

68. If, for the future, any portion of the land belonging to the council is leased out, the settlers shall be preferred; and whoever shall enter once into possession of it shall not be ejected as long as he shall not be in arrears for two years for the payment of the rent, or abandon, for the same length of time, the culture of the same, in which cases the land may then be leased to some other settler.

69. As a general rule, the settler shall be preferred to a stranger in all cases of leases, of whatever kind.

70. The settlers of each district [feligresia] or council shall be obliged to assist in the erection of churches, chapter-houses, jails, ovens, and mills, as buildings intended for public convenience, and in future they shall contribute for their repairs when the public funds shall be deficient.

71. The avails of the oven and mill shall constitute part of the revenues of the council, as also such portion of the grain-fields as shall be assigned by the superintendent of the settlements as nurseries for the council. The power of leasing such lands to settlers, on payment of a rent, shall remain in the villages composing the council, under the conditions contained in the sixty-eighth article, or they may sow and work them in common, and apply the proceeds to the revenues, all in conformity to the instructions of the 30th July, 1760, (Law 13, Title 16,) subject to the regulations and orders of the council.

72. It may be useful to admit at once in each village two or more Spanish settlers, particularly from Mercia, Valencia, Cataluña, Aragon, Navarre, and all the northern coast of Gallicia, Asturias, Montañas, Vizcaya, and Guipuzcoa, in order that foreigners may unite with the natives and intermarry, the said Spaniards remaining subject to the same regulations as the foreign colonists.

73. Catholic strangers may generally be admitted into those settlements, although not comprehended in the contract; an entry shall be made of their parentage and country, and there shall be distributed to them the same lands, utensils, and assistance, as to those who are included in the contract.

74. All the children shall be sent to the primary schools, of which there shall be one in each council, for the use of the villages therein contained; said schools to be located in the neighborhood of the churches, in order that said children may, at the same time, learn the language and religion of Spain.

75. There shall be in those settlements no classes for grammar, and still less for any of the higher branches, in observance of the provisions of the laws of the kingdom, by which they are, with reason, prohibited in places of that description, (Law 1, Title 2, Lib. 8,) whose inhabitants are destined to till the land, raise cattle, and to exercise the mechanical trades, which constitutes the muscle and strength of a state.

76. The practice of leasing the pastures for neat cattle, of renting out the commons, and of planting vines, is the means of annihilating the breed of cattle, by reducing their numbers; wherefore it is positively forbidden to allow such practices, and that of admitting farmers who are not, at the same time, herdsmen; the number of cattle shall be regulated by that which each herdsman can drive upon the common of pasture, to share equally its benefits with others. Under these regulations, the superintendent shall frame the proper municipal ordinances, and make them known to the colonists, and to all others whom it may concern, by means of translations in the respective languages, in order that they be made acquainted with the spirit of the government, and that they may act accordingly.

77. A literal fulfilment shall be enforced of the condition 45, enacted in cortes, to prohibit the establishment of any convent or community of either sex, although under the denomination of hospitals, missions, residences, or farms, or any other, under any pretence or color whatsoever, or under the description of hospitals, (Note 1, Tit. 26, Lib. 2,) because all spiritual matters are to be regulated by the curates and ordinary diocesans, and all temporal matters by the justices and corporations, including the hospitals.

78. It shall be lawful to transfer some of the apothecary's stores existing in the regular houses of the company (Jesuits) to those settlements, to supply the sick with medicines; the hospitals shall be administered by them until the towns are founded, and governed by the rules which are in force in the army, and by such as may be dictated by the prudence of the superintendent.

79. All the provisions contained in these instructions shall be observed, not only by the commissioners charged with the direction of the new settlements, and by the settlers themselves, but also by the judges and justices of the kingdom; to this end they will be communicated to all parties concerned, and they shall be printed and distributed, in order that it may come to the notice of all persons in an authentic and solemn form.

Lib. VII, *Tit.* 22, *Law* 4.—(*Vol.* 3, *p.* 493.)

Admission of Greek colonists in these kingdoms; their location, and distribution of lands in new settlements.

I have resolved to accept the proposition presented to me by the chief of the Greek colony, and by the greater part of those who compose said colony, established at Ayazco, a port and city in the island of Corsica; and I command that said Greeks be supported, from the time of their embarcation, at the expense of my royal treasury, with the greatest charity and hospitality, out of the fund for temporalities, as a work so in accordance with religion, and whose tendency will be to prevent those families to repair to the land of heretics, at the risk of being perverted. These new colonists shall be distributed among settlements separate from all others, in order to avoid discord, and to facilitate their administration by ecclesiastics using their language, to whom the ordinary clergy shall grant the proper licenses, and who shall receive their professions of faith. Their chapels shall be decently ornamented, and the sacred vessels, ornaments, and other effects, shall be drawn from the churches and colleges formerly belonging to the regulars of the company, (Jesuits,) these being destined by a supreme order [pragmatica sancion] of the 2d April of last year (Law 3, Tit. 26, Lib. 2) to be applied, among other objects, to destitute parishes; none are more deserving of this benefit or more worthy of attention. To these new colonists shall be distributed lands, flocks, and utensils, according to the terms of their proposition, and in the manner provided for the settlements of the Sierra Morena, (see the preceding law;) and they shall be entitled to all the exemptions and privileges which are granted to said settlers by my royal orders [cedulas.]

Lib. VII, *Tit.* 22, *Law* 5.—(*Vol.* 3, *p.* 494.)

Repopulation of the province of Ciudad Rodrigo, and division of its domains in pasture and arable land.

Whereas it has been represented to my council by the intendant, deputy, attorney, and steward of the five fields of the city and land of Ciudad Rodrigo, in how deplorable a condition the agriculture and farmers had been thrown by idleness and various abuses, said council, in a report dated the 4th of April, has suggested to me the most expedient means, as well to correct said abuses as to relieve such parts of said five fields as are entirely depopulated, provide for their repopulation, and for the distribution of the lands among the natives; and, agreeably to what has been so suggested to me, I have resolved to appoint a superintendent for the settlement of the province of Ciudad Rodrigo, and I command him to repair thither, together with an engineer and such assistants as may be necessary, and, beginning with the bishopric, to make out a plan of the whole district, with the limits and delineations very accurately drawn, of all the one hundred and ten abandoned tracts, the measurement, extent, and boundaries of each, designating the most healthy spot whereon to establish the settlement, and suggesting the means most expedient to accomplish the same; he shall, in doing so, conform with the by-laws framed for the settlement of the Sierra Morena (law 3) and with the provisions for the distribution of lands, in order to equalize the lots and the rents, so far as they can be adapted to the circumstances; he shall designate those which have been entirely abandoned, and which, as royal domains, ought to pay the tithes levied upon lands recently cleared, of which I grant four years' exemption to the new settlers, and ten years' exemption from the payment of the tributes. He shall, moreover, after having consulted the most experienced, intelligent, and practical elders of the province, and made such other inquiries as he may judge proper, proceed, upon a view of the titles, to separate the arable lands from such as are fit both for pasture and cultivation, and from those which are only fit for pasture; and he shall assign those that have no proprietors to the natives and inhabitants who are cultivators, by distributing said lands among them, conformably to the provisions enacted by my council, and giving the preference to such as are destitute, in order that they may establish themselves thereon. And considering that the settlement and promotion of agriculture are the surest means of securing plenty and public prosperity, and constitute that which I am most anxious to encourage in my kingdoms and seigneuries, said council shall frame such provisions as it may judge most conducive to that end.

Lib. VII, *Tit.* 22, *Law* 6.—(*Vol.* 3, *p.* 495.)

Rules for the locating and erecting the settlements on the Madrid road, by the province of Extramadura.

1. In all places where a bridge is hereafter to be erected, or where there may be one already erected, and which is without inhabitants, a settlement shall be formed on the most healthy spot, to be selected for that purpose.

2. Such settlement shall be located on the road side, to guard the same and to supply the travellers going backwards and forwards.

3. Each settler shall be a farmer, with a tract of land to cultivate, which shall be given to him upon payment of a light emphiteutic tax, and of such rent, in produce, as may be assessed thereupon, which rent shall not exceed the tenth part, whether payable to the actual proprietor of the soil or to the public, if the land be common; it is understood that if said land be covered with timber, it shall be exempt from the payment of said rent during the number of years in which the proprietor shall derive any considerable profit from the clearing of the same.

4. It shall be their duty to tend and preserve the timber, conformably to the ordinances concerning timber-lands, in consideration of the value of said timber, and to engraft the wild olive which abounds therein; they shall enclose such lands while such engrafting takes place, and while the trees are young, in order that they may not be injured by cattle.

5. Those new settlements shall be exempt, during six years, from all council tributes and charges, in the same manner as such exemption is granted to the foreign mechanics and cultivators who come to settle in these kingdoms, who ought not to be more favored than the natives; although it shall be lawful to admit also in said settlements such Portuguese, as, from the scarcity of hands in Extramadura, are employed as laborers and reside there, if they are industrious and faithful.

6. As soon as such settlements shall contain twenty housekeepers they shall be under the Alfonsine jurisdiction, in order that they may be protected against all kinds of vexation.

7. The intendant shall, under the orders of the council, take charge of these new settlements, whose inhabitants may enclose their fields according to the custom of the country, and protect their produce against all injury from cattle.

8. It shall be lawful for him to avail himself of the services of some gentlemen of the country, who, in the capacity of his deputies, will make themselves useful, from pure zeal, and without compensation, and merely to serve, with much credit to themselves, his Majesty and the country, and he shall reward them and their families, by conferring personal distinctions upon them.

9. This settlement shall be extended in preference towards the frontier, this part being, in a great degree, and to the discredit of the nation, uncultivated and deserted, while the opposite frontier is well settled and covered with houses, upon a similar soil.

10. No suits shall be admitted touching these lands, the settlement being prejudicial to no one, and paying a sufficient revenue, in the improved cultivation of the soil; and the State has a right to remove such obstacles.

11. The settlements shall be as much encouraged in the lands susceptible of being irrigated, as in the hilly tracts; but a preference shall be given to the natives of the districts, and to such proprietors as may choose to make them on their own account, and under the proper regulations; and the justices and corporations shall promote these most useful undertakings.

Lib. VII, *Tit.* 22, *Law* 7.—(*Vol.* 3. *p.* 495.)

Conditions and by-laws for settlements, which shall be observed by the inhabitants of the new village of Encinas del Principe.

In conformity with the plan of the 3d of September, 1778, presented by the intendant of the army and province of Extramadura, a settlement shall be formed on the desert lands of the northern section of the council of Mata, near the point where it adjoins the tract of the Calzada de Oropeza, one of those belonging to the count of that name, and towards the east of that of Gordo, belonging to Count Miranda, and distant from the hotel of the village of Navalmoral de la Mata, towards the west, by the royal road to the capital, twelve thousand three hundred and ninety yards, and from the landmark which separates said council from the county of Oroposa, two thousand two hundred and eighty yards, by the same road. This situation, from its altitude, will secure healthiness and a free circulation of air, and a free drainage of the waters, whether proceeding from the rains or springs, and besides lies near the springs of Quadra. This settlement shall be called by the name of Encinas del Principe, and shall have the jurisdiction and powers of a town; and the roads, messuages, tracts of land, for cultivation and pasture, and commons for neat cattle, and all other appurtenances set forth in the explanation and notes annexed to said plan.

2. There shall be established in said new settlement twenty-four cultivators, on such spots as are designated in the plan referred to, in order that they may have their houses at once in the same village and upon their own lands, and that they may dwell precisely each upon his farm. It is not, however, intended to refuse the neighborhood to such useful mechanics as may choose to settle there and build houses at their own cost, provided they erect the same upon the fixed alignment, in order not to obstruct the circulation of air, or spoil the beauty of the village.

3. There shall be given to each of the twenty-four laborers a tract of land containing sixty *fanegas*, each fanega to consist of six thousand and four hundred square yards, [varas,] the usual measure of Extramadura: said tract shall be enclosed and laid out for each housekeeper, not only during the season of sowing and reaping, but also in those of ploughing and stubble, with absolute right over it. Such as shall enter the same on pretence of driving his cattle thereon as being stubbled or commons, or for any other cause, shall be severely punished, and the most prompt and efficient justice shall be administered in such cases: each tract being laid and marked out, and dividing ditches dug out, until fences, live hedges, or trees, can be erected and planted to mark such divisions, to which particular attention shall be paid.

4. The best part of each tract is to be reserved for the raising of wheat and other grain, or seeds of equal value, the farmer being left at liberty to lay out the remainder in plantations of vine, olive, figs, and such other trees as he may think fit; and to be enclosed in the manner set forth in the preceding chapter.

5. The valuable trees which are at present standing upon the tracts to be distributed shall be preserved and grafted by each settler, provided that if they should impede the permanent cultivation of grain, the useless ones shall be thinned off and uprooted, as also such as ought not to be preserved; and, in order to save trouble, the useful trees, such as the wild olive, live and other oaks, which are to remain on the land, to be grafted, pruned, and formed into olive plantations, shall be pointed out to the settler at the time of delivering said tract to him, and shall be entered in the record of distribution which is to be kept. Particular care shall be taken to preserve against any damage from cattle, especially from neat cattle and goats, the young olive plants, until they shall have acquired a certain height.

6. In order that the settler may reap all the benefit of his labor, for the good of the State, sow his fields without intermission, draw pasture from them for his cattle, and that he may, at no time, meet with any impediment therein, and that no damage be done to the trees which he may plant or preserve, as often happens from the breaking in of cattle belonging to others, from the absence of the herdsmen, and from the power and interest of their proprietors, and even with respect to trees already grown up, the said settlers are hereby allowed to enclose their lands; and the entrance thereof will at all times be forbidden for any cattle but his own and such as he shall permit by agreement, and which he shall, for his own advantage, admit at the proper season, taking care that no damage be done.

7. In order to plough his tract, each settler shall keep one pair of oxen, cows, mules, or horses, and one head for relief or increase; which, with the former, if they are all sound, shall be sufficient to replace such as may be disabled by disease or otherwise, and such as may die, until they can be replaced.

8. The settler shall have power to keep as many as two hundred head of sheep, for which he may rent his lands.

9. He shall, besides, be allowed, at the extremity of his lot, and contiguous thereto, fifty *fanegas* of land, as pasture for said two hundred head of sheep, at the rate of one hundred *estadales*, each of sixteen square yards, [varas,] for each head.

10. In order that, by this means, the pastures for the sheep may surround the tracts, the twenty-four settlers may, either all together or by twelve or six, or in any other manner, unite in such a way as to secure to the two hundred sheep belonging to each of them the benefit of the aggregate of all the pasture land appertaining to the corresponding number of farms; it being well understood that whoever may wish to enclose his pasture ground, in order to cultivate it, shall be at liberty so to do, taking, in such cases, that only which belongs to his tract.

11. No other cattle of the settlement shall, in any manner, have right to enter the pasture grounds so laid out, in order that the portion assigned to each settler may not be diminished, and that no door be opened to many other abuses.

12. On hearing that settlers are establishing themselves, there shall be assigned to them pasture for beasts of the plough, either adjoining that which is laid out for sheep, or on the commons of the Mata, which are adjacent thereto, and lying between points at the west and south of the site designated for the foundation of that settlement.

13. The allowance shall be at the rate of one thousand two hundred *estadales* as aforesaid, making three *fanegas* of land, of the extent above mentioned, for each pair, and one head besides, for relieving said pair.

14. As to the private right of such pasture grounds, the same rules shall be observed as are provided with regard to sheep.

15. Until said allowance shall be made, (which is not to be delayed beyond the time necessary for that purpose,) the said beasts of plough belonging to the settlers may be fed like those of the other settle-

ments of the *Mata*, with free entry upon the commons for neat cattle, and upon other pasture grounds on which such cattle are allowed to graze.

16. Each one of the twenty-four settlers shall be included in the distribution of the municipal domains and commons of the council of Mata, and of each of its four villages, so that he may be considered in the same light as the other settlers and herdsmen; which shall be observed without effecting any alteration, until the profits of the remaining commons for all the villages of said council be regulated and increased.

17. The sheep allowed to each settler, and others which they may keep, may, like the others of the settlement, graze in winter and summer upon the waste lands called *Deheson, Casarejos, Roncadero*, and *Berrocal*, which are included within the limits of the council, and on all others which may be included therein; as also upon those of the estate of Placentia, which are common with those of said council until they shall be divided, in which case the settlers shall be treated with due regard to their rights as inhabitants of the land. But they shall not have the right of pasture in the lands laid out for other settlements, in the same manner that these have no right of pasture on the arable and pasture grounds which shall be assigned to new settlers.

18. It shall not be lawful, at any time, to divide these tracts of arable and pasture, nor to impose any tax or other charge upon them; but they shall remain the property of one sole settler, subject to the royal taxes only, as the same shall be specified hereafter.

19 Nor shall said tracts be united in one person to other tracts of the same settlement, nor to those which may be granted to other settlers in other settlements, as a dotation for the inhabitants thereof. And if this should happen, either by gift or inheritance, it shall be lawful for the owner to retain which of the tracts he shall choose, and to settle some one else on the other, by selling or granting the same within the term of one year; and if he shall not do so within said term, it shall be done by the judge, at auction, giving the preference, however, to his relatives, or, in their default, to inhabitants of the settlement. And in case there should be no such purchasers, the same preference shall be given, as respects all foreigners whatsoever, to the inhabitants of the other settlements within the council of Mata; provided that the said settlers of Mata, as well as the strangers who may purchase or inherit such tracts of land, be obliged to reside in the village of Encinas del Principe, and to keep therein a house open and occupied by constant tenants and *bona fide* residents.

20. In no case shall these settlements fall into mortmain or in ecclesiastical possession: it shall always remain the property of a legal subject, who shall cultivate the same himself or by his servants.

21. They shall perpetually remain the property, by right of inheritance, of the settlers and their heirs, with the power of selecting among their children, giving preference to their male over their female issue, such as they shall please to designate as their heir, and in default of these, among others of their descendants, or collateral relations, according to the degree of consanguinity; provided that, in case of their dying intestate, the nearest of blood to the last proprietor shall inherit the property, the male having preference over the female relative. The aforesaid provisions relating to the prohibition of its falling into mortmain or ecclesiastical possession, or in the hands of persons unable to cultivate the land themselves, as taxable housekeepers, to be always attended to.

22. In case of there being no descendants of the first purchaser, the last possessor shall freely elect whom he pleases to be his successor, he being an actual settler, established as above set forth. And in case of this last possessor's dying intestate, his successor shall be appointed by the council, upon the proposition of the corporation of the council of Mata.

23. For the present, each possessor shall pay three per cent. upon the whole product of the cultivation of the land, and raising of cattle kept upon the same, with the exception of the timber which is to remain exempt from this contribution, and of the crop of wheat, on which he shall only pay one per cent.; the whole being in lieu of rent for the land, and which, in case of delay, he shall be made to pay by the justices and board of municipal domains.

24. These rents shall be collected by the steward [mayordomo] of the municipal domains, and shall be applied to meet the common expenditures of the settlement, with the understanding that there is to be no other municipal domains or revenues in the lands, which has been the cause of the decay of the old settlements and of agriculture, and of many other evils. And in order to make up the deficiency of these funds, the farmers and other inhabitants of the settlement shall pay their ratio of the public expenditures, according to the proceeds of their fields, their cattle, or of their trade, during the preceding year; and the ordinary expenses shall be apportioned with the strictest economy and fidelity, while the extraordinary charges shall not be apportioned without first applying to the council, agreeably to the laws.

25. The farmers, as well as all other inhabitants, who shall establish themselves in the settlement, shall, during the first six years, be exempt from the payment of the provincial contributions; it being well understood that no imposts shall be established on provisions nor any other necessaries of life whatsoever, nor upon any liquors, with the exception of spirits, which shall, when sold, on account of their mischievous tendency, be charged with an increased price, for the benefit of the municipal revenues. At the expiration of the said six years, the mode of paying the royal contributions shall be regulated upon full knowledge of the subject and a due regard to the means of affording facilities to the settlers in the commerce of their produce.

26. The alcalde and members of the council shall be elected from among the settlers, as in the other settlements of the Meta, provided that either the alcalde or the regidor be taken from among the farmers; and, conformably to the instructions of the 30th July, 1760, (Law 13, Tit. 16,) they shall form the board of municipal domains, who shall settle all matters concerning the rents and apportionment of charges which shall be made in case of a deficiency in the public funds.

27. The alcalde of the village of Encinas del Principe shall exercise jurisdiction, personally, over all the territory, whether private property or distributed land, which shall be assigned to him, and, out of said territory, over all the lands which shall constitute the commons of the council of Meta, to the exclusion of the other alcaldes of the villages of said council; he shall, with the regidor, attend the sittings of the general and ordinary corporation [ayuntamiento] of the council, all agreeably to the established practice and custom, and to the royal order [cedula] of the 12th of July, 1663, concerning its exemption from the jurisdiction of the city of Placentia, so that this settlement shall, in all matters relating to the jurisdiction, cognizance, and authority over its public property, have the same powers as the other settlements within the council of Meta, without any difference whatsoever in this respect, because it forms with them the same community; its inhabitants shall have the use of its wood, lumber, waters, and other benefits arising from the commons of the said council and territory of Placentia, in the same manner as the same are or

may be enjoyed by the inhabitants of the other settlements within the said council and territory; meanwhile all the commons and hereditaments of the council of Meta shall, as before, remain undivided.

28. To the end that, for the future, no doubts may arise, nor any suits or litigation, to the prejudice of this new settlement, against those of the said council of Meta or any other within the county of Oropesa, or the Gordo; and in order that the territory of the village of Encinas del Principe may be exactly known, the intendant of Extremadura shall take care that, on due notice given to the stewards of the other settlements of the council of Meta, and of other conterminous districts, the whole tract of land assigned to said new settlement be marked out in conformity to the above-mentioned plan.

Lib. VII, *Tit.* 22, *Law* 8.—(*Vol.* 3, *p.* 498.)

Re-establishment and settlement of the port and city of Alcudia, in Majorca.

I have judged it expedient to resolve and command that the maritime port and city of Alcudia be restored and re-established upon its ancient footing in the kingdom of Majorca, and that, consequently, the custom-house be reopened therein.

1. For this purpose, the officers and other persons in the employ of my royal treasury, who may be required for the garrison of that place, shall return to, and reside in, the said city of Alcudia, with defence to them to leave it without very urgent and grave motives, and without the necessary permit or license.

2. The smugglers who may, at this time, be lurking in Minorca may freely return to reside in the same city, and I hereby grant them the necessary pardon and license; and such persons as are fit and qualified shall repair to and settle in the said settlement and custom-house of said port.

3. Such inhabitants and new settlers who shall establish themselves within the city or territory of Alcudia, whether they be natives or resident foreigners, shall not be subject to the payment of any contributions during the term of six years: for I hereby exempt them from such contributions according to the laws (Law 1, Tit. 2, Lib. 6) of these my kingdoms.

4. The royal audience of Majorca shall order to the said city of Alcudia all such persons as shall be banished from Palma for slight offences to increase its population, the superintendent taking care to give them useful employment in some trade, or in agriculture.

5. All the lands which shall be cleared anew and cultivated shall be exempt from the payment of tithes for the term of twenty-five years, provided that such persons as may clear said lands shall reside and keep house in the city of Alcudia, and be *bona fide* settlers and inhabitants thereof and of its territory.

6. To such as shall take up their residence in said city, a distribution shall be made of the lots containing ruinous houses within the same; and there shall be assessed upon the same, with my approbation, and by the advice of the council (to whom notice shall be given,) a small tax, to be levied after the expiration of the first fifteen years after the same shall have been granted, unless the new settler shall prefer paying the value of said lots as assessed by appraisers, in which case the money shall be deposited in order to be paid over to whom it may belong.

7. Such persons as shall take the said lots shall be assisted with the grant of fifty pounds, majorquinas, from my royal treasury, to aid them in paying the necessary expenditures, upon condition of their refunding said money, by instalments, in the term of eight years; and that if they do not begin to rebuild the house within that of one year, and finish it in two years, the same shall be granted and allotted to some other settler.

8. The same shall be done with respect to the untilled lands which are destined to be settled, and which belong to my royal person, as with regard to those belonging to the city and to private persons; they shall be divided into sections of fifty Castilian fanegas each, at most, and granted to the inhabitants and to the new settlers, subject to a moderate tax for the benefit of the municipal domains, or of whoever shall be lord of the land, to begin after the expiration of fifteen years from the grant.

9. The same shall be done with regard to the two hundred and eighteen engines for drawing water [norias] erected for the irrigation of the land, which appear to have been destroyed, out of two hundred and sixty-three which were formerly in operation. They shall be distributed to whoever shall ask them for the purpose of repairing and using them, under the same condition expressed with regard to the lands, of the payment of a light tax, and of the reimbursement of their value, at the expiration of fifteen years from the grant.

10. In order not to prejudice the right of the lords proprietors, nor that of the new colonists to whom the land may be adjudged, as soon as said lands shall be ploughed and under cultivation, edicts shall be issued, calling upon said proprietors to repair to and cultivate said lands within the term of one year; with notice that it shall be proceeded, within the specified term, to distribute them among such persons as shall apply for them, if not done by the proprietors themselves, in order that each may be established, together with his engine to draw water, and begin irrigating the land attached thereto.

11. No duties or contributions whatsoever shall be levied upon the tradesmen who may settle into the city itself, and form societies or fraternities, they being hereby exempted from said duties or contributions. Declaring, as I hereby do declare, that said tradesmen, although organized in societies, shall pay no other duties than those of examination upon being received masters.

12. For the present, the interest upon the fifteen parts of the redeemable tax, which is now chargeable upon the inhabitants of said city, amounting to sixteen thousand and seventy-three pounds, is reduced to the ratio of one per cent. in each year, out of which a fund shall be formed for the purpose of paying off the sums due to the farmers of said tax. And, in order to facilitate the accomplishment of that object, I intrust the examination of this point to my royal audience of Majorca, extinguishing and discontinuing, and I command the same to be extinguished and discontinued, the interest of premium, current and in arrear, upon the one thousand five hundred pounds, which were granted on loan at five per cent. per annum, the same having been done by virtue of a defective and usurious contract, and declaring that the principal alone shall be refunded.

13. In order to give a free scope to the judicial investigations which may arise in the execution of this project of settling anew the town of Alcudia, a board shall be constituted, to be composed of the reverend bishop, the regent of the royal audience and the intendant; upon the condition that they shall not be replaced by other persons, although any of them should fail to attend, in which case it is my pleasure to place the whole management and direction of affairs in the hands of such as may be present, who shall decide in all cases which may arise in said matters, or consult my council whenever it shall appear to them to be necessary, proceeding always with due knowledge, and upon the principles of government.

14. In order that all the points above set forth may be put into practice at Alcudia, I have resolved to appoint a substitute of the intendant, who shall govern said settlements according to the laws, customs, and usages of Alcudia (without recurring to the by-laws of the settlements of Sierra Morena or Andalusia;) and said substitute shall have all the necessary powers, the council framing the proper instructions which shall be constantly kept in view by the said substitute and intendant.

Lib. VII, *Tit.* 22, *Law* 9.—(*Vol.* 3, *p.* 500.)

Articles to be observed in restoring the settlements of the city of Salamanca.

The board of settlement of the city of Salamanca shall, in the summary proceedings, and provisional determinations, as to the means most expedient for restoring the settlement and population of the places confided to it, and in the execution of its provisions, observe, for the present, the rules and declarations contained in the following articles:

1. Conformably to the dispositions enacted by the council, in its acts of the 11th October, 1781, and 13th May, 1784, for the adoption of said means, sufficient provision is made for notification to the representatives of the proprietors of the places therein named. And it is the duty of said representatives to give notice to their principals, and acquaint them with the proceedings, without said proceedings being therefore suspended, on account of the importance to the public that the settlement should not be delayed.

2. In proceeding with respect to places belonging to several joint owners, an understanding shall be had with the one holding the greatest share, or, in his absence, with such representative as he may have designated for that purpose.

3. The commission granted to the board not only includes the restoration of the places which were formerly settled, but also the settlement of such others as may afford sufficient lands and pastures to support new settlers, according to the amount required for each by the provisions of the 15th article.

4. In locating the settlers who may establish themselves in each place, regard shall be had, not only to the lands which are now cleared for cultivation, but also to such as are known to have formerly been cultivated, and whose depopulation has been caused by having been converted into pasture grounds by the herdsmen to whom they were leased.

5. If in the sections containing but little arable land, and where little is known of their former destination, there should be, in the parts which are used for pasture, any tract or tracts fit for cultivation, and possessing the qualities set forth in chapter 14, the board shall communicate the fact to the council, and transmit thereto the record of proceedings, to enable said council to make such provisions as shall be most expedient for the promotion of agriculture.

6. The board shall conform to the declarations contained in the two foregoing chapters, with regard to the settlement of the hamlets, farm-houses, barns, and messuages, either on small or large farms, which are reputed at this time to be private property, admitting thereon as many settlers as may be supported by the arable land contained therein, or by such as may be fit for cultivation; saving, however, and without prejudice to the right of his Majesty and of the public, which are retained over the property, in all or in part, in the reservations, commons, and pastures for neat cattle, which form part of the municipal domains, and in the waste lands or commons which, under the former settlements, belonged to the councils or inhabitants of other settlements.

7. The present tenants or lessees, who have taken up their residence on the spot without having other residences in other places, shall be preferred; as also such as may have other residences, on condition of renouncing it and of binding themselves to remove to the new settlements within the time to be prescribed by the board, and on due consideration of the circumstances of the applicant, and of such others as may present themselves, in relation to the more or less speedy removal to said settlements.

8. The sons and sons-in-law of the present lessees shall likewise be preferred as new settlers, provided they be seventeen years of age, brought up as farmers, and able to conduct a farm by themselves ; and provided, further, that they shall keep a separate house from their fathers, if these should establish themselves in the settlements, with their cattle, utensils, and other implements necessary for the establishment of a farmer.

9 The present lessees are excluded from the privilege of selecting settlers of their choice, or of giving any preference to any persons besides that which is granted to themselves, their sons and sons-in-law, conformably to the provisions contained in the two preceding chapters; and in default of these, the proprietors of the land shall freely name persons of their choice, to the number which the place may be capable of receiving, and the (junta) board shall specify the time within which they shall be bound to establish their residences, and decide between the applicants in favor of the most capable of becoming an actual settler, and of undertaking and carrying on farming operations.

10. In admitting settlers holding farms and residences in other settlements, whether nominated by the proprietors of the land or by the board, the latter shall examine into the circumstances of the applicants, and into their motives for changing their residence; an express renunciation of their privileges as housekeepers of their former place of residence shall be required of them, and notice thereof shall be given to the local justice of the place where they may reside at the time, in order that they may not be considered as holding their domicil therein after the expiration of the time limited for their removal to the new settlement; the council approves the resolution of the board that the admission of such settlers must always be beneficial, because their removal will always make room in the old settlements for others to take their places; because the other settlers shall thereby acquire more room, and perhaps be relieved from great inconvenience; and because it is always desirable that the population be divided among a greater number of villages; and, as is well known, it is always beneficial to agriculture that the farmer should have his dwelling at the shortest possible distance from his fields.

11. Having seen the fraudulent and artful means that are made use of in falsely acquiring a domicil in certain places, and in endeavoring by various artifices to frustrate the resolutions of his Majesty and the council, the board shall pay particular attention to the admission of settlers, carefully attending to the prohibitions contained in the foregoing chapters, and looking rigidly to the strict fulfilment, after such admission, of the obligation of removing and actually fixing their domicil in the new settlements, and in admitting others in their stead whenever they shall neglect doing so.

12. Among the prohibitions prescribed to the settlers by the act of the council of the 10th of June, 1788, there is one obliging them to erect a house for themselves within the term of two years, without, however, preventing them to enter immediately into the possession of the tracts of land distributed to

them; and in the decree of the 31st of July of the same year it is declared that the colonists who may erect houses shall have the ownership thereof on payment of a small tax. And whereas some of the settlers who were admitted in the said year 1788 have not fulfilled the above-mentioned conditions, the board shall, on principles of justice, prescribe another term of two years, after the expiration of which the land shall be declared to be vacant; and if at the end of said two years said houses be not erected, the above provision shall be carried into execution.

14. In order to prevent arbitrary proceedings in regulating the number of settlers who shall be located in each settlement, the quantity of land which shall be destined for cultivation, and that which is to be granted to each colonist, it is ordered that the board shall appoint an impartial surveyor, who shall measure the land at present under cultivation, which measurement may be made in the presence of the representatives of the proprietor and of the applicants, or in their own presence, for which purpose they shall be notified of the day, and the salary of the surveyor shall he paid by them in equal portions; the board shall in like manner appoint two skilful and practical farmers, who shall have no interest in the leases of said places, and who shall, in presence of the proprietor—who shall be notified to that effect—examine the respective tracts, and declare, upon examination of such indications as they may find, what has formerly been under cultivation and subsequently converted into pasture grounds; and who, in default of such indications, shall, upon the general and certain testimony of the inhabitants of the settlement, and upon examination of the quality of the soil, declare what parts must necessarily have been under cultivation; they shall, even in those places where it cannot be ascertained whether more land has been formerly cultivated than what shall at the time be under cultivation, inquire what parts are of the proper quality for the culture of grain, and measure the whole conformably to what has been said in relation to cultivated lands; whereupon the board shall proceed forthwith to divide into lots the lands which may be at the time, or may previously have been, under cultivation, suspending the clearing of such parts as may never have been cultivated until the decision of the council shall be known, as provided in chapter 5.

15. The lots shall be composed of forty-five *fanegas* of arable land, subdivided into two parts, [*hojas*] to be alternately sowed, and containing each twenty-two *fanegas* and a half, being the quantity which can be ploughed by a yoke of oxen; and if the land be of such a quality as to require two years' rest, the lot shall contain sixty-seven *fanegas* and a half, in order that the settler may have twenty-two *fanegas* and a half to sow in each year; the board shall particularly see that the condition of all the settlers be equal, in order that they may each possess the advantages of all the various qualities of land in as few parcels as may be, and as near as possible to their respective dwellings. All the settlers of one settlement shall alternate the ploughing of their respective parts in the same order, and shall not be permitted to make any change therein without grave motives.

16. Preference shall be given, in the granting of lots, to applicants owning one yoke of oxen only, provided he be a farmer by profession, a grower of grain, or exercising any other employ, if he make it appear to the board that he possesses one yoke, and the utensils and other necessary implements; in the latter case the board shall inquire into his motives for changing his trade, and whether it may not be inexpedient to permit him to abandon his former pursuits, on account of their being incompatible with the occupation of farming by himself.

17. There shall be laid out for each settler, besides the pasture in fallow and stubble land, and stiff soil, five *fanegas* adjoining the part which is to be ploughed, taking care that it be as near thereto as may be, and fit for neat cattle; and consequently if there be any meadows near by, the said tract shall be laid out therein.

18. All under-leases are absolutely prohibited; therefore the colonists settled on the arable land shall in no manner be dependent upon the herdsmen, lessees of the commons and timber-lands; nor shall these be in any manner dependent upon the former; to this end it is ordered that commissioners shall be appointed by the herdsmen and farmers, with an umpire in case of disagreement, agreeably to law, who, with due regard to the rent paid to the proprietors for all the profits of the land, shall decide upon and separate the lands belonging to each lot, and that which belong to the commons and timber-land, as likewise upon all the profits thereof; and each shall assume his respective obligation to pay the rent to the proprietors, according to law.

19. Whereas it is indispensable that the settlers should have the privilege of felling trees, both for fuel in their houses and for utensils and implements of husbandry, the board shall ascertain the quantity of timber, shrubs, and brushwood growing on each tract of land, to whom they belong, and who enjoys the profits thereof; and it shall communicate the result of its inquiries to the council, with its opinion thereupon, in order that the necessary provisions may be made for the preservation and increase of timber.

20. Whereas the settlers now do, and will herafter want to, keep and raise cattle beyond what is wanted for the plough, as also swine for the consumption of their families or for commerce; and whereas it is expedient to aid them in this respect, the better to promote agriculture, the board shall discuss and seriously consider, according to the particular circumstances of the cases which may occur, and such others as it may observe, of the means proper to be adopted for the grant of pasture and acorn land for the use of its own cattle and no other, to such as are only herdsmen and lessees of such hereditaments; and it shall settle the amount which shall be paid of right to the proprietor, always conforming to the rule which forbids all under-leases.

21. Supposing that there be granted to each settler twenty-two *fanegas* and a half for each portion of land to be alternately sown, for which, as for the pasture land, he shall have to pay rent to the proprietor, in those tracts where there are lands *entradizas*, the board shall inquire into the quality and quantity of said lands *entradizas*, who holds possession of them, and enjoys their profits, and what are the customs of the country with respect to the use which is made of, and the profits which are derived from, such lands; and it shall transmit information thereof to the council, with all other facts that may occur to them, and give their opinion thereon.

22. The settlers being established, with bona fide domicil, it shall be their duty to maintain their tracts under good cultivation with their yoke of oxen and all farming utensils and implements necessary to a farmer; and in case it shall appear, from manifest decay, that he leaves his lands uncultivated, or if he becomes insolvent, without means of improving his condition, another shall be appointed in his stead; and these are the only two cases in which the land can be taken from him.

23. It shall not be lawful for the proprietor to increase the rent of the land and pasture of each tract; nor shall they be divided at the death of the settler; nor shall any charges whatsoever be imposed upon the right of possession of the house; nor shall any one tract be united with another; nor shall any land

be held by any person who is not a bona fide settler, with a fixed residence in the village, conformably to the laws of the kingdom.

24. The possessor of the tract shall have power to name as his successor to the same any one of his sons or grandsons, and in default thereof, any of his daughters or granddaughters; but always under the supposition that such successor must continue in the residence of his devisor. In default of descendants, the proprietor shall have power to name another settler, giving the preference to a neighbor, if there be any without any land; and in all cases the new possessor shall make good to the heirs of the former the value of the possession of the house. All these rules, provisions, and declarations shall be understood without prejudice of any amendment or reform that time or experience may dictate; and whenever the board shall see fit to suggest any such amendment or reform, it shall give advice thereof to the council. In like manner, as it may be necessary in many cases to lay out said lands in sections less unconnected, in order that each settler may enjoy the benefits arising from lands of all qualities, the board shall examine whether it shall be expedient that the fallow and stubble lands be made commons for all the farmers of each town, as likewise the five *fanegas* of pasture, forming them all into a common or meadow for neat cattle; and said board shall further inquire into the manner in which the same can be done.

[Part of No. 11.]

TRANSLATIONS FROM THE SUPPLEMENT TO THE LATEST COMPILATION [NOVISIMA RECOPILACION] OF THE LAWS OF SPAIN, published in 1805, containing the royal dispositions and other provisions enacted in 1805 and 1806, and some others of a prior date, not incorporated in that code—divided into laws, and referring to the books and titles to which they belong. Madrid, 1807.

Royal Order [*Cedula.*]

Don Carlos, by the grace of God King of Castile, Leon, Arragon, of the Two Sicilies, of Jerusalem, Navarre, Grenada, Toledo, Valencia, Gallicia, Majorca, Minorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, of the Algarves, Algesiras, Gibraltar, the Canary islands, of the East and West Indies, of the islands and continents of the ocean, Archduke of Austria, Duke of Burgundy, of Brabant and Milan, Count of Aspburg, Flanders, Tyrol, and Barcelona, Lord of Biscay, Molina, &c., to the members of the council, presidents, regents, and auditors of my audiences and chancery courts, alcaldes, bailiffs of my house and court, and to all justices of the peace, associates, intendants, governors, ordinary and superior alcaldes, and all other judges and justices whatsoever of these my kingdoms, as well royal as seigneurial and ecclesiastical, now existing or hereafter to be created, and to all other persons whom the tenor of this my royal order in any manner doth or may concern: Know ye that, agreeably to the representations of the board of compilation, [junta de recopilacion,] contained in their report of the thirtieth December last, I have thought it expedient to order that the supplemental book of the latest compilation, [novisima recopilacion,] containing the provisions enacted during the two last years, 1805 and 1806, and some others of former years, which were not compiled, be considered as forming part of the said compilation, and that, as such, they have all the force derived from the supreme authority, and the consequent vigor of laws. This my royal resolution was communicated to my council by my order, and through the Marquis Caballero, secretary of state for the department of grace and justice, that it might cause the same to be printed, and to be placed at the head of each copy of said supplemental book; and said council having, after due consideration and upon the report of my attorneys, fulfilled said resolution, I issue this order, by which I command you, all and every one of you, each in his respective place, district, and jurisdiction, to take cognizance of my said royal resolution, to observe, fulfil, and execute, and cause the same to be observed, fulfilled and executed in all matters that may concern him, and not permit any contravention thereto in any manner whatever, for such is my will. And I command further, that, to the printed copy of this my royal order, signed by Don Bartholomew Munoz de Torres, my senior secretary and clerk of my chamber, and member of the council, the same faith and credit be given as would be given to its original.

Given at Aranjuez, 19th January, 1808.

I, THE KING.

I, Don Sebastian Pinuela, caused the foregoing to be engrossed by command of the King.

Recorded.

DON JOSEPH ALEGRE.

SUPPLEMENT.

Lib. III, *Tit.* 3, *Law* 1—*p.* 25.

Observance of the Alfonsine privilege in the kingdom of Valencia.

Whereas the settlement of small villages is expedient to promote the more easy cultivation of the soil and the increase of population, I have thought fit to command, agreeably to the opinion of my council, that a republication be made, in the kingdom of Valencia, of the continuance and confirmation of the privileges granted by King Alfonso, in the cortes of the crown of Arragon held in the year 1328, by which inferior jurisdiction was granted to whoever would form a settlement of fifteen houses, and of the same number of housekeepers to occupy the same, under such conditions and circumstances as are expressed in said grant; and that as respects the extension of said grant to all other parts of Spain, as proposed by the council, said council will advise me of the manner, conditions, and forms in which it may be expedient for me to grant such favor.

Title XVI, *Lib.* 7.

OF THE MUNICIPAL DOMAINS [PROPIOS] AND DUTIES [ARBITRIOS] OF VILLAGES.

Law 1—*p.* 53.

Jurisdiction of the council over the administration of the revenues arising from the municipal domains and duties [propios and arbitrios:] his Majesty reserving to himself the granting of, and first breaking ground in the same.
[N. B.—*Propios* are real estate or domains, and *arbitrios* are certain duties granted to towns and villages, from which they derive a municipal revenue to meet their charges.]

Whereas one of the principal grievances under which villages are laboring consists in the taxes [arbitrios] and excises levied by royal authority; and whereas these grievances are increased by the want of fidelity in administering the same, and in converting their proceeds to the use of the purposes for which they were granted; whereas my desire still is that my beloved subjects be relieved in every possible way, I command the council to use the strictest diligence in making provision for the collection, without fraud or waste, of the proceeds arising from the municipal domains and taxes [propios y arbitrios] of such villages as are within the competency of the council, and that such proceeds be applied to the purposes for which they were granted, without any diversion whatsoever, agreeably to the royal resolutions enacted upon that subject, refraining, for the future, from granting to any village permission or authority to levy such taxes, because I reserve to myself the granting of the same; and it is my will that, whenever the council shall be of opinion that any village is entitled to grants of that nature, it may acquaint me with the just and precise motives upon which such opinion is founded through the channel of the treasury, and no other, in order that I may adopt the proper resolutions upon the subject. The same shall be done, likewise, with respect to the permission of first breaking ground, as is already provided. And I specially charge the council to take particular care that an account be taken annually of the municipal domains and taxes, and to advise me of the result through the same channel, agreeably to what is already ordered on the subject; bearing in mind that, without proper accountability, it is impossible to establish such rules as are suitable for the good administration of any object, and to apply the revenue derived from the municipal domains and taxes, after satisfying the rents and charges, to the redemption of debts, and to other purposes useful to the public, as required by the condition of the villages.

Lib. VII, *Tit.* 24.

OF TIMBER LANDS [MONTES] AND NURSERIES [PLANTIOS.]

Law 1 (*in addition to Law* 28—*p.* 56.)

Complement to the ordinance concerning timber lands of 1748, and to the one in addition thereto of 1751.

I command that the royal order [cedula] of the 20th February, and that of the 2d May, of the present year, be strictly carried into effect; and that, consequently, matters remain in the same state as before the royal decree of the 1st of May, 1802, (law 28,) and in that in which they ought to be in conformity to the general ordinance respecting timber lands [montes] of the year 1748, (law 21,) and to the one in addition to it of 1751, (law 23,) and to the royal order of December 31, 1800, (law 27;) and that, agreeably thereto, all the sub-delegates created by virtue of said royal decree of the 10th of May, 1802, be discontinued with respect to all matters relating to the economy, government, and litigation respecting timber lands, without changing anything in whatever was, previously thereto, entrusted to the justices; these remaining subject, in such matters, to the marine jurisdiction exercised by the captains general of the departments, and to the military commandants in the respective provinces.

Lib. VII, *Title* 25.

OF THE COMMONS AND PASTURE GROUNDS.

Law 1 (*in addition to Law* 14, *Nov. Rec.*)—*p.* 56.

Privilege of possession granted to the owners of flocks, members of the *Mesta*, (a body composed of the owners of cattle in Spain,) of the commons belonging to military orders, as well as of all others.

I have resolved that the herdsmen [ganaderos] who are members of the council of the *Mesta*, shall enjoy the right of possession in all the commons belonging to the military orders, in the same manner as in those which are the property of prelates, ecclesiastical communities, and private secular persons, notwithstanding the orders issued against their being so subject to this right of possession; with this proviso, that if, in the commons belonging to prelates, communities, and seculars, the pasture be fit for neat cattle, or calculated to produce acorns or fruits of more value than grass, such herdsmen shall not enjoy said right of possession, nor shall they enjoy the same in commons belonging to the orders which shall possess the aforesaid qualities; provided, further, that as regards those herdsmen who are called stationary, [estantes,] and who do not drive their cattle from their own grounds and limits to graze during the winter and summer, and who might have rented commons belonging to the orders of Santiago and Calatrava, this be understood so as to preserve to them their pastures within the same, agreeably to my royal order issued on the 15th of March, 1734, in favor of the inhabitants of the nineteen towns of the district of Serena, respecting the commons, so called, and belonging to the order of Alcantara. That the chamber of council of one thousand five hundred shall have cognizance of, and jurisdiction over, the question of possession of all the commons of the kingdom, (those of the orders being included,) of taxes and all matters connected therewith; and that the council of treasury shall take cognizance only of all matters of administration, collection of rents, recovery of moneys, and letting out of commons belonging to orders, and of all matters connected therewith.

No. 12.

TRANSLATION.

Law 4, title 8, book 2, of the Novisima Recopilacion, published in Madrid in the year 1805.

Whereas some persons in our kingdoms hold and possess some cities, towns, and villages, and civil criminal jurisdictions, without having for them either our title or that of the Kings, our predecessors, and it is doubtful if the said persons could acquire against us and our crown for any time, we ordain and command that immemorial possession, proved according to, in conformity with, and with the qualities which the law of Toro requires, which is law 1, title 17, book 10, that it may suffice to give title against us and our successors to any cities, towns or villages, or places of civil or criminal jurisdiction, and anything or part of it, with the things to the sovereignty and jurisdiction annexed and belonging, provided that the said time of the said prescription shall not be interrupted nor charged by us or by our order, or otherwise in our natural or civil name.

Law 1, title 17, book 10, to which the foregoing refers, is as follows:

We order that the [Mayorasgo] inheritance may be proved by the writing of the institution of it with the writing of the [*licentia*] authorized officer of the King who gave it, the said writings being such as to entitle them to credit; or by witnesses who may depose which the law directs of the tenor of the said writings, and likewise by immemorial custom proved with the qualities which the said effects or inheritances derive from their previous possession. It is to know that the elder legitimate children and their descendants succeeded to the said effects by means of inheritance, in case the possessor of it shall have left other legitimate children, without giving them of what they succeed to in the said estate anything or equivalent for the succession in it; and that the witnesses be of good repute, and that they say that thus they saw them for the period of forty years, and thus they heard it said of their elders and ancestors, and thus they always saw and heard, and also that they never saw or heard say to the contrary, and that, regarding it, it is the public voice and reported and common opinion amongst the neighbors and inhabitants.

No. 13.

TRANSLATIONS FROM THE "DECRETOS DEL REY DON FERNANDO VII."

Decrees of King Ferdinand VII, of Spain, containing all the general royal resolutions issued through the different departments and councils, from his restoration to the Spanish throne, on the 4th of May, 1814, *to the end of* 1816—MADRID, 1816.

Vol. 1, *p.* 102.

Royal decree abolishing the department called "*Gobernacion de Ultramar*," government of the possessions beyond sea, and re-establishing the Universal Ministry of the Indies, on the same footing as in the year 1787.

By this my royal decree, the department called "government of possessions beyond sea" is abolished, and the universal ministry of the Indies is restored, such as it had existed from the remotest times to July 8, 1787. You will take notice of the above for its fulfilment, in whatever concerns you, and communicate copies of this decree to the other departments of the universal despatch. Signed with the royal hand of his Majesty, at the Palace, June 28, 1814.

A. D. MIGUEL DE LARDIZABAL Y URIBE.

Vol. 1, *p.* 110.

Royal decree of his Majesty, re-establishing the *Chamber of the Indies*, (Camara de Indias,) with the powers it possessed in May, 1808, being composed, for the present, of the officers [ministros] herein described.

By my royal decree of this date, [see the following,] I have resolved to re-establish the royal and supreme Council of the Indies, granting to it, for the present, the powers which it had on May 1, 1808, and with the number of officers expressed in the nomination which accompany the same, confirming and ratifying, for the future, its last organization, which limits to five the number of members entitled to wear sword and robes, and to fourteen those wearing robes, independently of the attorneys, [fiscales,] also wearing robes, [togados.] And whereas the good government, eccleciastical as well as temporal, of those dominions, requires that the Chamber of the Indies, as anciently established, and with the enjoyment of equal dignity with that of Castile, should resume the exercise of its authority, without alteration in its former powers, I also have resolved to re-establish, as I hereby do re-establish, and confirm, the same. It shall consist, for the present, of the president and five ministers, three wearing robes, [togados,] and two wearing robes and swords, [de capa y espada,] who are designated in a list signed by my royal hand; but, when it shall have been reduced to the number required by the aforesaid organization, it shall only consist of the president, a minister wearing sword and robes, and three *togados*. You shall take notice of the above, and communicate the same to all whom it may concern.

MADRID, *July* 2, 1814.—Signed with the royal hand of his Majesty.

DON MIGUEL LARDIZABAL Y URIBE.

Vol. 1, *p.* 107.

Royal decree re-establishing the supreme Council of the Indies, with the same powers as it existed in the year 1808, and declaring the number of ministers of which it is to consist.

The torrent of evils which afflict many of the provinces of my dominions in America; the general subversion of the public administration prevailing in others, and the disorder and confusion introduced even in the administration of justice itself, called for my royal attention from the moment that, restored

through a special favor of Divine Providence to the throne, I resumed the government of my kingdoms. The desire of restoring peace and happiness among my beloved vassals in those countries has induced me to reflect seriously and maturely upon the means of attaining that object; and, after a long examination, it has occurred to me that one of the most expedient was the re-establishment of the supreme Council of the Indies. That tribunal which in all times has professed love and fidelity for the Kings, my ancestors, has always been distinguished for the zeal and correctness with which it has discharged the many and important trusts committed to it; whereby it has not only deserved their confidence, and been raised to equal honors and privileges with the royal council, but also that of the natives and inhabitants of those countries who felt how much they were indebted to that body, created for their benefit and protection, almost at the time of the discovery of that immense section of the globe. Wherefore, moved by these considerations, and sensible of the importance to the good government of those dominions, that the ministers in whom I repose my confidence should possess the peculiar abilities and information which their administration requires, I have resolved to re-establish the aforesaid council, which, for the present, shall continue invested with the same powers it possessed on May 1, 1808. It will consist, as formerly, of three permanent chambers, (Salas,) viz: two of government and one of justice, which shall be composed of the ministers named in the list signed by my hand. And whereas it is not expedient that the number of places be increased, which was fixed to five ministers with swords and robes, by royal decrees of March 13, 1760, and August 25, 1785, and to fourteen ministers, *togados*, two attorneys, [fiscales,] also *togados*, two secretaries, and one accountant, established by the decrees of July 29, 1773, February 26, 1776, and June 6 and March 11 following: it is my will that these decrees be observed by completing the number of ministers of that class, and suppressing those who exceed the number of ministers of the other class, as the same shall become vacant; and that there be always among them some ministers who shall be natives of the Indies. As soon as the council shall have entered upon the exercise of its functions they shall inquire into the changes which, in those extensive and valuable dominions, have originated from the great and extraordinary occurrences which have taken place in the mother country, and shall propose to me whatever they may think expedient for the restoration of order therein, and for the promotion of their welfare and prosperity. You will take notice of the above, and communicate the same to all whom it may concern.

MADRID, *July* 2, 1814.—Signed with the royal hand of his Majesty.

DON MIGUEL LARDIZABAL Y URIBE.

Names of the ministers who are to compose the three chambers [Salas] of my royal and supreme Council of the Indies, saving the right of senority appertaining to each. [Names inserted and signed by the King.]

Tom. 1, *p.* 116.

Circular from the minister of war, ordering that the captains general of provinces who united in their persons the presidencies of the chanceries and audiences, be again presidents, with the same prerogatives.

The King has deemed it expedient to command that the captains general who united in their persons the offices of presidents of the chanceries and audiences by virtue of the decrees of his august father and ancestors, be again made presidents of the same, with the same prerogatives, pre-eminences, and faculties which were granted and assigned to them by said decrees.

By order of his Majesty I communicate the above for your information and fulfilment. God preserve you, &c.

MADRID, *July* 8, 1814.

Vol. 1, *p.* 127.

Royal decree, commanding that the respective departments of state and despatch perform the same duties as in 1808, excepting those appertaining to the secretary of state and universal despatch of the Indies and to the royal house and patrimony, agreeably to the royal decrees of 22d May and 28th June last.

Desiring that the duties performed by the office of the secretary of state and despatch should follow the natural course to which my subjects are already accustomed, I have resolved that the same affairs shall pass through the offices of secretaries of state and despatch which appertained to them, respectively, in 1818, with the exception of such as belong to the secretary of state and universal despatch of the Indies, which I established by my royal decree of the 28th June last, and those which are of the resort of my royal house and patrimony, which shall pass through the office of my superior majordomo, as provided by my royal decree of the 22d May last. You will take notice of the above and adopt measures for its fulfilment.

Signed with the royal hand.—Palace, July 19, 1814.

THE DUKE OF SAN CARLOS.

Vol. 1, *p.* 174.

Royal order [cedula] notifying the dominions of his Majesty in America of the re-establishment of the Council of the Indies.

I, the King, have resolved, on the 2d of July of the present year, to issue a royal decree, whose tenor is as follows: [Reciting said decree, which see above.]

And the installation of my Council of the Indies aforesaid having been effected accordingly, and my said royal resolution promulgated therein, I have commanded that this my royal order [cedula] be issued, by which I enjoin all viceroys, presidents, regents, and auditors of my royal audiences in both Americas and in the Philippine islands, and pray and charge all the right reverend archbishops, the reverend bishops and chapters of the metropolitan and cathedral churches within those my dominions, they having seen my royal decree, to observe and fulfil the same and cause it to be observed and fulfilled, each in what may concern him, said viceroys causing the same to be communicated to the intendants and governors within their respective jurisdictions, in order that the latter may order it to be published within the districts under their respective command, and that it may thus come to the knowledge of all my vassals within those parts.

Done at the Palace the 7th of August, 1814.

Vol. 1, *p.* 175.

Circular from the universal department [ministerio] of the Indies, commanding the chiefs and superior authorities within those dominions faithfully to observe the laws and royal orders forbidding them to permit the arrival in America of persons prohibited by those laws.

Although, by the laws of the Indies, and by subsequent royal orders, it is particularly recommended to the chiefs and superior authorities of those dominions, and to the judges of arrivals [arribadas] within the ports of the monarchy, to be careful and vigilant in not permitting the passing to the aforesaid dominions of persons forbidden to do so by said laws and orders, it is the King's pleasure again to remind and to recommend to them their observance and fulfilment with the greatest strictness, and to inform them that his Majesty will look with the highest displeasure upon any departure from the laws in that behalf. They shall, therefore, not only prevent any person from passing to the Indies without a previous and scrupulous examination of the documents, which, agreeably to recent enactments, they have a right to make, but, also, although such documents might prove sufficient, if they have good reason to believe that in the present state of those dominions it is not expedient that such person should proceed to the Indies, it shall be their duty to detain said person, giving immediate notice thereof to his Majesty through the department under my charge, setting forth the motives upon which they shall have acted, and without prejudice of the judicial proceedings which may be required by law.

By royal order I communicate the foregoing to you for your information and its fulfilment in what may concern you. God preserve you many years.

Madrid, *August* 7, 1814.

Vol. 1, *p.* 194.

Royal order of his Majesty and of the members of the council, by which it is enjoined to restore to the council the direction, government, and administration of the domains [propios] of the kingdom, with such powers and jurisdiction as it exercised formerly in matters of litigation and government, and in re-establishing the office of accountant general in that branch, and in others therein mentioned.

Don Ferdinand VII, by the grace of God King of Castile, Leon, Aragon, &c., &c., to the members of the council, presidents, regents, &c., &c: Know ye, that whereas my council continues to propose to me all that can be conducive to the good of my people, and to the promotion of all sources of public prosperity which were committed to its care by the Kings, my ancestors, at various times, and which I have confirmed to them by my royal decree of the 27th of May of the present year; and whereas one of those which have the greatest influence upon the happiness of the villages, of the provinces, and even of the whole monarchy, is the government of the municipal domains [propios] of the kingdom, said council has applied itself to the examination of this most important business; and in consideration of various representations which were made to it concerning the existence of the papers of the office of accountant general of this province, alienations of mortgages which had been made during the domination of the enemy, and various other points, the same were referred to my attorneys, [fiscales,] together with the preceding ones. These, in order to show the necessity of granting expressly and permanently to my council, the most ancient and immemorial authority by virtue of which it had, from the remotest ages of the monarchy, presided over the management, government, direction, and distribution of the municipal domains [propios] and taxes [arbitrios] of the kingdom, made a statement of the ancient resolutions, in the cortes and out of them, and of the writings which went to establish the same, of the alteration which it underwent in the year 1752, on account of the management and direction of this business having been placed in the hands of Don Pedro Diaz de Mendoza, by Don Fernando VI; of the energetic representation made by my council in consequence thereof; and of the royal resolution given by Don Carlos III, my august grandfather, in the year 1760, declaring that all the municipal domains of the kingdom were to pass under the superintendence of my council, charging it especially to take cognizance thereof, of their value and charges, and to govern and administer the same according to the instructions addressed to it in that behalf, taking an annual account thereof, in order that, being made acquainted with their proceeds, it might be ascertained whether they have been applied to the objects for which they were intended, without being diverted to other purposes to which they did not belong. They subsequently reported what progress the said branch of revenue had made under the direction of my council during the twenty-five years which intervened between the years 1760 and 1785; having demonstrated to the King and to the kingdom by their report of the 7th November, 1786, that the result of their labors had been the ascertainment of the real mortgages, [fincas,] and of the effects and revenue of the municipal domains and taxes; to systematize their management and direction, and the recovery of moneys without diversion or depredations; to discriminate between true and voluntary charges; to reform abuses and illegal expenditures; and the formation of regulations for twelve thousand five hundred and twenty-six villages, and the gain, by means of these regulations and a strict economy, of large sums in profits, savings, and capitals, amounting to three hundred and eighty-one million thirty-eight thousand four hundred and one reals and twenty-two maravedis, exclusive of the amount of ordinary and extraordinary charges provided for each village by the regulations. And after giving an account of the other changes which took place until, in the year 1803, the council recovered all its authority in this respect, and continued to enjoy the same up to the year 1808, when commenced the public calamities which afflicted the kingdom; they concluded with the opinion that the authority of my council ought to be restored over said branches of revenue in the whole extent of its ancient and characteristic functions; as also the office of accountant general, with such fixed rules and systems as it would judge most fit for the management and despatch of that business. And the same having been seen by my council which conformed in every respect to the opinion and representations of my attorneys, it acquainted me, by its report of the 12th of this month, with its views of the necessity and expediency of making known to the kingdom that the powers and jurisdiction which it formerly possessed over the municipal domains of the towns and villages had been restored to it, and that all the innovations which had been introduced under the management and application of this branch of revenue during my absence from these kingdoms had been disapproved; and, agreeably to this opinion, I have, by my royal resolution, thought fit to declare, as I hereby do declare, null and void the decrees of the cortes called extraordinary enacted in that behalf. And I command that, notwithstanding those decrees, and the other provisions enacted by the authorities which succeeded one another during my captivity, the government, direction, and administration of the municipal domains [propios] of the kingdom be restored to my council agreeably to the instructions of

the 30th July, 1760, and other subsequent decrees and orders, together with the same authority and jurisdiction which it exercised in the year 1808, as well in matters of economy as in those of litigation; re-establishing the office of accountant general, although composed for the present of such officers as exist at this time, and appointing only the accountant. My council will further inform me of such other things as it may find to require reform, or which may promote the prosperity of the towns, and call for amendments of the rules by which this branch of revenue is governed.

My royal determination, above referred to, having been published in full council, its fulfilment was decided upon, and, to that end, I publish this royal order [cedula] whereby I command all and every one of you, each in your respective places, districts, and jurisdictions, to take notice, observe, fulfil, and execute the same, and to cause it to be observed, fulfilled, and executed, in whatever may concern you, without infringing or permitting it to be infringed or violated in any manner whatsoever. Such is my will, as also that the same faith and credit be given to the printed copy signed by Don Bartolomé Muñoz de Torres, my senior secretary of the chamber and government and member of my council, as would be given to the original.

Given at the Palace, the 22d August, 1814.

I, THE KING.

I, Don Juan Ignacio de Ayestaran, have caused the foregoing to be written by order of his Majesty. [The signatures follow.]

Vol. 1, *p.* 251.

Royal order of his Majesty and council commanding that the jurisdictional lords, so called, be reinstated in the enjoyment of the receipts of the rents, proceeds, emoluments, and rights of their territorial seigneuries and others therein mentioned.

Don Fernando VII, by the grace of God King of Castile, Leon, Aragon, &c., &c., to the members of my council, presidents, regents, &c., &c.: Know ye, that a decree of the general and extraordinary cortes, of the 6th August, 1811, incorporated to the nation all the jurisdictional seigneuries of what class and condition soever, abolished the loans [prestaciones] which had their origin in the jurisdictional title, excepting those which arose from free contracts in consequence of the right of property, leaving the territorial and freehold seigneuries in the class of other particular rights of property; and suppressing also the privileges called exclusive, peculiar, and prohibitory, which had the same origin in seigneuries, such as those of fowling, fishing, oven, mills, water privileges, commons, and others, and making other declarations. At this juncture various other representations were made to me by several grandees of Spain and titularies of Castile, by jurisdictional lords of villages, in the kingdoms of Aragon and Valencia and other provinces, complaining of the spoliations and infractions which, under pretence of said decree, they had suffered and continued to suffer in the enjoyment and receipt of the rights and profits reserved by that decree, asking to be promptly reinstated and indemnified for the damages and losses which they had sustained, and some of them asking that the same might be annulled. These representations I thought it expedient to refer for deliberation to my council, together with the royal orders of the 16th and and 20th June and 4th July of this year, who, after having heard my attorneys on these points, examined the subject with all the deliberation required by its importance. On its part, my council, having observed the care and circumspection with which said attorneys refrained for the time from expressing an opinion upon the subject of annulling said decree before they could collect all the necessary data to substantiate their opinion on so interesting matters, abstained also to enter upon the examination of that point until those officers should report their opinion thereon. As regards the reinstatement asked for by the jurisdictional lords in the enjoyment of the rights which had been taken away from them in an arbitrary manner by the towns within their respective seigneuries, although reserved to them by the decree of the cortes, the council agrees likewise with the opinion of my attorneys, who acknowledge the justice of the request and the expediency of providing without delay the proper measures to arrest the progress of so grave evils, and presented to me its opinion in a report of the 18th August, of this year, embracing, likewise, that part of the decree warning all persons who considered themselves entitled to be reinstated to present their titles to the chanceries and audiences of the district. And, agreeably to said opinion of my council, I have deemed it expedient, by my royal resolution, to order that the jurisdictional lords be immediately reinstated in the enjoyment of all the rents, proceeds, emoluments, and rights, of their territorial and freehold seigneuries, and in that of all other immunities which they had enjoyed before the 6th August, 1811, the origin of whose jurisdiction is known not to have arisen from exclusive privileges, without being therefore obliged to present their original titles; said reinstatement being understood to be accompanied by the recovery of all the proceeds and rents which have, or ought to have, accrued from the date of such spoliations, all according to these presents, and saving all that I may hereafter determine, by advice of my council, respecting the nullity, continuance, or abrogation of the decree of the general and extraordinary cortes of the 6th August, 1811, in relation to the abolition of seigneuries. This, my royal determination, having been published in full council, its fulfilment has been resolved upon, and to that end I issue this my royal order, [cedula,] by which I command all and every one of you, each in your respective places, districts, and jurisdictions, to take notice thereof, to observe, fulfil, and execute the same, and to cause it to be observed, fulfilled, and executed, each in whatever will concern you, without contravening, or permit or cause any contravention thereto, in any manner whatsoever. Such is my will, as also that the printed copy signed by Don Bartolemé Muñoz de Torres, my senior secretary and clerk of the chamber and member of the council, be entitled to the same faith and credit as the original.

Given at the Palace, the 15th September, 1814.

I, THE KING.

I, Don Juan Ignacio de Ayesteran, secretary of the King, have caused the same to be written, by order of his Majesty. [The signatures follow.]

Vol. 1, *p.* 274.

Royal order communicated by the secretary of grace and justice to the president of the council, in relation to the expediency of replacing the common and royal timber lands for the use of the marine department upon the same footing as in the year 1808, by virtue of which the decree of the 14th January, 1812, and all other orders issued since that date are repealed.

MOST EXCELLENT SIR: The secretary of state for the marine department informs me, under date of the 13th instant, of the following:

The King, convinced of the necessity of providing prompt remedies for the damages accruing to the state from the scandalous cutting, burning, and destroying, and other injuries of all sorts experienced by the timber lands of the kingdom, and which threaten their ruin, and considering the repeated representations addressed to his Majesty touching this important subject, the vigilance and attention of the government becoming every day more important to the preservation of this valuable nursery of timber necessary for naval constructions and other public purposes, in consequence of the progressive diminution which it has experienced and the increasing demand for the same; the decree of cortes called general and extraordinary, of the 14th January, 1812, having abolished the office of conservator general of timber lands, and all other subordinate officers of that branch of administration, as well in the maritime as in the internal provinces, together with those of visitors, superintendents, and other inferiors, to whose care and direction were confided their preservation and increase, agreeably to the laws of the kingdom and the royal orders in that behalf enacted; his Majesty has resolved that things should be replaced on the same footing as in the year 1808, with respect to the timber lands common and royal, which are for the use of the marine; and that with regard to the timber growing on private lands, no alteration be made for the present, saving always whatever his Majesty may hereafter think fit to determine, after fully examining that point: so much of the said decree of the cortes, and whatever orders may have been issued since the aforesaid period of 1808, being consequently repealed.

By royal order I communicate the foregoing to your excellency for the information of the council and for other requisite purposes. God preserve your excellency many years.

MADRID, *September* 13, 1814.

The foregoing order having been published in the council, it has resolved that whatever his Majesty has been pleased to command thereby be fulfilled, and that the same be communicated to the intendants, governors, corregidors, and superior alcaldes of the kingdom, with whatever else may be necessary for that purpose.

MADRID, *September* 27, 1814.

Vol. 1, *p.* 276.

Circular from the royal council directing that, to the end that this supreme tribunal may be fully informed concerning the settlement of accounts of the municipal domains of the towns in each province, and of the possessions aliened by said towns since the year 1808, said council be advised, with the least possible delay, whether such accounts have been rendered at the accounting offices of the principal provinces up to the year 1813, together with those of the eighteen maravedis per cent and other matters therein set forth.

Whereas the office of general accountant has been re-established for the municipal domains and taxes of the kingdom, by royal decree of the 12th August last, by advice of the council and by the royal order issued agreeably thereto on the 22d of same month, (p. 194,) and communicated to you and to others charged with the execution thereof; and whereas the cognizance, direction, government, and administration of that subject has been restored to said council, such as it existed in the year 1808, said supreme tribunal being desirous of being made acquainted of the condition of the settlement of the accounts respecting the municipal domains of the towns of this province, as also of the property which has been alienated by said towns since the aforesaid period of 1808, it has resolved, by decree of this date, that you should inform it, with the least possible delay, whether such accounts have been presented at this principal office of accountant up to the year 1813, together with the proceeds of the eighteen maravedis per cent. and other impositions upon the said branches of revenue, as has been ordered; and, in case any town or towns may not have rendered such accounts, you are commanded to cause them to do it within the exact term of two months.

The supreme tribunal directs at the same time that you should cause said accountant's office to prepare a detailed statement predicated upon the regulations communicated to the towns, and upon their revenues and possessions, of such as they own at this time or may have aliened since the said year 1808, setting forth the name of the town, the description, value, and revenue of the property, according to their condition during the five years which preceded 1808, with the cause or motive for such alienation, the authority upon which it was made, and the amount for which said property was sold. Said statement should, although the property so alienated may have been destined for pasture or cultivation, exhibit, by suitable notes, what revenue it formerly yielded and the amount for which it was sold.

With respect to the duty of the treasurers and receivers of the revenue of stating and rendering accounts of the eighteen maravedis per cent. and other particular impositions, and their transmission through you to this accountant general's office, the council has further been pleased to direct you to cause that of this province to render to the council, through me, within the shortest possible delay, the said accounts, together with the excess of the eighteen maravedis per cent., and to account for the tax levied in favor of the manufactures of earthen ware, and subsequently applied, by royal order, to the exigencies of the crown, and whose collection had been confided to the said accountant general's office, either by bills in my favor or by any other means which may present themselves, and to hold in readiness any available sums, with a statement of the years to which they belong, without waiting for the settlement of the accounts, which may be done hereafter; taking, therefore, such time as may be necessary to collect all the requisite certificates, and in the meantime the acknowledgment of the receipts of said bills by this general accountant's office shall be a warrant for a temporary credit.

The foregoing is communicated to you by order of the council for its punctual observance, and it is expected that you will immediately acknowledge the receipt thereof, in order that it may be communicated to the council.

God preserve you many years.

MADRID, *September* 19, 1814.

Vol 1, *p.* 424.

Royal order [cedula] of his Majesty commanding the re-establishment in America and the Philippine islands of the system of government, economy, and administration of justice which existed there before the new laws, so called.

Whereas my supreme Council of the Indies was charged at the time of its re-establishment the 2d July last (page 107) to take into consideration the innovations which in those extensive and valuable possessions had arisen from the great and extraordinary occurrences which have taken place in the mother country, and to suggest to me whatever it might deem expedient to restore the best order therein and promote their welfare and prosperity, said supreme council, in their report of the 5th September, represented to me the necessity and expediency of attending as far as possible to diminish and correct the evils inflicted upon them by the provisions of the general and extraordinary cortes, so called, by introducing, without due examination and circumspection, into the system of legislation so respectfully observed during several centuries, innovations which might prove very dangerous; and, in conformity with their opinion, and with the proposition in another report of the 7th November last, as also with the representation of Don Angel Alonzo y Pantiga, ex-deputy in said cortes for the province of Yucatan, touching the re-establishment of the offices of casiques [cacicazgos] and justices of the Indians, taking into further consideration the tenor of the circulars communicated by the universal ministry of the Indies in relation to the cessation of the provincial deputations and other subjects connected with the elections of parishes and corporations, [ayuntamientos,] I have resolved the following:

1. The constitutional [ayuntamientos] corporations in the two Americas and the Philippine islands are henceforth abolished, and their functions, as limited by law, are, agreeably to the royal decree recited in the circular of the 20th June, transferred to the *ayuntamientos* which existed at the time that the constitution and decrees of the cortes altering the old system were received in those dominions.

2. To this end shall forthwith be re-established the ordinary alcaldes, regidors, and other chapter officers whose functions were discontinued at that period who are not disqualified by law or noted for entertaining disloyal sentiments; and said ordinary alcaldes shall exercise said jurisdiction until the day on which those who are elected at the beginning of the year shall enter upon the same, agreeably to the laws and practice in those dominions.

3. The other chapter officers shall be reinstated in their former offices, according to their nature, whether perpetual, salable, or relinquishable; wherefore the parish elections referred to in my royal decree of the 24th May of the present year are considered as null.

4. Whereas it may happen that said ayuntamientos may not contain a sufficient number of persons for their reorganization, I charge the viceroys and superior chiefs, after taking all proper information, to proceed to a temporary election of such chapter officers as may be wanting, taking care to give the preference to such relatives of the last deceased incumbents who may be qualified therefor, who may not have renounced their offices in consequence of the changes above referred to, under an impression that the same were suppressed. They shall, in proceeding to make said appointments, confer the right of property in the same, observing the usual forms of valuation, sale by auction, and others prescribed by law and by the former ordinances on the subject.

5. In like manner, and with the least possible delay, the offices of caciques and justices of the Indians suppressed by the constitutional *ayuntamientos* shall likewise be re-established, and their jurisdiction shall be exercised in the manner prescribed by Law 13, Tit. 7, Lib. 6, and Law 6, Tit. 3, Lib. 6 of the Compilation of the Indies, [Recopilacion de Indias,] and by other provisions in that behalf.

6. The corporations [ayuntamientos] created by virtue of the new instructions in those towns where none existed previous to their promulgation in those dominions shall be absolutely suspended, whether approved or not, as well in order that these provisions of the new laws, so called, may not be confirmed without mature investigation, as in order to avoid the inconsistency and consequent prejudice to my royal treasury which would result from some offices being made elective, and others liable to be renounced and sold, this provision is made with the assurance that, in directing the continuance of the *ayuntamientos*, or the establishment of new ones in those places where none exist at present, I shall take into consideration the circumstances of the towns, as the same shall be made known by the inquiries now making or to be made, and which it is the duty of the superior chiefs to communicate to me for my royal sanction.

7. The judges formerly appointed as judges of original jurisdiction shall also cease to exercise their functions and to enjoy the immunities granted to them by the said constitution and decrees of the cortes, and in their stead the functions prescribed by the laws and ordinances concerning the intendants shall be exercised by the sub-delegates, superior alcaldes, corregidors, or lieutenants, using the same denominations as practiced heretofore.

8. The aforesaid suppression of the provincial deputations shall extend to the offices of political chiefs, and their powers shall revert to the authorities and bodies which formerly exercised them.

9. The governor intendants shall resume all the powers appertaining to them before the promulgation of the constitution, so called, and shall consequently exercise said powers, as well in matters of government as in those of economy and litigation relating to the royal treasury, agreeably to the laws and ordinances respecting intendants.

10. And, lastly, it is my will that the royal audiences in those dominions may again exercise jurisdiction and power in the same manner and form as before the new regulations issued by the abovementioned cortes.

These resolutions having been communicated to my Council of the Indies on the 7th and 29th November last, it was resolved to issue this my royal order, by which I command all the viceroys, presidents, regents, and auditors of my royal audiences in both Americas and the Philippine islands to observe and fulfil, and cause the same to be observed and fulfilled, each in what may concern him; and the said viceroys and presidents shall take measures to have it immediately communicated to the intendants and governors of their respective districts, in order that they may cause the same to be promulgated within the limits of their respective jurisdictions and commands, for its complete observance.

Done at the Palace, the 28th December, 1814.

Vol. 1, *p.* 319.

Royal order [cedula] of his Majesty and council restoring, in behalf of the royal timber lands, commons, and municipal domains, the royal ordinance of the 12th December, 1748, concerning timber lands and nurseries, and the two offices of conservators of the same.

Don Fernando VII, by the grace of God King of Castile, Leon, Aragon, &c., to the members of the council, presidents, regents, &c.: Know ye, that King Don Fernando VI, my august uncle, having heard of the serious injury accruing to the commonwealth from the imperfect observance of the laws and ordinances of these kingdoms respecting the increase and preservation of the timber lands and nurseries, from the neglect of the justices in carrying into execution the provisions and penalties enacted for the accomplishment of this important object, to the end that said injury may not be increased and made irreparable, he issued on the 12th December, 1748, with the advice of the council, a royal order, reciting the instructions which had been framed in that behalf, and which are inserted in the title 24, lib. 7, of the Novisima Recopilacion. Repeated provisions were made by my august grandfather and father for the fulfilment of said instructions, which remained in force until on the occurring of the late disturbances the general and extraordinary cortes, so called, issued the decree of the 14th January, 1812, repealing all the provisions of the laws and ordinances relating to timber lands and nurseries, so far as they applied to those in private ownership, and suppressing the office of conservator general of timber lands, and all subaltern offices and justices appertaining to that branch, both in the maritime provinces and elsewhere, with all others subordinate thereto, of whatever denomination, and providing that all denunciations should be made before the justices of the respective towns, with the right of appeal before the territorial audiencies. In this juncture repeated complaints, requests, and reclamations were laid before my royal person, having for their object to set forth the immense injury and incalculable mischiefs accruing to the towns and to my royal treasury, with regard to the timber lands and nurseries, in consequence of the abandonment in which they had been left after the suppression of the authorities specially charged with their preservation and increase, and calling my attention, always alive to the promotion of the general prosperity of the monarchy, to the importance and extent of such notable disorders, and to the urgent necessity of providing proper and efficient remedies to correct them, whereupon I directed my council to advise me upon such measures as it might think most expedient in that behalf. In compliance with this direction, it was resolved to refer the subject, together with other previous matters, to my attorneys, [fiscales,] who, with due consideration of the resolutions enacted by the Kings, my predecessors, for promoting the growth of timber and spars, so important and necessary to the welfare of the state in all its branches, and having before them my royal decree of the 13th September last, restoring the subject upon the same footing as in 1808, as regards the common and royal timber lands for the use of the marine, reported all that was suggested to them by their zeal as to the means of repairing the mischiefs occasioned by the late disturbances and by the before-mentioned decree of the cortes, and of improving, through the closer vigilance and special protection of the government, this most interesting branch of public resources, which, having been seen and considered by my council with the most mature deliberation, said council laid its opinion before me, in its report of the 7th instant, and agreeably thereto I have judged it expedient to order the restoration, in its full force and vigor, of the royal ordinance of the 12th December, 1748, together with that of the other laws and orders in force in 1808, and to appoint the visitors, guards, and overseers, and others formerly attached to that branch of the administration, to the end that means may be adopted for its fulfilment in all its parts; restoring likewise the offices of conservator of the twenty-five leagues of the court and of the interior of the kingdon, with their respective secretaries, all which it is my will that it may be understood as applying to the timber lands, either royal, common, or belonging to the municipal domains, [propios,] those belonging to private individuals remaining free; and under this limitation I hereby repeal the said decree of the 14th of January, 1812, and all such orders as may have been promulgated since that date. All which shall be executed for the present, and until I shall have, with the advice of my council, resolved upon what may be thought most conducive to the promotion of the growth of timber, and to the economy to be observed in the better government of the timber lands. The foregoing order having been read in the council, its execution was resolved upon, and to that end I issue this my royal order, [cedula.] Wherefore I command all and every one of you, each in your respective district and jurisdiction, to take notice thereof, to observe, fulfil, and execute, and to cause the same to be observed, fulfilled, and executed, each in what will concern you, without contravening, or permitting or causing any contravention to the same in any manner whatever. Such is my will, as also that to the printed copy of this my order, signed by my secretary, Don Bartolome Muñoz de Torres, senior clerk of the chamber of government of my council, the same faith and credit be given as to the original.

Given at the Palace, the 19th October, 1814.

I, THE KING.

I, Don Juan Ignacio de Ayesteran, secretary of the King, our lord, cause the above to be written, by order of his Majesty.

[The signatures follow.]

Vol. 2, *p.* 327.

Circular from the royal council, enjoining, by royal order, the observance of the provisions in the different articles therein expressed, whose object is the fulfilment of the resolutions of the council, and of the circular of the 19th of September, 1814, concerning the settlement of accounts respecting the municipal domains of the towns, at the respective accountants' offices, down to the year 1813.

By the circular order of the 19th September, 1814, (vol. 1, p. 276,) the council thought fit to direct, among other things, that the intendants should, within the least possible delay, state whether the towns had presented at the principal accountants' offices the accounts of their respective municipal domains and revenues, down to the year 1813, together with their respective quota of the two reals and eight maravedis per centum, and of other imposts upon the same branch, agreeably to orders to that effect; and, in case any town or towns should not have presented their said accounts, as aforesaid, to urge them to do so within the precise period of two months.

In compliance with this resolution, the intendants transmitted to the council statements of the dispositions they had made for its entire fulfilment; but, after the expiration of the aforesaid period of two months, specified by the said order for the said settlement of accounts, representations were made by some of the said intendants, alleging the resistance which had been offered on the part of the corporations and municipal juntas of the domains, notwithstanding the repeated letters which had been addressed to them, and the threats of fines and other penalties provided by the instructions, but which were treated with indifference; and that, finding that their endeavors led to no results, they informed the council thereof, in order that, convinced of the neglect with which the justices managed the public revenues, said council might exercise its superior authority over said corporations and juntas, to cause them to adopt the most efficient measures to comply, without further delay, with so important an obligation; and that the omission to punish the authors of so culpable neglect would be the cause of the non-fulfilment of those supreme resolutions.

The council having taken into its consideration the subject of these representations, as also the indispensable necessity of providing a remedy to these disorders, by adding to the penalties formerly established, by the orders and instructions framed for the government of that branch, others, whose effect shall be to correct such scandalous neglect and disobedience of the provisions of the council, directed said representations to be referred to the attorney, [fiscal,] who made such report thereon as to him appeared most expedient; whereupon the council laid before his Majesty, in its report of the 11th March last, its opinion upon the subject; and, conformably thereto, his Majesty, in his royal resolution, published on the 2d instant, has been pleased to command that the provisions contained in the following articles be observed and carried into execution throughout the kingdom:

1. The corregidors and superior alcaldes shall not, at the expiration of their term, be reappointed unless they shall prove that they have previously presented all the accounts of municipal domains and revenues, down to the year 1813, at the office of the accountant of the province, by the exhibition of the letter from said office to them, without which document they shall not be consulted by the chamber respecting any jurisdiction; wherefore the proper notice shall be given thereof to said tribunal. They shall, moreover, be disqualified for promotion in the judicial career, except in particular cases where they cannot be superseded, and which shall in due time be made known to the council, who, if it think proper, shall not prevent the accountant's office from granting the aforesaid certificate, in which mention shall be made of what shall have been granted by the council.

2. The other members of the corporations and boards of municipal domains and revenues shall be deprived of their eligibility to any judicial office, except only the regidors who are freeholders, who, instead of the above penalty, shall be fined two hundred ducats each, and for every year for which the presentation of accounts within the term prescribed shall have been omitted, and this disqualification shall continue until said accounts shall have been presented, in which case, if elected, they shall continue to serve.

3. The clerks of the corporations, and *fieles de fechos*, shall likewise be disqualified from holding their offices, as also the stewards of the domains, until said accounts shall have been presented; and others shall be appointed in their stead, who shall discharge their duties *ad interim*.

4. The foregoing shall be applicable to those towns in which there are no judges of letters, [juez de letras,] in which the alcalde or alcaldes shall, besides the penalties above set forth, suffer imprisonment in the capital or head town of the district, [partido,] as provided in the orders inserted in their regulations, in addition to the fines therein imposed.

5. The amount of the fines thus levied shall be applied to the fund arising from treasury penalties, and shall be paid over to the depositary of said fund on his giving the requisite receipt for the same.

6. And, lastly, in order to do away the excuse alleged by the towns, that they have no funds arising from their domains wherewith to pay, along with the accounts, the amount of the seventeen per centum, they shall proceed to recover the large amounts standing to the credit of all, or the greater part of said towns, against the taxable inhabitants of the first and second classes. This recovery shall be made with due regard to the qualifications and circumstances of the debtors, because those of the second class who are the stewards and depositaries, and other persons who have the charge of the collection of rents or other funds applicable to the use of the councils, governments, and corporations, do not deserve the same favor and indulgence as those who are chargeable in the first instance, with balances of rents for the leases of municipal domains and lands, and for taxes or other debts of that description. With this knowledge and distinction, they shall proceed to recover all said debts, from all persons able to pay the same, immediately; and to such as are unable to do so, without involving themselves in ruin, a moderate delay shall be granted, at the discretion of the intendants, upon such security as they may require, according to the ability of each, in order that the amount may be levied upon them, or process instituted against the sureties, and always in such a way as not to inflict, knowingly, any serious injury upon the debtors, or leave them without any means whatsoever of living. The amounts recovered in this manner shall be paid over to the treasury and depositary of rents in the capitals of each province, so as to cover the sums due by the towns for the seventeen per centum for every year for which the same shall not have been paid.

And whereas, it is commanded, in the 2d article, that the persons therein mentioned shall incur the aforesaid penalties and forfeitures, if said accounts be not presented within the term as set forth, the council has been pleased to direct that you grant them such further delay as may appear to you to be expedient and necessary, provided it shall not exceed three months with respect to the accounts in arrear to the end of 1813; and, as regards those for the year 1814 and the following, the foregoing provisions shall be executed within the term prescribed by these orders and instructions.

The foregoing is communicated to you by order of the council, for your information, and its fulfilment within the province under your command. You will acknowledge its receipt, that I may lay the same before the council.

God preserve you many years.

MADRID, *May* 17, 1815.

Vol. 2, *p.* 474.

Royal order [cedula] providing for the observance in the two Americas, and the Philippine islands, of the regulation respecting the audiences of the year 1776, with regard to the number of ministers, without altering their present compensation, until the enforcement of the new regulations framed for each of the said tribunals.

By the King: The general and extraordinary cortes so called, by a regulation of the 9th October, 1812, made material alterations in the organization of the superior courts of justice throughout my

dominions, by reducing, in some respects, their powers, extending them in others, repealing the former distinction between the offices of auditor and criminal alcaldes, and ordering that suits by petition should be heard and decided by turn by the magistrates of each audience, and not before those by whom the parties to the suit thought themselves aggrieved, as was formerly ordered and practiced. In order that said trials, by turn, should be introduced in the Indies, the said cortes directed that the audiences of Mexico and Lima should consist of one regent, twelve ministers, and two attorneys, [fiscales,] and the others of one regent, nine ministers, and two fiscals, the presidency of said audiences being, to all intents, vested in the regent. In order to complete this number, the regent filled some vacancies, and was to supply them all; but, in consequence of my return and restoration to the throne, this was not realized, and hence the known inequality prevailing at this time in my audiences and in the royal chanceries within those dominions. On the re-establishment of my Council of the Indies, it entered upon the examination of these innovations; and, agreeably to the opinion set forth in its report of the 5th September of last year, I have judged it expedient to resolve that said tribunals and audiences be re-established upon the same footing and with the same powers as in the year 1808. My council purposely omitted, in their said report, the point in relation to the number of auditors, alcaldes, and attorneys who were to compose the said audiences, because, in so important and interesting a point as the correct administration of justice, it was proper to reserve it for a more mature and separate investigation. This was accordingly done; and having heard the accountant and my attorney, having before it the title of the laws which treat of the audiences of the Indies, the regulations issued on the 11th March, 1776, and 27th of the corresponding month in the year 1788, and those framed by the aforesaid cortes, said council, in its report to me of the 7th April last, demonstrated the necessity of adopting, in relation to this important subject, such measures as would present the least inconveniences; and being desirous of forthwith attaining this desirable end, and convinced that it was to be found in the said regulations of 1776, on account of the advantages it possesses in relation to the number of places over that of 1788, it expressed its opinion that I ought to accept and prefer it with regard to the audiences of Cuba, Caraccas, and Cuzco, as applicable only to the number of places, including the former ones of presidents, without making any alterations as to the present compensation; and to be understood only in relation to the present time, and until the viceroys, captains general, and presidents of audiences, taking into consideration the education and customs of the inhabitants of all classes in their respective districts, their extent, population, riches, trade, remoteness from the throne, powers of the audiences, and other points touching the subject, shall transmit authentic information, and their opinion thereupon. The council further represented to me that, in the event of my adopting said regulations, the chamber would take care that there should be in each audience the proper number of judges and attorneys, transfer those who should exceed that number, and consult me as to supplying vacancies. And by my royal resolution, promulgated on the 9th May last, I have deemed it expedient to conform to the advice of my council; and, consequently, it is my will that the audiences of my dominions in the Indies, besides their respective presidents, be composed of the number of ministers prescribed in the said regulations of 1776; that is to say, those of Mexico and Lima of one regent and ten auditors, five criminal alcaldes, and two fiscals, one civil and another criminal; those of Guadalajara, Guatemala, Cuba, Manila, Charcas, Chile, Santa Fé, Quito, Buenos Ayres, Cuzco, and Caraccas, of one regent, five auditors, and two fiscals, civil and criminal, without alteration in the compensation now received by them. And to the end that such regulations may be framed as shall best suit each audience for the future, I command all my viceroys, governors, captains general, and presidents of audiences, in both Americas and the Philippine islands, to collect all the necessary information and data, and to transmit the same, together with the advice of the tribunals and their opinion thereon. Such is my will, and the general accountant's office for the Indies shall take notice of this my royal order [cedula.]

Done at the Palace, the — day of June, 1815.

Vol. 2, p. 665.

Royal decree suppressing the universal ministry of the Indies, and directing all its business to be distributed among the other departments, according to its nature.

Being fully convinced of the advantages accruing to my subjects both in Spain and the Indies from the practice of causing the business of the same nature to be transacted and despatched in the respective ministries [departments] of Spain, I have judged it expedient to suppress, as I hereby do suppress, the universal ministry of the Indies; and I command that its business be distributed among the departments, according to its nature, in the same manner as was directed by my august father, by decree of the 25th April, 1790; and, in order that the expenditures be not increased, but, on the contrary, reduced, if possible, it is my pleasure that, in order to carry this, my royal decree, into full effect, the respective ministries [departments] select from among the present officers of the universal ministry of the Indies hereby suppressed as aforesaid, such persons as may be considered as qualified and necessary in each department. And in consideration of the distinguished services and abilities of Don Miguel de Lardizabal, my secretary of state for the universal despatch of the Indies, I have resolved to reserve to him a seat in the council of state, with the salary and perquisites appertaining to that office, as enjoyed by the others of his rank. You shall take notice of the foregoing, and communicate the same to all whom it may concern. Signed with the royal hand of his Majesty.

PALACE, *September* 18, 1815.

Don PEDRO CEVALLOS.

Vol. 2, p. 760.

Circular from the minister of finance, directing that the royal council, agreeably to the royal order of the 30th July, 1760, communicate through that department, and not through that of grace and justice, in all matters concerning municipal domains and revenues.

Under this date I communicate the following to the royal council:

Don Manuel Silvestre Rubio, having recently represented to the King that the council has not fulfilled the repeated orders issued by his Majesty through this department, commanding that he should be placed in possession of the office of clerk which his Majesty has been pleased to confer upon him in the office of accountant of the municipal domains and revenues of the kingdom, and the King being thereby informed that notwithstanding the order communicated to the council and to the department of grace and justice, on the 4th June last, the council still continues to transmit the reports touching the municipal domains

and revenues through the last-mentioned department, and that said department still takes cognizance and exercises jurisdiction over the affairs appertaining thereto, as it began wrongfully to do from the happy restoration of his Majesty to the throne. His Majesty has heard with displeasure the want of compliance with the aforesaid order of the 4th June, and therefore he has been pleased to command that the royal order [cedula] of the 30th July, 1760, be revived in all its force and vigor, so far as it provides that the council shall, in all matters concerning the affairs of the municipal domains and revenues, communicate through the treasury department, and that the department of grace and justice abstain from all interference therein.

By order of the King I communicate the foregoing to you for your information, and its fulfilment in that part which concerns you. God preserve you many years.

MADRID, *November* 9, 1815.

Vol. 2, *p.* 776.

Circular from the royal council, granting to the corregidors and superior alcaldes appointed by his Majesty in the seigneurial towns the privilege of presiding over the boards of municipal domains and revenues, as was determined with respect to the royal granaries.

The council having been made acquainted with the doubts which have arisen, whether the superior alcaldes appointed by his Majesty within the seigneurial towns had the right of presiding over the board of public granaries which had been taken from them by the royal order and instruction of the year 1792, relative to the public granaries, has deemed fit to declare, as a general rule, in a royal order communicated by the accountant general of public granaries of the 1st of June of this year, that the superior alcaldes appointed by his Majesty in the seigneurial towns shall, like those of royal towns, enjoy the power and sole jurisdiction of presiding over the boards of public granaries, exercising the same functions as now belong to them as judges thereof, and without prejudice of any further provisions which it may be thought expedient or necessary to adopt for the future.

And now, on account of similar doubts having been suggested by the corregidor and corporation of the village of Chinchon, relative to the presidency of the board of municipal domains, the council has resolved to direct a circular to be issued, to the end that the corregidors and superior alcaldes appointed by his Majesty in the seigneurial towns may enjoy, for the present, as in the royal towns, the right of presiding not only over the boards of public granaries, as declared by the council in its circular of the 1st of June last, but also over those of municipal domains.

I communicate the foregoing to you, for your information and its fulfilment as to so much thereof as concerns you, and to the end that you may communicate the same to the justices of the towns within your district. You will please acknowledge its receipt.

God preserve you many years.

MADRID, *November* 30, 1815.

Vol. 2, *p.* 781.

Circular from the royal council, directing the justices of the towns to inquire concerning the lands occupied as hunting grounds within their neighborhood, and set apart as belonging to the royal patrimony, distinguishing such as are fit for cultivation from those which are calculated for pasture; and for other purposes therein set forth.

Under date of the 23d of March, 1808, his excellency Don Pedro Cevallos communicated to the council the following royal order:

SIR: Under date of yesterday, the King has addressed to me the following royal decree:

Being desirous to promote, by all means in my power, the welfare of my beloved vassals, and convinced of the advantages which would accrue to the city of Madrid and to other neighboring towns, from the improvement of the hunting grounds, and from the destruction of the wolves, foxes, and other noxious animals, whereby many barren tracts of land would be brought into cultivation, the cattle for the consumption of Madrid be supplied with pasture, and the city with wood and coal, I have resolved to carry this project into execution; but, as the important cares by which I am surrounded prevent my attending, at this time, to the manner in which it may be done, I reserve to myself the right of adopting the most proper measures for that purpose, and, in the meantime, you will give publicity to this, my royal decree, and propose to me such ideas as may appear most expedient.

ARANJUEZ, *March* 22, 1808.

DON PEDRO CEVALLOS.

By royal order I communicate the foregoing to your excellency for the information of the council, in order that you cause the same to be published.

And on the 2d April of the said year 1808, the said Don Pedro Cevallos addressed to his excellency the Duke del Infantado, president of the council, the following communication:

MOST EXCELLENT SIR: By royal decree of the 22d March last, his Majesty was pleased to direct me to propose to him such ideas as might appear to me most expedient for the improvement of the hunting grounds, and the destruction of the wolves, foxes, and other noxious animals. Anxious to show myself worthy of such honorable confidence, it has occurred to me that no means could be more efficient in attaining that object than a reference to the knowledge, wisdom, and prudence of a tribunal the most respectable in every respect, and which so deservedly enjoys the unbounded confidence of the nation. I consequently hope that the royal council will convey to his Majesty, through me, whatever may appear to it to be expedient in relation to the subject, as applicable to the warren and parks belonging to the royal grounds, and offer its opinion with all the freedom it may think fit. The above is communicated to your excellency, that you may lay the same before the council for its co-operation in the benevolent designs of the monarch who glories in being the father of his subjects.

The royal order and communication herein enclosed were laid before the council, by order of the supreme central board of government of the kingdom, on the 6th November of said year. In order that said council might proceed with full knowledge of the subject to execute that trust, it was determined, by resolutions of the 25th of April and 26th of November of said year 1808, that, after having heard the attorneys, sindics general, and stewards, and the deputies of the commons, [comun,] you should inform it, through me, with all the promptness required by so important a subject, of what lands are occupied as

hunting grounds in the vicinity of the town; what parts are calculated for cultivation and what for pasture; what portions are entirely enclosed, and how long they have been converted into parks; that this operation should be confined to a mere inspection of the land by the members of the corporation and the deputies who may be acquainted with the subject, and to collecting all other information which, by virtue of their office, they may deem useful, and which they may derive from the knowledge of intelligent private individuals, without recurring to the forms of a judicial inquiry, they availing themselves, likewise, of the papers which must have been preserved in the archives of the town, the whole without incurring any costs or expenditure of any money whatever.

In consequence of the occurrences which took place, the orders of the council issued in compliance with the benevolent intentions of his Majesty remained without effect.

At this juncture, his excellency Don Pedro Cevallos, under date of the 30th of December last, communicated the following royal order to the Duke del Infantado, president of the council.

Most Excellent Sir: The King having, from the first moment of his restoration to the throne, been desirous to give to his beloved vassals the most authentic testimony of his love, has suffered no opportunity to escape of doing so, in spite of the great obstacles placed in his way by the circumstances of this melancholy epoch. Among the objects of his benevolence and of his paternal solicitude, one of the most efficient has been to deprive himself, for the benefit of agriculture in the vicinity of the capital, of the lands which had been laid out by his predecessors into parks for the innocent amusement of the chase, in order to put them under cultivation. He resolved, consequently, to submit cheerfully to a sacrifice which deprived him of his recreation; but, wishing at the same time to reconcile the interests of the royal patrimony with those of the towns who were to enjoy this benefit, he consulted the supreme council of Castile respecting the mode of carrying it into effect. The unfortunate occurrences which soon took place prevented the royal intentions from being fully fulfilled, and nothing could then be done. His Majesty having, through Divine Providence, been restored to the throne, and retaining the same ideas in behalf of his loyal vassals, who, through the late glorious struggle, have not shown themselves unworthy of his kindness, he has resolved that the said tribunal perform the trust confided to it with all possible promptness, and with that wisdom and zeal which constitute its character. I communicate the foregoing to your excellency, by royal order, for the information of the council.

The council, upon a view of proceedings above referred to, and of the opinions of the attorneys, has resolved to direct you, most particularly, to execute with the least possible delay, and without permitting any procrastination in a subject of so much importance, the provisions of the 25th of April and 26th of November, 1808, and to acknowledge the receipt of this order by return of mail.

I communicate the foregoing to you, by order of this supreme tribunal, for your information and its fulfilment in such parts thereof as concern you.

God preserve you many years.

Madrid, *December* 12, 1815.

Vol. 3, *p.* 99.

Royal order [cedula] suppressing the universal ministry of the Indies, and distributing its affairs in the manner therein set forth, with other matters therein expressed.

I, the King. One of my first cares, after my happy restoration to the throne of my forefathers, has been particularly to fix my attention upon the inhabitants of the Indies, where an intestine and desolating war has reduced to the last stage of misery some of the finest provinces. Being informed of the melancholy condition of many of the towns, and of the necessity, if possible, of putting an end to so serious misfortunes, it occurred to me that one of the first measures to be adopted was the re-establishment of the universal ministry, formerly instituted for the purpose of taking cognizance of all the affairs of that extensive country; but, having subsequently discovered that this remedy was not sufficient for so great evils, and convinced that useful benefits would accrue to my subjects in Spain and the Indies, if the affairs of the same nature in both hemispheres were transacted and despatched by the respective ministries of Spain, I judged it expedient to suppress, as I accordingly did, by my royal decree of the 18th September last, (vol. 2, p. 665,) the aforesaid ministry of the Indies, commanding, in proper time, that its affairs should be divided and distributed between them, according to their respective classes, upon the same terms which were provided by my august father in his decree of the 25th of April, 1790. My royal resolution above referred to having been examined in my supreme board of state, with a view to its more complete fulfilment, and due regard being had, among other things, to the convenience resulting from uniformity in the transaction of the affairs of the Indies and of Spain as being both integral parts of one nation, agreeably to their opinion, I have resolved and commanded: 1. That the suppression of the universal ministry of the Indies be carried into effect. 2. That the respective secretaries of the despatch take care that the necessary departments for the Indies be immediately organized, entirely distinct from those of Spain. 3. That the persons who shall compose the same be acquainted with American affairs; or, at least, possessing the proper qualifications for the efficient discharge of those duties. 4. That, in order to avoid the delays which they might be subjected to, and to remove all motives of confusion, the affairs of the Indies be weekly laid before me, at the despatch, by the secretaries to whom they respectively belong, they taking particular care that the same be totally separate from those of the peninsula. 5. That where the concurrence of one or more ministries shall be necessary, orders be mutually communicated for their punctual, speedy, and simultaneous fulfilment. 6. That the important affairs of the Indies and Spain be treated with equal preference in the council and in the supreme board of state. 7. That my supreme Council of the Indies consult with me in all the affairs of importance with that zeal and knowledge for which it has been known ever since its establishment. 8. And that hereafter the same tribunal issue in the form of order [cedula] all the resolutions which have the force of law. Consequently, I hereby command all viceroys, governors, presidents, regents, and auditors of my royal audiences in both Americas and the Philippine islands, and all other authorities and persons herein concerned, to take notice of this my royal order, [cedula,] and to understand the same for its punctual fulfilment in all that may concern them.

Done at Madrid, the 23d of February, 1816.

No. 14.

[Translation.]

SAN ILDEFONSO, *August* 24, 1770.

The lieutenant general, Don Alexander O'Reilly, in his letter No. 33, written at this place under date of the 1st of March, transmitted to me copies of the three instructions framed for the lieutenant governor, established in the *Ilioneses*, that of the Natchitoches and the nine particular lieutenants of the *partidos* [districts] of this province. He states that he repaired in person to Pointe Coupée, [Punta Cortada,] and that he appointed, at the instance of the inhabitants, a surveyor for each *partido* [district] for the purpose of surveying their land, with one-half the salary heretofore allowed them. He encloses one set of instructions, which explain the mode of proceeding in that behalf, and states that the grants of lands within this province have been intrusted by his Most Christian Majesty to the governor and commissary *ordonnateur*, and that he considers it expedient that henceforth the governor alone be authorized by his Majesty to make such grants, and that he be directed to conform, in the distribution of the royal lands, to all the provisions contained and published upon this subject.

The King having been made acquainted with the dispositions of said lieutenant general, and with what he proposes on the subject, has approved the same, and directs that you and your successors in said government have the sole power of distributing the royal lands, conforming in all respects, as long as his Majesty shall not make any other provisions, to the said instructions, dated from this city on the 18th of February of this year. All which I communicate to you for your own government and for its fulfilment, and I pray God to preserve you many years.

A true copy.

DON LUIS DE UNZUNGA.

No. 15.

I enclosed to your honor a printed copy of the law of the 27th of September last, commanded to be kept, complied with, and executed by a royal order of the 18th of October subsequent, declaring suppressed all entailed estates of primogeniture, [mayorazgos] *trusts*, [fidei comidos] rights of presentation, [patronatos,] and everything else expressed therein, that your honor may please to order its observance by those to whom it corresponds, and advise me of the receipt. God preserve you many years.

PUERTO PRINCIPE, *March* 15, 1821.

IGNACIO ESCOTO.

The LEARNED JUDGE, *Florida.*

Printed copy referred to above is translated as follows:

Grace and Justice.

By a decree of the 12th of this month the King has been pleased to direct to me for circulation the following law:

Don Fernando VII, by the grace of God, and by the constitution of the Spanish monarchy, King of the Spains. To all who shall see and hear these presents, be it known that the cortes have decreed and we sanction the following:

The cortes, after having observed all the formalities prescribed by the constitution, have decreed as follows:

ARTICLE 1. All primogenitures, trusts, rights of presentation, and every other description of entail on real property, movables, or fixtures, rents, annuities, seigneuries, or of any other kind whatsoever, are suppressed, which are from henceforward restored to the class of absolutely free.

ART. 2. The actual possessors of the entails suppressed in the foregoing article can from henceforward freely dispose as their own of half the property of which these consist, and after their death the other half shall pass to him who ought to succeed to the mayorazgo, if it subsists, that he may also dispose freely of it as owner. This half, which is reserved for the immediate successor, shall never be responsible for the debts contracted, or which may be contracted, by the actual possessor.

ART. 3. To give effect to what is ordered in the foregoing article when the actual possessor desires to alienate, in whole or in part, his half of the property entailed up to this time, a valuation and division of the whole shall be made with the intervention of the immediate successor, and with the most rigorous exactness, and if he should be absent, or under the control of the actual possessor, by the syndic of the town where the possessor resides, without his exacting for it any dues or emoluments whatever. If the above requisites should be wanting, the contract of alienation shall be null.

ART. 4. In domestic trusts, the rents of which are distributed amongst the relatives of the founder, although they may be of different lines from now, a valuation and distribution of them shall take place amongst the actual possessors of the rents in proportion to what they may receive, and with the intervention of the whole of them, and each one may freely dispose of the half of his share, reserving the other for the immediate successor, according to what is prescribed in article 3.

ART. 5. In primogenitures, [mayorazgos,] trusts, and rights of presentation which are elective, when the choice is perfectly free, the actual possessors may as owners dispose of all the property immediately; but if the election must be precisely made amongst persons of one particular family or community, the possessors will dispose only of half, and reserve the other for the successor who may be elected, the valuation and division to be made with the intervention of the syndic, as prescribed in article 3.

ART. 6. Also, in the case of the two preceding articles, as well as in that of the second, it is declared that in the provinces or towns in which, by their particular laws, is established a communication in full proprietorship of unentailed property between married persons, the property so situated is, up to the present time, subject to it, and which property the actual possessor can dispose of, and of which he or she was in the dominion of at the time of the decease of the other.

ART. 7. The *encumbrances*, [rent charges,] whether temporary or perpetual, by which entailed property without special mortgages is generally bound, shall be assigned in an equal proportion on the possessions distributed and divided, as has been provided, if the interested do not, by common accord, prefer another method.

ART. 8. What is commanded in articles 2, 3, 4, and 5 is not to be understood to respect those properties entailed up to this time, and about which are pending suits of incorporation or reversion to the nation, provisional possession, administration, possession, propriety, incompatibility, incapacity of possessing, nullity of foundation, or any other which may place in doubt the right of the actual possessors. In these cases, such persons nor their successors cannot dispose of their property until in the last instance the pending suits shall determine the right of proprietorship in their favor, and which shall be according to the laws made up to this date, or which shall be made in future. But it is declared that, to shun malicious delays, if he who loses the suit of possession or provisional possession should not establish the right of proprietorship within four precise months, counted from the date on which the sentence was notified, he shall not afterwards have any right to reclaim, and he in whose favor the provisional possession or possession may be declared shall be considered as a possessor in proprietorship, and can use the powers granted by article 2.

ART. 9. It is also declared that the preceding dispositions do not prejudice the demands of incorporation and revision which in the future may be renewed, although the property entailed up to the present time may have passed as free to other owners.

ART. 10. It is also to be understood that what is ordered is without prejudice to the alimony or pensions which the actual possessors have to pay to their widow mothers, their brothers, immediate successors, or other persons, according to the foundations, or particular agreements, or to judicial decisions. The properties until now entailed, although they pass as free to other owners, are subject to the payment of these alimonies and pensions whilst those who receive them now live, or while they preserve the right of receiving them, excepting that those who receive the alimony are the immediate successors, in which case they shall cease to enjoy them as soon as the actual possessors die. Hereafter the obligations which at present exist of paying such pensions and alimonies shall cease; but it is declared that if those actual possessors do not invest in the said alimonies and pensions the sixth clear part of the rent of the entailed estate, [mayorazgo,] they are obliged to contribute, with what is wanting of it, to provide a dowry for their sisters, and help their brothers in proportion to their number and necessities, and the immediate successors will have a like obligation as respects the half of the property reserved.

ART. 11. The part of the rent of the entailed estate which the actual possessors may have lawfully assigned to their wives as long as they remain widows shall be paid to these whilst they ought to receive it, according to the stipulation, satisfying the half at the costs of the unentailed property; and the other half by what is reserved for the immediate successor.

ART. 12. It is also to be understood that the preceding dispositions do not hinder that in the provinces or towns where, by the particular custom, married persons succeed each other in the usufruct of the entailed property by the way of widowhood, it shall be so done with those who are now married as respects the entailed goods which may not have been alienated when the married party possessing died, the integral half which belongs to him passing thereafter to the immediate successor as has been provided.

ART. 13. The titles, prerogatives of honor, and whatever other pre-eminences of this class the actual possessors of entails may enjoy as annexed to them, subsist on the same footing and follow the order of cession prescribed in the conditions, deeds of foundation, or other documents from which they proceed. The same shall be understood for the present, respecting the right to present to ecclesiastical livings or other appointments until it shall be otherwise determined. But if the actual possessors should enjoy two or more grandeeships of Spain or titles of Castile, and should have more than one son, they may distribute amongst these the said dignities, reserving the principal for the immediate successor.

ART. 14. No person can in future, either by bequest or by any other title or bequest, found feetail estates, trusts, presentation, chaplainry, bequest for pious uses, or any entail whatsoever on any class of property or rights, nor prohibit, directly or indirectly, their alienation. Neither can any person entail bank debentures or any other foreign funds. The churches, monasteries, convents, and all other ecclesiastical communities, as well secular as regular, hospitals, charity-houses, poor-houses, schools, confraternities, brotherhoods, commanderies, and every other establishment, whether ecclesiastical or lay, known by the name of mortmains, [manos muertas,] cannot from this time in future acquire any real or immovable property in any province of the monarchy by testament, donation, purchase, exchange, rent charges, infeudation, adjudication of rents, or in payment of rents due, nor by any title whatsoever, either lucrative or onerous.

ART. 15. Neither in future can the mortmains impose or acquire by any title, capitals at interest of any discription imposed on real property, nor impose nor acquire tributes, nor any other species of encumbrance on said property, whether consisting in the loan of any sum of money, or any part of the produce, or of any service in favor of the mortmain, and all annual encumbrances.

MADRID, *September* 27, 1820.

Wherefore, we order all tribunals, magistrates, chiefs, governors, and other authorities, civil, military, and ecclesiastical, of every class and dignity whatsoever, that they observe and cause to be observed the present law in all its parts. You will cause it to be made known, for compliance with it, and order that it be printed, published, and circulated. This is the rubric of the royal hand.

At the Palace, the 12th October, 1820.

By royal order I communicate this to your excellency for your information and compliance. God preserve your excellency many years.

MANUEL GARCIA HERREROS.

MADRID, *October* 18, 1820.

Resolved, Puerto Principe, 1 de Febrero de 1821.—Having seen the foregoing decree, let it be kept, complied with, and executed, and circulated to those concerned. It has five rubrics. Senores Alva, Robledo, Mendiola, Albarez, Gomez.

IGNACIO ESCOTO.

This is a copy.

PUERTO PRINCIPE, *March* 12, 1821.

No. 16.

[Translation.]

From Señor Don José de Fuertes, intendant pro. tem., advising his having delivered the command to Señor Don Alex'o Ramirez, chosen by his Majesty.

HABANO, *July* 3, 1816.

The King, our master, having been pleased to confer on Señor Don Alexandro Ramirez, by a royal commission of the 5th of October of the year last past, the posts of intendant of the army, superintendent general, sub-delegate of the royal domain, which I have provisionally exercised by royal commission, he has this day taken possession of them, and I advise your excellency of it for your information, and due effects to the service of his Majesty.

May God preserve your excellency many years.

JOSÉ DE FUERTES.

His Excellency the SUB-DELEGATE OF THE ROYAL DOMAIN,
St. Augustine, Florida.

NOTE.—On the 27th of August following this was communicated to the royal offices.

No. 17.

[Translation.]

Letter from the intendant of Havana, dated August 26, 1816, *enclosing copies of agreement with the captain general relative to royal domain in Florida.*

HAVANA, *August* 26, 1816.

I enclose to your excellency, for information, proof, and compliance, by that sub-delegation, and officers of the royal domain, where should appear in the corresponding form a certified copy of the agreement which, on the 9th instant, I made with the most excellent Lord Don José Cienfuegos, captain general of this island and the two Floridas, suspending the proceeding commenced in the time of the most excellent lord, his predecessor and mine, on the question to which of the two authorities belongs the superintendency of the royal domain of said two Floridas; and determining that, until his Majesty shall otherwise resolve, both possessions depend on this intendancy of the army, to which is annexed the same sub-delegated superintendency general of the royal domain of this island, in all matters and incidents which may offer in this department, as is specified in said agreement. And I charge your excellency to be pleased to give me, by the first opportunity, competent advice of the receipt and consequent dispositions.

May God preserve your excellency many years.

ALEXANDRO RAMIREZ.

His Excellency the GOVERNOR,
Sub-delegate of the royal domain, St. Augustine, Florida.

[Translation.]

Act of accord between the captain general and intendant of Cuba, declaring their joint jurisdiction over the department of royal domain in the Floridas.

HAVANA, *August* 9, 1816.

In the city of Havana, August 9, 1816, the most excellent lord the governor and captain general, Don José de Cienfuego Jovellanos, and his lordship the intendant, Don Alexandro Ramirez, having seen the proceedings respecting the competition between the captain general and the intendant of this island, as to which of the authorities appertains the cognizance of the affairs of the royal domain of the Floridas, and that, from the documents collected in said proceedings, it results: 1st, that, by the royal letters patent of August 17, 1772, it is ordered "that the province of Louisiana and the city of New Orleans depend on the captaincy general and the department *of the royal domain of the Havana, after the same manner as the government of Cuba;*" the 2d, that, by a royal order of January 26, 1782, directed to his excellency Don Bernardo de Galves, who was at that time captain general of the Floridas, it was provided *that, as superintendent of the royal domain of said provinces,* he should communicate certain notices to the intendant of Louisiana; the 3d, that this department has not been uniformly governed, and since the intendancy had been established at Pensacola the intendant *pro tempore* considered himself independent of every authority of this island, and that he ought to exercise the functions of superintendent, respecting which the regency of the kingdom commanded information to be given to this intendancy of the army, by an order of January 19, 1813, in which is expressed, "that it not being found inconvenient that Florida depends on this captaincy general in everything respecting security and defence, neither would it be so that it should be subject in everything else to the intendancy of the army and superior council of the domain of this city;" the 4th, that, by another order of the same regency of the kingdom, of November 27, 1812, it was provided that this captaincy general and intendancy of the army should proceed in concert in the affairs of the Floridas, and proposing what they believed convenient for the administration, collection, and distribution of the public domain in said provinces; the 5th, that, finally, this intendancy was empowered for the commission of inquiry, which it conferred on Don Antonio Cabanas, suspending the said intendant *pro tempore,* Don Juan Ventura Morales, from which have resulted various inci-

dences and different royal orders, all directed to the same intendancy of the army, that it may cause said affairs to be brought to a conclusion, and give an account of the results, the present chiefs, considering that his Majesty not having made any express resolution respecting the exercise of the superintendancy of the royal domain in said provinces, causes confusion in this department, which occasions serious injury to the royal service; that it is of importance that the jurisdiction of these affairs should have a common centre, and which should be the intendancy of the army, as well from analogy as because the said commission of inquiry, and its incidences are rooted in it, and by the virtual tenor of said royal orders; and that it is also of importance to reunite the cognizance of the economical department of said provinces, to inquire into their income and expenditure, and to make proper regulations on those points, granting that they depend on these royal coffers for their principal disbursements, which are the expenses of the garrison—having minutely examined everything referred to, and assuming no personal powers but what may be derived from the sovereign pleasure of his Majesty, and what they deem promptly requisite for his better service, to remove doubts and embarrassments, and to give course to the various proceedings detained by this question of jurisdiction, do agree—

1st. That the point of doubt, or competition, raised in the time of the most excellent Lord Don Juan Ruiz de Apodaca, respecting the exercise of the superintendency of the royal domain in said provinces, remains reserved for the determination of his Majesty.

2d. That, in the meanwhile, both the ministers of these royal coffers, as well as their excellencies, the governor, and military and political commandant of St. Augustine and Pensacola, shall communicate directly with the intendancy of the army of this island, (it being taken for granted that, for the present, they depend upon it for all kind of aids,) in such affairs as may offer relative to the royal domain and its incidences, without preventing that the said commandants should also communicate with this captaincy general in the cases and things of the service appertaining to its powers, and which may require its cognizance.

3d. That to the intendancy of the army of this island shall belong the determination and decision of all the affairs of the royal domain, or annexed or incidental thereto in said provinces, conformably to the ordinance of the intendants of New Spain, and posterior royal orders, and, consequently, their excellencies the governor and commandant of St. Augustine and Pensacola, as sub-delegates, shall observe towards the said intendancy the respective subordination which the said ordinance provides. All which shall be taken notice of, and observed, until the sovereign determination on the first point of this joint resolution; and that the captain general and intendant of the army shall, between them, treat of those matters which may offer and require their reciprocal and united concurrence, with the harmony and concord which the good of the service exacts, and giving an account to his Majesty, with certified copies of the documents they have had before them. With which this act was concluded, and they signed it.

JOSE CIENFUEGOS.
ALEXANDRO RAMIREZ.
JUAN ANTONIO LOPEZ,
Secretary.

This is a copy:

JUAN ANTONIO LOPEZ.

No. 18.

LOUISIANA.—EXTRACT FROM THE GRANT TO CROZAT.

Louis, by the grace of God King of France and Navarre, to all who shall see these present letters, greeting:

The care we have always had to procure the welfare and advantage of our subjects, having induced us, notwithstanding the almost continual wars which we have been obliged to support from the beginning of our reign, to seek for all possible opportunity of enlarging and extending the trade of our American colonies, we did, in the year sixteen hundred and eighty-three, give our orders to undertake a discovery of the countries and lands which are situated in the northern part of America, between New France and New Mexico; and the Sieur de la Sale, to whom was committed that enterprise, having had success enough to confirm a belief that communication might be settled from New France to the Gulf of Mexico, by means of large rivers; this obliged us, immediately after the peace of Ryswick, to give orders for the establishing a colony there, and maintaining a garrison, which has kept and preserved the possession we had taken, in the very year 1683, of the lands, coasts, and islands, which are situated in the Gulf of Mexico, between Carolina on the east, and Old and New Mexico on the west. But a new war having broken out in Europe shortly after, there was no possibility, till now, of reaping from that new colony the advantages that might have been expected from thence, because the private men, who were concerned in the sea trade, were all under engagements with other colonies, which they have been obliged to follow: And whereas, upon the information we have received concerning the disposition and situation of the said countries known at present by the name of the province of Louisiana, we are of opinion that there may be established therein a considerable commerce, so much the more advantageous to our kingdom, in that there has hitherto been a necessity of fetching from foreigners the greatest part of the commodities which may be brought from thence, and because, in exchange thereof, we need carry thither nothing but commodities of the growth and manufacture of our own kingdom, we have resolved to grant the commerce of the country of Louisiana to the Sieur Anthony Crozat, our counsellor, secretary of the household, crown, and revenue, to whom we intrust the execution of this project. We are the more readily inclined hereunto, because his zeal, and the singular knowledge he has acquired in maritime commerce, encourage us to hope for as good success as he has hitherto had in the divers and sundry enterprises he has gone upon, and which have procured to our kingdom great quantities of gold and silver, in such conjunctures as have rendered them very welcome to us.

For these reasons, being desirous to show our favor to him, and to regulate the conditions upon which we mean to grant him the said commerce, after having deliberated this affair in our council, of our certain knowledge, full power, and royal authority, we, by these presents, signed by our hand, have appointed, and do appoint, the said Sieur Crozat, solely to carry on a trade in all the lands possessed by us, and

bounded by New Mexico, and by the lands of the English of Carolina, all the establishments, ports, havens, rivers, and principally the port and haven of the Isle Dauphine, heretofore called Massacre; the river of St. Louis, heretofore called Mississippi, from the edge of the sea as far as the Illinois, together with the river St. Philip, heretofore called the Missourys, and of St. Jerome, heretofore called Ouabache, with all the countries, territories, lakes within land, and the rivers which fall directly or indirectly into that part of the river of St. Louis.

THE ARTICLES

1. Our pleasure is, that all the aforesaid lands, countries, streams, rivers and islands, be and remain comprised under the name of *the government of Louisiana*, which shall be dependent upon the general government of New France, to which it is subordinate; and, further, that all the lands which we possess, from the Illinois, be united, so far as occasion requires, to the general government of New France, and become part thereof; reserving, however, to ourselves the liberty of enlarging, as we shall think fit, the extent of the government of the said country of Louisiana.

3. We permit him to search for, open, and dig, all sorts of mines, veins, and minerals, throughout the whole extent of the said country of Louisiana, and to transport the profits thereof into any port of France, during the said fifteen years; and we grant, in perpetuity, to him, his heirs, and others, claiming under him or them, the property of, in, and to, the mines, veins, and minerals, which he shall bring to bear, paying us, in lieu of all claim, the fifth part of the gold and silver which the said Sieur Crozat shall cause to be transported to France, at his own charges, into what port he pleases, of which fifth he will run the risk of the sea and of war, and the tenth part of what effects he shall draw from the other mines, veins, and minerals; which tenth he shall transfer and convey to our magazines in the said country of Louisiana.

We likewise permit him to search for precious stones and pearls, paying us the fifth part, in the same manner as is mentioned for the gold and silver.

We will that the said Sieur Crozat, his heirs, or those claiming under him or them the perpetual right, shall forfeit the property of the said mines, veins, and minerals, if they discontinue the work during three years; and that in such case the said mines, veins, and minerals shall be fully reunited to our domain, by virtue of this present article, without the formality of any process of law, but only an ordinance of reunion, from the sub-delegate of the intendant of New France, who shall be in the said country; nor do we mean that the said penalty of forfeiture, in default of working for three years, be reputed a comminatory penalty.

7. Our edicts, ordinances, and customs, and the usages of the mayoralty and shrievalty of Paris shall be observed for laws and customs in the said country of Louisiana.

Given at Fontainbleau, the fourteenth day of September, in the year of Grace 1712, and of our reign the seventieth.

LOUIS.

By the King:

PHILIPEAUX, &c.

Registered at Paris, in the parliament, the four and twentieth of September, 1712.

[The articles omitted relate to commercial or temporary regulations. Crozat surrendered his grant to the Crown in 1717, in which year Louisiana was granted to the "Western Company," with the same extent as it had been granted to Crozat. The Western Company surrendered their grant to the Crown in 1730-'40.]

No. 20.

[Translation.]

ROYAL ORDER, [DESPACHO.]

Don Carlos, by the grace of God King of Castile, Leon, Arragon, of the two Sicilies, of Jerusalem, Navarre, Grenada, Toledo, Valencia, Gallicia, Majorca, Minorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, of the Algarves, Algesiras, Gibraltar, of the Canary Islands, of the East and West Indies, of the Islands and Continent of the Ocean, Archduke of Austria, Duke of Burgundy, of Brabant and Milan, Count of Apsburg, Flanders, Tyrol, and Barcelona, Lord of Biscay and Molina, &c.:

Whereas I have judged it proper to retrocede to the French republic the colony and province of Louisiana, I command you, as soon as these presents are exhibited to you by General Victor, or any other officer duly authorized by said republic to receive the same, to put him in possession of the colony of Louisiana and its dependencies, together with the city and island of New Orleans, with the same limits it has at present, which it had whilst it belonged to France, and at the time she ceded it to my royal crown, and such as it ought to be found after the treaties successively concluded between my states and those of other powers, in order that, henceforth, the same may belong to said republic, and that she may cause it to be administered and governed by her own officers and governors as her own possession, without any exception whatever. I command you that, as soon as the troops of the French republic shall have taken possession of said colony, you cause to be withdrawn from it all the officers, soldiers, and functionaries who garrison or serve therein, and send them to Spain, or to other parts of my possessions in America, excepting such as shall prefer remaining in the service of France, whom you shall by no means prevent from doing so. I command, further, that after the evacuation of said posts and city of New Orleans, you cause to be collected all the papers and documents relating to the royal treasury and to the administration of the colony of Louisiana, in order to bring them to Spain for the purpose of settling the accounts; delivering, nevertheless, to the governor or other French officer commissioned to take possession, all those which may relate to the limits and boundaries of said territory, as also those which relate to the savages, (Indians,) and other places, taking due receipt for the whole, for your own discharge; and to give to the said governor all the information which may be proper to enable him to govern said colony in a manner satisfactory to said republic. And with a view that such cession be made to the satisfaction of both powers, you will make out an inventory, by duplicate, signed by yourself and by the commissioner of said republic, respectively, of all the artillery, arms, ammunition, effects, magazines, hospitals, naval constructions, &c., which belong to me within said colony; and you will proceed, jointly

with said commissioner, to make an estimate and true appraisement of all the effects to me belonging in the different parts of the colony in order that their value may be reimbursed by the French government upon the footing of said appraisement. Meanwhile we hope that for the tranquillity of the inhabitants of said colony, and, we promise ourselves, from the sincere amity and close alliance which unite us to the government of the republic, that said government will issue orders to the governor and other officers employed in its service in the said colony and city of New Orleans, that the ecclesiastics and religious houses employed in the service of the parishes and missions may continue in the exercise of their functions and in the enjoyment of the privileges, prerogatives, and exemptions granted to them by the charters of their establishments; that the ordinary judges may, together with the established tribunals, continue to administer justice according to the laws and customs in force in the colony; that the inhabitants may continue and be protected in the peaceful possession of their property; that all grants or property of whatever denomination made by my governors may be confirmed, although not confirmed by myself. I hope, further, that the government of the republic will give to its new subjects the same proofs of protection and affection which they have experienced under my dominion.

Given at Barcelona, the fifteenth of October, one thousand eight hundred and two.

I, THE KING.

DON PEDRO CEVALLOS.

BARCELONA, *October* 16, 1802.

I transmit it to you by order of his Majesty, in order that, being informed of the same, you may, on your part, contribute to its fulfilment.

God preserve you many years.

MIGUEL CAYETANA SOLER.

To the Intendant of Louisiana:

A true copy of the royal despatch, inserted in the royal order, the original of which exists in the secretary's office under my charge; all of which I certify, in compliance with the decree of the commandant, sub-delegate, *ad interim*, of this province.

FRANCISCO GUTIERREZ DE ARROYO.

PENSACOLA, *November* 15, 1816.

Don Francisco Maximiliano de Sn. Maxent, brigadier in the royal armies, colonel of the regiment of infantry of Louisiana, and commandant, *ad interim*, of the province of West Florida, &c.

I certify that Don Francisco Gutierrez de Arroyo is, as he styles himself, secretary of the intendancy of this province; that the signature annexed to the foregoing document is in his handwriting, and the same which he is accustomed to use in all his writings, both judicial and extrajudicial, to which faith and confidence is and ought to be given, as well in as out of court.

In testimony whereof, I give these presents, at Pensacola. Signed with my hand, and sealed with the seal of my arms, and countersigned by the undersigned secretary of this government, the fifteenth of November, one thousand eight hundred and sixteen.

[L. S.] FRAN^co. MAXIM^o. DE SN. MAXENT.

CARLOS REGGIO.

No. 21.

[Translation.]

Don Manuel Salcedo, brigadier in the royal armies, military and political governor of the provinces of Louisiana and West Florida, inspector of the veteran troops and militia of the same, royal vice-patron, substitute judge of the general superintendence of post offices, &c., and Don Sebastian Calvo de la Puerta y O'Farrill, marquis of Casa Calvo, knight of the order of Santiago, brigadier in the royal armies, and colonel of the infantry regiment stationed at Havana, commissioners on the part of his Majesty for delivering this province to the French republic:

We make known to all the vassals of the King, our master, of all classes and conditions whatsoever, that his Majesty has resolved to make a retrocession of the province of Louisiana for the mutual satisfaction of both powers; and, continuing to give the same proofs of protection and affection which the inhabitants of this province have always received, he has thought fit to settle, among other things, certain points: which we deem it our duty publicly to make known for the particular government and disposition of all whom it may concern.

1. His Majesty, in consideration of the obligations imposed by the treaties, and wishing to avoid the differences which might arise, has been pleased to resolve that the delivery of the colony and island of New Orleans, which is to be made to Major General Victor, or other officer lawfully authorized by the government of the French republic, shall be made in the same manner that it was ceded by France to his Majesty, by virtue of which the limits of both shores of the river St. Louis, or Mississippi, shall remain as irrevocably fixed by the seventh article of the definitive treaty of peace concluded at Paris on the 10th of February, 1763, and consequently the settlements from the river Manchack, or Iberville, to the line which divides the American territory from the dominions of the King shall remain in the possession of Spain, and annexed to West Florida.

2. All persons, employed in any capacity whatever, who may wish to continue under the domination of the King, shall repair to the city of Havana, or to other parts of his Majesty's possessions, unless they prefer remaining in the service of France, which they are fully at liberty to do; but if any reasonable motive should, for the present, prevent the former from fulfilling this provision, they shall in proper time make it known to their chiefs, respectively, in order that the needful may be done.

3. The generous piety of the King will not fail to continue the pensions granted to the widows and to persons retired from service, and in due time they will be made acquainted with the manner in which this shall be carried into effect.

4. His Majesty, in expressing the hopes which he entertains for the welfare and tranquillity of the inhabitants of the colony, promises to himself, from the sincere friendship and close alliance which unite the Spanish government and that of the republic, that the latter will give orders to the governor and other officers in its service within the said colony and city of New Orleans, in order that the ecclesiastics and religious houses in the service of the parishes and the missions may continue in the exercise of their functions, and in the enjoyment of the privileges, prerogatives, and exemptions which are granted to them by the charters of their establishments; that the ordinary judges may likewise continue, together with the established tribunals, to administer justice according to the laws and customs in force in the colony; that the inhabitants shall be maintained and protected in the peaceful possession of their property; that all grants and property, of whatever description, derived from the governors of these provinces shall be confirmed to them, although not confirmed by his Majesty; hoping, further, that the government of the republic will give to its new subjects the same proofs of protection and affection which they have received while under the domination of his Majesty.

5. In order that all persons interested may take such steps as they shall judge most convenient to their interests, we further make known that in all cases of doubt they may apply to either of us for whatever shall be wanted, in conformity with the royal orders and instructions given to us.

And in order that this may be known by all, we have ordered these presents to be published with the accustomed solemnity and forms, to the sound of drums, and affixed in ordinary places.

Given at New Orleans the 18th of May, 1803.

MANUEL DE SALCEDO.
MARQUIS DE CASA CALVO.

By command of their lordships:

CARLOS XIMENES, *Clerk of War.*

True copy.

ANDRES LOPEZ ARMESTO

No. 22.

[Translation.]

Act of delivery of the province of Louisiana by Spain to France.

The undersigned, Citizen Pierre Clement Laussat, colonial prefect, commissioner on the part of the French government to receive possession in the name of the French republic of the colony or province of Louisiana from the hands of the officers and other agents of his Catholic Majesty, agreeably to the full powers which he has received in the name of the French people from Citizen Bonaparte, First Consul, under date of the 17th Prairial, year 11, (June 6, 1803,) countersigned by Hugues Maret, secretary of state, and by his excellency Decrés, minister of marine and of the colonies, and recently delivered in person to the commissioners of his said Catholic Majesty, together with the royal order, dated from Barcelona, October 15, 1802, and the said commissioners of his Catholic Majesty, Don Manuel de Salcedo, brigadier in the King's armies, military and political governor of the provinces of Louisiana and West Florida, inspector of the veteran troops and militia of said provinces, royal vice-patron, sub-delegate judge of the superintendence of the post office department, &c., and Don Sebastian Calvo de la Puerta y O'Farrill, marquis of Caso Calvo, knight of the order of St. James, brigadier in the King's armies, and colonel of the infantry regiment of the Havana, appointed commissioners of his Catholic Majesty for the delivery of this province to the French republic, according to the royal order of February 18, 1803, certify by these presents that on this eighth day of Frimaire, in the twelfth year of the French republic, and thirtieth November, eighteen hundred and three, having assembled in the halls of the hotel of the city of New Orleans, accompanied on either part by the chiefs and officers of the armies of land and sea, the secular and ecclesiastical cabildo, the administration of finances of the King of Spain, the civil administration, and by other distinguished persons of their respective nations, said Citizen Laussat delivered to the said commissioners of his Catholic Majesty the above-mentioned full powers from Citizen Bonaparte, First Consul of the French republic; and immediately after the said Don Manuel de Salcedo and the Marquis of Casa Calvo declared that by virtue of and in conformity to the terms of the order of the King of Spain, dated from Barcelona, October 15, 1802, and countersigned by Don Pedro Cevallos, first secretary and counsellor of state, they from that moment did put the said French commissioner, Citizen Laussat, in possession of the colony of Louisiana and its dependencies, as also of the city and island of New Orleans, with the same extent which they have on this day, and which they had while in the hands of France when she ceded the same to the royal crown of Spain, and such as they ought to have been since the treaties successively concluded between the states of his Catholic Majesty and those of other powers, in order that the same may henceforth belong to the French republic, and be governed and administered by its officers or governors in such a manner as will best suit its interests; and they have accordingly solemnly delivered to him the keys of this place, declaring that they absolve from the oath of fidelity to his said Majesty all such inhabitants as may choose to continue in the service or dependence of the French republic.

And to the end that the same may forever hereafter appear by this solemn act, the undersigned have signed these presents in the French and Spanish languages; have thereto affixed their seals, and caused the same to be countersigned by the secretaries of the respective commissions the day, month, and year above written.

LAUSSAT.

By the colonial prefect and commissioner on the part of the French government:

DAUGEROT, *Secretary to the Commission.*

MANUEL DE SALCEDO.
EL MARQUEZ DE CASA CALVO.

ANDRES LOPEZ ARMISTO, *Sº. del Gobº. y de la Commᵒⁿ.*

Below is written:

Deposited in the archives of the city hall of this commune, New Orleans, the 6th Nivose, year 12 of the French republic, and December 28, A. D. 1803.

LAUSSAT.

By the colonial perfect and commissioner on the part of the French government:

DAUGEROT, *Secretary of the Commission.*

I hereby certify, &c.

No. 23.

Treaty between the United States of America and the French republic.

The President of the United States of America and the First Consul of the French republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the eighth Vindémiaire, an 9, (September 30, 1800,) relative to the rights claimed by the United States in virtue of the treaty concluded at Madrid, October 27, 1795, between his Catholic Majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their plenipotentiaries, to wit: the President of the United States of America, by and with the advice and consent of the Senate of the said States, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said States, near the government of the French republic; and the First Consul, in the name of the French people, the French citizen Barbé Marbois, minister of the public treasury, who, after having respectively exchanged their full powers, have agreed to the following articles:

ARTICLE 1. Whereas by the article the third of the treaty concluded at St. Ildefonso, the 9th Vindémiaire, an 9, (October 1, 1800,) between the first consul of the French republic and his Catholic Majesty, it was agreed as follows: "His Catholic Majesty promises and engages on his part to retrocede to the French republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States." And whereas, in pursuance of the treaty, and particularly of the third article, the French republic has an incontestable title to the domain and to the possession of the said territory: the First Consul of the French republic, desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French republic, forever, and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French republic, in virtue of the above-mentioned treaty concluded with his Catholic Majesty.

ART. 2. In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices, which are not private property. The archives, papers, and documents relative to the domain and sovereignty of Louisiana and its dependencies will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers of such of the said

Le premier consul de la république Française, au nom du peuple Français, et le Président des Etats Unis d'Amérique, désirant prévenir tout sujet de mesintelligence relativement aux objets de discussion mentionnés dans les articles 2 et 5 de la convention du 8 Vindémiaire, an 9, (Septembre 30, 1800,) et relativement aux droits réclamés par les Etats Unis, en vertu du traité conclu à Madrid le 17 Octobre, 1793, entre S. M. Catholique et les dits Etats Unis, et voulant fortifier de plus en plus les raports d'union et d'amitié qui, à l'époque de la dite convention ont été heureusement rétablis entre les deux états, ont respectivement nommé pour plénipotentiaires, savoir: le premier consul, au nom du peuple Français, le citoyen François, Barbé Marbois, ministre du trésor public; et le Président des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat des dits Etats, Robert R. Livingston, ministre plenipotentiaire des Etats Unis, et James Monroe, ministre plenipotentiaire et envoyé extraordinaire des dits Etats, auprès de gouvernement de la république Française: Lesquels après avoir fait l'échange de leurs pleins pouvoirs sont convenus des articles suivants:

ARTICLE 1. Attendu que par l'article 3 du traité conclu à St. Ildephonse le 9 Vindémiaire, an 9, (1 Octobre, 1800,) entre le premier consul de la république Française et sa Majesté Catholique, il a été convenu ce qui suit: "Sa Majesté Catholique promet et s'engage de son côté, à rétrocéder à la république Française, six mois après l'execution pleine et entiere des conditions et stipulations ci-dessus, relatives à son Altesse Royale le Duc de Parme, la colonie ou province de la Louisiane, avec la même étendue qu'elle a actuellement entre les mains de l'Espagne, et qu'elle avait lorsque la France la possédait, et telle qu'elle doit être d'après les traités passés subséquemment entre l'Espagne et d'autres états."

Et comme par suite du dit traité, et spécialment du dit article 3, la république Française a un titre incontestable au domaine et à la possession du dit territoire, le premier consul de la république, désirant de donner un témoignage remarquable de son amitié aux dits Etats Unis, il leur fait, au nom de la république Française, cession, à toujours et en pleine souverainté, du dit territoire, avec tous ses droits et appurtenances, ainsi et de la manière qu'ils ont été acquis par la république Française, en vertu du traité susdit conclu avec sa Majesté Catholique.

ART. 2. Dans la cession faite par l'article précédent, sont compris les isles adjacentes, dépendantes de la Louisiane, les emplacemens et places publiques, les terreins vacans, tous les bâtimens publics, fortifications, cazernes, et autres édifices qui ne sont la proprieté d'aucun individu. Les archives, papiers, et documens, directement relatif au domaine et à la souverainté de la Louisiane et dépendances, seront laissés en la possession des commissaires des Etats Unis, et il sera, ensuite, remis des expéditions en bonne forme aux magistrats et administrateurs

papers and documents as may be necessary to them.

ART. 3. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted, as soon as possible, according to the principles of the federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and, in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

locaux, de ceux des dits papiers et documens qui leur seront nécessaires.

ART. 3. Les habitans des territoires cédés seront incorporés dans l'union des Etats Unis, et admis, aussitôt qu'il sera possible, d'aprés les principes de la Constitution fédérale, à la jouissance de tous les droits, avantages et immunités des citoyens des Etats Unis, et en attendant, ils seront maintenus et protégés dans le jouissance de leurs libertés, propriétés, et dans l'exercise des religions qu'ils professent.

ART. 4. There shall be sent by the government of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of his Catholic Majesty the said country and its dependencies, in the name of the French republic, if it has not been already done, as to transmit it in the name of the French republic to the commissary or agent of the United States.

ART. 5. Immediately after the ratification of the present treaty by the President of the United States, and in case that of the First Consul shall have been previously obtained, the commissary of the French republic shall remit all the military posts of New Orleans, and other parts of the ceded territory, to the commissary or commissaries named by the President to take possession; the troops, whether of France or Spain, who may be there, shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

ART. 6. The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians until, by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

ART. 7. As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time, in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on, it has been agreed between the contracting parties that the French ships coming directly from France or any of her colonies, loaded only with the produce or manufactures of France or her said colonies, and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted, during the space of twelve years, in the ports of New Orleans, and in all the other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain or any of their colonies, without being subject to any other or greater duty on merchandise, or other or greater tonnage than those paid by the citizens of the United States.

During the space of time above mentioned no other nation shall have a right to the same privileges in the ports of the ceded territory: the twelve years shall commence three months after the exchange of the ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French government, if it shall take place in the United States; it is, however, well understood that the object of the above article is to favor the manufactures, commerce, freight, and navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without, in any sort, affecting the regulations that the United States may make concerning the exportation of the produce and merchandise of the United States, or any right they may have to make such regulations.

ART. 8. In future and forever, after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favored nations in the ports above mentioned.

ART. 9. The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French republic prior to the 30th of September, 1800, (8th Vindémiaire, 9,) is approved, and to have its execution in the same manner as if it had been inserted in the present treaty; and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Another particular convention, signed at the same date as the present treaty, relative to a definitive rule between the contracting parties, is in the like manner approved, and will be ratified in the same form and in the same time, and jointly.

ART. 10. The present treaty shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months after the date of the signature by the ministers plenipotentiary, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed these articles in the French and English languages, declaring, nevertheless, that the present treaty was originally agreed to in the French language, and have thereunto put their seals.

Done at Paris, the tenth day of Floreal, in the eleventh year of the French republic, and the 30th of April, 1803.

Ratified 21st of October, 1803.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND SPAIN.

Treaty of friendship, limits, and navigation between the United States of America and the King of Spain.

His Catholic Majesty and the United States of America, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to establish, by a convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

With this intention, his Catholic Majesty has appointed the most excellent Lord Don Manuel de Godoy, and Alvarez de Faria, Rios, Sanchez Zarzosa, Prince de la Paz, Duke de la Alcudia, Lord of the Soto de Roma, and of the State of Albala, grandee of Spain of the first class; perpetual regidor of the city of Santiago; knight of the illustrious order of the golden fleece, and great cross of the royal and distinguished Spanish order of Charles the Third, commander of Valencia del Ventoso Rivera, and acenchal

in that of Santiago; knight and great cross of the religious order of St. John; counsellor of state; first secretary of state and despacho; secretary to the Queen; superintendent general of the posts and highways; protector of the royal academy of the noble arts, and of the royal societies of natural history, botany, chemistry, and astronomy; gentleman of the King's chamber in employment; captain general of his armies; inspector and major of the royal corps of body guards, &c., &c., &c.; and the President of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney, a citizen of the United States, as their envoy extraordinary to his Catholic Majesty. And the said plenipotentiaries have agreed upon and concluded the following articles:

ARTICLE 1. There shall be a firm and inviolable peace and sincere friendship between his Catholic Majesty, his successors and subjects, and the United States, and their citizens, without exception of persons or places

ART. 2. To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: The southern boundary of the United States which divides their territory from the Spanish colonies of East and West Florida shall be designated by a line beginning on the river Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn east to the middle of the river Apalachicola, or Catahouche; thence along the middle thereof to its junction with the Flint; thence straight to the head of St. Mary's river; and thence down the middle thereof to the Atlantic ocean. And it is agreed, that if there should be any troops, garrisons, or settlements of either party in the territory of the other, according to the above-mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner, if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

ART. 3. In order to carry the preceding article into effect, one commissioner and one surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the river Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein.* And if, on any account, it shall be found necessary that the said commissioners and surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of his Majesty's troops in the two Floridas, and the commanding officer of the troops of the United States in their southwestern territory, who shall act by common consent and amicably, as well with respect to this point as to the furnishing of provisions and instruments and making every other arrangement which may be necessary or useful for the execution of this article.

ART. 4. It is likewise agreed that the western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said States to the completion of the thirty-first degree of latitude north of the equator. And his Catholic Majesty has likewise agreed that the navigation of the said river in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention.†

ART. 2. Para evitar toda disputa en punto à los limites que separan los territorios de las dos altas partes contratantes, se han convenido, y declarado en el presente articulo lo siguiente, a saber: Que el limite meridional de los Estados Unidos, que separa su territorio de el de las colonias Españolas de la Florida Occidental y de la Florida Oriental, se demarcará por una linea que empieze en el Rio Misisipi, en la parte mas septentrional del grado treinta y uno al norte del equador, y que desde allì siga en derechura al este, hasta el medio del rio Apalichola ò Catahouche; desde alli por la mitad de este rio hasta su union con el Flint; de allì en derechura hasta el nacimiento del rio Sta. Maria; y de allì baxando por el medio de este rio hasta el oceano Atlantico. Y se han convenido las dos potencias en que si hubiese tropa, guarniciones, ò establecimientos de la una de las dos partes en el territorio de la otra, segun los limites que se acaban de mencionar, se retirarán de dicho territorio en el termino de seis meses despues de la ratificacion de este tratado, ò antès si fuese posible, y que se les permitirá llever consigo todos los bienes y efectos que posean.

ART. 3. Para la execucion del articulo antecedente se nombrarán por cada una de las dos altas partes contratantes un comisario y un geómetra que se juntarán en Natchez en la orilla izquierda del Misisipi, antés de expirar el termino de seis meses después de la ratificacion de la convencion presente, y procederán á la demarcacion de estos limites conforme á lo estipulado en el articulo anterior. Levantarán planos y formarán diarios de sus operaciones, que se reputarán como parte de este tratado, y tendran la misma fuerza que si estubieran insertas en el. Y si por qualquier motivo se cryese necessario que los dichos comisarios y geometras fuesen acompañados con guardias, se les darán en numero igual por el general que mande las tropas de S. M. en las dos Floridas, y el comandante de las tropas de los Estados Unidos en su territorio del sudoeste, que obrarán de acuerdo y amistosamente, asi en este punto como en el de apronto de viveres é instrumentos, y en tomar qualesquiera otras disposiciones necesarias para la execucion de este articulo.

ART. 4. Se han convenido igualmente que el limite occidental del territorio de los Estados Unidos que los separa de la colonia Española de la Luisiana está en medio del canal ó madre del rio Misisipi desde el limite septentrional de dichos Estados hasta el complemento de los treinta y un grados de latitud al norte del equador; y S. M. Catolica ha convenido igualmente en que la navegacion de dicho rio en toda su extension desde su origen hasta el oceano, será libre solo á sus subditos y á los ciudadanos de los Estados Unidos á menos que por algun tratado particular haga extensiva esta libertad á subditos de otras potencias.

*On the 24th of May, 1796, in conformity with this stipulation, Andrew Ellicott was appointed commissioner, and Thomas Freeman surveyor, on the part of the United States, for the purpose of running the boundary line mentioned in the second article of the treaty Mr. Ellicott published his journal at large in the year 1803.

†According to the definitive treaty of peace between the United States and Great Britain, "the navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States." Whatsoever right his Catholic Majesty had to interdict the free navigation of the Mississippi to any nation at the date of the treaty of San Lorenzo el Real, (the 27th of October, 1795,) that right was wholly transferred to the United States, in virtue of the cession of Louisiana from France, by the treaty of Paris, of the 30th of April, 1803. And as the definitive treaty of peace with Great Britain was concluded previously to the transfer to the United States of the right

ART. 5. The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary; so that Spain will not suffer her Indians to attack the citizens of the United States nor the Indians inhabiting their territory, nor will the United States permit these last-mentioned Indians to commence hostilities against the subjects of his Catholic Majesty or his Indians in any manner whatever.

And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that in future no treaty of alliance or other whatever (except treaties of peace) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavor to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity, so that both parties may obtain the advantages arising from a good understanding with the said nations without being subject to the expense which they have hitherto occasioned.

ART. 6. Each party shall endeavor by all means in their power to protect and defend all vessels and other effects belonging to the citizens or subjects of the other which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners their vessels and effects which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects.

ART. 7. And it is agreed that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other for any military expedition or other public or private purpose whatever. And in all cases of seizure, detention or arrest for debts contracted or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors, as they may judge proper in all their affairs and in all their trials at law in which they may be concerned before the tribunals of the other party, and such agents shall have free access to be present at the proceedings in such causes and at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. 8. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity and enjoy all favor, protection, and help, and they shall be permitted to refresh and provide themselves at reasonable rates with victuals and all things needful for the subsistence of their persons or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please without any let or hindrance.

ART. 9. All ships and merchandise, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be taken care of and restored entire to the true proprietor as soon as due and sufficient proof shall be made concerning the property thereof.

ART. 10. When any vessel of either party shall be wrecked, foundered, or otherwise damaged on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair should require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fees on the part which they shall relade and carry away.

ART. 11. The citizens and subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases.

And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native in like case, until the lawful owners may take measures for receiving them. And if questions shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by being an alien, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from

Y si estubiesen ausentes los herederos se cuidará de los bienes que les hubiesen tocado, del mismo modo que se hubiera hecho en semejante ocasion con los bienes de los naturales del pais, hasta que el legitimo, proprietario haya aprobado las disposiciones para recoger la herencia. Si se suscitasen disputas entre diferentes competidores que tengan derecho á la herencia, serán terminadas en ultima instancia segun las leyes, y por los jueces del pais en que vacase la herencia. Y si por la muerte de alguna persona que poseyese bienes raices sobre el territorio de una de las partes contratantes, estos bienes raices llegasen a pasar segun las leyes del pais a un subdito ó ciudadano de la otra parte, y este por su calidad de extrangero fuese inhabil para

of Spain to the dominion of the river Mississippi, and, of course, prior to the United States possessing the Spanish right, it would seem that the stipulation contained in the 8th article of the definitive treaty with Great Britain, as quoted, could not have included any greater latitude of navigation on the Mississippi than that which the United States were authorized to grant on the 3d of September, 1783. The additional right of sovereignty which was acquired over the river by the cession of Louisiana was *paid for* by the American government, and therefore any extension of it to a foreign power could scarcely be expected without an equivalent.

all rights of *detraction* on the part of the government of the respective States.

poseerlos, obtendra un termino conveniente para venderlos y recoger su producto sin obstaculo, esento de todo derecho de retencion departe del gobierno de los Estados respectivos.

ART. 12. The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage and the species of goods on board her there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

ART. 13. For the better promoting of commerce on both sides, it is agreed that if a war shall break out between the said two nations, one year after the proclamation of war shall be allowed to the merchants, in the cities and towns where they shall live, for collecting and transporting their goods and merchandises; and if anything be taken from them, or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same by the government.

ART. 14. No subject of his Catholic Majesty shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or against the citizens, people, or inhabitants of the said United States, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war.

Nor shall any citizen, subject, or inhabitant of the said United States, apply for, or take, any commission or letters of marque, for arming any ship or ships to act as privateers against the subjects of his Catholic Majesty, or the property of any of them, from any prince or state with which the said King shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ART. 15. It shall be lawful for all and singular the subjects of his Catholic Majesty, and the citizens, people, and inhabitants, of the said United States, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with his Catholic Majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandises aforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free ship, so that although they be enemies to either party, they shall not be made prisoners, or taken out of that free ship, unless they are soldiers, and in actual service of the enemies.

ART. 16. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended arms, great guns, bombs, with the fusees and the other things belonging to them, cannon ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, muskets, musket balls, bucklers, helmets, breastplates, coats of mail, and the like kinds of arms, proper for arming soldiers; musket rests, belts, horses, with their furniture, and all other warlike instruments whatever. These merchandises which follow shall not be reckoned among contraband or prohibited goods, that is to say: all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing apparel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined; tin, iron, latten, copper, brass, coals; as also wheat, barley, and oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and, in general, all provisions which serve for the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any part of anchors; also ships' masts, planks, and wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband; much less, such as have been already wrought and made up for any other use, all which shall be wholly reckoned among free goods: as, likewise, all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested. And except the cases in which any ship-of-war, or squadron, shall, in consequence of storms, or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the power to whom the said ship-of-war belongs may pay for the articles so taken, according to the price thereof at the port to which they may appear to have been destined by the ship's papers; and the two contracting parties engage that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries; that they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

ART. 17. To the end that all manner of dissentions and quarrels may be avoided and prevented on one side and the other, it is agreed that, in case either of the parties hereto should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea-letters, or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties; which passport shall be made out and granted according to the form annexed to this treaty. They shall likewise be recalled every year; that is, if the ship happens to return home within the space of a year.

It is likewise agreed that such ships, being laden, are to be provided not only with passports as above mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same;

which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; and if any one shall think it fit or advisable to express, in the said certificates, the person to whom the goods on board belong, he may freely do so; without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property, by testimony entirely equivalent.

ART. 18. If the ships of the said subjects, people, or inhabitants of either of the parties, shall be met with, either sailing along the coasts or on the high seas, by any ship-of-war of the other, or by any privateer, the said ship-of-war or privateer, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports concerning the property of the ship, made out according to the form inserted in this present treaty; and the ship, when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chase in any manner, or force her to quit her intended course.

ART. 19. Consuls shall be reciprocally established, with the privileges and powers which those of the most favored nations enjoy, in the ports where their consuls reside, or are permitted to be.

ART. 20. It is also agreed that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever, who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

ART. 21. In order to terminate all differences on account of the losses sustained by the citizens of the United States, in consequence of their vessels and cargoes having been taken by the subjects of his Catholic Majesty, during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of commissioners, to be appointed in the following manner: His Catholic Majesty shall name one commissioner, and the President of the United States, by and with the advice and consent of their Senate, shall appoint another, and the said two commissioners shall agree on the choice of a third, or, if they cannot agree so, they shall each propose one person, and of the two names so proposed one shall be drawn by lot in the presence of the two original commissioners; and the person whose name shall be so drawn shall be the third commissioner; and the three commissioners, so appointed, shall be sworn *impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the laws of nations.* The said commissioners shall meet and sit at Philadelphia; and in the case of the death, sickness, or necessary absence, of any such commissioner, his place shall be supplied in the same manner as he was first appointed, and the new commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them, on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and his Catholic Majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions, as shall be awarded by the said commissioners.

ART. 22. The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will, in future, give to their mutual commerce all the extension and favor which the advantages of both countries may require.

And, in consequence of the stipulations contained in the fourth article, his Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandises and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and his Majesty promises either to continue this permission, if he finds, during that time, that it is not prejudicial to the interests of Spain, or, if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment.*

ART. 23. The present treaty shall not be in force until ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

In witness whereof, we, the underwritten plenipotentiaries of his Catholic Majesty, and of the United States of America, have signed this present treaty of friendship, limits, and navigation, and have thereunto affixed our seals respectively.

Done at San Lorenzo el Real, this 27th day of October, one thousand seven hundred and ninety-five.

Ratified March 3, 1796.

* The fourth article here alluded to, as the consideration for granting the right of deposit to American citizens at New Orleans, fixes the western boundary line between the United States and the Spanish province of Louisiana. In the year 1802, the Spanish intendant at New Orleans having shut the citizens of the United States out from this deposit, without assigning any equivalent establishment elsewhere, the act was highly resented. Representations, however, were made by the American Executive to the government of Spain, and the deposit was restored. But the purchase of Louisiana, in 1803, put an end to further anxiety on the subject.

TREATY OF AMITY, SETTLEMENT, AND LIMITS BETWEEN THE UNITED STATES OF AMERICA AND THE KING OF SPAIN.

By the President of the United States.

A PROCLAMATION.

Whereas a treaty of amity, settlement, and limits between the United States of America and his Catholic Majesty was concluded and signed between their plenipotentiaries in this city, on the 22d day of February, in the year of our Lord one thousand eight hundred and nineteen, which treaty, word for word, is as follows:

Treaty of amity, settlement, and limits between the United States of America and his Catholic Majesty.

The United States of America and his Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions by a treaty which shall designate with precision the limits of their respective bordering territories in North America.

With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and his Catholic Majesty has appointed the most excellent Lord Don Luis De Onis, Gonzales, Lopez y Vara, lord of the town of Rayaces, perpetual regidor of the corporation of the city of Salamanca, knight grand cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendee, knight pensioner of the royal and distinguished Spanish Order of Charles the Third, member of the supreme assembly of the said royal order of the council of his Catholic Majesty, his secretary, with exercise of decrees, and his envoy extraordinary and minister plenipotentiary near the United States of America.

And the said plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ARTICLE 1. There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens, and his Catholic Majesty, his successors and subjects, without exception of persons or places.

ART. 2. His Catholic Majesty cedes to the United States in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives, and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States duly authorized to receive them.

ARTICULO 2. S. M. Ca. cede á los Estados Unidos en toda propiedad y soberania, todos los territorios, que le pertenecen, situados al Este del Misisipi, conocidos bajo el nombre de Florida Occidental y Florida Oriental. Son comprehendidos en este articulo las yslas adyacentes dependientes de dichas dos provincias, los sitios, plazas publicas, terrenos valdios, edificios, publicos fortificaciones casernas, y otros edificios, que no sean propiedad de algun individuo particular, los archivos y documentos directamente relativos á la propiedad y soberania de las mismas dos provincios. Dichos archivos y documentos se entregarán á los comisarios ú oficiales de los Estados Unidos debidamente autorizados para recibirlos.

ART. 3. The boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or *Red river;* then, following the course of the Rio Roxo westward to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red river, and running thence by a line due north to the river Arkansas; thence, following the course of the southern bank of the Arkansas to its source, in latitude 42 north; and thence by that parallel of latitude to the South Sea. The whole being, as laid down in Melish's Map of the United States, published at Philadelphia, improved to the first of January, 1818. But, if the source of the Arkansas river shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence along the said parallel to the South Sea: all the islands in the Sabine and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

ARTICULO 3. La linea divisoria entre los dos paises al occidente del Misisipi, arrancará del Seno Mexicano, en la embocadura del Rio Sabina, en el Mar, seguirá al Norte por la orilla occidental de este Rio, hasta el grado 32 de latitud; desde, alli por una linea recta al Norte, hasta el grado de latitud en que entra en el Rio Roxo de Natchitochez, (Red river,) y continuará por el curso del Rio Roxo al oeste, hasta el grado 100 de longitud occidental de Londres y 23 de Washington; en que, cortará este Rio, y seguirá por una linea recta al Norte, por el mismo grado, hasta el Rio Arkansas, cuya orilla meridional, seguirá hasta su nacimiento en el grado 42 de latitud Septentrional; y desde, dicho punto, se tirará una linea recta por el mismo paralelo de latitud, hasta el Mar del Sur. Todo segun el Mapa de los Estados Unidos de Melish, publicado en Philadelphia, y perfecionado en 1818. Pero si el nacimiento del Rio Arkansas se hallase al Norte ó Sur de dicho de grado 42 de latitud, seguirá la linea desde el origen de dicho Rio recta al Sur ó Norte, segun fuese necesario, hasta que encuentre el expresado grado 42 de latitud, y desde, alli por el mismo paralelo, hasta el Mar del Sur. Pertenecerán á los Estados Unidos todas las yslas de los Rios Sabina, Roxo de Natchitochez y Arkansas, en la extension de todo el curso descrito; pero el uso de las aguas, y la navegacion del Sabina hasta el Mar, y de los expresados Rios Roxo y Arkansas, y en toda la extension de sus mencionados limites, en sus respectivas orillas, sera comun á los habitantes de las dos naciones.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line:

Las dos altas partes contratantes convienen en ceder y renunciar todos sus derechos, reclamaciones, y pretenciones, sobre los territorios que se describen

that is to say, the United States hereby cede to his Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the territories lying west and south of the above-described line; and in like manner his Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever.

ART. 4. To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet, before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red river, and proceed to run and mark the said line from the mouth of the Sabine to the Red river, and from the Red river to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42 to the South Sea: they shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ART. 5. The inhabitants of the ceded territories shall be secured in the free exercise of their religion without any restriction; and all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects at any time whatever without being subject, in either case, to duties.

ART. 6. The inhabitants of the territories which his Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

ART. 7. The officers and troops of his Catholic Majesty in the territories hereby ceded by him to the United States shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this treaty, or sooner, if possible, by the officers of his Catholic Majesty to the commissioners or officers of the United States duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana.

ART. 8. All the grants of land made before the 24th of January, 1818, by his Catholic Majesty, or by his lawful authorities in the said territories ceded by his Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of his Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same respectively from the date of this treaty; in default of which, the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal on the part of his Catholic Majesty for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

ART. 9. The two contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty.

1. The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1802.

2. To all claims on account of prizes made by French privateers, and condemned by French consuls, within the territory and jurisdiction of Spain.

en esta linea; á saber, S. M. Ca. renuncia y cede para siempre, por si, y a nombre de sus herederos y sucesores, todos los derechos que tiene sobre los territorios al Este y al Norte de dicha linea; y los Estados Unidos, en igual forma, ceden á S. M. Ca. y renuncian, para siempre, todos sus derechos, reclamaciones, y pretensiones, a qualesquiera territorios situados al Oeste y al Sur de la misma linea arriba descrita.

ARTICULO 4. Para fixar esta linea con mas precision y establecer los mojones que señalen con exactitud los limites de ambas naciones, nombrará cada una de ellas un comisario y un geómetra, que se juntarán antes del termino de un año, contado desde la fecha de la ratificacion de este Tratado, en Natchitoches, en las orillas del Rio Roxo, y procederán á señala y demarca dicha linea desde la embocadura del Sabina, hasta el Rio Roxo, y de este hasta el Rio Arkansas, y á averiguar, con certidumbre, el origen del expresado Rio Arkansas, y fixar, segun queda estipulado y convenido en este Tratado, la linea que debe seguir, desde el grado 42 de latitud, hasta el Mar Pacifico. Lleverán diarios y levantarán planos de sus operaciones, y el resultado convenido por ellos se tendrá por parte de este Tratado, y tendrá la misma fuerza que si estuviese inserto en el; deviendo convenir amistosamente los dos gobiernos en el arreglo de quanto necesiten estos individuos, y en la escolta respectiva que deban llvar, siempre que se crea necesario.

ARTICULO 5. A los habitantes de todos los territorios cedidos se les conservará el exercicio libre de su religion, sin restriccion alguna; y á todos los que quisieren trasladarse á los dominios Españoles, se les permitirá la venta ô extraccion de sus efectos en qualquiera tiempo, sin que pueda exigirseles en uno ni otro casa derecho alguno.

ARTICULO 6. Los habitantes de los territorios que S. M. Ca. cede por este Trátado á los Estados Unidos, serán incorporados en la Union de los mismos Estados, lo mas presto posible, segun los principios de la Constitucion Federal, y admitidos al goce de todos los privilegios, derechos, é inmunidades, de que disfrutan los ciudadanos de los demas Estados.

ARTICULO 8. Todas las concesiones de terrenos hechas por S. M. Ca. ó por sus legitimas autoridades antes del 24 de Enero, de 1818, en los expresados territorios que S. M. cede á los Estados Unidos, qûederán ratificadas y reconocidas á las personas que esten en posesion de ellas, del mismo modo que lo serian si S. M. hubiese continuado en el dominio de estos territorios; pero los propietarios que por un efecto de las circumstancias en que se ha hallado la nacion Española y por las revoluciones de Europa, no hubiesen podido llenar todas las obligaciones de las concesiones, serán obligados á cumplirlas segun las condiciones de sus respectivas concesiones, desde la fecha de este Tratado, en defecto de lo qual serán nulas y de ningun valor. Todas las concesiones posteriores al 24 de Enero de 1818, en que fueron hechas las primeras proposiciones de parte de S. M. Ca. para la cesion de las dos Floridas, convienen y declaran las dos altas partes contratantes que quedan anuladas y de ningun valor.

3. To all claims of indemnities on account of the suspension of the right of deposit at New Orleans in the year 1802.

4. To all claims of citizens of the United States upon the government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain or the Spanish colonies.

5. To all claims of citizens of the United States upon the Spanish government, statements of which, soliciting the interposition of the government of the United States, have been presented to the Department of State or to the minister of the United States in Spain since the date of the convention of 1802, and until the signature of this treaty.

The renunciation of his Catholic Majesty extends:

1. To all the injuries mentioned in the convention of the 11th of August, 1802.

2. To the sums which his Catholic Majesty advanced for the return of Captain Pike from the provincias internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

4. To all claims of Spanish subjects upon the government of the United States arising from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally. To all the claims of subjects of his Catholic Majesty upon the government of the United States, in which the interposition of his Catholic Majesty's government has been solicited before the date of this treaty and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of his Majesty, or to his minister in the United States.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of the American army in Florida.

ART. 10. The convention entered into between the two governments on the 11th of August, 1802, the ratifications of which were exchanged on the 21st of December, 1818, is annulled.

ART. 11. The United States, exonerating Spain from all demands in future on account of the claims of their citizens to which the renunciations herein contained extend, and, considering them entirely cancelled, undertake to make satisfaction for the same to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of these claims, a commission, to consist of three commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, which commission shall meet at the city of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned. The said commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and in case of the death, sickness, or necessary absence of any such commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States, during the recess of the Senate, of another commissioner in his stead. The said commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish government shall furnish all such documents and elucidations as may be in their possession for the adjustment of the said claims according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties, of the 27th of October, 1795; the said documents to be specified, when demanded, at the instance of the said commissioners.

The payment of such claims as may be admitted and adjusted by the said commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their treasury or by the creation of stock bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by law.

The records of the proceedings of the said commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them shall, after the close of their transactions, be deposited in the Department of State of the United States; and copies of them, or any part of them, shall be furnished to the Spanish government, if required, at the demand of the Spanish minister in the United States.

ART. 12. The treaty of limits and navigation of 1795 remains confirmed in all and each one of its articles, excepting the 2d, 3d, 4th, 21st, and second clause of the 22d article, which, having been altered by this treaty, or having received their entire execution, are no longer valid.

With respect to the 15th article of the same treaty of friendship, limits, and navigation of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those powers who recognize this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose government acknowledge this principle, and not of others.

ART. 13. Both contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective merchant vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other shall be arrested and delivered up, at the instance of the consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation; that is to say, the American consul in a Spanish port shall exhibit the document known by the name of articles, and the Spanish consul in American ports, the roll of the vessel; and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

ART. 14. The United States hereby certify that they have not received any compensation from France for the injuries they suffered from her privateers, consuls, and tribunals, on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

ART. 15. The United States, to give to his Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favor the commerce of the subjects of his Catholic Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or

manufactures, directly from the ports of Spain or of her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

ART. 16. The present treaty shall be ratified in due form by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

In witness whereof, we, the under-written plenipotentiaries of the United States of America and of his Catholic Majesty, have signed, by virtue of our powers, the present treaty of amity, settlement, and limits, and have hereunto affixed our seals, respectively.

Done at Washington, this 22d day of February, 1819.

JOHN QUINCY ADAMS. [SEAL.]
LUIS DE ONIS. [SEAL.]

And whereas his said Catholic Majesty did, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty, ratify and confirm the said treaty, which ratification is in the words and of the tenor following:

[Translation.]

Ferdinand the Seventh, by the grace of God, and by the constitution of the Spanish monarchy, King of the Spains:

Whereas, on the twenty-seventh day of February, of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the city of Washington, between Don Luis de Onis, my envoy extraordinary and minister plenipotentiary, and John Quincy Adams, esq., Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences and of limits between both governments and their respective territories; which are of the following form and literal tenor:

[Here follows the above treaty, word for word.]

"Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the general cortes of the nation with respect to the cession mentioned and stipulated in the 2d and 3d articles, I approve and ratify all and every one of the articles referred to, and the clauses which are contained in them; and, in virtue of these presents, I approve and ratify them; promising, on the faith and word of a King, to execute and observe them, and to cause them to be executed and observed, entirely, as if I myself had signed them: and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article, may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which point of date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare that the said three grants have remained, and do remain, entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner: under which explicit declaration the said 8th article is to be understood as ratified. In the faith of all which I have commanded to despatch these presents. Signed by my hand, sealed with my secret seal, and countersigned by the under-written my secretary of despatch of state.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

(Signed) FERNANDO.
(Countersigned)
EVARISTO PEREZ DE CASTRO."

"Por tanto, habiendo visto examinado los referidos diez y seis articulos, y habiendo precedido la anuencia y autorizacion de las cortes generales de la nacion por lo respectivo á la cesion que en los articulos 2° y 3° se menciona y estipula, he venido, en aprobar y ratificar todos y cada uno de los referidos articulos y clausulas que en ellos se contiene; y en virtud de la presente los apruebo y ratifico; prometiendo en fé y palabra de Rey cumplirlos y observarlos, y hacer que se cumplan y observen enteramente como si Yo mismo los hubiese firmado: sin que sirva de obstaculo en manera alguna la circumstancia de haber transcurrido el termino de los seis meses prefijados para el cange de las ratificaciones en el articulo 16; pues mi deliberada voluntad es que la presente ratificacion sea tan valida y subsistente y produzca los mismos efectos que si hubiese sido hecha dentro del termino prefijado. Yo deseando al mismo tiempo evitar qualquiera duda ó ambigüedad que pueda ofrecer el contenido del articulo 8° del referido tratado con motivo de la fecha que en el se señala como termino para la validacion de las concesiones de tierras en las Floridas, hechas por mi ó por las autoridades competentes en mi real nombre, á cuyo señalamiento de fecha se procedió en la positiva inteligencia dejar anuladas por su tenor las tres concesiones de tierras hechas á favor del Duque de Alagon, Conde de Puñonrostro, y Dn. Pedro de Vargas: tengo á bien declarar que las referidas tres concesions han quedado y quedan enteramente anulades è invalidadas; sin que los tres individuos referidos, ni los que de estos tengan titulo ó causas puedan aprovecharse de dichas concesiones en tiempo, ni manera alguna: bajo cuya explicita declaracion se ha de entender ratificado el referido articulo 8°. En fé de todo lo cual mandé despachar la presente firmada de mi mano, sellada con mi sello secreto, y refrendada por el infrascripto mi Secretario del despacho de Estado.

Dada en Madrid, a veinte y quatro de Octobre, de mil ochocientos veinte.

(Sig.) FERNANDO.
(Refren.)
EVARISTO PEREZ DE CASTRO."

And whereas the Senate of the United States did, on the nineteenth day of the present month, advise and consent to the ratification, on the part of these United States, of the said treaty, in the following words:

IN THE SENATE OF THE UNITED STATES, *February* 19, 1821.

"*Resolved, two-thirds of the senators present concurring therein,* That the Senate, having examined the treaty of amity, settlement, and limits, between the United States of America and his Catholic Majesty,

made and concluded on the twenty-second of February, one thousand eight hundred and nineteen, and seen and considered the ratification thereof, made by his said Catholic Majesty, on the twenty-fourth day of October, one thousand eight hundred and twenty, do consent to, and advise the President of the United States to ratify, the same."

And whereas, in pursuance of the said advice and consent of the Senate of the United States, I have ratified and confirmed the said treaty, in the words following, viz:

"Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the treaty above recited, together with the ratification of his Catholic Majesty thereof, do, in pursuance of the aforesaid advice and consent of the Senate of the United States, by these presents, accept, ratify, and confirm the said treaty, and every clause and article thereof, as the same are hereinbefore set forth.

"In faith whereof, I have caused the seal of the United States of America to be hereto affixed.

"Given under my hand, at the city of Washington, this twenty-second day of February, in the
[L. S.] year of our Lord one thousand eight hundred and twenty-one, and of the independence of the said States the forty-fifth.

"JAMES MONROE.

"By the President:

"JOHN QUINCY ADAMS, *Secretary of State.*"

And whereas the said ratifications, on the part of the United States and of his Catholic Majesty, have been this day duly exchanged, at Washington, by John Quincy Adams, Secretary of State of the United States, and by General Dn. Francisco Dionisio Vives, envoy extraordinary and minister plenipotentiary of his Catholic Majesty: Now, therefore, to the end that the said treaty may be observed and performed with good faith on the part of the United States, I have caused the premises to be made public; and I do hereby enjoin and require all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the twenty-second day of February, in the year of our Lord
[L. S.] one thousand eight hundred and twenty-one, and of the sovereignty and independence of the United States the forty-fifth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

The following are the grants which have been annulled by the foregoing treaty:

(Copia.)

Don Antonio Porcel, caballero pensionista de la real y distinguida orden de carlos 3º. del consejo de estado, y secretario de estado y del despacho de la gobernacion de ultramar, &c.:

Certifico que con fecha seis de Febrero, de mil ochocientos diez y ocho, se espidieron por el estinguido consejo de las Indias, reales cedulas de igual tenor, al gobernador capitan general de Ysla de Cuba su distrito, al intendente de exercito y real hacienda de la Havana y su distrito, y al gobernador de las Floridas, para que cada uno en la parte que le tocare dispusiese loconveniente á que tuviese efecto la gracia concedida al Duque de Alagon de varios terrenos en la Florida Oriental, cuyo contenido es el siguiente.

"EL REY. Mi gobernador y capitan general de la Ysla de Cuba y su distrito: El Duque de Alagon, Baron de Espes, me hizo presente en esposicion de doce de Julio del año ultimo lo que sigue—Señor: El Duque de Alagon, Baron de Espes, capitan de guardias de la real persona de V. M. con el mayor respeto espone: que siendo un interes de la corona, que se den á grandes capitalistas los terrenos incultos para que se pueblen y cultiven, en lo que resultan unas ventajas demostradas y aconsejadas por todos los politicos, en cuyo caso se hallan muchos, ó casi los mas del fertil suelo de las Floridas: y siendo tambien un derecho de V. M. como dueño absoluto, el distribuirlos en obsequio de la agricultura; y en premio y recompensa de los servicios interesantes que se le hacen con utilidad de V. M. y de su reyno todo. Deseoso de merecer estas señales de aprecio de su magnanimo corazon, y de contribuir por mi parte á llenar las miras de poblacion tan interesantes al bien comun: á V. M. suplica se digne concederle el terreno inculto que no se halle cedido en la Florida Oriental, situado entre las margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y la costo del Golfo de la Floridas, é yslas ádyacentes, con la embocadura en el rio Hijuelos, por el grado viente y seis de latitud, siguiendo su orilla izquierda hasta su nacimiento, tirando una linea ala Laguna Macaco, bajando luego por el camino del rio de San Juan hasta la Laguna Valdes, cortando por otra linea desde el estremo norte de esta laguna hasta el nacimiento del rio Amarima, siguiendo la orilla derecha hasta su embocadura por los veinte y ocho ú veinte y cinco de latitud, y continuando por la costa del mar, con todas sus yslas adyacentes, hasta la embocadura del rio Hijuelos, en plena propiedad para sì y sus herederos, y permitiendose la introducion de negros para el travajo y cultivo de las tierras libre de derechos: gracia que espera merecer de la innata piedad de V. M. Enterado del contenido de esta esposicion, y atendiendo al distinguido merito de este sugeto, y á su acreditado celo por mi real servicio, como tambien á las ventajas que resultaran al estado del aumento de poblacion de los citados paises que pretende, he tenido a bien acceder ala gracia que solicita en quanto no se oponga á las leyes de esos mis reynos; y comunicarlo al mi Consejo de las Indias para su execucion, en real orden de diez y siete de Diciembre del referido año. En su consecuencia os mando y encargo por esta mi real cedula que con arreglo a las leyes que rigen en la materia, auxilieis eficazmente la execucion de la espresada gracia, tomando todas las disposiciones que se dirijan à su devido efecto, sin perjuicio de tercero, y para que el espresado Duque de Alagon pueda desde luego poner en execucion su designio conforme en todo con mis beneficos deseos en obsequio de la agricultura y comercio de dhas posesiones, que claman por una poblacion proporcionada à la feracidad de su suelo, y ala defensa y seguiridad de las costas, dando cuenta succesivamente de su progreso; entendiendose que la introducion de negros que comprende la misma gracia, deve sujetarse en quanto al trafico de ellos, á las precriptas en mi real cedula de diez y nueve de

Diciembre ultimo, que asi es mi voluntad; y que de esta cedula se tome razon en la contaduria general de Indias. Fecha en Palacio á seis de Febrero, de mil ochocientos diez y ocho.

YO, EL REY.

Por mandado del Rey Nuestro Señor:
ESTEBAN VAREA."

Y para que conste firmo esta certificacion, en Madrid, á quince de Octubre, de mil ochocientos viente.

ANTONIO PORCEL.

Don Evaristo Perez de Castro, caballero de numero de la orden de Carlos 3°. del consejo de estado, y secretario del despacho de estado, &c.:

Certifico que la firma que antecede del Exmo. Sor. Don Antonio Porcel, Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas, en Madrid, á viente y uno de Octubre, de mil ochocientos y viente.

EVARISTO PEREZ DE CASTRO.

[Translation]

Don Antonio Porcel, knight pensioner of the royal and distinguished order of Charles III, of the council of state, and secretary of state and of despatch of the ultra-marine government, &c.:

I certify that, under date of the 6th of February, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late Council of the Indies to the governor captain general of the Island of Cuba and its dependencies, to the intendant of the army and royal business of the Havana and its district, and to the governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant made to the Duke of Alagon, of various lands in East Florida, of the following tenor:

THE KING.

My governor and captain general of the Island of Cuba and its dependencies: The Duke of Alagon, Baron de Espes, has manifested to me, on the twelfth of July last, as follows: "Sire: The Duke of Alagon, Baron de Espes, captain of your Majesty's royal body guards, with the greatest respect exposes that, it being the interest of the crown that the uncultivated lands should be given to great capitalists, in order that they may be peopled and cultivated, from which flow the advantages pointed out and advised by all politicians, and by means of which much or nearly most of the fertile soil of the Floridas has been discovered, and it being a right of your Majesty, as absolute lord, to distribute them for the benefit of agriculture, and in reward and recompense of the eminent services which have been rendered to your Majesty and your whole kingdom; being desirous of deserving those marks of the value of his magnanimous courage, and of contributing, as far as possible, to fulfil the designs of population, so interesting to the commonweal, he humbly requests your Majesty that you would deign to grant him all the uncultivated land not ceded in East Florida, which lies between the rivers Saint Lucia and St. John, as far as the mouths by which they empty themselves into the sea, and the coast of the Gulf of Florida, and the adjacent islands, with the mouth of the river Hijuelos, in the twenty-sixth degree of latitude, following the left bank up to its source, drawing a line from Lake Macaco, then descending by the way of the river Saint John to the Lake Valdes, crossing by another line from the extreme north of said lake to the source of the river Amarima, following its right bank as far as its mouth, in the twenty-eighth or twenty-fifth degree of latitude, and running along the sea-coast, with all the adjacent islands, up to the mouth of the river Hijuelos, in full property to himself and his heirs; allowing them also to import negroes, for the labor and cultivation of the lands, free of duties: a gift which I hope to obtain from your Majesty's innate goodness."

Having taken the premises into consideration, and bearing in mind the distinguished merit of the memorialist, and his signal zeal for my royal service, as well as the benefits to be derived by the State from an increase of population in the countries the cession whereof he has solicited, I have judged fit to grant him the same, in so far as is conformable to the laws of these my kingdoms, and to make it known to my Council of the Indies, for its due execution, by a royal order of the 17th of December, in the year aforementioned. Wherefore I charge and command you, by this my royal cedula, with due observance of the laws to such cases pertaining, to give full and effectual aid to the execution of the said cession, taking all requisite measures for its accomplishment, without injury to any third party; and in order that the said Duke of Alagon may forthwith carry his plans into execution, in conformity with my beneficent desires in favor of the agriculture and commerce of the said territories, which require a population proportioned to the fertility of the soil and the defence and security of the coasts, he giving regular accounts of his proceedings; it being understood that the introduction of negroes, which the same cession comprehends, ought, as far as relates to the traffic in them, to be subject to the regulations prescribed in my royal cedula of the 19th of December last, for such is my will; and that due note be taken of the present cedula in the office of the accountant general of the Indies.

Dated at the Palace, the sixth of February, one thousand eight hundred and eighteen.

I, THE KING.

By command of the King our lord:
ESTEBAN VAREA.

And I confirm this exemplification, at Madrid, the fifteenth day of October, one thousand eight hundred and twenty.

ANTONIO PORCEL.

Don Evaristo Perez de Castro, knight of the order of Charles III, of the council of state, and secretary of despatch of state, &c.:

I certify that the foregoing signature of his excellency Don Antonio Porcel, secretary of despatch of the ultra-marine government, is that which he is accustomed to put to all his writings; and, for the proper purposes, I give the present certificate, signed by my hand, and sealed with my seal of arms, at Madrid, the twenty-first of October, one thousand eight hundred and twenty.

EVARISTO PEREZ DE CASTRO.

[Copia]

Don Antonio Porcel, caballero pensionista de la real distinguida orden de Carlos Tercero, del consejo de estado, y del despacho de la gobernacion de ultramar, &c.:

Certifico que con fecha de seis Febrero, de mil ochocientos diez y ocho, se expedieron por el estinguido consejo de las Indias reales cedulas de igual tenor al gobernador capitan general de la Ysla de Cuba y su distrito, al intendente de exercito y real hacienda de la Havana y su distrito, y al gobernador, de las Floridas, para que cada uno en la parte que le tocase dispusiese lo conveniente á que tubiese efecto la gracia concedida al Brigadier Conde de Puñonrostro de varios terrenos situados en la Florida Occidental, cuyo contenido es el siguiente.

"EL REY. Mi gobernador y captain general de la Ysla de Cuba y su distrito: El Brigadier Conde de Puñonrostro me hizo presente en exposicion de tres Noviembre del año ultimo lo que sigue—Señor: El Brigadier Conde de Puñonrostro, grande de España de primera clase, y vuestro gentilhombre de camara con exercicio, &c., &c., P. A. L. R. P. de V. M. con le mas profundo respeto expone: que movido del anhelo de procurar por todos los medios posibles el hacer productible parte de los immensos terrenos despoblados é incultos que V. M. tiene en las Americas, y que por su feracidad prometen las mayores ventajas, tanto al que expone como al estado, si llegase á verificarse, como lo espera, el noble proyecto que anima al exponente de convertir una pequeña parte de aquellos desiertos en morada de habitantes pacificos Cristianos é industriosos, que aumentando la poblacion de vuestros renos, fomenten la agricultura y el comercio, y por consiguiente hagan immensos los ingresos de vuestro real herario. Esta empresa dirigida por persona que al conocimiento del pays reune las circunstancias de poder comparar los progresos que han hecho por este medio otras naciones, como la de los Estados Unidos, que en una epoca muy limitida ha elevado su poder á un grado extraordinario, distinguiendose la Mobila adyacente á la Florida, que en los seis años ultimos aprovechandose de la emigracion se ha convertido de un pays inculto y desierto, en una provincia rica y comerciante, cultivada y poblada con mas de 300,000 habitantes. Esto mismo debe suceder á la Florida en el corto tiempe de diez y ocho ó veinte años si se adoptan las medidas conducentes á ello, y si al exemplo del exponente avandonan otros la apatia y se dedican á labrar su fortuna individual, y por consiguiente la del Estado. Confiado pues en lo recomendable de esta empresa, en los vivos deseos que animan a V. M. por la prosperidad de la nacion, y en los servicios y sacrificios del exponente, se atreve á suplicar á V. M. que en remuneracion de ellos se digne concederle en plena propriedad y con arreglo a la leyes que rigen en la materia, todas las tierras incultas que no se hallen cedidas en la Florida, comprendidas entre el rio Perdido al occidente del Golfo de Mexico, y los rios Amaruja y el Sn. Juan, desde Popa hasta su desague en el mar por la parte de oriente, por el norte la linea de demarcacion con los Estados Unidos, y al sur por el Golfo de Mexico, incluendo las yslas desiertas en la costa. Por tanto, á V. M. rendidamente suplica, que en atencion á lo expuesto, y á las includables ventajas que resultan á la nacion, se sirva acceder á esta solicitud y mandar al mismo tiempo se comuniquen las correspondientes ordenes á las autoridades del pays, prebiniendoles presten al exponente todos los auxilios y proteccion necesaria, asi para la designacion de los terrenos, como para llevar á efecto la empresa en todas sus partes: gracia que espera de la munificiencia de V. M." Enterado del contenido de esta exposicion, y atendiendo al distinguido merito de este sugeto, y a su acreditado celo por mi real servicio, como tambien á las ventajas que resultaran al Estado del aumento de poblacion de los citados paises que pretende, he tenido á bien acceder á la gracia que solicita en cuanto no se oponga á las leyes de esos mis reynos, y comunicarlo al mi Consejo de Indias para su execucion en real orden de diez y siete de Diciembre, del referido año. En su consecuencia os mando y encargo por esta mi real cedula, que con arreglo á las leyes que rigen en la materia auxilieis eficazmente la execucion de la espresada gracia, tomando todas las disposiciones que se dirijan a su debido efecto, sin perjuicio de tercero, y para que el espresado Conde de Puñonrostro pueda desde luego poner en execucion su designio, conforme en todo con mis beneficos deseos, en obsequio de la agricultura y comercio de dichas posesiones que claman por una poblacion proporcionada la feracidad de su suelo, y á la defensa y seguridad de las costas; dando cuenta succesivamente de su progreso; que asi es mi voluntad, y que de esta cedula se tome razon en la contaduria general de Indias. Fecha en Palacio, á seis de Febrero, de mil ochocientos dies y ocho.

YO, EL REY.

Por mandado del Rey Nuestro Señor:
ESTEBAN VAREA.

Y para que conste firmo esta certificacion, en Madrid, a quince de Octubre, de mil ochocientos y veinte.
ANTONIO PORCEL.

Don Evaristo Perez de Castro, cabellero de numero de la orden de Carlos 3°, del consejo de estado, y secretario del despacho de estado, &c.

Certifico que la firma que antecede del Exmo. Sor. Don Antonio Porcel, secretario del despacho de la gobernacion de ultramar, es la que acostumbra poner en todos escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas en Madrid á veinte y uno de Octobre, de mil ochocientos y veinte.

EVARISTO PEREZ DE CASTRO.

[Translation.]

Don Antonio Porcel, knight pensioner of the royal and distinguished order of Charles III, of the council of state, and secretary of state and of despatch of ultra-marine government, &c.:

I certify that, under date of the 6th of February, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late Council of the Indies to the governor captain general of the Island of Cuba and its dependencies, to the intendant of the army and royal business at Havana and its districts, and to the governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant made to Brigadier the Count of Punonrostro, of various lands situated in West Florida, of the following tenor:

THE KING.

My governor and captain general of the Island of Cuba and its dependencies: The Brigadier Count of Punonrostro submitted to me, on the third of November last, what follows: "Sire: The Brigadier Count of Punonrostro, grandee of Spain of the first class, and your gentleman of the bed chamber in actual attendance, &c., &c., throws himself at your Majesty's royal feet with the most profound respect, and submits to your Majesty, that, prompted by the desire of promoting, by all possible means, the improvement of the extensive waste and unsettled lands possessed by your Majesty in the Americas, which, by their fertility, offer the greatest advantages, not only to your memorialist, but to the State, provided due effect, as is hoped, be given to the noble project, formed by your Majesty's memorialist, of converting a small portion of those deserts into the abode of peaceable Christians and industrious inhabitants, who will increase the population of your kingdoms, promote agriculture and commerce, and thereby add immensely to your royal revenues. This enterprise should be conducted by a person who, with a knowledge of the country, would combine the intelligence necessary for comparing the progress made by other nations in similar situations, and particularly by the United States, which, within a very recent period, have advanced their power to an extraordinary height, and especially in the instance of the Mobile country, adjoining Florida, which, in the last six years, has received such an influx of emigrants as to be converted from a desert waste into a rich commercial province, highly improved and peopled with more than three hundred thousand souls. A similar change would be effected in Florida within eighteen or twenty years by the adoption of judicious arrangements and by those exertions which your Majesty's memorialist proposes to employ for the promotion of his personal interest, and consequently that of the State. Relying on the merits of the case, and the lively interest felt by your Majesty in the national prosperity, and in the services and sacrifices of your Majesty's memorialist, he humbly requests your Majesty that, taking them into consideration, you would be graciously pleased to grant and cede to him, in full right and property, and the mode and manner required by law, all the waste lands, not heretofore ceded, in Florida, lying between the river Perdido, westward of the Gulf of Mexico, and the rivers Amaruja and St. John's, from Popa to the point where it empties into the ocean, for the eastern limit; and for the northern, the boundary line of the United States; and to the south, by the Gulf of Mexico, including the desert islands on the coast. He therefore humbly prays, in consideration of the premises, and the unquestionable advantages to be derived by the nation, your Majesty will be pleased to grant this his petition, and thereupon direct the necessary orders to be given to the local authorities to afford him all due aid and protection, as well in designating the territory referred to as in giving full effect to the whole enterprise. All which he hopes from the munificence of your Majesty."

Having taken the premises into consideration, and bearing in mind the distinguished merits of the memorialist, and his signal zeal for my royal service, as well as the benefits to be derived by the State from an increase of population in the countries, the cession whereof he has solicited, I have judged fit to grant him the same, in so far as is conformable to the laws of these my kingdoms, and to make it known to my Council of the Indies, for its due execution, by a royal order of the seventeenth of December, in the year aforementioned; wherefore I charge and command you, by this my royal cedula, with due observance of the laws to such cases pertaining, to give full and due effect to the said cession, taking all requisite measures for its accomplishment without injury to any third party, and to the end that the said Count of Punonrostro may forthwith carry his plans into execution, in conformity with my beneficent desires in favor of the agriculture and commerce of the said territories, which require a population proportioned to the fertility of the soil and the defence and security of the coasts, he giving regular accounts of his proceedings, for such is my will; and that due note be taken of the present cedula in the office of the accountant general of the Indes. Dated at the Palace, the sixth of February, one thousand eight hundred and eighteen.

I, THE KING.

By command of the King, our lord:
ESTEVAN VAREA.

And I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty.

ANTONIO PORCEL.

Don Evaristo Perez de Castro, knight of the order of Charles III, of the council of state, and secretary of despatch of state, &c.:

I certify that the foregoing signature of his excellency Don Antonio Porcel, secretary of despatch of the ultra-marine government, is that which he is accustomed to put to all his writings. And, for the proper purposes, I give the present certificate, signed by my hand and sealed with my seal of arms, at Madrid, the twenty-first of October, one thousand eight hundred and twenty.

EVARISTO PEREZ DE CASTRO.

[Copia.]

Don Antonio Porcel, caballero pensionista de la real y distinguida orden de Carlos Tercero, del consejo de estado, y secretario de estado y del despacho de la gobernacion de ultramar, &c.:

Certifico que con fecha de nueve de Abril, de mil ochocientos diez y ocho, se espedieron por el extinguido consejo de las Indias reales cedulas de igual tenor al gobernador capitan general de la Isla de Cuba y su distrito, al intendente de exercito y real hacienda, de la Habana, y su distrito, y al gobernador de las Floridas, para que cada uno en la parte que le tocase dispusiera la conveniente a que tubiese efecto la gracia concedida á Don Pedro de Vargas, de varios terrenos situados en las Floridas; cuyo contenido es el siguiente:

"EL REY. Mi gobernador y capitan general de la Isla de Cuba y su distrito: Con fecha de veinte y cinco de Enero ultimo, me hizo presente Don Pedro Vargas lo que sigue—Senor: Don Pedro de Vargas, caballero de la real orden militar de Alcantara, tesorero general de la real casa y patrimonio de V. M. con el mas profundo respeto á V. R. M. espone: Que hay una porcion de tierras vacantes y despobladas en el territorio de las Floridas, y deseando que si V. M. se digna premiar sus tales cuales servicios y las pruebas

de lealtad que le tiene dadas, sea sin el mas minimo grabamen del Erario, ni perjuicio de tercero, como puede en el dia verificarse con algunas tierras de aquel pais á V. M. suplica que por un efecto de su soberana piedad se digne concederle la propiedad del terreno que esta comprehendida en la siguiente demarcacion, á saver: Desde la embocadura del rio Perdido y de su bahia en el Golfo de Mexico siguiendo la costa del mar, subir por la bahia del Buen Socorro, y de la Mobila, continuar por el rio de Mobila, hasta tocar la linea norte de los Estados Unidos, y baxar por ella con una recta al origin del rio Perdido y siguiendo per el rio de la Mobila abaxo y la bahia de su nombre volver por la costa del mar hacia el oeste, con todas las calas entradas é islas adyacentes que pertenecen á la España en la epoca presente hasta llegar á la linea del oeste de los Estados Unidos y volver por la del norte, comprehendiendo todas las tierras baldias que corresponden ó puedan corresponder á la España y estan en disputa ó reclamacion con los Estados Unidos, segun el tenor de los tratados, y asi mismo el terreno baldio y no cedido á otro particular que hay entre el rio Hijuelos en la Florida Oriental y el rio Santa Lucia tirando una linea *desde el nacimiento del uno al del otro y siguiendo por la costa del Golfo de Mexico,* desde la embocadura del rio Hijuelos, hasta la punta de tancha, y doblando esta por la costa del Golfo de Florida hasta la embocadura del rio Santa Lucia con las islas y cayos adyacentes."

Enterado del contenido de esta esposicion, y atendiendo al merito de esto sugeto y á su acreditado celo por mi real servicio, como tambien á las ventajas que resultaran al estado de la poblacion de los citados paises, he tenido á bien acceder á la gracia que solicita, en cuanto no se oponga á las leyes de esos mis reinos, y comunicarlo al mi Consejo de las Indias para su complimiento en real orden de dos de Febrero proximo pasado. En su consequencia os mando y encargo por esta mi real cedula, que con arreglo á las leyes que rigen en la materia y sin perjuicio de tercero auxilieis eficazmente la execucion de la expresada gracia, tomando todas las disposiciones que se dirigan á su debido efecto, como tambien al aumento de poblacion, agricultura y comercio, de las referidas posesiones; dando cuenta succesivamente de su progreso: que asi es mi voluntad, y que de esta cedula se tome razon en la contaduria general de Indias. Fecha en Palacio, á nueve de Abril, de mil ochocientos diez y ocho.

YO, EL REY.

Por mandado del Rey Nuestro Señor:

ESTEVAN VAREA.

Y para que conste firmo esta certificacion, en Madrid, á quince de Octubre, de mil echocientos y veinte.

ANTONIO PORCEL.

Don Evaristo Perez de Castro, caballero de numero de la orden de Carlos 3°, del consejo de estado, y secretario del despacho de estado, &c.:

Certifico que la firma que antecede del Exmo. Sor. Don Antonio Porcel, secretario del despacho de la gobernacion de ultramar, es la que acostumbra poner en todos sus escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas en Madrid, á veinte y uno de Octubre, de mil ochocientos y veinte.

EVARISTO PEREZ DE CASTRO.

[Translation.]

Don Antonio Porcel, knight pensioner of the royal and distinguished order of Charles III, of the council of state, and secretary of state and of despatch of the ultra-marine government, &c.:

I certify that, under date of the ninth of April, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late Council of the Indies to the governor captain general of the Island of Cuba and its dependencies, to the intendant of the army and royal business of the Havana and its district, and to the governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant made to Don Pedro de Vargas of various lands situated in the Floridas, of the following tenor:

THE KING.

My governor and captain general of the Island of Cuba and its dependencies: Under date of the twenty-fifth of January last Don Pedro de Vargas manifested as follows: "Sire: Don Pedro de Vargas, knight of the royal order of Alcantara, treasurer general of the royal house and patrimony of your Majesty, with the most profound respect, at your royal feet, exposes: That there is a quantity of vacant and unpeopled land in the territory of the Floridas, and desiring that if your Majesty shall deign to reward his passable services, and the proofs which he has given of his royalty, it may be without the least burden on the public treasury, or in prejudice of any third person, as may be done at present by some lands of that country, he beseeches your Majesty that, by an effect of your sovereign goodness, you would deign to grant him the property of the land which lies comprised within the following limits: that is to say, from the mouth of the river Perdido, and its bay in the Gulf of Mexico, following the sea-coast, to ascend by the bay of Buen Socorro, and of Mobile, continuing by the river Mobile till it touches the northern line of the United States, and descending by that in a right line to the source of the river Perdido, and following the river Mobile in its lower part, and the bay of that name, returns by the sea-coast towards the west; comprehending all the creeks, entries, and islands adjacent, which may belong to Spain at the present time, till it reaches the west line of the United States, then returning by their northern line, comprehending all the waste lands which belong or may belong to Spain, and are in dispute or reclamation with the United States, according to the tenor of the treaties; and also all the waste land not ceded to any other individual, which is between the river Hijuelos, in East Florida, and the river St. Lucia, drawing a line *from the source of one river to the source of the other, and following by the coast of the Gulf of Mexico,* from the mouth of the Hijuelos to the point of Tancha, and doubling this by the coast of the Gulf of Florida, to the mouth of the river Saint Lucia, with the islands and keys adjacent."

Considering the contents of this exposition, and attending to the merit of the individual and his accredited zeal for my royal service, as also to the advantages to result to the State from peopling the said countries, I have thought proper to accede to the favor which he solicits, in as far as it be not opposed to the laws of these my kingdoms, and communicated it to my Council of the Indies for its accomplishment in a royal order of the second of February last. Consequently, I command and charge you, by this my royal cedula, that, conforming to the laws which regulate in these affairs, and without prejudice to third persons, that you efficaciously aid the execution of the said grant, taking all the

measures which may conduce to its due effect, as also to the augmentation of the population, agriculture, and commerce of the aforesaid possessions, giving account, from time to time, of the progress made, for this is my will; and that due notice shall be taken of this cedula in the office of the accountant general of the Indies. Dated at the Palace, the 9th of April, one thousand eight hundred and eighteen.

I, THE KING.

By command of the King our lord:

ESTEVAN VAREA.

I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty.

ANTONIO PORCEL.

Don Evaristo Perez de Castro, knight of the order of Charles III, of the council of state, and secretary of despatch of state, &c.:

I certify the foregoing signature of his excellency Don Antonio Porcel, secretary of despatch of the ultra-marine government, is that which he is accustomed to put to all his writings. And, for the proper purposes, I give the present certificate. Signed by my hand, and sealed with my seal of arms, at Madrid, the twenty-first day of October, one thousand eight hundred and twenty.

EVARISTO PEREZ DE CASTRO.

SURRENDER OF THE FLORIDAS BY SPAIN.

Copy of the paper in the English language, signed by the commissioner on the part of the United States, and the commissioner on the part of his Catholic Majesty, upon the delivery of possession of the province of East Florida to the United States.

In the place of St. Augustine, and on the 10th day of July, eighteen hundred and twenty-one, Don José Coppinger, colonel of the national armies, and commissioner appointed by his excellency the captain general of the Island of Cuba to make a formal delivery of this said place and province of East Florida to the government of the United States of America, by virtue of the treaty of cession concluded at Washington on the 22d of February, eighteen hundred and nineteen, and the royal schedule of delivery of the 24th of October of the last year, annexed to the documents mentioned in the certificate that form a heading to these instruments in testimony thereof, and the adjutant general of the southern division of said States, Colonel Don Robert Butler, duly authorized by the aforesaid government to receive the same, we, having had several conferences in order to carry into effect our respective commissions, as will appear by our official communications, and having received by the latter the documents, inventories, and plans appertaining to the property and sovereignty of the Spanish nation held in this province and its adjacent islands depending thereon, with the sites, public squares, vacant lands, public edifices, fortifications, and other works, not being private property, and the same having been preceded by the arrangements and formalities that, for the greater solemnity of this important act, they have judged proper, there has been verified, at four o'clock of the evening of this day, the complete and personal delivery of the fortifications, and all else of this aforesaid province, to the commissioner, officers, and troops of the United States; and, in consequence thereof, having embarked for the Havana the military and civil officers and Spanish troops in the American transports provided for this purpose, the Spanish authorities having this moment ceased the exercise of their functions, and those appointed by the American government having begun theirs; duly noting that we have transmitted to our governments the doubts occurring whether the artillery ought to be comprehended in the fortifications, and if the public archives relating to private property ought to remain and be delivered to the American government by virtue of the cession, and that there remain in the fortifications, until the aforesaid resolution is made, the artillery, munitions, and implements specified in a particular inventory, awaiting on these points and the others appearing in question in our correspondence, the superior decision of our respective governments, and which is to have, whatever may be the result, the most religious compliance at any time that it may arrive, and in which the possession that at present appears given shall not serve as an obstacle.

In testimony of which, and that this may at all times serve as an expressive and formal receipt in this act, we, the subscribing commissioners, sign four instruments of this same tenor, in the English and Spanish languages, at the above-mentioned place, and said day, month, and year.

ROBERT BUTLER.
JOSÉ COPPINGER.

[To the original act there is a certificate in the Spanish language, of which the following is a translation.]

"In faith whereof, I certify that the preceding act was executed in the presence of the illustrious ayuntamiento, and various private persons assembled, and also of various military and naval officers of the government of the United States of America.

"ST. AUGUSTINE, *July* 10, 1821.

"JUAN DE ENTRALGO,
"*Notary of the Government and Secretary of the Cabildo.*"

Copy of the paper in the English language, signed by the commissioner on the part of the United States and the commissioner on the part of his Catholic Majesty, upon the delivery of possession of the province of West Florida to the United States.

The undersigned, Major General Andrew Jackson, of the State of Tennessee, commissioner of the United States, in pursuance of the full powers received by him from James Monroe, President of the United States of America, of the date of the 10th of March, 1821, and of the forty-fifth of the inde-

pendence of the United States of America, attested by John Quincy Adams, Secretary of State, and Don José Callava, commandant of the province of West Florida, and commissioner for the delivery, in the name of his Catholic Majesty, of the country, territories, and dependencies of West Florida to the commissioner of the United States, in conformity with the powers, commission, and special mandate received by him from the captain general of the Island of Cuba, of the date of the 5th of May, 1821, imparting to him therein the royal order of the 24th of October, 1820, issued and signed by his Catholic Majesty Ferdinand the Seventh, and attested by the secretary of state, Don Evaristo Perez de Castro:

Do certify by these presents that, on the seventeenth day of July, one thousand eight hundred and twenty-one of the Christian era, and forty-six of the independence of the United States, having met in the court-room of the Government House in the town of Pensacola, accompanied on either part by the chiefs and officers of the army and navy, and by a number of the citizens of the respective nations, the said Andrew Jackson, major general and commissioner, has delivered to the said colonel commandant, Don José Callava his before-mentioned powers; whereby he recognizes him to have received full power and authority to take possession of, and to occupy, the territories ceded by Spain to the United States by the treaty concluded at Washington on the 22d day of February, 1819, and for that purpose to repair to said territories, and there to execute and to perform all such acts and things touching the premises as may be necessary for fulfilling his appointment conformably to the said treaty and the laws of the United States, with authority likewise to appoint any person or persons in his stead to receive possession of any part of the said ceded territories, according to the stipulations of the said treaty; wherefore the colonel commandant, Don José Callava, immediately declared that, in virtue and in performance of the power, commission, and special mandate, dated at Havana on the 5th of May, 1821, he thenceforth and from that moment placed the said commissioner of the United States in possession of the country, territories, and dependencies of West Florida, including the fortress of St. Mark's, with the adjacent islands dependent upon said province, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings which are not private property, according to, and in the manner set forth by, the inventories and schedules which he has signed and delivered with the archives and documents directly relating to the property and sovereignty of the said territory of West Florida, including the fortress of St. Mark's, and situated to the east of the Mississippi river, the whole in conformity with the second article of the treaty of cession concluded at Washington the 22d of February, 1819, between Spain and the United States, by Don Luis de Onis, minister plenipotentiary of his Catholic Majesty, and John Quincy Adams, Secretary of State of the United States, both provided with full powers, which treaty has been ratified on the one part by his Catholic Majesty Ferdinand the Seventh, and the President of the United States, with the advice and consent of the Senate of the United States, on the other part; which ratifications have been duly exchanged at Washington the 22d of February, 1821, and the forty-fifth of the independence of the United States of America, by General Don Dionysius Vives, minister plenipotentiary of his Catholic Majesty, and John Quincy Adams, Secretary of State of the United States, according to the instrument signed on the same day; and the present delivery of the country is made in order that, in execution of the said treaty, the sovereignty and property of that province of West Florida, including the fortress of St. Mark's, shall pass to the United States, under the stipulations therein expressed.

And the said colonel commandant, Don José Callava, has, in consequence, at this present time, made to the commissioner of the United States, Major General Andrew Jackson, in this public cession, a delivery of the keys of the town of Pensacola, of the archives, documents, and other articles, in the inventories before mentioned, declaring that he releases from their oath of allegiance to Spain the citizens and inhabitants of West Florida who may choose to remain under the dominion of the United States.

And that this important and solemn act may be in perpetual memory, the within named have signed the same, and have sealed with their respective seals, and caused to be attested by their secretaries of the commission, the day and year aforesaid.

ANDREW JACKSON.
JOSÉ CALLAVA.

By order of the commissioner on the part of the United States.

R. K. CALL,
Secretary of the Commission.

Por mandato de su senoria el coronel comisario del gobierno de España.

JOSÉ Y. CRUZAT,
El Secretario de la Comision.

No. 24.

[Translation.]

MARINE DEPARTMENT—COLONIES, LOUISIANA.

NEW ORLEANS, 15 *Vindémiaire, year* 12, *October* 8, 1803.

The colonial prefect and commissioner on the part of the French government for receiving and delivering Louisiana to Mr. Morales, intendant of that country for his Catholic Majesty:

SIR: Despatches from my government, forwarded by land from Washington city, reached me yesterday. They bring me the treaty for the cession of Louisiana to the United States.

The First Consul has been pleased to confide to me, in the name of the French republic, the charge of receiving and surrendering that country.

His intention, however, is that I should not enter upon the active execution of his orders in that respect, and that I should not deliver my powers until after the exchange of the ratifications between France and the United States. The ratification by the First Consul has already been sent to our diplomatic agent, for the purpose of being exchanged as soon as the President of the United States will be ready to proceed to that exchange.

My instructions, as well as other important dispositions connected with the entire fulfilment of my mission in this place, render it necessary for me to hasten, as much as possible, its accomplishment.

I hope you will be disposed to contribute to it, in what concerns you, by preparing your statements beforehand.

I have the honor to be, with perfect consideration, &c.,

LAUSSAT.

Copy of a letter from General Wilkinson and W. C. C. Claiborne to the Secretary of State, James Madison, esq., December 20, 1803.

CITY OF NEW ORLEANS, *December* 20, 1803.

SIR: We have the satisfaction to announce to you that the province of Louisiana was this day surrendered to the United States by the commissioner of France, and to add that the flag of our country was raised in this city amidst the acclamations of the inhabitants.

The enclosed is a copy of an instrument of writing which was signed and exchanged by the commissioners of the two governments, and is designed as a record of this interesting transaction.

Accept assurances of our respectful consideration.

WILLIAM C. C. CLAIBORNE.
JAMES WILKINSON.

Hon. JAMES MADISON,
Secretary of State, City of Washington.

No. 25.

Act of delivery by France to the United States of the province of Louisiana, December 20, 1803.

The undersigned, William C. C. Claiborne and James Wilkinson, commissioners or agents of the United States, agreeably to the full powers they have received from Thomas Jefferson, President of the United States, under date of October 31, eighteen hundred and three, and twenty-eighth year of the independence of the United States of America, (eighth Brumaire, twelfth year of the French republic,) countersigned by the Secretary, James Madison;

And citizen Peter Clement Laussat, colonial prefect and commissioner of the French government for the delivery, in the name of the French republic, of the country, territories, and dependencies of Louisiana to the commissioners or agents of the United States, conformably to the powers, commission, and special mandate which he has received, in the name of the French people, from citizen Bonaparte, First Consul, under date of June 6, eighteen hundred and three, (seventeenth Prairial, eleventh year of the French republic,) countersigned by the secretary of state, Hugues Maret, and by his excellency the minister of marine and colonies, Decrès:

Do certify by these presents that, on this day, Tuesday, December 20, eighteen hundred and three of the Christian era, (twenty-eighth Frimaire, twelfth year of the French republic,) being convened in the hall of the Hotel de Ville, of New Orleans, accompanied on both sides by the chiefs and officers of the army and navy, by the municipality and divers respectable citizens of their respective republics, the said William C. C. Claiborne and James Wilkinson delivered to the said citizen Laussat their aforesaid full powers, by which it evidently appears that full power and authority has been given them, jointly and severally, to take possession of and to occupy the territories ceded by France to the United States by the treaty concluded at Paris on the thirtieth day of April last past, (10th Floréal,) and for that purpose to repair to the said Territory, and there to execute and perform all such acts and things touching the premises as may be necessary for fulfilling their appointments conformably to the said treaty and the laws of the United States.

And thereupon the said citizen Laussat declared that, in virtue of and in the terms of the powers, commission, and special mandate, dated at St. Cloud, June 6, eighteen hundred and three of the Christian era, (seventeenth Prairial, eleventh year of the French republic,) he put, from that moment, the said commissioners of the United States in possession of the country, territories, and dependencies of Louisiana, conformably to the first, second, fourth, and fifth articles of the treaty, and the two conventions concluded and signed April 30, eighteen hundred and three, (tenth Floréal, eleventh year of the French republic,) between the French republic and the United States of America, by citizen Francis Barbé Marbois, minister of the public treasury, and Messieurs Robert R. Livingston and James Monroe, ministers plenipotentiary of the United States, all three furnished with full powers, of which treaty and two conventions, the ratifications made by the First Consul of the French republic, on the one part, and by the President of the United States, by and with the advice and consent of the Senate, on the other part, have been exchanged and mutually received at the city of Washington October 21, eighteen hundred and three, (twenty-eighth Vindémiaire, twelfth year of the French republic,) by citizen Louis André Pichon, chargé d'affaires of the French republic, near the United States, on the part of France, and by James Madison, Secretary of State of the United States, on the part of the United States, according to the *procès-verbal* drawn up on the same day.

And the present delivery of the country is made to them, to the end that, in conformity with the object of the said treaty, the sovereignty and property of the colony or province of Louisiana may pass to the said United States, under the same clauses and conditions as it had been ceded by Spain to France, in virtue of the treaty concluded at St. Ildefonso on the first of October, eighteen hundred, (ninth Vindémiaire, ninth year,) between these two last powers, which has since received its execution by the actual re-entrance of the French republic into possession of the said colony or province.

And the said citizen Laussat has in consequence, at this present time, delivered to the said commissioners of the United States, in this public sitting, the keys of the city of New Orleans, declaring that he

discharges from their oaths of fidelity towards the French republic the citizens and inhabitants of Louisiana who shall choose to remain under the dominion of the United States.

And that it may forever appear, the undersigned have signed the procès-verbal of this important and solemn act, in the French and English languages, and have sealed it with their seals, and have caused it to be countersigned by their secretaries of commission, the day, month, and year above written.

WILLIAM C. C. CLAIBORNE.
JA. WILKINSON.

By order of the commissioners on the part of the United States:
D. WADSWORTH, *Secretary of the American Commission.*
LAUSSAT.

Par le Préfet Colonial, Commre du Gouvernement Français, le Secrétaire de la Commission.
DAUGEROT.

After that it is written as follows: Déposé aux archives de l'Hôtel de Ville de cette commune, á la Nouvelle Orléans, le 6 Nivôse, an 12, de la Republique Français, 28 Décembre, 1803, de J. C.

LAUSSAT.

Par le Préfet Colonial, Commissaire du Gouvernement Français, le Secrétaire de la Commission.
DAUGEROT.

I hereby certify that the foregoing is a true copy of the original deposited among the records of the city council of New Orleans.

M. BOURGEOIS, *City Clerk.*

NEW ORLEANS, *October* 22, 1816.

MAYORALTY OF ORLEANS.

I, Aug. Macarty, mayor of the city of New Orleans, do hereby certify that Mr. M. Bourgeois, whose signature is affixed at the foot of the within instrument of writing, is the clerk of the city council of New Orleans, and that full faith and credit is due and ought to be given to his signature as such.

[L. S.] In testimony whereof, I have hereunto subscribed my name, and affixed the seal of the mayoralty of Orleans, at New Orleans aforesaid, this 5th day of November, 1816.

AUG. MACARTY, *Mayor.*

No. 26.

REGULATIONS OF O'REILLY, GAYOSO, AND INTENDANT MORALES.

Don Alexander O'Reilly, commander of Benfayon, of the order of Alcantara, inspector general of infantry, appointed, by special commission, governor and captain general of this province of Louisiana.

Divers complaints and petitions, which have been addressed to us by the inhabitants of Opelousas, Attacapas, Natchitoches, and other places of this province, joined to the knowledge we have acquired of the local concerns, culture, and means of the inhabitants, by the visit which we have lately made to the Côte des Allemands, Côte des Accadions, Hyberville, and La Pointe Coupée, with the examination we have made of the reports of the inhabitants assembled, by our order, in each district, having convinced us that the tranquillity of the said inhabitants, and the progress of culture, required a new regulation, which should fix the extent of the grants of lands which shall hereafter be made, as well as the enclosures, cleared lands, roads, and bridges, which the inhabitants are bound to keep in repair, and to point out the damage by cattle, for which the proprietors shall be responsible: for these causes, and having nothing in view but the public good and the happiness of every inhabitant, after having advised with persons well informed in these matters, we have regulated all those objects in the following articles:

1. There shall be granted to each newly arrived family, who may wish to establish themselves on the borders of the river, six or eight arpents in front, (according to the means of the cultivator,) by forty arpents in depth, in order that they may have the benefit of the cypress wood, which is as necessary as useful to the inhabitants.

2. The grantees, established on the borders of the river, shall be held bound to make, within the three first years of possession, mounds sufficient for the preservation of the land, and the ditches necessary to carry off the water. They shall, besides, keep the roads in good repair, of the width of at least forty feet between the inner ditch, which runs along the mound and the barrier, with bridges of twelve feet over the ditches which may cross the roads. The said grantees shall be held bound, within the said term of three years' possession, to clear the whole front of their land to the depth of two arpents; and, in default of fulfilling these conditions, their land shall revert to the King's domain, and be granted anew; and the judge of each place shall be responsible to the governor for the superintendence of this object.

3. The said grants can neither be sold nor aliened by the proprietors until after three years of possession, and until the above-mentioned conditions shall have been entirely fulfilled. To guard against every evasion in this respect, the sales of the said lands cannot be made without a written permission from the governor general, who will not grant it until, on strict inquiry, it shall be found that the conditions above explained have been duly executed.

4. The points formed by the lands on the Mississippi river, leaving, in some places, but little depth, there may be granted, in these cases, twelve arpents in front: and, on a supposition that these points should not be applied for by any inhabitant, they shall be distributed to the settlers nearest thereto, in order that the communication of the roads may not be interrupted.

5. If a tract belonging to minors should remain uncleared, and the mounds and roads should not be kept in repair, the judge of the quarter shall inquire into the cause thereof. If attributable to the guardians, he shall oblige them to conform promptly to this regulation; but, if arising from want of means in the minors, the judge, after having, by a verbal process, attained proof thereof, shall report the same to the governor general, to the end that the said land may be sold for the benefit of the minors; (a special

favor, granted to minors only;) but, if no purchaser shall, within six months, be found, the said land shall be conceded gratis.

6. Every inhabitant shall be bound to enclose, within three years, the whole front of his land which shall be cleared; and, for the remainder of his enclosure, he will agree with his neighbors, in proportion to his cleared land and his means.

7. Cattle shall be permitted to go at large from the eleventh of November to the fifteenth of March of the year following, and at all other times the proprietor shall be responsible for the damage that his cattle may have done to his neighbors. He who may have suffered the damage shall complain to the judge of the district, who, after having satisfied himself of the truth thereof, shall name experienced men to estimate the value of the same, and shall then order remuneration without delay.

8. No grant in the Opelousas, Attacapas, and Natchitoches, shall exceed one league in front by one league in depth; but when the land granted shall not have that depth, a league and a half in front by half a league in depth may be granted.

9. To obtain in the Opelousas, Attacapas, and Natchitoches, a grant of forty-two arpents in front by forty-two arpents in depth, the applicant must make appear that he is the possessor of one hundred head of tame cattle, some horses, and sheep, and two slaves to look after them—a proportion which shall always be observed for the grants to be made of greater extent than that declared in the preceding article.

10. All cattle shall be branded by the proprietors; and those who shall not have branded them at the age of eighteen months cannot thereafter claim a property therein.

11. Nothing being more injurious to the inhabitants than strayed cattle, without the destruction of which tame cattle cannot increase, and the inhabitants will continue to labor under those evils of which they have often complained to us; and considering that the province is at present infested by strayed cattle, we allow the proprietors, until the first day of July of the next year, one thousand seven hundred and seventy-one, and no longer, to collect and kill, to their use, the said strayed cattle; after which time they shall be considered wild, and may be killed by any person whomsoever; and no one shall oppose himself thereto or lay claim to a property therein.

12. All grants shall be made, in the name of the King, by the governor general of the province; who will, at the same time, appoint a surveyor to fix the bounds thereof, both in front and depth, in presence of the judge ordinary of the district, and of two adjoining settlers, who shall be present at the survey. The abovementioned four persons shall sign the verbal process which shall be made thereof, and the surveyor shall make three copies of the same, one of which shall be deposited in the office of the scrivener of the government and cabildo, another shall be delivered to the governor general, and a third to the proprietor, to be annexed to the titles of his grant.

In pursuance of the powers which our lord the King (whom God preserve) has been pleased to confide to us by his patent, issued at Aranjuez, the 16th of April, 1769, to establish in the military, the police, and in the administration of justice and his finances, such regulations as should be conducive to his service and the happiness of his subjects in this colony; with the reserve of his Majesty's good pleasure, we order and command the governor, judges, cabildo, and all the inhabitants of this province, to perform punctually to all that is required by this regulation.

Given at New Orleans, the 18th of February, 1770.

Instructions of Governor Gayoso for the administration of posts and the distribution of lands.

Instructions to be observed by the commandants of the posts in this province for the admission of new settlers:

1. If the new settler comes from another post in the province, where he has obtained a grant of land, no other grant shall be made to him; and if he undertakes to fix himself down he must buy lands, or produce my special permission for the grant; and in order to determine whether he has before obtained land or not, the commandant of the post from which he goes shall express it in his passport.

2. If the new settler is a stranger, and is not a farmer, nor married, nor has property in negroes, merchandise, or money, he shall have no right to solicit a grant of lands until he has remained four years, conducting himself well, in some honest and useful occupation.

3. Artisans shall be fully protected, but no land shall be granted to them until they have acquired property, and have lived three years in the exercise of their art or profession.

4. To no unmarried emigrant, who has not a trade or profession, shall lands be granted till after the expiration of four years; and then only on his showing that he has been, without interruption, honestly employed in the cultivation of the earth; without which necessary circumstance he shall not be entitled to a grant.

5. If any person, as described in the last article, after having lived in the country two years, shall obtain a recommendation from a farmer of honesty, who shall be willing, from his industry and application, to give him his daughter in marriage, as soon as the marriage is accomplished in due form he shall be entitled to receive a grant of land, agreeably to the terms contained in this instruction.

6. The privilege of enjoying liberty of conscience is not to extend beyond the first generation. The children of those who enjoy it must positively be Catholics. Those who will not conform to this rule are not to be admitted, but are to be sent back out of the province immediately, even though they possess much property.

7. In the Illinois none shall be admitted but Catholics of the classes of farmers and artisans. They must also possess some property, and must not have served in any public character in the country from whence they came. The provisions of the preceding article shall be explained to the emigrants already established in the province, who are not Catholics, and shall be observed by them; the not having done it until this time being an omission and contrary to the orders of his Majesty, which required it from the beginning.

8. The commandants will take particular care that no Protestant preacher, or one of any sect other than the Catholic, shall introduce himself into the province; the least neglect in this respect will be a subject of great reprehension.

9. To every new settler, answering the foregoing description, and married, there shall be granted two hundred arpents of land; fifty arpents shall be added to every child he shall bring with him.

10. To every emigrant possessing property and uniting the circumstances before mentioned, who shall arrive with an intention to establish himself, there shall be granted two hundred arpents of land; and, in addition, twenty arpents for every negro that he shall bring: provided, however, that the grant shall never exceed eight hundred arpents to one proprietor. If he has such a number of negroes as would entitle him at the above rates to a larger grant, he will also possess the means of purchasing more than that quantity of land if he wants it; and it is necessary by all possible means to prevent speculations in lands.

11. No lands shall be granted to traders; as they live in the towns they do not want them.

12. Immediately on the arrival of a new settler the oath of fidelity shall be required of him. If he is married he shall prove that the wife whom he brings with him is his lawful wife. If he has goods or personal property they shall both declare what part of them belongs to the portion of the wife, and whether any part belongs to any person who is absent; giving them to understand that, if the contrary of what they assert is proved the lands which are granted to them shall be taken back, with all the improvements they have made upon them.

13. At the time when they take the oath the above particulars are to be attended to; and no lands are to be granted for any negroes which are not proved to be lawfully and wholly the property of the emigrant; nor for the wife whom he brings with him unless she is proved to be his lawful wife. In default of making such proofs he is to be taken as coming within the description given in the 2d article.

14. The new settler to whom lands have been granted shall lose them without recovery if, in the term of one year, he shall not begin to establish himself upon them, or if, in the third year, he shall not have put under labor ten arpents in every hundred.

15. He shall not possess the right to sell his lands until he shall have produced three crops on the tenth part of his lands, which shall be well cultivated; but in case of death he may leave them to his lawful heir, if he has one resident in the country. If he has no heir in the country they shall in no event go to an heir who is not of the country, unless such heir shall resolve to come and reside in it, conformably to the established conditions.

16. Debts contracted out of the province cannot be paid with the produce of lands thus granted, if there are debts due in the province, until after five harvests shall have been gathered. If for bad conduct it shall become necessary to eject the settler from the country before he shall have made the three crops necessary to give him the dominion of the soil and the right to dispose of it, the lands shall then again become united to the domain of the King; and in the same state shall be granted alternately to the young man and young woman residing within one league of the land which shall thus become vacant, who by their good conduct shall best deserve such a gift. The question, who is entitled to this preference, shall be decided in an assembly of the most considerable people, headed by the commandant; which decision they shall make without any expense. They shall only consult me in the case, making known the circumstances for my approbation, and shall without delay put the deserving person in possession.

17. The forms established by my predecessors in which to petition for lands shall be followed under the conditions expressed in this order, with the difference only that when the quantity of land amounts to or exceeds three hundred arpents the fees to the secretary must be paid.

18. It shall not be permitted to any new settler to form an establishment at a distance from other settlers. The grants of lands must be so made as not to leave pieces of vacant ground between one and another, since this would offer a greater exposure to the attacks of the Indians, and render more difficult the administration of justice and the regulations of the police so necessary in all societies, and more particularly in new settlements.

MANUEL GAYOSO DE LEMOS.

NEW ORLEANS, *September* 9, 1797.

General regulations and instructions of Morales for conceding lands.

Don John Bonaventure Morales, principal comptroller of the army and finances of the provinces of Louisiana and West Florida, intendant (*par interim*) and sub-delegate of the superintendence, general of the same, judge of admiralty and of the lands, &c., of the King, &c.

The King, whom God preserve, having been pleased to declare and order by his decree given at Santa Lorenzo the 22d of October of the last year, 1798, that the intendency of these provinces, to the exclusion of all other authority, be put in possession of the privilege to divide and grant all kind of land belonging to his crown, which right, after his order of August 24, 1770, belonged to the civil and military government, wishing to perform this important charge, not only according to the 81st article of the ordinance of the intendants of New Spain, of the regulations of the year 1754, cited in the said article, and the laws respecting it, but also with regard to local circumstances and those which may with injury to the interests of the King contribute to the encouragement and to the greatest good of his subjects already established, or who may establish themselves in this part of his possessions.

After having examined with the greatest attention the regulation made by his excellency Count O'Rielly, February 18, 1770, as well as that circulated by his excellency the present governor, Don Manuel Gayoso de Lemos, January 1, 1798, and with the counsel which has been given me on this subject by Don Manuel Serrano, assessor of the intendency, and other persons of skill in these matters; that all persons who wish to obtain lands may know in what manner they ought to ask for them, and on what conditions lands can be granted or sold; that those who are in possession without the necessary titles may know the steps they ought to take to come to an adjustment; that the commandants, as sub-delegates of the intendency, may be informed of what they ought to observe; that the surveyor general of this city, and the particular surveyors who are under him, may be instructed of the formalities with which they ought to make surveys of lands, or lots, which shall be conceded, sold, or arranged for; that the secretary of the finance may know the fees he is entitled to, and the duties he has to discharge, and that none may be ignorant of any of the things which may tend to the greatest advantage of an object so important in itself as the security of property under the conditions to enlarge, change, or revoke that which time and circumstances may discover to be most useful and proper, to the attainment of the end to which the benevolent intentions of his Majesty are directed; I have resolved that the following regulations shall be observed:

ARTICLE 1. To each newly arrived family [*a chaque famille nouvelle*] who are possessed of the necessary qualifications to be admitted among the number of cultivators of these provinces, and who have obtained the permission of the government to establish themselves on a place which they have chosen, there shall be granted, *for once*, if it is on the bank of the Mississippi, four, six, or eight arpents in front on the river, by the ordinary depth of forty arpents, and if it is at any other place, the quantity which they shall be judged capable to cultivate, and which shall be deemed necessary for pasture for his beasts, in proportion according to the number of which the family is composed; understanding that the concession is never to exceed eight hundred arpents in superfices.

ART. 2. To obtain the said concessions, if they are asked for in this city, the permission which has been obtained to establish themselves in the place from the governor ought to accompany the petition, and if in any of the posts the commandant at the same time will state that the lands asked for are vacant and belong to the domain, and that the petitioner has obtained permission of the government to establish himself, and referring to the date of the letter or the advice they have received.

ART. 3. Those who obtain concessions on the bank of the river ought to make, in the first year of their possession, *levees* sufficient to prevent the inundation of the waters, and canals sufficient to drain off the water when the river is high; they shall be held, in addition, to make, and keep in good order, a public highway, which ought to be at least thirty feet wide, and have bridges of fifteen feet over the canals or ditches which the road crosses, which regulations ought to be observed, according to the usages of the respective districts, by all persons to whom the lands are granted, in whatever part they are obtained.

ART. 4. The new settlers who have obtained lands shall be equally obliged to clear and put in cultivation, in the precise time of three years, all the front of their concessions, of the depth of at least two arpents, on the penalty of having the lands granted remitted to the domain if this condition is not complied with. The commandants and syndics will watch that what is enjoined in this and the preceding article be strictly observed and occasionally inform the intendant what they may have remarked, well understanding that in case of default they will be responsible to his Majesty.

ART. 5. If a tract of land belonging to minors remain without being cleared, or as much of it as the regulations require, and that the bank, the road, the ditches, and the bridges, are not made, the commandant or syndic of the district will certify from whom the fault has arisen; if it is in the guardian he will urge him to put it in order, and if he fails he shall give an account of it; but if the fault arises from the want of means of the minor to defray the expense, the commandant or syndic shall address a statement of it to the intendency, to the end that sale of it may be ordered for the benefit of the minor, to whom alone this privilege is allowed, if in the space of six months any purchaser presents; if not, it shall be granted gratis to any person asking it or sold for the benefit of the treasury.

ART. 6. During the said term of three years no person shall sell nor dispose of the land which has been granted to him, nor shall he ever after the term, if he has failed to comply with the conditions contained in the preceding article; and to avoid abuses and surprise in this respect we declare that all sales made without the consent of the intendency, in writing, shall be null and of no effect; which consent shall not be granted until they have examined with a scrupulous attention if the conditions have or have not been fulfilled.

ART. 7. To avoid for the future the litigations and confusions of which we have examples every day, we have also judged it very requisite that the notaries of this city and the commandants of posts shall not take any acknowledgment of conveyance of land obtained by concession, unless the seller (grantor) presents and delivers to the buyer the title which he has obtained, and in addition being careful to insert in the deed the metes and bounds and other descriptions which result from the title, and the *proces verbal* of the survey which ought to accompany it.

ART. 8. In case that the small depth, which the points upon which the land on the river is generally formed, prevent the granting of forty arpents according to usage, there shall be given a greater quantity in front to compensate it; or if no other person asks the concession, or to purchase it, it shall be divided equally between the persons nearest to it that may repair the banks, roads, and bridges, in the manner as before prescribed.

ART. 9. Although the King renounces the possession of the lands sold, distributed, or conceded in his name, those to whom they are granted or sold ought to be apprised that his Majesty reserves the right of taking from the forests, known here under the name of cypress woods, all the wood which may be necessary for his use, and more especially which he may want for the navy, in the same manner and with the same liberty that the undertakers have enjoyed to this time, but this notwithstanding they are not to suppose themselves authorized to take more than is necessary, nor to make use of splitting those which are cut down, and which are found to be unsuitable.

ART. 10. In the posts of Opelousas and Attakapas the greatest quantity of land that can be conceded shall be one league in front by the same quantity in depth, and when forty arpents cannot be obtained in depth, a half a league may be granted; and for a general rule it is established, that to obtain in said posts a half a league in front the petitioner must be owner of one hundred head of cattle, some horses and sheep, and two slaves; and also in proportion for a larger tract, without the power, however, of exceeding the quantity before mentioned.

ART. 11. As much as it is possible and the local situation will permit, no interval shall be left between concessions; because it is very advantageous that the establishments touch, as much for the inhabitants, who can lend each other mutual support, as for the more easy administration of justice and the observance of rules of police indispensable in all places, but more especially in new establishments.

ART. 12. If, notwithstanding what is before written, marshy lands or other causes shall make it necessary to leave some vacant lands, the commandants and syndics will take care that the inhabitants of the district alone may take wood enough for their use only, and well understanding that they shall not take more; or if any individual of any other post shall attempt to get wood, or cut firewood, without having obtained the permission of this intendency, besides the indemnity which he shall be held to pay the treasury of the damage sustained, he shall be condemned for the first time to the payment of a fine of twenty-five dollars, twice that sum for the second offence, and for the third offence shall be put in prison, according as the offence may be more or less aggravated; the said fines shall be divided between the treasury, the judge, and the informer.

ART. 13. The new settler [*comme le nouveau colon*] to whom land has been granted in one settlement, cannot obtain another concession without having previously proven that he had possessed the first during three years, and fulfilled all the conditions prescribed.

ART. 14. The changes occasioned by the current of the river are often the cause of one part of a

concession becoming useless, so that we have examples of proprietors pretending to abandon and reunite to the domain a part of the most expensive for keeping up the banks, the roads, the ditches, &c.; and willing to reserve only that which is good, and seeing that unless some remedy is provided for this abuse, the greatest mischief must result to the neighbors, we declare that the treasury will not admit of an abandonment or reunion to the domain of any part of the land the owner wishes to get rid of, unless the abandonment comprehends the whole limits included in the concession or act, in virtue of which he owns the land he wishes to abandon.

ART. 15. All concessions shall be given in the name of the King, by the general intendant of this province, who shall order the surveyor general or one particularly named by him to make the survey, and mark the land by fixing bounds, not only in front but also in the rear; this [survey] ought to be done in the presence of the commandant or syndic of the district, and of two of the neighbors, and these four shall sign the *proces verbal*, which shall be drawn up by the surveyor.

ART. 16. The said *proces verbal*, with a certified copy of the same, shall be sent by the surveyor to the intendant, to the end that on the original there be delivered, by the consent of the King's attorney, the necessary title paper; to this will be annexed the certified copy forwarded by the surveyor. The original shall be deposited in the office of the Secretary of the Treasury, and care shall be taken to make annually a book of all which have been sent, with an alphabetical list, to be the more useful when it is necessary to have recourse to it, and for greater security, to the end that at all times and against all accidents, the documents which shall be wanted can be found; the surveyor shall also have another book, numbered, in which the proces verbal of the survey he makes shall be recorded, and as well on the original, which ought to be deposited on the record, as on the copy intended to be annexed to the title, he shall note the folio of the book in which he has enregistered the figurative plat of survey.

ART. 17. In the office of the finances there shall also be a book numbered, where the titles of concessions shall be recorded, in which, besides the ordinary clauses, mention shall be made of the folio of the book in which they are transcribed; there must also be a note taken in the contadoria or chamber of accounts of the army and finances, and that under the penalty of being void. The chamber of accounts shall also have a like book, and at the time of taking the note shall cite the folio of the book where it is recorded.

ART. 18. Experience proves that a great number of those who have asked for land think themselves the legal owners of it; those who have obtained the first decree by which the survey is ordered to measure it and put them in possession, others after the survey has been made have neglected to ask the title for the property; and as like abuses continuing for a longer time will augment the confusion and disorder which will necessarily result. We declare that no one of those who have obtained the said decrees, notwithstanding in virtue of them the survey has taken place, and that they have been put in possession, cannot be regarded as owners of land until their real titles are delivered completed with all the formalities before recited.

ART. 19. All those who possess lands in virtue of formal titles [*titres formels*] given by their excellencies the governor of this province since the epoch when it became under the power of the Spanish, and those who possessed them in the time when it belonged to France, so far from being interrupted shall, on the contrary, be protected and maintained in their possessions.

ART. 20. Those who, without the title or possession mentioned in the preceding article, are found occupying lands, shall be driven therefrom as from property belonging to the crown; but if they have occupied the same more than ten years, a compromise will be admitted to those who are considered as owners, that is to say, they shall not be deprived of their lands. Always that after information and summary procedure and with the intervention of the procurer of the King at the board of the treasury, they shall be obliged to pay a just and moderate retribution, calculated according to the extent of the lands, their situation, and other circumstances, and the price of estimation for once paid into the royal treasury. The titles to property will be delivered on referring to that which has resulted from the proceedings.

ART. 21. Those who are found in the situation expressed in the 18th article, if they have not cleared nor done any work upon the land they consider themselves proprietors of, by virtue of the first decree of the government, not being of the number of those who have been admitted in the class of *new-comers* in being deprived or admitted to compromise, in the manner explained in the preceding article, if they are of that class, they shall observe what is ordered in the article following.

ART. 22. In the precise and peremptory term of six months, counting from the day when this regulation shall be published in each post, all those who occupy lands without titles from the governor, and those who, in having obtained a certain number of arpents, have seized a greater quantity, ought to make it known, either to have their titles made out, if there is any, or to be admitted to a compromise, or to declare that the said lands belong to the domain, if they have not been occupied more than ten years, understanding if it passes the said term, if they are instructed by other ways, they will not obtain either title or compromise.

ART. 23. Those who give information of lands occupied after the expiration of the term fixed in the preceding article, shall have for their reward the one-fourth part of the price for which they are sold or obtained by way of compromise, and if desirable, he shall have the preference, either by compromise at the price of appraisement, and there shall be made a deduction of one-fourth, as in the former.

ART. 24. As it is impossible, considering all the local circumstances of these provinces, that all the vacant lands belonging to the domain should be sold at auction, as it is ordained by the law 15th, title 12th, book 4th, of the collection of the laws of these kingdoms, the sale shall be made according as it shall be demanded, with the intervention of the King's attorney for the board of finances, for the price they shall be taxed, to those who wish to purchase, understanding if the purchasers have not ready money to pay it shall be lawful for them to purchase the said lands at redeemable quit rent, during which they shall pay the five per cent. yearly.

ART. 25. Beside the moderate price which [the] land ought to be taxed, the purchasers shall be held to pay down the right of *media annata* or half years, to be remitted to Spain, which, according to the custom of Havana, founded on law, is reduced to two and a half per cent. on the price of estimation, and made eighteen per cent. on the sum, by the said two and a half per cent.; they shall also be obliged to pay down the fees of the surveyor and notary.

ART. 26. The sales of the land shall be made subject to the same condition and charges of banks, roads, ditches, and bridges, contained in the preceding article. But the purchasers are not subject to lose their lands if in the first three years they do not fulfil the said conditions. Commandants and

syndics shall oblige them to put themselves within the rule, begin to perform the conditions in a reasonable term, and if they do not do it, the said work shall be done at the costs of the purchasers.

ART. 27. Care shall be taken to observe in the said sales that which is recommended in the eleventh article, seeing the advantages and utility which result from consolidating the establishments always when it is practicable.

ART. 28. The titles to the property of land which are sold or granted by way of compromise shall be issued by the general intendant, who, after the price of estimation is fixed, and of the *media annata*, (half year's,) or rent, or quit rent, the said price of estimation shall have been paid into the treasury, shall put it in writing, according to the result of the proceeding which has taken place with the intervention of the King's attorney.

ART. 29. The said procedure shall be deposited in the office of the finance, and the title be transcribed in another book intended for the recording of deeds and grants of land in the same manner as is ordered by the 17th article concerning gratuitous concessions. The principal chamber of accounts shall also have a separate book, to take a note of the titles issued for sales and grants under compromise.

ART. 30. The fees of the surveyor, in every case comprehended in the present regulation, shall be proportionate to the labor, and that which has been customary till this time to pay. Those of the secretary of finances, unless there be extraordinary labor, and where the new settlers are not poor (for in this case he is not to exact anything of them) shall be five dollars, and this shall include the recording and other formalities prescribed, and those of the appraisers and of the interpreters, if on any occasion there is reason to employ him to translate papers, take declarations, or other acts, shall be regulated by the ordinance [*tariff*] of the province.

ART. 31. Indians who possess lands within the limits of the government shall not in any manner be disturbed; on the contrary, they shall be protected and supported, and to this the commandants, syndic, and surveyors ought to pay the greatest attention to conduct themselves in consequence.

ART. 32. The granting nor sale of any lands shall not be proceeded in without formal information having been previously received that they are vacant, and to avoid injurious mistakes we premise that, besides the signature of the commandant or syndic of the district, this information ought to be joined by that of the surveyor and two of the neighbors well understanding. If, notwithstanding this necessary precaution, it shall be found that the lands have another owner besides the claimant, and there is sufficient reason to restore to him, the commandant or syndic, surveyor and the neighbors, who have signed the information, shall indemnify him for the losses he has suffered.

ART. 33. As far as it shall be practicable the inhabitants shall endeavor that the petitions presented by them to ask for lands be written in the Spanish language, on which they ought also to write the advice or information which the commandants have given. In the posts where this is not practicable the ancient usage shall be followed.

ART. 34. All the lots or seats belonging to the domain, which are found vacant either in this city, or boroughs, or villages already established, or which may be established, shall be sold for ready money, with the formalities prescribed in the article 24th, and others which concern the sale of lands.

ART. 35. The owners of lots or places which have been divided, [*repartis,*] as well those in front as towards the NE. and SW. extremities, NE. and SW. shall, in three months, present to the intendency the titles which they have obtained, to the end that, in examining the same, if any essential thing is wanting, they may be assured of their property in a legal way.

ART. 36. The same thing shall be done before the sub-delegates of Mobile and Pensacola; for those who have obtained grants for lots in these respective establishments, to the end that this *intendency*, being instructed thereon, may order what it shall judge most convenient to indemnify the royal treasury, without doing wrong to the owner.

ART. 37. In the [contadoria] office of the comptroller, contadoria of the army, or chambers of accounts of this province, and other boards under the jurisdiction of this intendency, an account shall be kept of the amount of sales or grants of lands, to instruct his Majesty every year what this branch of the royal revenue produces, according as it is ordered in the 13th article of the ordinance of the King, of the 15th of October, 1754.

ART. 38. The commandants or syndics, in their respective districts, are charged with the collection of the amount of the taxes or rent laid on lands for this purpose; the papers and necessary documents are to be sent to them and they ought to forward annually to the general treasury the sums they have collected, to the end that acquittances clothed with the usual formalities may be delivered them.

And that the present regulation may come to the knowledge of everybody, and that the thirty-eight articles of which it is composed may have their full and entire effect, until it pleases his Majesty to order otherwise; it shall be translated into French by M. Pierre Derbigny, the King's interpreter, shall be printed in the two languages, forwarded to all places and posts within the jurisdiction of this intendency; that the commandants, as sub-delegates thereof, shall make it known to the inhabitants in the usual form, and that it be published in this city; there shall also be sent a copy to M. the governor, and to the most illustrious cabildo, to the end that they please to lend their aid in the execution of that which has been before ordered, conformably to the laws and ordinances which have been made on this subject, and in the persuasion that this can be done without injury to the King's interest, and tend the more to the encouragement, the welfare, and prosperity of his subjects in this colony.

JUAN VENTURA MORALES.

NEW ORLEANS, *July* 17, 1799.

Refusal of the Intendant to sell lands, &c.

NEW ORLEANS, *April* 3, 1800.

I have to reply to your communication No. 9, that I cannot at this time consent to the sale of lands, in the manner and under the circumstances requested; and I have to make the same reply to that of the 6th February last, No. 8, in which you ask for 100,000 arpents. God preserve you, &c.

RAMON DE LOPEZ Y ANGULA.

DON HENRY PEYROUX, *Commandant at New Madrid.*

A further refusal, because the proposals appear speculations hurtful to poor people, &c.

NEW ORLEANS, *April* 3, 1800.

It was never the intention of the King to dispose of the lands in such large quantities, and under such circumstances as are stated in your letter of the 9th of February last, No. 9, and the petition of the inhabitants accompanying it.

It is true that in the new regulation there are provisions made for the sale of lands in the manner referred to ; but it is only under the previous formalities there specified, and with a reference to the ability and forces of the persons desirous of purchasing, because it would not be just that, for a small consideration, one or more speculators should make themselves masters of a great extent of lands, to the prejudice of others coming to settle, and who consequently find themselves driven to purchase those lands which they might otherwise have obtained free of expense.

For these reasons, I cannot at present accede to the before-mentioned proposal, which you will make known to the parties concerned. God preserve you, &c.

RAMON DE LOPEZ Y ANGULA.

Don HENRY PEYROUX.

Communication of the decease of the assessor of the intendency, and no receiving petitions for public land till another is appointed.

NEW ORLEANS, *December* 1, 1802.

On account of the death of the assessor of this intendency, and there not being in the province a learned man who can supply his place, I have closed the tribunal of affairs and causes relating to grants and compositions of royal lands, as the 81st article of the royal ordinance, for the intendants of New Spain, provides that for conducting that tribunal, and substantiating its acts, the concurrence of that officer shall be necessary.

I make this communication to apprise you of this providence, and that you may not receive or transmit memorials for the grant of lands until further orders. God preserve you, &c.

JUAN VENTURA MORALES.

Don. HENRY PEYROUX.

No. 27.

[Translation.]

SAN LORENZO, *October* 22, 1798.

In a royal order of this date I communicate the following to the governor of this province : "The King has been pleased to resolve, after having seen your letter of the 31st of August of last year, No. 3, addressed to the Prince of Peace, and another letter from the intendant, ad interim, of this province, of the 16th of October of the same year, No. 174, respecting the power of granting and distributing the King's lands in the district under your command, which power was vested in the political and military government, since the royal order of the 24th August, 1774 ; that, with a view to the good of the service, and for the better fulfilment of what is contained in the 81st article of the royal ordinance respecting the intendants of New Spain, the power of granting and distributing all kinds of lands be restored to, and made the particular province of, the intendency of this province, with inhibition to other authorities, in conformity to the legal provisions of the laws : consequently, the power of making such grants, heretofore vested in the government, is repealed and abolished, and shall henceforth reside in the intendency." This resolution is communicated to you for your information and its due fulfilment.

God preserve you many years. SOLER.

The INTENDENT *ad interim of Louisiana.*

ARANJUEZ, *May* 29, 1804.

The King has been pleased to approve the disposition, by sale, which you have made of some royal lands in the district of Baton Rouge, with the agreement of his Majesty's commissioners for delivering this province; and I communicate the same to you for your information, by royal order, in reply to your letter of the 5th December of last year, No. 265.

God preserve you many years.

SOLER.

Señor Don JUAN VENTURA MORALES.

ARANJUEZ, *February* 20, 1805.

The King having been made acquainted with the contents of your confidential letter of the 31st July last past, No. 48, in which you state that the commandant of Pensacola, Don Vincente Folch, had given orders to the governor of Baton Rouge not to allow any lands to be located after the 20th of June without his order, nor to grant possession of those which had been sold by the intendency since the 18th May, 1803, from which have resulted the damages which you mention, his Majesty has directed me to communicate to said commandant, as I accordingly do, under this date, the provisions of the royal orders of the

22d October, 1798, 14th November, 1799, and 29th May, 1804, declaring, consequently, that you should bring to their conclusion such cases as are now depending respecting grants of land, and such others as may arise; and his Majesty hopes that you will employ your well-known zeal in drawing from that branch all possible advantages for the benefit of the royal treasury. All which I communicate to you, by order of his Majesty, for your information. God preserve you many years.

SOLER.

The INTENDANT *ad interim of Louisiana.*

PENSACOLA, *August* 25, 1812.

The three foregoing copies are conformable to the royal orders existing in the archives of the office of the secretary of the general intendancy of this province, which is under my charge; all which I certify.

FRANCISCO GUTIERREZ DE ARROYO.

Don JUAN VENTURA MORALES,
Intendant of Province, and, ad interim, in this of West Florida, Deputy Superintendent General of the Royal Treasury, Judge of Arribadas of Public Lands and Domains, &c.

I certify that the preceding signature of Don Francisco Gutierrez de Arroyo is that which he habitually uses in all his writings, whether judicial or extra-judicial, and that full faith and confidence are due thereto. In testimony whereof, I give these presents, signed with my hand, sealed with my arms, and countersigned by the said secretary, in Pensacola, the twenty-sixth of August, one thousand eight hundred and twelve.

JUAN VENTURA MORALES. [L. S.]

FRANCISCO GUTIERREZ DE ARROYO.

No. 28.

CLAIMS REPORTED BY COMMISSIONERS.

Opelousas claims.

No. 1.

Pierre Arceneaux claims one-third part of the land lying between the Coulé d'Aigle and Frederick Monton's land, being in depth forty arpents. This land was purchased by the said Pierre from Frederick Monton, who purchased from an Indian chief of the tribe of Attacapas. The notice of this claim is accompanied by the following documents: 1st. A certified copy of a deed of sale by Achenoya, chief of the Attacapas tribe of Indians, vested with power by Jacob Latortue, jr., and Baptiste, (as set forth in said deed of sale,) to Frederick Monton, for a tract of land in the quarter called Bayou de Blanc, in the county of Opelousas, bounded on one side by other land of the purchaser, and on the other side by the Coulé d'Aigle, with the depth of forty arpents, for the consideration of one hundred and fifteen dollars; sale passed 29th July, 1802, before Honoré de la Chaise, then acting as commandant for the post of Opelousas. 2d. A sale by the said Frederick Monton to the said Pierre Arceneaux, passed the 5th October, 1804, before the said Honoré de la Chaise, then styling himself "commandant for the United States of America" of the post of Opelousas, for one-third part of the land purchased by the said Monton from the Indians, to be taken next to the Coulé d'Aigle. No evidence has been adduced in this claim to establish a title by occupancy; it is, therefore, to be inferred that the claimant relies on the validity of the Indian title, and presumes the transfer passed before the commandant to be good and sufficient. It may not be improper here to inquire whether, and how far, this case, and others similarly circumstanced, may be affected by the laws of the United States, restraining the purchasing of the lands of Indians by unauthorized individuals. By an act of Congress passed 30th March, 1802, "for regulating trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," it is enacted that no grant, lease, or other conveyance of lands, or any title or claim thereto, from any Indian or nation, or tribe of Indians, within the boundaries of the United States, shall be of any validity, unless made by treaty or convention, made pursuant to the Constitution. And it is made a misdemeanor, punishable by fine and imprisonment, for any person not employed under the authority of the United States to negotiate any treaty or convention with Indians, or treat with them for the title or purchase of any lands held by them.—(See the twelfth section of the above recited act.) The provisions of the statute above quoted were, by an act of Congress passed the 26th March, 1804, entitled "An act erecting Louisiana into two Territories," &c., extended to the Territories, to take effect from and after the first day of October, 1804. Anterior to the said first day of October an act passed the 31st October, 1803, entitled "An act to enable the President of the United States to take possession of the territories ceded by France to the United States, and for the temporary government thereof," was to remain in force. By the last-mentioned act, neither the right of the Indians to sell, nor of any individual to purchase from them, has been interdicted or restrained. No doubts, therefore, can exist of the Indians within the limits of Louisiana having had the same right to pass sales of their lands at any time previous to the first day of October, 1804, that they enjoyed whilst Louisiana continued to be a colony of Spain; such sale, however, could only vest in a purchaser the kind of title which the Indians held. It, therefore, becomes necessary next to examine the nature and tenure of the Indian title to land in Louisiana. The Spanish functionaries seem to have made a distinction between Indians who had partaken of the rites of baptism and the ordinary tribes or nations of Indians within the limits of Louisiana. The former were denominated "Christian Indians," a term usually, if not invariably, incorporated in the body of the instrument by which their titles to lands were transferred to others. These Indians seem to have been considered capable of holding and enjoying lands in as full and ample a manner as any other subjects of the crown of Spain. That the tenure of the title of lands held by Indians not denominated Christians may be more clearly comprehended, and that repetition may be avoided in the progress of this report, the undersigned commissioners think it necessary here to insert such extracts, both from the testimony adduced and written documents filed in other claims held under purchase from

Indians, as may appear in any degree applicable to the one under consideration, to which they may find it convenient and useful to make frequent references in their remarks on other claims similarly circumstanced. From testimony given in the claim of Thomas Nicholson (which will be reported among the claims in the county of Attacapas) by Louis C. de Blanc, esq., formerly exercising the office of commandant, civil and military, for the district of Natchitoches, and afterwards the same office for the district of Attacapas, the following is extracted: "The right of the Indians to sell their lands always was recognized and admitted by the Spanish government." "We always consider the title from the Indians to their villages the best of titles, because the original property of the soil was in them, and when this country was conquered the laws of the conquerors were enforced, but the property of the aborigines was held sacred. Hence the difference between the titles of Indians and other subjects. The other subjects who wanted land must demand and have a written title; it was not necessary for the Indians, because they already held a title to the land they claimed. Their title originated in first occupancy, cultivation, and settlement. The Indians never claimed other lands than their villages, and when they did, it was given them by the government. There never was any instance of the government of Spain taking land from Indians, especially their villages. Even when the Indians had abandoned some old villages, because their hunting was exhausted, and had established new ones by the grant of the Spanish government, their villages deserted were always considered as their property, subject to their disposal, and the inhabitants never suffered to settle there, but were always driven off. There was no time fixed in which a deed must be presented for approbation. It could be presented in one year or a hundred years, and it would always receive the sanction of government. The laws made it necessary, when the Indians sold their lands, to have the deeds presented to the governor for approbation. This was only a form, as the governor, in all cases, approved, and never refused. The villages of the Indians never consisted of less than a league, and often two leagues or more, in front, and it was the custom of the Spanish government, whenever they granted land to Indians, to give them a league or more square."

In the claim of Miller and Fulton for a tract of land on Bayou Bœuf, in the county of Rapides, purchased from Indians, which will be reported by the register and receiver of this district, pursuant to the provisions of an act of Congress passed the 27th of February, 1803, will be seen the testimony of Mr. Charles Laveau Trudeau, many years surveyor general of the province of Louisiana, under the Spanish government, from which the following is extracted: "The deponent knows of no ordinances or regulations under any governor of Louisiana, except O'Reilly, by which the Indians inhabiting lands in the province were limited in their possessions to one league square about their villages; but this regulation has not been adhered to by any of his successors. The deponent knows that the custom was, that when a tribe of Indians settled a village by the consent of the government, the chief fixed the boundaries; and where there were one or more neighboring villages, the respective chiefs of those villages agreed upon and fixed the boundaries between themselves; and when any tribe sold out its village, the commandant uniformly made the conveyance according to the limits pointed out by the chief. The land claimed by the Indians around their villages was always considered as their own, and they were always protected in the unmolested enjoyment of it by the government against all the world, and has always passed from one generation to another so long as it was possessed by them as their own property. The Indians always sell their land with the consent of the government; and if, after selling their village and the lands around it, they should, by the permission of the government, establish themselves elsewhere, they might again sell, having first obtained the permission of the government, and so on, as often as such permission was obtained, and no instance is known where such permission has ever been refused or withheld. These sales were passed before the commandant of the district, and were always considered good and valid without any order from the commandant."

In the claim of Miller and Fulton for land on Bayou Bœuf, the following is an extract from the testimony of Mr. Valentine Laypard, late commandant under the Spanish government for the post of Rapides: "The deponent has never known a smaller quantity than a league square of land to be assigned to any one tribe of Indians, let their numbers be what they might; and in one case, viz: the Apalachie tribe, (a small tribe,) a much larger quantity than a league square, of the first quality, and situation on Red river, was assigned to them."—(See Rapides Reports, No. 125.) Extract from the testimony of the same person in the claim of Miller and Fulton for land on Red river: The deponent saith "that he had been agent of Indian affairs for many years, under the Spanish government, for the post of Rapides, spoke the language of the Indians, &c.; that in the year 1803 the Apalachie and Tensaw tribes of Indians came to the deponent, as Indian agent, to inform him of their having sold their land to Miller and Fulton, and requested him to pass the sale; that the deponent replied to the Indians that neither himself nor they could dispose of or convey their lands without the authority and approbation of the governor of the province." By referring to the documents filed in the claim, it will be seen that application was made to the governor, who gave his written permission for the chief to sell, with the consent of his nation.—(See Rapides Reports, No. 126.)

In the claim of Patrick Morgan and Daniel Clark for a tract of land in the county of Attacapas, which will be reported among other claims of the said county, it will be seen that a Mr. Fuselier de la Clair had purchased from Rinemo, chief of the Attacapas village, called in French "Lamonier," the said village and land depending thereon, of two leagues in front from north to south, limited on the west by the river Vermilion, and on the east by the river Techè. This sale was passed in November, 1760, when Louisiana was subject to France; and being executed before Mr. Kerlerie, then governor of the province, is evidence that the consent of the governor to sales passed by the Indians was at that date considered necessary to their validity. About the same time that the above sale was passed, three or four other purchases were made from the Indians of the Attacapas, by which a very large portion of the land of that district, and nearly or quite all of the valuable lands on the river Teché were embraced. After Louisiana had changed sovereigns, and became a colony of Spain, the Count De O'Reilly, the first governor of the province under the Spanish monarchy, passed regulations or ordinances, by which no grant for land in Opelousas, Attacapas, or Natchitoches, could exceed one league square. It would seem that in some cases these regulations were intended to have a retrospective operation; for we find that Mr. De la Clair, in the year 1770, petitioned the governor for a grant of one league front by a league in depth, expressly admitting in his petition that the sale from the Indians "was not sufficient to assure to him the property of the said land." On this petition, the said Governor O'Reilly, on the 2d of March, 1770, made what was denominated a provincial concession, ordering the surveyor to make out the limits to the petitioner of a tract of land of one league in front by a league in depth. In like manner have the other purchases from the Indians been reduced to one league square, the surplusage not having been considered

as reverting to the Indians, but as making a part of the royal domain, which has been granted from time to time, as it may have been petitioned for by other individuals.

In the claim of Stephen Lynch, (Rapides Reports, No. 108,) it will be seen that Lynch purchased from the attorney in fact of the Reverend Mr. McGuire, who purchased from Indians, and is to be entitled to receive nothing in payment from the purchaser until the sale made by the Indians to McGuire shall have been ratified by the governor. In the same claim a document is filed which appears to be a transcript of a judicial investigation and decision of the conflicting claims of the said Lynch and a man named Carrigan, before Cæsar Archinad, alcalde of the district, who has decided that Lynch's title is good, provided Carrigan shall not be able to produce a prior conveyance from McGuire or his attorney, and provided, also, that the sale from the Indians to McGuire shall be ratified by the government.

In the claim of Joseph Gillard, (Rapides Reports, No. 57,) in passing the sale from the Indians to Collin Lacour, the commandant of Natchitoches, before whom it was executed, Louis C. de Blanc has inserted a condition, making it necessary that the deed should be presented to the governor general of the province for his approval and confirmation.

In the claim of John Lyons for a tract of land on the Bayou que de Tortue, purchased from an Indian of the Attacapas tribe, named Celestine, the commandant who wrote the deed of sale, and before whom it was executed, (Louis C. de Blanc,) has included a provision whereby it was made necessary to present the deed for the approbation of the governor general of the province. In the foregoing document strong evidence is perceived of the general understanding that the sanction of the governor of the province, whilst Louisiana continued to be a Spanish colony, was necessary to the validity of all sales made by Indians other than those denominated Christians; and it necessarily results that titles held under such sales were inchoate until that sanction was obtained. The sales by the Indians transferred the kind of right which they possessed. The ratification of the sale by the governor must be regarded as a relinquishment of the title of the crown in favor of the purchaser. May the Indians, on account of being the aborigines of the country, be considered as having, at all times, had a right to the unappropriated or unoccupied lands? And can their sales of lands which they did not occupy be taken as vesting in a purchaser an indefeasible title? It will be noticed that, in the extract made from the testimony of Mr. De Blanc, there is an assertion that the title of the Indians, especially to the lands, including their villages, was considered, under the Spanish government, as "the best of titles;" and that this title was held sacred on account of their being the aborigines of the country. The same witness has also said that even the villages abandoned by the Indians were afterwards regarded as their property, and subject to their disposal. The undersigned commissioners do not perceive the orthodoxy of these assertions. If the Indian title really possessed the dignity which Mr. De Blanc has assigned to it, a formal extinction of that title, by treaty or purchase, by the French or Spanish governments, ought to have preceded all grants made by either of these governments, because there was not perhaps a spot of the country susceptible of settlement which the roving natives had not, at some past period, occupied It will be observed that in another part of his testimony Mr. De Blanc has insinuated that this country was conquered from the Indians. The inquiries and researches of the undersigned, however, afford them no evidence of any fact which can induce them to consider the country as having been acquired by conquest; on the contrary, the Indians seemed to have permitted European emigrants to usurp the sovereignty of the country without making any opposition to them; and the right thus obtained by the crown of France, and afterwards transferred to that of Spain, has acquired force and validity by prescription—has been legitimated by the tacit acquiescence of the natives in that usurpation. If it should be asked what evidence exists of the law of prescription operating to the extinction of the Indian title to lands in Louisiana, it might be replied that the evidence is to be found in the various acts of the Spanish government in relation to the Indians, evincing that the government recognized no title in them independently of that derived from the crown—a mere right of occupancy at the will of the government; else why was the sanction of the government necessary to all sales passed by Indians, which may be clearly established by a recurrence to written documents, and the testimony of Messrs. Trudeau, De Blanc, and Laypard? And why was it not necessary to have such sanction of the sales made by other subjects of the Spanish government? The force and effect of prescription, in abolishing the Indian title to lands in Louisiana, is further established by the Indians permitting themselves to be removed from place to place by governmental authority; by their condescending in some cases to ask permission of the government to sell their lands, and, when that permission was not solicited, assenting to the insertion of a clause in the deeds of sale expressly admitting that their sales could be of no validity without the ratification of the government. "There was no time fixed," says Mr. De Blanc in another part of his evidence, "in which a deed must be presented for approbation. It might be presented in one year, or a hundred years, and would always receive the sanction of the government." Would it not be a very preposterous regulation, under any form of government, and very unlikely to have existence under a monarchical one, that should require the acts of an inferior to be submitted to a superior officer for his scrutiny and approbation, and at the same time deny to such superior the right of rejection? That, therefore, the governors of the Spanish colony of Louisiana had the right not only of rejecting Indian sales, but of actually annihilating them, it is conceived will not be denied; nor is it at all probable that the governors, either, would always sanction, or have always sanctioned, such sales. Let it be remembered that in the whole extent of the western district there are not more than three out of the many sales made by Indians since Louisiana became a colony of Spain which are known to have received the governmental sanction. And let it be known, also, that a sale that may have been rejected by any governor would not have been exhibited to the board of commissioners as evidence of title. Therefore, although the board of commissioners have no means of producing any proof of the rejection of any Indian sale, it does not follow that none have been rejected. The practice by Governor O'Reilly of reducing the quantity of land embraced by sales which had been made by Indians under the sanction of the government, when Louisiana was a colony of France, was much more arbitrary. But if it could be established that no Indian sale was ever rejected by the Spanish government, this would only prove that none had been presented but such as were admissible; not that a case might not occur which would demand the exercise of the governor's negative. Suppose, for example, a sale from the Opelousas Indians, at a time when that tribe had dwindled down to not more than twenty persons, which should embrace half the unoccupied lands in the county of Opelousas, can it be imagined that such a sale would not have been rejected by any governor of Louisiana? Many of the sales from the Attacapas Indians were obtained about the time of the change of government by which Louisiana was transferred to the United States, some of them subsequent to that change, and at a time when it is known from good information that those Indians were reduced to one single village, the inhabitants of which were

short of one hundred. In some cases, as will appear by the subjoined schedule of Indian sales, six or eight distinct tracts have been sold by the same individual Indian. Is it not probable that if sales had been passed under circumstances such as are stated above, before the change of government, or prospect of such a change, they would have been rejected? Although no time may have been prescribed within which the sales of Indians were to have been presented for ratification, the purchasers could not have been ignorant that the regulations required that they should be presented at some time for ratification, because the condition was generally expressed in the face of the deed; and therefore they must have known that those titles were incomplete at all times before the ratification. The undersigned commissioners are of opinion that there is a wide difference between the titles of such persons as have purchased lands from Indians which such Indians were actually occupying at the date of their sales, and the titles and claims of persons who purchased from Indians not in the actual occupancy of the land at the date of their sales. Purchasers of the first description, although the deeds of transfer may not have been presented, and, of course, could not have received the governmental sanction, may be considered as having extinguished the kind of title which the Indians enjoyed, and are, therefore, in the opinion of the commissioners, equitably entitled to so much, at least, of the land claimed as would be a full indemnity for the consideration paid for it. Purchasers of the second description would not, in the opinion of the board, be entitled to any remuneration, because it is conceived the Indians in such cases were selling a thing to which they had no kind of title. The investigation of claims for land purchased from Indians seems to have brought into view four distinct classes: First, claims for lands purchased from Indians denominated Christians, whose sales are generally for small tracts of such extent as an Indian and his family might be supposed capable of cultivating, passed the proper Spanish officer and duly filed of record. These sales are believed to have been valid, by the usages of the Spanish government, without ratification being necessary. Secondly, claims for lands purchased from some tribe, or chief of some tribe, of Indians, the sale of which may have been ratified by the governor of the province. These are also considered as valid—the Indian sale transferring their right—the ratification by the governor being regarded as a relinquishment in favor of the purchaser of the right of the crown. Thirdly, claims for lands purchased from Indians of the description last mentioned, who, from the evidence adduced before the board, shall appear to have been in the actual occupancy of the land at the date of the sale, but whose deeds of sale may not have been presented for the ratification of the governor. In this case the Indians are considered as having transferred only the right of occupancy, which they held at the will of the government. The title is incomplete, but the purchaser supposed to have an equitable claim for the confirmation of his title to so much of the land claimed as would be a full indemnity for the consideration he may have paid. Fourth, and lastly, claims for lands sold by Indians of the last description who did not occupy them at the date of their sales, and whose sales have not been ratified by any governor of Louisiana. Such sales are considered as vesting no titles in the purchasers, (unless accompanied by some equitable circumstance in their favor,) and, in the opinion of the board of commissioners, ought not to be confirmed. Of this last class is the claim at present under consideration, unattended by any circumstances known to the board of commissioners which might entitle it to a confirmation.

LAND OFFICE AT OPELOUSAS, *State of Louisiana, January* 27, 1826.

I do hereby certify the foregoing to be a true and correct copy of the original, filed and of record in my office. Reported by the board of commissioners appointed for the purpose of ascertaining and adjusting titles and claims to lands in the western district of the Territory of Orleans, now State of Louisiana, in their report of claims for the county of Opelousas, on the 6th of April, 1815, to the honorable Albert Gallatin, Secretary of the Treasury of the United States.

And I do hereby further certify that the same has been acted upon and approved by act of Congress, passed the 29th day of April, in the year 1816.

[L. S.] Given under my hand and private seal, at my office aforesaid, the day and year aforesaid.

VALENTINE KING, *Register.*

No. 29.

I, Joseph E. Caro, keeper of the public archives of West Florida, duly qualified and commissioned by the President of the United States of America, do hereby certify that, on an examination of the official acts in my possession of the governors of West Florida in the original records, it appears that the following named persons have acted as civil and military governors, to wit:

Arturo O'Neill, from May, 1781, until November of the year 1792.
Enrique White, from August, 1793, until November of the year 1795.
Francisco de Paula Gelabert, from May, 1796, until September, 1796, as *ad interim.*
Vizente Folch y Juan, from November, 1796, until March of the year 1809.
Francisco Maximiliano de St. Maxent, from March, 1809, until May of the same year, as *ad interim.*
Vizente Folch y Juan, from May, 1809, until October of the same year.
Francisco Maximiliano de St. Maxent, from December, 1809, until October, 1810, as *ad interim.*
Francisco Collell, from October, 1810, until February, 1811, as *ad interim.*
Francisco Maximiliano de St. Maxent, from April, 1811, until June, 1812, as *ad interim.*
Mauricio Zuniga, from July, 1812, until April of the year 1813.
Matheo Gonzales Maurique, from May, 1813, until August of the same year.
Matheo Gonzales Maurique, from August, 1814, until February, 1815.
Joseph de Soto, from February, 1815, until March, 1816.
Mauricio de Zuniga, from March, 1816, until September of the same year.
Francisco Maximiliano de St. Maxent, from September, 1816, until November of the same year, as governor *ad interim.*
Joseph Masot, from November, 1816, until May of the year 1818.
Joseph Maria Callava, from February, 1819, until July, 1820.

[L. S.] In testimony whereof, I have hereunto set my hand and affixed the seal of my office at the city of Pensacola, this 3d day of December, in the year of our Lord 1828.

JOSEPH E. CARO,
Keeper of the Public Archives.

No. 30.

In an official communication of the 21st I am informed by the Count del Campo de Alange that there having occurred a vacancy in the civil and military command of Pensacola by the promotion of Colonel Don Enrique White, the King has been pleased to confer the same on the Lieutenant Colonel Don Vicente Folch, with three thousand dollars per annum, which are assigned to that charge. I inform your excellency of his royal order for your information, it being communicated by the minister of war to the captain general of these provinces for its compliance. God preserve your excellency many years.

GARDOQUI, *Intendant of Louisiana.*

ST. YLDEFONSO, *September* 26, 1795.

NEW ORLEANS, *February* 3, 1796.

Let this be transmitted to the general office of the army and royal domain for its information, and let there be two certified copies transmitted to this intendancy.

RENDON.

This is a copy of the original royal order which remains in the general office of the army, under my charge, to which I certify, and this is abstracted to be transmitted to the secretary's office of the intendancy general, in compliance with the antecedent decree.

JUAN VENTURA MORALES.

NEW ORLEANS, *February* 3, 1796.

No. 31.

[Translation.]

Letter and certificate of Governor Quesada's taking command of East Florida.

I transmit to the hands of your excellency the certificate in proof that on the same day, the 7th instant, on which I arrived at this port, was delivered to me, in consequence of the royal order of the 20th of January of the year last past, the command of this city and its province, with which the immense goodness of the King has been pleased to reward my limited deserts; and I communicate it to your excellency that you may be pleased to give notice thereof to the royal and supreme council of these Indies.

May God preserve your excellency many years.

SEÑOR DON ANTONIO VENTURA DE FANANIO.

ST. AUGUSTINE, *Florida, July* 13, 1790.

[Indorsed.—No. 80.]

To the secretary of the royal and supreme council of the Indies, remitting to him the certificate in proof that the command of this city and its province was delivered to me on the 7th instant.

[Enclosed in the annexed copy of a letter is the following original document, marked O.]

Don Domingo Rodriguez de Leon, notary pro tem. of government, war, and the royal domain of this city and province of St. Augustine, East Florida.

I certify, attest, and give true testimonial that on the seventh of the present month of July of this year, his excellency Don Juan Nepomuceno de Quesada, colonel of the royal armies, took possession of the government of this city and province and of its fortresses and frontiers, from the hand of his excellency Don Vizente Manuel de Zespedes, brigadier of the royal armies, who has been governor and captain general thereof, according to the royal commission of rank as such governor, which he presented. In proof of which, by order of his excellency, I give these presents on common paper, the stamped not being in use.

DOMINGO RODRIGUEZ DE LEON,
Notary of Government and Royal Domain.

ST. AUGUSTINE, *Florida, July* 13, 1790.

Don Gonzalo Zamorano, comptroller of the army and royal domain, and Don Dinas Cortes, sub-officer of the same, certify for want of notaries that Don Domingo Rodriguez de Leon, by whom the foregoing certificate appears signed and sealed, is such notary as he styles himself, faithful, legal, and worthy of confidence, follows and exercises it with approbation, and to such as him full faith and credit has been given, and is given, judicially and extrajudicially.

GONZALO ZAMORANO.
DINAS CORTES.

ST. AUGUSTINE, *Florida, July* 13, 1790.

No. 32.

[Translation.]

Governor White's letter.

SEÑOR CAPITAN GENERAL: Don Gideon Dupont, having gone to the United States of America in November or December, 1802, taking with him eleven negroes belonging to his father, who, in April of the same year, had changed his abode to that country, where he died, which negroes had remained

mortgaged in this place to answer for certain debts he had contracted, has now returned, claiming part of the lands which were granted to his said father, and had been since granted to others. His change of domicil having been public and notorious, and it being conformable to the ninth article of the edict respecting concessions of land, published on the 12th of October, 1803, which I have transmitted to your excellency in my official letter, No. 677, index 65—from this incident, and the said article not providing to whom should belong the buildings or improvements on the lands abandoned or not cultivated for the two years prescribed in it, the doubt occurred to me whether they belonged to the King or to him who changed his abode, abandoned or did not cultivate the lands, or to him to whom they were last granted, and judging proper to hear my assessor general on the subject, I transmitted to him the official letter marked No. 1, to which he replied as your lordship will see in the document No. 2.

The answer of my assessor has not relieved me from the doubt which I proposed to him, and although I might have insisted on his answering me categorically, I have avoided doing so, that I might not enter into discussions which generate nothing but useless disputes in the endeavor to sustain the first opinion formed, and I, in consequence, determined what seemed to me most conducive to the interests of the King and to the improvement of the province, with a reservation of what your lordship may be pleased to direct, according to what the annexed edict (No. 3) will make known to you.

Should a person be asked what punishment the man would deserve who committed a murder, the answer would properly be that he deserved death, although he who kills another in his own defence or in other particular cases does not deserve it. In the same manner my assessor might very well have declared to me his opinion, whether or not the person who is proved to have changed his domicil, or has abandoned or not cultivated the lands within the two years pointed out, ought also to lose the improvements which might be on them, without confining to the variations and modifications which laws or general rules may have, according to the circumstances which occur in the particular cases of those whom I excepted, as did also the same assessor himself, when, with his knowledge and approbation, I established the general rules of the said edict of 1803, which I pray your lordship to have in view, as I am well persuaded that general laws or penalties are not always applicable to individual cases, although kings and princes establish them that they may serve for government of subaltern judges, who only know the facts and crimes committed in individual cases, exacting from them the observance, except when cases occur distinct from those which are present to the mind of the legislator.

Besides the analogous reasons which I have stated in my official letter No. 1 for considering the improvements referred to on abandoned or uncultivated lands as belonging to the King, I rest on another very powerful one, inasmuch as it interests the increase and improvement of agriculture, which is, that many continue working lands which perhaps they would abandon if they knew that they would have to be paid for the improvements by the individual to whom they were subsequently granted. On the other side, it being determined that they should lose the lands as a punishment for their abdication and carelessness in abandoning them for two successive years, it appears a necessary consequence that the lands, which are the principal, reverting to the royal patrimony, the improvements, which are accessory, should follow the same fate, although it would be convenient that the government should be able to give them to the person who may solicit the lands, if his merit and circumstances entitle him to said favor, which will serve as an incitement to agriculture. Surprised to see that Dupont considered himself to have a just title to reclaim lands, which, if his father, by going to the United States, had not abandoned, would not be hereditary until after ten years of uninterrupted cultivation, they are conceded to the grantee in absolute property, in which respect Dupont is deficient; and convinced that to listen to such pretensions would give occasion to numberless lawsuits, disturbing the quiet of good and *bona fide* settlers, who would not feel secured in their lands, even though they had possessed and cultivated them for successive years, and built houses on them, the circumstances under which this individual claims are particularly objectionable, as, after having taken the oath of allegiance on the 3d of June, 1802, and having had granted to him on the same day seven hundred acres of land for twenty-five negroes which he offered to introduce into the province, he returned to the United States, where he has constantly resided with his mother and sisters, and returned here solely for the purpose of asking for the lands of his father and selling them, as he explains in his petition, not with a view of establishing himself in the province, as is proven by his not having negroes in it, or having brought with him even one of the twenty-five which he offered.

It may be further remarked that the greater part of the lands claimed by Dupont were formerly granted to others; and attending to such pretensions as his would be the cause of hindering individuals from asking for lands, although they should see them uncultivated, lest they might be dispossessed of them, or exposed to an expensive lawsuit I have determined, in order to cut up by the root these inconveniences and abuses, restrained in a great measure by the said edict of 1803, to transmit to the King the memorials presented by Dupont on this occasion, with a certain plan in which I propose and establish the circumstances which ought to concur in the new settlers, that they may be considered as such, and in consequence enjoy the favors dispensed to them. The manœuvres undue and intrigues of a great number of those who, only in name and from having taken the oath of fidelity, style themselves new settlers, exact all the attention of government. There are individuals of this class who, having taken the oath, absent themselves from the province, and at the end of two or three years return with considerable cargoes, which they introduce without payment of duties, which expeditions they repeat, until, tired of this rotation, they disappear without having been in the province two successive months ; others are married, come and go without bringing their families; others, like comets, make their periodical revolutions until they disappear altogether; others hire out their lands which were granted to them and go strolling about; others absent themselves, as soon as the lands are granted to them, for the negroes they declare they possess, and at the end of years return, asking for them, without having brought any negroes with them, at a time when they are regularly granted to others. Lands are granted to others for the number of white and black workmen they offer; and then sending off the white people and selling or hiring out the negroes in different employments than those of the field, the lands remain desert and uncultivated; others become subject to take off cargoes of cedar wood, and the cargoes being finished, there is an end to the allegiance. Finally, Señor Captain General, this province has more the appearance of an American factory or colony than a Spanish province. It is a matter of deep regret to me that there is no Spanish individual whom I can commission to examine and consult with on the measures necessary for my decisions, since those who have some intelligence and are of any character step aside and enter into speculations, and others, prostituting themselves for the vile gain produced to them by the forming petitions and memorials, (as there are no regular professors here—all set up for attorneys and advocates,) patronize the villanies and intrigues of these knights of the post, fomenting and fostering lawsuits and processes for whomsoever they can, all

the profit redounding to themselves and the notary, and comprising the parties, who find themselves obliged to seek for money to pay the costs and for the work of their protectors by means not very regular, which again produce new lawsuits, forming in this manner a circle of dissensions which cease not until the ruin of the litigants is accomplished.

As these evils produce effects diametrically opposite to the intentions of the King, who so much desires the increase of the province in its population, agriculture, and commerce, I have collected in my plan referred to all that, after mature reflection, I believe would contribute to the sovereign intentions under present circumstances, and according to the experience which I have acquired during the nine years of my being on this post. May God preserve your excellency many years.

SENOR MARQUES DE SOMERUELOS.

St. Augustine, *April* 17, 1805.

No. 33.

[Translation.]

Governor Estrada to the captain general respecting a grant of lands within the Indian boundaries.

Most Excellent Sir: With my official letter of the 26th June last I stated to your excellency that I was taking the necessary information to complete the report required by your excellency on the memorial and plan presented by Don Cristoval Gios for the settlement of the south coast of this province, which report is as follows:

Don Cristoval Gios, a native of New Orleans, asks the King for the gratuitous concession of a territory situated on the west coast of this province from 29° to 24° 54′, with an extent from the coast to the interior of 15 leagues.

By the nicest calculation, this territory comprises six millions and a half of acres, English statute measure, which is used in this province.

1. The plan begins by bringing to the notice of government that there are on that coast the three ports of Espiritu Santo, Carlota, and San Carlos, which if settled and fortified would serve as points of defence and reunion against any hostile attempt—a truth which needs no demonstration.

2. The said plan goes on, that it would also be advantageous to the province that the Indians in these neighborhoods should be civilized, and that a high road be opened from the bay of Espiritu Santo to St. Augustine, between which points no communication exists at present.

3. He finally concludes with the undeniable fact that the province and royal treasury would also derive much advantage from the cultivation, rearing of stock, fisheries, and the timber and naval stores which would be drawn from this establishment.

I have understood that in the office of the captain general should exist the reports made by Señor Don Vicente Folch, in the year 179–, respecting the three ports referred to by the petitioner, said officer having been commissioned by the most excellent lord Don Luis de las Casas, by order of the King, to make plans of said coast, and examine carefully the points proper for establishments, so that nothing would remain to be further added on the subject, having before you said report, and that made to your excellency by Señor Don Enrique White, deceased, on the 3d of November, 1809, (letter No. 1,206,) in consequence of a similar petition made by Don Richard Reynal Keene.

That the civilization of the Indians of those parts would be beneficial to this province is undoubted; but as Don Cristoval Gios does not mention the means to be used for obtaining so laudable an end, I may be excused from discussing the subject; still I cannot but observe to your excellency that this government has never lost sight of this object, and I am of opinion that it can only be brought about by time. Man in the savage state approximates slowly to a state of civilization; and from what I have observed and the information I have received, these Indians will in a short time be obliged to apply themselves to grazing and tillage, from the scarcity of game. They already provide this city with the fresh meat consumed here, and many Indians have over a thousand head of cattle. The savage who from a hunter becomes a herdsman or laborer has passed the most arduous step towards civilization, and, but that the nation is now engaged fighting for existence with the tyrant of Europe, and consequently cannot spare funds from its defence for an enterprise of this nature, it would be easy for me to show your excellency that the only way to accelerate the civilization of the red people would be to continue, as hitherto, giving them a fair commerce and providing them from time to time with the implements of labor they may want, and especially to appoint a resident Indian agent, as the Anglo-Americans do, who would instruct them by his intelligence and by his example in agriculture; but this must be reserved for more happy times.

What Don C. Gios says in the third paragraph is undeniable; but the objection arises that he does not point out the means by which he proposes to execute so vast a project as the populating of such an extensive country. The eastern coast of this province is three-quarters part uninhabited, although every imaginable facility has been extended to the numerous settlers. Here lands are given gratis, and the title of proprietorship, after ten years' uninterrupted cultivation; and many or the greater part of the natives and foreigners already established, or who may come to establish themselves, would purchase them rather than delay the ten years, (a provision of this government,) for the purpose of enjoying at once the advantages of the absolute dominion to make use of them at will—all as I have represented to your excellency at length in my representation dated the 19th June last, letter 26. Here the new settler introduces all his property free of duties, and also will meet aid which Don Cristoval Dios cannot afford them; so that if any of his Majesty's subjects are desirous of emigrating to the American dominions they will find lands here as fertile as those of Espiritu Santo and a government already established capable of assisting and protecting them.

But the greatest objection to the project of Don Cristoval Gios remains to be examined, and it is that the lands he asks the cession of are not public; they are the property of the Indians, who look with much interest to any usurpation of them, however small it may be. The preservation of their lands is one of the bases of our friendship with them; and in all the harangues pronounced by the governors of this province they have been always promised the same treatment and privileges they had under the British government. That government ruled the land as a sovereign, but left the Indians the property of the soil,

except those places which they had acquired from the aborigines by purchase or by a solemn treaty made with the chiefs. The Anglo-Americans follow this same rule with the Indians who are under their dominion, and it is certain that the same rule has been religiously observed in the two Floridas, no white man being permitted to purchase land from the Indians without the intervention of the government to prevent frauds, and prohibiting strictly that any person should establish himself in the territory known as theirs.

In virtue of this, I am of opinion that unless Don Cristoval Gios obliges himself to purchase from the Indians the lands he pretends to, and that said purchase is made with the knowledge and in the presence of this government and interpreters appointed by it, his project is rather directed to compromise the tranquillity of this province, and therefore that perpetual silence on the subject should be imposed upon him.

God preserve your excellency many years.

Most excellent sir,

JUAN JOSÉ DE ESTRADA.

The most excellent lord MARQUIS DE SOMERUELOS.

ST. AUGUSTINE, *Florida, July* 29, 1811.

No. 34.

[Translation.]

From the captain general, answering that the proposal for alienating public lands cannot be acceded to, being prohibited in several royal orders.

HAVANA, *September* 14, 1811.

I have seen the letters of your excellency, Nos. 26 and 37, relative to the proposition that, under present circumstances, it would be useful to alienate to new settlers the public lands of that province on the terms which it expresses, and, in answer, I state to your excellency that such alienation of lands cannot take place, as, by a royal order of the 14th of November, 1804, the admission of citizens of the United States into the Floridas is prohibited; and, by another of the 31st of March, 1806, that the sales of lands which were made to foreigners in West Florida should under no pretext be continued.

God preserve your excellency many years.

EL MARQUES DE SOMERUELOS.

His Excellency the GOVERNOR *pro tem. of East Florida.*

No. 35.

[Translation.]

Letter to the governor of Florida, containing the royal order that the laws of the Indies respecting lands should be observed.

MADRID, *June* 8, 1814.

The King, desirous to prevent the doubts which have begun to be raised by reason of the decree of the 4th of January of last year, relative to the distribution of lands, and that all disputes may disappear which have arisen from the forgetfulness and want of observance of the provisions of the laws of the Indies and the ordinances of intendants, with serious injury to the royal treasury and the proprietors, who, agreeably to the same, have legally acquired them, *has been* pleased to command that the intendant comply exactly with what is directed in said ordinances respecting the alienation of lands, the proceeds of which, as well as of everything else of the royal domain, should be applied to the support of the expenses of the same; and that in their tribunals they attend to what is prescribed in the laws of the Indies, and particularly in the royal instruction of the 15th of October, 1754, not admitting the least recourse of a corporation or town against those lands which, being already laid off and measured, should be adjudged to their owners in virtue of a title of gift, composition, or purchase, as it is his Majesty's desire that interpretations to the contrary of this command should in no manner prejudice his royal interests, nor those of his loyal subjects in these dominions, which I communicate to your excellency by royal order, for your information, and that you may command its punctual execution.

God preserve your excellency many years.

GONGORA.

His excellency the GOVERNOR *of St. Augustine, Florida.*

No. 36.

[Translation.]

The governor of East Florida to the Marquis Someruelos.

ST. AUGUSTINE, *Florida, June* 19, 1814.

MOST EXCELLENT SIR: The deplorable condition in which this place and province are at the present time, and the fact that out of the one hundred and fifty-one thousand and thirty-one dollars four reals annually appropriated, nine hundred and twenty-five thousand one hundred and thirty-three dollars and one

and a half reals were due to them at the end of April last, compel me to devise some means of relief from the embarrassments in which they are constantly involved from the want of funds necessary to supply their immediate wants, such as the purchase of provisions, the pay of the 3d battalion of Cuba, annual presents to the Indians, and the discharge of the accumulating dues to the officers of the royal treasury, invalids, Florida pensioners, and to the heads of families of those settlers who are entitled to daily alms and stipend, and whose clamors are so continual that they would move the most obdurate heart with compassion.

The greater part of the commerce of this province at the present time is carried on in British vessels coming to the port of Fernandina, Amelia island, for the purpose of taking timber and carrying it to England, paying the slight duty of 7½ per cent., levied upon a moderate valuation. This timber is felled by the inhabitants wherever they please, without any restrictions; and the Americans, our neighbors, receive the benefit of the greater portion, without paying any duty to us, as they cut the timber clandestinely; and to this is added the inconvenience of the impracticability to prevent it, on account of the desert state of the country where said timber is found.

I am of opinion that, in order to secure to the King that which belongs to him, some useful provision might be made for the welfare of this province; and it is this: that as in West Florida, where, in order to assist the royal chest, which, perhaps, is not so embarrassed as this, a determination has been adopted to sell, indistinctly, to natives and foreigners, the royal lands, according to their quality, the same system be likewise established here of aliening to the new colonist, now admitted or hereafter to be admitted, agreeably to what has been provided by his Majesty in his royal orders. The lands are given gratis to such as, possessing the requisite qualifications, come to settle thereon, but, in consequence of a government disposition, the title to the property is not conveyed until after the completion of ten years of uninterrupted possession and cultivation. This practice is injurious, because the time is too long during which they cannot dispose of the land granted to them in proportion to the number of their families and slaves, and because, in case of diplomatic changes, they could not establish in proper form their legal right of property, which would expose them to lose the improvements they might have made thereon. If the royal lands could be purchased by the persons above mentioned, and by the inhabitants already settled, who, I have no doubt, would do so in order not to incur the delay of ten years above referred to, this great obstacle would be removed, and many more new settlers would come, who, on receiving immediately their title to the property, would value the land at the price of their money, and improve it so as to derive some benefit therefrom, whence would result the improvement and advancement of the country itself, an accession to the royal treasury, and a check, in some degree, upon the Americans availing themselves of what belongs to us, since each colonist would take good care that his property should not be carried away.

The means which I propose to your excellency is not solely for the advantage of the country and the relief of the unhappy state of the royal chest, but also for the improvement of the unfortunate circumstances in which the nation stands at the present time; for it is necessary that her great resources should be applied to sustain her, and to meet, by some means or other, her immense charges and expenses, not by opposing in any manner the will of the sovereign, who wishes to promote and advance his royal interests by all possible means; but it appears to me, on the contrary, that his royal intentions would be fulfilled by the increase of this province and the relief of his royal treasury. If, therefore, your excellency should be of opinion that the measures proposed above will meet the approbation of his Majesty, I hope I shall merit yours by carrying them into effect.

God preserve you many years.

His Excellency the MARQUIS OF SOMERUELOS.

Marquis Someruelos to the governor of East Florida.

HAVANA, *September* 14, 1811.

I have seen your letters No. 26 and 37, suggesting the expediency, in the present circumstances, of aliening the royal lands to the new settlers in this province within the term therein expressed, and I have to state, in reply, that such alienation cannot be made, on account of the prohibition, by royal order of the 14th of November, 1804, of the admission into the Floridas of citizens of the United States; and by another order, of 31st March, 1806, of the continuance, on any pretence whatever, of the sale of lands to foreigners who happen to be in West Florida.

God preserve you many years.

MARQUIS DE SOMERUELOS.

The GOVERNOR *ad interim of East Florida.*

No. 37.

[Translation.]

Proceedings of the provincial deputation at Havana respecting East Florida lands.

I certify that at a session of the provincial deputation held the day of this date, president the most excellent lord the captain general, superior political chief of the province, proceeding to discuss the exposition made on the 27th of July in favor of East Florida by the deputy from thence, Don Fernando de la Maza Arredondo, whose opinion was supported by that of the 31st, made by Señor Don Juan Bautista de Gulianena, stating that said favors were of the highest consequence to East Florida, which he represented, the first proposition, conceived in the following terms, was read:

1st. "That to those loyal residents and inhabitants who with so much patriotism have defended the city of St. Augustine, Florida, during the last siege, from March, 1812, to May, 1813, there be granted, in absolute dominion of proprietorship, six caballerias of land to each head of a family—three to each individual of it, and the same to the slaves."

The deputation bearing in mind the several laws of the Indies, which grant to the settlers of these

countries the right in proprietorship of the lands which they are able to cultivate, which favor has been lastly ratified by several royal letters patent and orders in favor of the colonists who desire to establish themselves in both Floridas, and judging that our government ought not less to favor those soldiers and citizens who, for the space of fifteen months, have suffered all the calamities of a rigorous siege, amongst whom are many who, existing in these provinces since they were restored to Spain by the peace of 1783, ought to be considered as settlers of them, it is agreed that notice be given to the councils [ayuntamientos] of both Floridas that they announce to their respective townships [pueblos] that vacant and public lands are to be distributed according to the provisions of the decree of the 4th of January of the present year, that they shall proceed to solicit the designation of the portions of land which can be cultivated by the soldiers who have distinguished themselves; the inhabitants, not proprietors, who desire to apply themselves to agriculture; the countrymen who have contributed to the defence of the country in the present war; and the creditors of the public treasury whom it may suit to receive lands in compensation for their credits; which instances the councils will remit to this deputation, designating the portion of land they may deem proper to grant to each individual, in order, when seen, to proceed according to the said decree.

[Here follow regulations for the trade of Amelia island, &c., but having no reference to lands.]

This proposition was unanimously approved of without discussion, and with the same unanimity it was agreed that a certified copy of this act, and the exposition made in the session of the 27th July, by Señor Don Fernando de Arredondo, be officially communicated to the most excellent lord the captain general, superior political chief of both Floridas, recommending to his excellency that, inasmuch as it interests the general good of the nation, and in particular of these inhabitants, his excellency will permit the immediate execution of what the deputation proposes, for the purpose of improving the favorable circumstances which at present concur in those places for the promotion of industry, and, in the meanwhile, consult his Majesty for the royal approbation.

HAVANA, *August* 21, 1813.

APODACA.
AGUILAR.
FERREGUR.
AGRAMONTE.
ESTRADA.
QUESADA.
MEZA.
ARREDONDO.
GULIANENA.

TOMAS ROMAY, *Secretary.*

No. 38.

[Translation.]

Copy of Governor White's letter announcing his having taken command of East Florida.

[*Indorsement.*—St. Augustine, 20th July, 1796.—To the supreme council, communicating that he has taken possession of this province, as expressed in the annexed copy, on the 6th of last month. Principal and duplicate.]

Having arrived here on the 5th ultimo, and on the next day, the 6th, as expressed in the annexed attested copy, having taken possession of the command of this province, with which the generosity of the sovereign has been pleased to honor my small merits, I communicate it to your excellency for your information, and in order that you may be pleased to give advice of it to the supreme council, whose orders, and those of your excellency, I shall obey with all possible punctuality.

God preserve your excellency many years.

ST. AUGUSTINE, *July* 20, 1796.

Señor Don FRANCISCO CERDA.

No. 39.

[Translation.]

Letter from the captain general to the governor, communicating the royal order for the encouragement of the trade in naval stores, plank, &c.

HAVANA, *March* 4, 1815.

Under date of the 31st of July last his excellency the minister of the treasury says as follows:

"I have communicated to the King your excellency's letter of the 17th of November, 1812, No. 8. On having urged the governor of East Florida, and commandant of West, to procure means of assistance for the royal treasury, promoting for this purpose the trade in naval stores, masts, staves, boards, and plank; and, in consequence, his Majesty approves of said measures, it being his royal will that your excellency use every means for the encouragement of this branch of trade to the benefit of the industry and commerce of that country. Which by royal order I communicate to your excellency for your information, and that it may be complied with."

Which I transmit to your excellency for the execution of it on your part.

God preserve your excellency many years.

APODACA.

His Excellency the GOVERNOR *of East Florida.*

No. 40.

[Translation.]

Juan J. Estrada appointed as governor pro tem., June 3, 1815.

In the city of St. Augustine, Florida, the third of June, one thousand eight hundred and fifteen, your excellency Don Sebastian Kindelan and O'Regan, knight of the order of Santiago, brigadier of the royal armies, political and military governor of this city and its province, for his Majesty, being in the hall of his office, accompanied by Don Manuel de Castilla, captain of the third battalion of the infantry regiment of Cuba, which garrisons this said city, and accidental commandant of it, the other, Captain Don Gil José Pacot, not being present, from being sick, as the only persons of the same rank in said battalion who exercise, in virtue of the royal order, the functions of magistrates, I, the undersigned notary of government, being also present, the council (cabildo) was constituted in said hall, from having no council house, Señor Don Juan José de Estrada, lieutenant colonel of the royal armies, commandant of the third battalion of Cuba, having produced an official letter from the most excellent lord the captain general of Cuba and the two Floridas, dated the 9th of May last, in which he is appointed provisionally to the command of this government as soon as his excellency makes the delivery of it to him, which he is directed to do by a despatch of the same date. In consequence of which he was introduced into the possession of said post provisionally, his excellency giving it to him in the regular manner, and with the formalities usual on such occasions. And for the due proof thereof he ordered these presents to be extended, and attested copies furnished to his excellency and his honor in due form. And they signed this, which I attest.

SEBASTIAN KINDELAN.
JUAN JOSÉ DE ESTRADA.
MANUEL DE CASTILLA.

Before me.

JUAN DE ENTRALGO, *Notary of Government pro tem.*

This is conformable to the original which exists in the book of the cabildo in my charge, to which I refer, and in compliance with orders sign and seal this present attested copy on one leaf of common paper, the stamped not being in use.

ST. AUGUSTINE, *June* 3, 1815.

[A flourish.]

JUAN DE ENTRALGO,
Notary pro tem. of the Government and Cabildo.

No. 41.

[Translation.]

Governor Coppinger's commission.

Don Ferdinand, by the grace of God King of Castile, Leon, &c.:

Whereas, attending to the services and merit of you, Don José Coppinger, colonel of my royal armies, I confer on you the government of the city of St. Augustine and East Florida, which is vacant by the departure of Don Sebastian Kindelan.

I therefore command the captain general of the two Floridas that, having first taken the oath before him, and of which you are to remit an attested copy, he give proper orders that you be put in possession of said government, preserving to you, and causing to be preserved to you, the honors, favors, pre-eminences, and exemptions, which, by virtue of this post, appertain to you, and should be well and completely preserved; and I order all superior and inferior officers and soldiers, of infantry, cavalry, dragoons, militia, and other military, who reside or shall reside in the said province, that they respect and recognize you as such governor; and I order those who should obey you from rank or martial laws that they comply with, keep, and execute the orders which you shall give them for my service by writing and verbally, without reply or any delay, and you and they have to be under the orders of the said captain general, or of the person who may succeed him in his charge; and you shall have particular care to advise him of what may be proper for the security and defence of the said province, that he may give me an account of what shall be offered to him, and provide what may be proper, for such is my will; and that the minister of my royal domain, to whom also belongs the corresponding order, that he take a copy of this commission in the principal comptroller's office, where you shall have a register made out with the pay of four thousand hard dollars per annum. An attested copy of which is to be given to you according to the provisions of the circular order of the twelfth of July, one thousand eight hundred and twelve, and, for the compliance and execution of all that is referred to, I have ordered the present commission to be despatched, signed with my royal sign manual, sealed with the secret seal, and countersigned by the undersigned, my secretary of state, and of the general department of war. Given at the Palace, the 23d of September, 1817.

I, THE KING.

[L. S.] FRANCISCO DE IGUIA.

Your excellency will confer the government of St. Augustine and East Florida on Don José Coppinger. Havana, January 26, 1818. Let his Majesty's orders in this royal commission be complied with.

JOSÉ CIENFUEGOS.

Let a copy be taken in the office of the comptroller general for North America.

MADRID, *October* 6, 1817.

JOSEF DE TEXADA.

HAVANA, *March* 4, 1819.

Let a copy be taken, and a register made out in the general offices of the army and royal domain in this capital, and in those of St. Augustine, Florida.

ALEXANDRO RAMIREZ.

A copy was taken, and register made out in this office of the comptroller general of the army and royal domain.

HAVANA, *December* 4, 1819.

Only from the indisposition of the señor comptroller.

CLAUDIO M. DE PENILLOS.

ST. AUGUSTINE, *April* 2, 1819.

Let a copy be taken, and register made out by the royal officers of this city.

COPPINGER.

ST. AUGUSTINE, *April* 2, 1819.

A copy was taken, and a register made out in those principal offices in our charge.

TADEO DE ARRIBAS.

GONZALO GARCIA DE PRADO.

No. 42.

SEÑOR GOVERNOR: Don Nicolas Garrido, general attorney of the most excellent lord the Duke of Alagon, sets forth to your excellency that, wanting for the purposes which may suit him, to have in his possession an attested copy of the proceedings instituted in this city, in explanation of the donations of lands, at his solicitation, and of which a record was made, he prays your excellency will be pleased to order that it be delivered to him from the office of the notary of this government as speedily as possible.

NICOLAS GARRIDO.

ST. AUGUSTINE, *February* 5, 1819.

ST. AUGUSTINE, *February* 5, 1819.

Let it be granted. COPPINGER.

Before me.

JUAN DE ENTRALGO, *Notary of Government.*

In St. Augustine, on the same day, month, and year, the foregoing decree was made known to Don Nicolas Garrido, which I attest.

ENTRALGO.

ST. AUGUSTINE, *Florida, September* 13, 1818.

SEÑOR GOVERNOR: Don Nicolas Garrido, in the name of the most excellent lord the Duke of Alagon, grandee of Spain of the first class, and captain of the King's body guard, as his attorney in this East Florida, sets forth: That the royal letters patent of the 6th of February of this year express that his Majesty granted rents unto the aforesaid lord Duke of Alagon, in full property, for himself and his heirs, all the uncultivated lands in East Florida, which are not granted, and comprise the rivers St. Lucia, Hijuelos, and St. John, on both coasts, east and west, with the adjacent islands, from twenty-five degrees to thirty and a half in latitude, inclusive, with the object that this province may enjoy the advantages of which it is susceptible, in favor of its population, agriculture, industry, and the defence and security of its coasts, all of which is loudly called for. To carry into due effect, in a clear and exact manner, the spirit of this royal resolution; to shun for the present and in future interminable claims, lawsuits, and disputes, which would originate amongst a number of individuals who believe themselves with a right to large portions of land which are not in actual cultivation, and which have been granted to them by your excellency or by your predecessors at different periods from the first royal order of the year one thousand seven hundred and ninety, and the others which have made and prescribed rules and conditions limiting such grants; and lastly, to have a basis on which to rest, and without which it would not be possible to move in the vast undertaking, which the lord duke has placed in my care, I find myself under the absolute necessity of resorting to your excellency, whom his Majesty orders and charges, according to the laws which govern in the matter, to aid effectually the execution of said grant, taking all the measures which lead to its due effect, in order that your excellency be pleased to determine on the following particulars, and to make a specific explanation, which, according to the royal mandates, may be expected from the justice and attention of your excellency, and is necessary, in order that the proprietors or intended proprietors of the lands which are not in cultivation may know the right which they have or cease to have over them; and that the germ of claims, so injurious to the progress of an undertaking of this class, may be destroyed forever. *First.* At what time did the assignment of lands commence? *Second.* How titles of proprietorship on lands should be considered? What circumstances characterize them? How is this right to lands which have not been cultivated since they were granted acquired? and what difference is there between these and the certified papers which accredit that the individual possessing them has had lands decreed to him, as is the case with a multitude of persons? What consideration, then, do these papers deserve, and what right may they have to claim under them? *Third.* What is the sum total of acres in what are called titles of proprietorship? *Fourth.* In what situation will those be who, holding these titles of proprietorship, may not have complied, or do not continue to comply, with the conditions prescribed by the royal orders respecting the donations of land, the principal object of which has always been cultivation, and under which they have always been granted to them? *Fifth.* Have those who are provided with such titles, or others, power to alienate the lands which have been granted to them? *Sixth.* Can those individuals allege any right, who, in virtue of legal titles of proprietorship, took possession of the lands which were assigned

to them, cultivated them for some time, and afterwards left them, and suffered them to remain uncultivated, when no cause existed in the province to prevent their returning to them? *Seventh.* In what manner are those concessions considered which were made to foreigners, or natives, of large portions of land, who have disappeared, carrying with them their documents, without having cultivated or even seen the lands granted to them? *Eighth.* Can those persons, to whom assignments of large portions of territory have been made for the establishment of factories, such as water or steam mills, who did not then comply, nor have not since presented themselves, to establish their machinery, (allowing that none exists in the province which is known,) be considered now or in future with any right? If, in a space of time, such as has elapsed until now, they have not established their works, will there be any reason why said lands should not be declared open, and revert to the class of public lands? *Ninth.* The allotments of lands made for rearing cattle are in the same case, and exact the same decision. After your excellency has attentively considered and explained these particulars, forming such a determination on each of them as you may judge proper, as the authority immediately charged by his Majesty to comply with the royal precepts, and the organ through which they are to receive their due execution and effect, I request your excellency will be pleased to announce to the public of this city the result of your determination, by means of an edict, as has been done at other times, which, prescribing limits and rights according to equity and justice, to which the mass of proprietors and pretenders to lands shall adhere, I may put in operation those belonging to the most excellent lord Duke of Alagon, and by this means the enterprise would not be interrupted and embarrassed as it would be at every step by a host of claims, should not the decision of your excellency be made, which is the only one that can fix my ideas on the subject for the advantage of the enterprise. The object of this representation is nothing more than to solicit the establishment of a system which, resting on reason and justice, may serve me for a rule in the whole circle of the commission, and your excellency will agree in the necessity of establishing it; but if it only on one side treats of avoiding reclamations, each person having a right to know what his rights are according to the royal decrees, on the other, I assure myself, that every consideration on the part of your excellency will only be extended in favor of the poor individuals who have performed services to the province, and his Majesty has been pleased to grant them a corresponding quantity of land by his late royal order on the matter. This can offer no difficulty, as there is no property in this case which merits so much respect, as what has been justly assigned to a person who has served his country, and is in indigence. Following up this same principle, and the instructions given me by the lord Duke of Alagon, with particular attention and charge, I shall do all in my power for the benefit of these people in the discharge of my commission. Your excellency will also be pleased to order that I shall be furnished with a copy of the royal orders which govern on the matter of concessions of lands; the regulations which prescribe forms for the allotments of lands, and the edict on lands of the twelfth of October, one thousand eight hundred and three, the knowledge of the laws which have governed on the matter, being indispensable for the extension and opening this commission.

NICOLAS GARRIDO.

ST. AUGUSTINE, *Florida, October* 14, 1818.

Let it be passed to the auditor of war.

ST. AUGUSTINE, *Florida, September* 16, 1818.

To his excellency the governor, political and military, &c.:

To proceed with proper effect, and to determine as to the particulars referred to by Don Nicolas Garrido in this memorial, I have occasion to have annexed to it the royal letters patent of the 6th of February of the present year, which declares the grant of vacant lands in this province made by his Majesty to the most excellent lord Duke of Alagon. The royal order of the year one thousand seven hundred and ninety, which commenced the said grants to private individuals of this place, and all the others which may have been afterwards made on the subject, including the edict of the twelfth of October, one thousand eight hundred and three, your excellency will please order it so, and being done, have all returned to my study.

RUPERTO SAAVEDRA.

ST. AUGUSTINE, *September* 17, 1818.

The present notary will place in continuation a copy of all the documents to which the auditor of war refers in his foregoing decree, applying to the office of the secretary of the government that he may exhibit for the purpose those which are not in his own office, and it being done, return the proceedings to the consultation.

COPPINGER.

Before me,

JUAN DE ENTRALGO,
Notary of Government.

In St. Augustine, on the same day, month, and year, the foregoing decree was made known to Don Nicolas Garrido, which I attest.

ENTRALGO.

[Translation.]

Don Juan Nepomuceno de Quesada, colonel of the royal armies, and commander in chief of this city and province of St. Augustine, Florida, by his Majesty.

FLORIDA, *November* 20, 1790.

Whereas by the last packet which arrived at this port his excellency the captain general of this province encloses me, under date of the 29th of November of the last year, the following royal order:

In virtue of which I order the same to be published for the present that it may be made known to all, being understood that only those shall be admitted as resident settlers who, besides their good conduct and honorable proceedings, are good farmers and mechanics, who are beneficial to the settlement and advancement of the province, for which purpose there shall be granted them the gifts set forth in the inserted royal order. It is also made known to those who have obtained lands, in the meantime, from this government that they present themselves to the same within the space of two months, for the purpose of asking and obtaining the requisite title of property from the office of the government secretary, from whence the necessary orders will be issued, after having registered the same in the notary's office.

And that it may serve as an incitement to all, I order, according to the powers I am vested with, and make known for the present that the grants be of one hundred acres to each father of family, and fifty to each white person, or of color, of which said family is composed; also, if persons are desirous of obtaining a greater quantity of land, and there being a probability of their cultivating the same, they shall obtain an additional number of a thousand acres, it being understood that in all the concessions the utility and not the quality of the lands shall be attended to, so that each person shall acquire a proportionate quantity of each, as also that the width of each of said concessions must be only the third part of the length, and said length must not extend on the banks of the rivers and creeks, but towards the interior of the lands; vesting always with the government the care of rewarding or punishing with additional expenses or absolute privation, as time shall discover, the merit, application, and advantages of the agriculturists, or the contrary vices.

A copy from the original, I attest.

DOMINGO RODRIGUEZ DE LEON,
Notary of Government.

[Translation.]

Don Enrique White, colonel of the royal armies, civil and military governor and chief of the royal finance of this city and province of St. Agustine, Florida, by his Majesty, &c.: Whereas it being necessary to vary and modify, in part, the rules and conditions which the government had established for the concessions and divisions of lands to the new settlers, in consideration of the actual circumstances, on account of the great number of persons coming to enjoy the favors and privileges which his Majesty has granted to those who may come to establish themselves in this province, many abuses have arisen on the part of those grantees under the system and object which influenced the government at that time in the prosecution of that plan; those, as well as other inconveniences which experience has demonstrated, have plainly shown that they may tend to the hindrance of the advancement and prosperity of the province, for which reason, and to remedy the same, I have thought proper and ordered that the rules prescribed in the following articles be observed for the future:

1. That whenever the new settlers shall take the customary oath of allegiance they shall declare exactly the number of their children, their sexes and ages, and, in consideration of which, lands will be allotted them, except those under eight years of age.

2. That to each head of a family there shall be granted fifty acres of land, and an equal quantity to a single person, widow, or widower, and to the children, or slaves, of sixteen years, twenty-five acres each; but from the age of eight to sixteen years there shall be granted fifteen acres each.

3. That to those employed in the town, of whatever class they may be, if lands be granted them, or to their slaves, it shall be with the express condition of their cultivating the same within one month of the concession, being understood that if they fail in so doing it shall be granted to whomsoever shall denounce and lawfully prove the same.

4. That all concessions, in which no time is specified, shall become extinct, and shall be considered as null, if the persons to whom they are made do not take possession and cultivate the same within the space of six months.

5. That to none of those who cede or convey their lands to others, under pretence of selling the improvements, there shall be granted them more lands in future; nor shall these transfers or conveyances be admitted if done without the consent of government.

6. Notwithstanding what is stated in the foregoing article, if it should suit any settler to change his situation, if he desires it, granting him land in the place he may choose, but on consideration of giving up the improvements of the land he left, for the benefit of the royal revenue, which will prevent the abuse of the transfers and sales, which are prohibited under any pretext whatever until the proper time pointed out in the former plan or rules.

7. That on the lands not fit for cultivation but have timber, or that are only proper for pastures, for which purpose alone they have been solicited, the owner cannot prevent any person from cutting and appropriating the timber to his own use who may present themselves with an order from the government, but it is understood that it shall not injure the owner thereof.

8. That all those who shall, for the future, ask for lands, must indicate a fixed spot, from whence the measurement must commence; which will be the cause of avoiding the mistakes and disputes which by that fault have been experienced, particularly a short time back.

9. That all persons who shall have abandoned or discontinued the cultivation, nor actually cultivates the lands, which at any period shall have been measured to them by the surveyor general, although they have obtained the corresponding title of property from the notary's office, they shall lose their right to

the same, and shall be given to any person not having lands for cultivation who shall legally prove that said lands have been uncultivated at least two years following.

And for the punctual observance of what has been set forth, and that no person may plead ignorance, I order that copies be posted up in the public places of this city, as is customary, and that one be transmitted to the brevet captain of militia, commandant of the same, and commissioned judge of the rivers St. John's and St. Mary's, Don John McQueen, that he may cause it to be made known to those inhabitants.

ENRIQUE WHITE.

St. AUGUSTINE, *October* 12, 1803.

By order of his excellency:

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

Letter from Governor Kindelan to the Captain General of Cuba.

[Translation.]

ST. AUGUSTINE, *Florida, June* 4, 1813.

MOST EXCELLENT SIR: The 1st of this month I discharged from the military service, in which they were employed, the three companies of white militia of this city, not only for want of provisions here, but for the urgent necessity there was that the inhabitants should be allowed to turn, once more, their attention to the care of their respective families and occupations, with the object of making as light as possible the injuries suffered by them in the insurrection of the province.

With this motive I cannot but recommend to your excellency the fidelity manifested by the militia and third battalion of Cuba in the performance of their duty, from the first moment in which the rebellion broke out, and for which I consider them worthy the gifts to which the supreme governor may think them entitled, taking the liberty of recommending the granting of some, which may be as follows: to each officer who has been in actual service in said militia, a royal commission for each grade he may obtain as provincial, and to the soldiers a certain quantity of land, as established by regulation in this province, agreeably to the number of persons composing each family, and which gifts can also be exclusively made to the married officers and soldiers of the said third battalion of Cuba.

Men in general require to be excited by some stimulus, and it is not easy to find any who are indifferent to public approbation of their services. What I propose, without giving them in reality anything, will be the means of contenting them, and produce henceforward the best effects, it being understood that this gift will be for those who occupy themselves in the defence. And for this end, and in case that these my ideas merit the approbation of your excellency, I enclose, as regards the officers of both corps, lists of those who ought, in that case, to be comprehended. God preserve your excellency many years.

His Excellency DON JUAN RUIZ DE APODACA.

Royal order of March 29, 1815.

[Translation.]

Under date of the 29th of March last his excellency the minister of Indies writes me the following:

"I have informed the King of what your excellency sets forth in your letter, No. 236, of the year 1813, relative to the rewards which the governor of East Florida considers the individuals of the companies of white militia and married officers and soldiers of the third battalion of the regiment of Cuba entitled to for their meritorious conduct during the insurrection of this province; and at the same time that his Majesty approves said gifts he desires that your excellency will inform him as to the reward which the commandant of the third battalion of Cuba, Don Juan José de Estrada, who acted as governor *pro tem.* at the commencement of the rebellion; the officers of artillery, Don Ygnacio Salens, Don Manuel Paulin; and of dragoons, Don Juan Puchernan, are entitled to, as mentioned by the governor in his official letter. By royal order I communicate the same to his excellency, for your information and compliance therewith, enclosing the royal commissions of local militia, according to the note forwarded by your excellency."

I forward you a copy of the same, enclosing also the documents above mentioned, that you may give them their correspondent direction with the intention, by the first opportunity, of informing his Majesty of what I consider just as to the remuneration before mentioned. God preserve you many years.

APODACA,
Governor pro tem. of East Florida.

HAVANA, *July* 7, 1815.

ST. AUGUSTINE, *October* 2, 1818.

Having seen the foregoing, for the more correct information of the consultation, let the present notary certify the conditions under which this government has, at different epochs, granted the lands of the province, according to what appears in his archives, and also annex an attested copy of one of each of the titles of proprietorship which has been issued in each class, and let the proceedings be returned to the señor auditor of war for his opinion. Assessment thirty-two reals.

COPPINGER.
SAAVEDRA.

JUAN DE ENTRALGO.

In St. Augustine, on the same day, month, and year, the foregoing decree was made known to Don Nicolas Garrido, which I attest.

ENTRALGO.

[Here follows, fo. 18 *a*. 19, a petition to obtain a title of proprietorship, translations of such are to be found in part 1st of the report of the land commissioners for East Florida.]

SEÑOR GOVERNOR: I have seen the memorial of Don John McQueen, which, by order of your excellency, the notary has brought me to consult upon; and although it might be done simply in a decree, yet I think it better, in an opinion, to point out rules for cases of a like nature, which must occur frequently in future, that your excellency may adopt one of them as general. The government, when it received royal orders for the admission and survey of lands to new settlers, established with discretion, and conformably to the usual practice in other parts, that the corresponding title (of which there are many in the notary's office) should be issued to the grantees, expressing in each one the land granted, its limits and boundaries, and the conditions, which, being complied with in the time previously fixed upon, would transfer the useful and direct dominion of the lands granted. This administrative disposition is still in force, and in consequence of it, there are many who are in the case of that transfer of dominion, without occasion for more titles than those conferred on them at the time of the survey of the lands; but there are others who, although they ought to be in a similar situation from having passed the ten years' possession prescribed, and have complied with all the conditions under which lands were granted, want the titles for causes which the government has subjected them to, amongst them the want of a surveyor many times; amongst these is the petitioner who presents the documents, by which he shows the concessions and boundaries of the various lands which he possesses in distant places more than ten years, and it is of public notoriety that all, with the exception of the small tract of Montehermoso, have been cultivated by him during that time, and that he has buildings on them agreeably to the conditions of the concession, since, although he has not any at present on the place called San Juan Nepomuceno, it is well known to all of us who are in the province, that, on the insurrection of the rebels in the year 1794, the many and good buildings which McQueen had there were burned by order of the government; also those of other inhabitants situated on that part of the river St. John. For these considerations, the request of McQueen appears to me strict justice, and that accordingly the titles of proprietorship should be issued to him for the lands he asks for without conditions, as he has complied with the exception of Montehermoso, which ought to be issued to him as peculiar; and if this opinion appears to your excellency well founded, you can determine accordngly in occurrences of a like class.

ST. AUGUSTINE, *Florida, February* 17, 1804.

LICENTIATE JOSEF DE ORTEGA.

ST. AUGUSTINE, *February* 18, 1804.

I conform to the foregoing opinion, and let it be complied with.

WHITE.

This is conformable to the originals which exist in the archives in my charge, to which I refer, and in compliance with commands in the foregoing decree, sign and seal the present attested copy, in St. Augustine, Florida, 9th October, 1818.

JUAN DE ENTRALGO,
Notary of Government.

[From folio 21 to folio 24 is a title in absolute propriety, under the royal order of 1790; for translations of such, see part 1 of the report of land commissioners for East Florida. From folio 24 to 26 a title under the royal order of 1815; for translation see the same. From 26 to 29 a conditional title; see the same.]

Certificate.—As I best can and ought to do, I certify and attest that the conditions prescribed by this government for grants of land, to which the decrees of the 2d instant, placed on the proceedings, refers, are the same which appear in the foregoing title, delivered in favor of Don John McQueen, dated the 12th of March, 1804, which conditions subsisted in all their force until the year 1815, when the then governor of this place, Brigadier Don Sebastian Kindelan, altered them at his discretion, granting lands under the single circumstance that when the grantee proves that he has cleared them, built houses, fences, and other things necessary for the improvement of a plantation, the title of proprietorship should be delivered to them, as has been done to several who have not passed the ten years' possession pointed out in said title of McQueen, as appears from the different proceedings in the archives in my charge, to which I refer; and in compliance with orders in said decree, I sign and seal these presents, in St. Augustine, Florida, the 9th of October, 1818.

JUAN DE ENTRALGO,
Notary of Government.

To his excellency the political and military governor:

Having acquired such ideas as appear to me sufficient to determine on the particulars submitted and petitioned for by Don Nicolas Garrido, resident in this city, attorney to the most excellent lord Duke of Alagon, in his memorial of folio 1, I proceed now to form the opinion which your excellency has been pleased to require from me on this business, reducing the answers to the following tenor and form :

First. The assignment of lands commenced from the receipt of the royal order on the admission of settlers, as is clearly shown from the annexed attested copy, folio 8, and communicated by the captain general of the Havana, on the 29th of October, 1790.

Second. In my opinion, titles of proprietorship should be considered in the same class to which they refer, characterized with the circumstance that those who have obtained such as were delivered according to the form, folio 20, to the late John McQueen, have acquired irrevocably the right of property, because they have had granted to them the useful and direct dominion to the lands after the ten years of possession and compliance with the conditions upon which the grant was made, appearing from the copy, at folio 25, so that when the absolute titles have been delivered they confer on the possessors the power to sell, cede, exchange, transfer, and alienate at their will, as well by themselves as their heirs and suc-

cessors, without a reservation by the crown of the direct dominion, or anything else whatsoever. Those who, having obtained a concession of lands, have not cultivated them from the time they were granted, can have no right to them; much less will they have the title of absolute property, which is delivered after ten years' possession, to establish which must be preceded by formal proof of compliance with the conditions. For this reason there is so marked a difference between the titles of proprietorship and simple certificates issued by the secretary of government, when the concession of lands is made, that the former enjoy an irrevocable right, and the certificates are of no value nor effect unless the prescribed conditions have been complied with; otherwise, such papers deserve no regard, nor can the grantees by means of them claim any right to the lands granted, which should now be considered vacant.

Third. The sum total of the number of acres in the titles of proprietorship should be in the notary's office, where such documents are made out, and the notary can give the interested the information required on the subject.

Fourth. Those who have titles of proprietorship, who have complied with the conditions pointed out to entitle them to them, or have obtained them as a remuneration for services or other considerations deemed by the government sufficient for the purpose; in these cases there is a precise obligation to respect said titles, especially as the said conditions have been established at the will of the governors, and that the royal order of 1790 on the subject imposes none, but expressly states that lands shall be granted and surveyed, gratis, to those foreigners who of their own free will present themselves to swear allegiance.

Fifth. The 1st law, 12th chapter, 4th book, of the Digest of the Laws of the Indies, which treats of the distribution of lands to settlers, says that they having made their dwelling place and tillage, and resided in the settlements four years, the power is granted them from thenceforward to sell and make use of them freely at their will as a thing of their own; consequently, all those who have merited the title of proprietorship with the useful and direct dominion are authorized to alienate the lands granted to them.

Sixth. Those individuals who have taken possession of the lands granted to them, and have acquired the title of proprietorship by the process of time and prescribed conditions, are true proprietors and owners to dispose of the land as best suits them, although, after that they may not have cultivated them, as from the moment they are provided with the title they are exempt from conditions. Lands, for some time, and afterwards separated themselves from them, leaving them uncultivated without having obtained the title of proprietorship, should be subject to the decision of a judicial sentence, in which, after hearing the parties, justice may be done. Since it being public and notorious, that at different periods this province has suffered cruel devastations and ruin, by the invasion of Indian savages, banditti, and rebels, who have reduced it to a deplorable state; and, also, that many inhabitants in such continued vicissitudes have suffered the loss of the greatest part of their property, that their fields have been ravaged, their houses burned, and that they have been reduced to the extreme of misery, abandoning their lands without being able to re-establish themselves, some from indigence, and others because the simultaneous disturbances had withdrawn them from the thoughts of improvement. All those who labor under such circumstances can allege a right, and without a legitimate conviction they could not be dispossessed of the lands granted to them, nor shall I venture my judgment in a matter so abstract, and which requires very mature and concentrated reflection.

Seventh. Without doubt, the royal letters patent of the 6th of February of the present year, by which his Majesty has made a donation to the most excellent lord Duke of Alagon of lands in this province, limit it to uncultivated lands which have not been granted; for which reason these ought to be considered altogether exempt from the favors imparted to the lord duke; yet it is improper to explain, in this particular, that the concessions made to foreigners or natives of large or small portions of land carrying their documents with them, (which shall be certificates issued by the secretary,) without having cultivated or even seen the lands granted to them, such concessions are of no value or effect, and should be considered as not made, because the abandonment has been voluntary, and that they have failed in complying with the conditions prescribed for the encouragement of population.

Eighth. The assignments of extensive portions of territory, which have been made for the establishment of factories to persons who did not then comply, nor have not since presented themselves to establish their mechanical works, ought also to be considered without any right or value, and said lands declared perfectly free, that they may revert into the class of public lands; in this particular, also, the conditions for which they have been granted should be referred to; and in case that any of them should have no limits, an equitable term be specified for the establishment of the works, which being passed without carrying them into effect, they be declared vacant.

Ninth. The allotments of lands made for rearing cattle, which may not have titles of proprietorship, as there are some such known to me, ought also to be subject to circumstances, since, although all do not enjoy the favor of the useful and direct dominion, there are many who if they made an abandonment, it was involuntary, with the loss of the whole or the greater part of their cattle in times of sedition and of the aggressions of the Indians; which case, as a particular one, exacts the determination to be made, with permission to the parties to plead.

Having complied on my part with what your excellency, by your decree of the 14th ultimo has been pleased to confide to me, I am of opinion that, for the information of all the inhabitants of this province, edicts shall be fixed up in the public places of it, that full warning being given to the parties who have not complied with the conditions prescribed in the 7th and 8th articles, may know that they have no right to reclaim those lands, which they have not cultivated through their own fault and omission. This is my opinion; and your excellency's superior knowledge will determine what you may esteem and judge most convenient.

RUPERTO SAAVEDRA.

ST. AUGUSTINE, *Florida, October* 27, 1818.

ST. AUGUSTINE, *October* 29, 1818.

I conform to the foregoing opinion, and let it be complied with, assigning the term of six months, counted from this date, for the establishment of the mechanical works referred to in the 8th article on the terms expressed therein.

COPPINGER.

Before me. JUAN DE ENTRALGO, *Notary of Government.*

On the same day, month, and year, the foregoing opinion, and the decree conforming thereto, have been made known to Don Nicolas Garrido, which I attest.

ENTRALGO.

ST. AUGUSTINE, *Florida, November* 25, 1818.

Señor Governor Don Nicolas Garrido, in the name of the most excellent lord Duke of Alagon, grandee of Spain of the first class, and captain of the King's body guard, as his general attorney in this East Florida, states to your excellency that he has read with due reflection the proceeding which, under date of the 29th of October, your excellency has been pleased to direct to him, and order to be made out in consequence of the explanations and determination I solicited from your excellency in my representation of the 13th September, respecting the concession of lands made by this government, and in presence of the opinion of señor the auditor of war, therein inserted, and the other documents which compose said proceedings, I cannot do less than bring to the consideration of your excellency the following observations. In the 6th article of the said opinion of the señor auditor is read: "Those who may have cultivated the lands for some time, and afterwards separated themselves from them, leaving them uncultivated, without having obtained the title of proprietorship, should be subject to the decision of a judicial sentence, in which, after hearing the parties, justice may be done." According to the sense of this article, it appears that the necessary right for the proprietorship can be acquired, even without complying with the precepts and the conditions which the law, the royal orders, and the regulations exact. Whence is this right? If they absent themselves voluntarily, without fulfilling the time of the contract, and, consequently, without obtaining the title which determines the absolute property, what title remains to them to claim under? If any should be conceded, then it would be subverting the principle which constitutes property itself. This is a matter which demands for itself a fixed determination, derived from sound judgment and the spirit of the laws, that individuals who are in such a case may know that they have no right whatever to the lands which they abandoned voluntarily; and, therefore, there is no reason why they should not revert to the class of public lands, making null the titles of cession which were made of them. In the continuation of the same article, the señor auditor calls the consideration of the government in favor of those individuals, who, from the insurrections which have occurred in this province, have experienced the loss of their *property*, [goods,] and been obliged to abandon their lands, and suffer various other calamities. Doubtless it is reasonable that those comprised in this circumstance should be indemnified; the mode, and how, will be determined by his Majesty, or whoever he shall delegate for the purpose, as has been done on other occasions, when each person proves in due form the amount of his losses; but as to the right that the propriety of the lands they cultivated should be granted them, there is none, unless he who founded the regulation which serves, and has served, as a basis to charaterize the proprietorship which is this day respected, had presented some method by which to decide, which is not adverted to; and if from that time until now this essential clause has suffered any alteration, it must have been at the expense and to the injury of the rigorous principles of justice. In the 8th article the señor auditor says: "That the lands designated for the establishment of factories [artefactos] shall return into the class of public lands; but if any of the concessions want the prescription of a term, it is now fixed," which being expired, and the mechanical works not established, they are declared vacant; and in virtue of this opinion, your excellency has been pleased to concede to the grantees the term of six months. No royal order nor the regulation speaks of the concessions of lands for the establishment of factories, and much less of such as are treated of, which cannot offer any benefit to the public of this province; but, laying that aside, your excellency has seen that in the many months which have passed since the grantees in these permissions to establish works have obtained them, and with them assignments of large portions of land, no effect, no result, has appeared, not a single plank has been exported to begin one of the works, which their proposers promised: it remains to understand that these projectors did not desire such permissions, and the assignment of lands annexed to them for the purpose they asked for, and if not so, they hope for further time to decide; the good intentions of your excellency have been, without doubt from the different appearance their solicitation had, to grant them now six months further term would appear to overstep the bounds of generosity. It further goes to impede the freedom of certain lands for a longer time, over which there is no right, whether from the nature of the concession, or from their not having given the smallest proof of their valuing it, or complying with it. If any of these individuals has obtained this favor as a reward for services performed, he will immediately have resource to your excellency, that he may be attended to as his Majesty has provided. The 9th article of the señor auditor says: "The allotments of lands made for rearing cattle which may not have titles of proprietorship, as there are some such known to me, ought also to be subject to circumstances, since, although all do not enjoy the favor of the useful and direct dominion, there are many if they made an abandonment, it was involuntary, with the loss of the whole or the greater part of their cattle, in times of sedition and of the aggressions of the Indians; which case, as a particular one, exacts the determination to be made, with permission to the parties to plead." The concession of a great extent of land for the rearing and pasture of cattle constitutes no more than the usufruct of it for the time agreed upon, but the grantee has not, nor never had, the most remote right to solicit the proprietorship, for there is no law or regulation upon which to found it, and, consequently, the land does not go out of the class of public lands, since it is the same as if it was held on rent. Those who have obtained those concessions as a recompense for services are in the same case with the others, and can allege no other right than what is extended to all those who have suffered losses, and faithfully followed the cause of his Majesty. Your excellency having taken notice of these reasons, and of the necessity there is that your resolution be fixed in a conclusive and clear manner, as well for the reasons I have set forth in my former representation, as that the royal orders and regulations upon which it has to be founded present a luminous path which leads to the realization of the intentions of his Majesty, I again request your excellency to be pleased to give it speedily, and in the manner to be expected from your zeal and justice. Also, having asked your excellency in my first representation for an account of the number of acres which resulted under what are called titles of absolute property, and not having them inserted in the proceeding, I repeat to your excellency my instance on the subject.

NICOLAS GARRIDO.

ST. AUGUSTINE, *Florida, November* 25, 1818.

Let it pass to the auditor of war, with those in the matter, for the correspondiug interlocutory decree.

COPPINGER.

Before me.

JUAN DE ENTRALGO, *Notary of Government.*

In St. Augustine, on the same day, month, and year, the foregoing decree was made known to Don Nicolas Garrido, which I attest.

ENTRALGO.

ST. AUGUSTINE, *Florida, January* 18, 1819.

SEÑOR GOVERNOR: By the genuine and literal words of the royal order of the 17th of December, 1817, I understand that the royal grant made to the most excellent lord Duke of Alagon is confined to uncultivated lands, which are not ceded in East Florida, and without injury to a third person; consequently, all those which your excellency and your predecessors granted in virtue of royal orders are therefore exempt from any inquiry respecting the distribution of them up to the date on which possession was given of all that remained vacant, when the attorney of the most excellent lord duke presented to your excellency for the purpose the said royal letter patent. Without doubt, my opinion to your excellency should incline against those grantees who absolutely, by a total abandonment, never took possession of the lands, nor cultivated them at any time; since, having failed in compliance with the general conditions for which they were granted, implying the encouragement of population, every active and passive right respecting the concession has become extinct, and, consequently, they ought to remain vacant and public for the benefit of the most excellent lord Duke of Alagon, esteeming as null and of no value nor effect all the simple certificates which may have been issued, and they preserve relative to said concessions.

The royal order, communicated to this government by the captain general, under date of the 29th of November, 1790, respecting the admission of foreign settlers, which is copied at folio 8, says that lands shall be granted and surveyed gratis, in proportion to the laborers each family may have. His excellency the governor, at that time Don Juan Nepomuceno de Quesada, designated and established the number of one hundred acres for each head of a family, and fifty for each person, white or colored, of which it consists; prescribing at the same time certain conditions which appear from the proceedings which, unless the grantees had complied with, they could not obtain the title to the useful and direct dominion to the lands granted. His successor, Don Enrique White, followed the same system until, by a regulation made on the 12th of October, 1803, he made certain changes reducing the number of acres to be distributed by the principle of Señor Quesada. This rule remained so until Brigadier Don Sebastian Kindelan succeeded to the command, who, anxious for the pacification and improvement of the province which had been desolated by the incursions of the Indians and two insurrections of the inhabitants, he granted the lands without any restriction, according to the royal order of the 29th of November, 1790, without any other condition than clearing them, building houses, fences, and other things necessary for the improvement of a plantation, which, being complied with, the grantees got the title of absolute property, as appears by the certificate of the notary in folio 28. In such a manner there has been so great a variation in the distribution of lands that each governor has made it at his discretion, and as his zeal for his Majesty's service and the improvement of the province suggested, without abiding by the first law, twelfth chapter, fourth book, of the Digest of the Laws of the Indies, cited in my former opinion, to which said distribution should be subject. Under such a hypothesis, there is no doubt but all those grantees of lands who resided on and cultivated them for the space of four years are absolute masters of them, and have the power to sell and make use of them at will, as their own, as said law directs. There may be many individual settlers in good faith who took possession of the granted lands, and perhaps, at the end of a year, more or less, were obliged to abandon their houses, crops, and everything else, through the vicissitudes of the province; this is no reason why they should lose their right to the same lands, nor cease to be entitled to all the considerations which equity permits, when they remained in the province, being, through their fidelity and love of country, spectators of its ruins, and that the abandonment which they have made has been involuntary, and if they did not return to undertake anew their labors in the country, it has been because the means of some were exhausted, and others dreaded the continual hostilities, either of the Indians or the many vagabonds and fugitives from the neighboring States of America, who pass over and reside in the province at their will for want of force to restrain them. For these reasons, and many others which are obvious on the particular manifested to your excellency in my former opinion, "that those who labor under such circumstances can allege a right, and without a legitimate conviction they could not be dispossessed of the lands granted to them, for which they should be heard before the tribunal." I repeat the same now to your excellency in attention to this particular, although I shall not fail to explain, in obedience to the declaration solicited by Don Nicolas Garrido, that in case there are any grantees to land who may have absented themselves from this province without having complied with the prescribed conditions, and that by such voluntary abandonment they have not the title of property, they are in no manner entitled to it; and, consequently, having lost all his right, the said lands should remain in the class of public lands, being in different circumstances from those who have remained in the province, whose losses, although they cannot be remunerated with portions of land, exact in themselves every consideration that they should not be dispossessed of those which the government has already granted to them as settlers; and to which they may again return to apply their labor and care when in a condition to do so, this being the cause that they should preserve their claims and right, that they may return to enjoy their lands when in a condition to do so. Although no royal order, nor the regulations, speaks of concession of land for the establishment of mechanical works, it is very obvious that it being the will of his Majesty to improve the province which he has taken so much interest in, dispensing for the purpose copious favors, the governors had the privilege of granting lands for the establishment of said works with the same inducement of the title of proprietorship to all those who contributed by their expenditures to works of so much utility to the improvement of industry. Nevertheless, as it is certain that many individuals who have obtained such concessions have remained in inaction, without having for so long a period advanced the establishment of said works, it appears just that such concessions which have remained in inactivity should be declared null and of no effect; but not so against those who have advanced the establishment of their works, since, by their industry and expenditures, they have made themselves entitled to every protection to animate their perseverance. I conclude by stating to your excellency that, as respects the concessions of land made for the pasture of cattle, the conditions ought to be attended to, and the decision subject to the circumstances which concur, agreeably to what I have shown your excellency in my former opinion, as it depends on them whether they should or should not be adjudged to be out of the class of public lands. And as respects the information solicited of the number of acres of land distributed with titles of proprietorship, the interested can apply to the notary's office, where it will be delivered to him. This is my mode of thinking, and your excellency's superior knowledge will determine what you think best and most correct on the business.

RUPERTO SAAVEDRA.

St. Augustine, *Florida, January* 18, 1819.

I confirm to the foregoing opinion, and let it be complied with.

COPPINGER.

Before me.

JUAN DE ENTRALGO, *Notary of Government.*

In St. Augustine, on the same day, month, and year, the following foregoing opinion and decree were made known to Don Nicolas Garrido, which I attest.

ENTRALGO.

St. Augustine, *February* 11, 1819.

This is conformable with the originals, which are in the archives in my charge, to which I refer, and in compliance with orders in the decree of folio 1.

I seal and sign this attested copy on forty-four leaves of common paper, the stamped not being in use.

[A flourish.]

JUAN DE ENTRALGO, *Notary of Government.*

St. Augustine, *November* 12, 1828.

I do hereby certify the foregoing to be a true and correct translation of the document in the Spanish language to which the certificate immediately preceding this refers, and also of the said certificate.

THOMAS MURPHY, *Keeper of the Public Archives pro tem.*

Territory of Florida, *County of St. John's:*

Before me, Squire Streeter, notary public for the Territory and county aforesaid, Thomas Murphy, keeper of the public archives *pro tempore,* appeared, and being duly sworn, produced a document in the Spanish language, of which he says the foregoing is a translation, signed Juan de Entralgo, Esn°. de Gob°., with a flourish immediately over the signature, swears that he is acquainted with the signature and flourish aforesaid, from having seen Juan de Entralgo use it, and being familiar with it from many documents now in charge of deponent, and that the aforesaid signature and flourish are what they purport to be.

THOMAS MURPHY.

Given under my hand and notarial seal, at the city of St. Augustine, this 13th day of November, one thousand eight hundred and twenty-eight.

[L. S.] S. STREETER, *Notary Public.*

No. 44.

Extracts from the definitive treaty of friendship and peace between his Britannic Majesty, the most Christian King, and the King of Spain, concluded at Paris the 10*th day of February,* 1763.

Art. 7. In order to establish peace on solid and durable foundations, and to remove forever all subjects of dispute with regard to the limits of the British and French territories on the continent of America, it is agreed that for the future the confines between the dominions of his Britannic Majesty and those of his most Christian Majesty in that part of the world shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain, to the sea; and for this purpose the most Christian King cedes, in full right, and guarantees to his Britannic Majesty, the river and port of the Mobile, and everything which he possesses or ought to possess on the left side of the river Mississippi, with the exception of the town of New Orleans, and of the island in which it is situated, which shall remain to France; it being well understood that the navigation of the river Mississippi shall be equally free, as well to the subjects of Great Britain as to those of France, in its whole breadth and length from its source to the sea, and expressly that part which is between the said island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth. It is further stipulated that the vessels belonging to the subjects of either nation shall not be stopped, visited, or subjected to the payment of any duty whatsoever.

Art. 20. In consequence of the restitution stipulated in the preceding* article, his Catholic Majesty cedes and guarantees, in full right, to his Britannic Majesty, Florida, with Fort St. Augustine, and the Bay of Pensacola, as well as all that Spain possesses on the continent of North America, to the east or to the southeast of the river Mississippi; and, in general, everything that depends on the said countries and lands, with the sovereignty, property, possession, and all rights acquired by treaties or otherwise, which the Catholic King and the crown of Spain have had, till now, over the said countries, lands, places, and their inhabitants; so that the Catholic King cedes and makes over the whole to the said King, and to the crown of Great Britain, and that in the most ample manner in form.

[It is necessary to observe that the preliminary articles which, so far as relates to the three articles here inserted, are verbatim the same with those of the definitive treaty, were signed on the third day of November, 1762, on which same day, as will appear, France ceded Louisiana to Spain.]

* Viz: the 19th in the treaty, which provides for the restoratoin of Cuba to Spain.

PROCLAMATION OF THE KING OF GREAT BRITAIN.

By the King—A Proclamation.—George R.

Whereas we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace concluded at Paris the 10th day of February last; and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves, with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation, we have thought fit, with the advice of our privy council, to issue this our royal proclamation, hereby to publish and declare to all our loving subjects that we have, with the advice of our said privy council, granted our letters patent under our great seal of Great Britain to erect, within the countries and islands ceded and confirmed to us by the said treaty, four distinct and separate governments, styled and called by the names of Quebec, East Florida, West Florida, and Grenada, and limited and bounded as follows, viz:

First. The government of Quebec, bounded on the Labrador coast by the river St. John, and from thence by a line drawn from the head of that river, through the Lake St. John, to the south end of the Lake Nipissim; from whence the said line, crossing the river St. Lawrence, and the Lake Champlain, in 45 degrees of north latitude, passes along the high lands which divide the rivers that empty themselves into the said river St. Lawrence from those which fall into the sea; and also along the north coast of the Baye des Charleurs and the coast of the Gulf of St. Lawrence, to Cape Rosiers, and from thence, crossing the mouth of the river St. Lawrence by the west end of the island of Anticosti, terminates at the aforesaid river St. John.

Secondly. The government of the East Florida, bounded to the westward by the Gulf of Mexico and the Apalachicola river; to the northward by a line drawn from that part of the said river where the Chatahoochie and Flint rivers meet, to the source of St. Mary's river, and by the course of the said river to the Atlantic ocean; and to the east and south by the Atlantic ocean and the Gulf of Florida, including all islands within six leagues of the sea-coast.

Thirdly. The government of West Florida, bounded to the southward by the Gulf of Mexico, including all islands within six leagues of the coast, from the river Apalachicola to Lake Pontchartrain; to the westward by the said lake, the Lake Maurepas, and the river Mississippi; to the northward, by a line drawn due east from that part of the river Mississippi which lies in thirty-one degrees north latitude, to the river Apalachicola or Chatahoochie, and to the eastward by the said river.

No. 45.

BRITISH ORDINANCE.

The following ordinance was obtained from among the manuscripts delivered to the minister of the United States at London, and is the only paper on the subject:

His Majesty's instructions, &c.

West Florida, *Pensacola, November* 1, 1765.

Whereas nothing can more effectually tend to the speedy settling our said colony, the security of the property of our subjects, and the advancement of our revenue, than the disposal of such lands as are our property upon reasonable terms, and the establishing a regular and proper method of proceeding with respect to the passing grant of such lands, it is, therefore, our will and pleasure that all and every person and persons who shall apply to you for any grant or grants of land shall, previous to their obtaining the same, make it appear before you, in council, that they are in a condition to cultivate and improve the same, by settling thereon, in proportion to the quantity of acres desired, a sufficient number of white persons and negroes; and, in case you should, upon a consideration of the circumstances of the person or persons applying for such grants, think it advisable to pass the same, in such case you are to cause a warrant to be drawn up, directed to the surveyor general, or other proper officers, empowering him or them to make a faithful and exact survey of the lands so petitioned for, and to return the said warrant within six months, at the furthest, from the date thereof, with a plat or description of the land so surveyed thereunto annexed: *Provided*, That you do take care that, before any such warrant is issued as aforesaid, a docket thereof be entered in the auditor's and register's offices; and when the warrant shall be returned by the said surveyor, or other proper officer, the grants shall be made out in due form, and the terms and conditions required by these our instructions be particularly and expressly mentioned in the respective grants. And it is our further will and pleasure that the said grants shall be registered within six months from the date thereof, in the register's office, and a docket thereof be also entered in our auditor's office, in case such establishment shall take place in our said province, or that, in default of such entry, such grant shall be void; copies of all which entries shall be returned regularly by the proper officer to our commissioners of our treasury, and to our commissioners for trade and plantations, within six months from the date thereof.

And whereas great inconveniences have arisen in many of our colonies in America, from the granting excessive quantities of land to particular persons, who have never cultivated or settled it, and have thereby prevented others, more industrious, from improving the same; in order, therefore, to prevent the like inconveniences for the future, you are to take especial care that, in all grants to be made by you, by and with the advice of our council, to persons applying for the same, the quantity be in proportion to their ability to cultivate; and you are hereby directed to observe the following directions and regulations in all grants to be made by you, viz:

That one hundred acres of land be granted to every person, being master or mistress of a family, for himself, or herself, and fifty acres for every white or black man, woman, or child, of which such person's family shall consist, at the actual time of making the grant; and in case any person applying to you for grants of lands shall be desirous of taking up a larger quantity than the actual number of persons in his or her family would entitle such person to take up, it is our will and pleasure, and you are hereby allowed

and permitted, to grant unto every such person or persons such further quantity of land as they may desire, not exceeding one thousand acres over and above what they are entitled to by the number of persons in their respective families: *Provided*, it shall appear to you that they are in a condition and intention to cultivate the same: *And provided, also*, that they do pay to the receiver of our quit-rents, or to such other officer as shall be appointed to receive the same, the sum of five shillings only for every fifty acres so granted, on the day of the date of the grant: that every grantee, upon giving proof that he or she has fulfilled the terms and conditions of his or her grant, shall be entitled to another grant in proportion, and upon the conditions above mentioned: that, for every fifty acres of lands accounted plantable, each patentee shall be obliged, within three years after the date of his patent, to clear and work three acres at least in that part of his tract which he shall judge most convenient and advantageous, or else to clear and drain three acres of swampy or sunken grounds, or drain three acres of marsh, if any such be within the bounds of his grant: that, for every fifty acres of land accounted barren, every patentee shall be obliged, within three years after the date of his grant, to put and keep on his land three neat cattle, which number he shall be obliged to continue on his land until three acres of every fifty be fully cleared and improved: that if any person shall take up a tract of land, wherein there shall be no part fit for present cultivation, without manuring and improving the same, every such grantee shall be obliged, within three years from the date of his grant, to erect, on some part of his land, one good dwelling-house, to contain at least twenty feet in length and sixteen in breadth, and also to put on his land the like number of three neat head of cattle for every fifty acres: that if any person who shall take up any stony or rocky grounds, not fit for culture or pasture, shall, within three years after the passage of his grant, begin to employ thereon, and so to continue for three years next ensuing, in digging any stone quarry or mine, one good and able hand for every hundred acres of such tract, it shall be accounted a sufficient cultivation and improvement; that every three acres that shall be cleared and worked as aforesaid, and every three acres which shall be cleared and drained as aforesaid, shall be accounted a sufficient seating, planting, cultivation, and improvement, to save, forever, from forfeiture, fifty acres of land in any part of the tract contained within the said patent; and the patentee shall be at liberty to withdraw his stock, or to forbear working, in any quarry or mine, in proportion to such cultivation and improvement as shall be made upon the plantable lands, or upon the swampy or sunken grounds and marshes which shall be included in the same patent: that, when any person who shall hereafter take up and patent any land shall have seated, planted, and cultivated or improved the said land, or any sart of it, according to the directions and conditions above mentioned, such patentee may make proof of such seating, planting, cultivation, and improvement, in the general court, or in the court of the county, district, or precinct, where such land shall lie, and have such proof certified to the register's office, and there entered with the record of the said patent, a copy of which shall be admitted, on any trial, to prove the seating and planting such land. And, lastly, in order to ascertain the quantity of plantable and barren land contained in each grant hereafter to be made within our said province, you are to take especial care that, in all surveys hereafter to be made, every surveyor be required and enjoined to take particular notice, according to the best of his judgment and understanding, how much of the land surveyed is plantable, and how much of it is barren and unfit for cultivation, and, accordingly, to insert in the survey and plat by him to be returned into the register's office, the true quantity of each kind of land. And it is our further will and pleasure that in all grants of land to be made by you, as aforesaid, regard be had to the profitable and unprofitable acres, so that each grantee may have a proportionable number of one sort and the other; as, likewise, that the breadth of each tract of land to be hereafter granted be one-third of the length of such tract, and that the length of each tract do not extend along the banks of any river, but into the main land; that thereby the said grantees may have each a convenient share of what accommodation the said river may afford for navigation or otherwise. And it is our will and pleasure that in every grant of land within our said province, to be hereafter made by you, you take especial care that a clause be inserted reserving to us, our heirs, and successors, a quit-rent of one halfpenny sterling per acre, payable at the feast of St. Michael, every year, the first payment to commence on the said feast of St. Michael, which shall first happen after the expiration of two years from the date of the grant, and to be payable on every ensuing feast of St. Michael, or within fourteen days after.

Entered at Pensacola, November 3, 1765.

JOHN HANNAY, *Register.*

[In addition to the foregoing, it has been considered proper to give the views of the commissioners "for ascertaining claims and titles to land within the district of West Florida," on the subject of British claims, extracted from 2d part, Vol. VII., 2d sess. 18th Cong , letter M, page 177.]

Report on British claims.

The law organizing this board of commissioners has directed us to examine and determine the validity of claims submitted for adjudication, "agreeably to the laws and ordinances heretofore existing of the governments making the grants respectively." In addition to this, the attention of the commissioners is directed to two objects in the investigation of British claims: 1st, to ascertain how far they are valid by the law of nations; and, 2d, how far they have been considered valid under the Spanish government; and, if satisfied that said claims be correct and valid, shall give confirmation to them.

The great reliance of the British claimants is placed upon the effort to prove that their titles are valid by the laws of nations They do not pretend that they were considered valid under the Spanish government, but endeavor to avail themselves of the *jus postliminium*, as laid down in Vattel, and other writers upon the laws of nations. Let us for a moment examine the soundness of this position.

"The right of *postliminium*," says Vattel, "is that in virtue of which persons and things taken by the *enemy* are *restored* to their former state, on *coming again into the power of the nation to which they belonged.*" There are two modes by which they may be *restored* to the possession of the *original* proprietors: 1st, by reconquest, and 2d, by *treaty stipulation*. Although prisoners of war may have given their parole, territories and towns submitted to the enemy, and sworn and promised him allegiance, yet, if retaken, they are to be re-established in their former condition, and enjoy the right of postliminium. The acquisition of *immovables* is not fully consummated till confirmed by a treaty of peace, or by the entire submission or destruction of the State to which they *belonged*. Till then the sovereign has hopes of *retaking* them or

recovering them by a *peace.* "Provinces, towns, and lands, which the enemy restores by the treaty of peace, are certainly entitled to the right of postliminium." "The enemy, in giving back a town at the peace, renounces the right he had acquired by arms." "*But if that town,*" says Vattel, "*had been ceded to the enemy by a treaty of peace,* or was completely fallen into his power by the submission of the whole State, *she has no longer any claim to the right of postliminium,* and the alienation of any of her possessions by the conqueror is valid and irreversible; nor can she lay claim to them, if, in the sequel, *some fortunate revolution should liberate her from the yoke of the conqueror.*" "Its former state is absolutely destroyed; all its relations, all its alliances, are extinguished."—(Vattel, b. 3, c. 14, sec. 212.)

"*Whatever is ceded to the enemy by a treaty of peace* is truly and *completely alienated. It has no longer any claim to the right of postliminium, unless the treaty of peace be broken or cancelled.*" "It might be said, in general, that *the right of postliminium no longer exists after the conclusion of the peace. That right entirely relates to a state of war.*"—(B. 3, c. 14.)

As the right of postliminium relates to, and is founded on, a state of war, it has no effect or operation, except amongst the belligerents or allies who made a common cause, and are *partakers and associates in the war.*—(Vattel, b. 3, c. 14, sec. 207.) Spain and England were the only parties and privies to the war terminated by the capitulation of 1781, and the treaty of 1783. We have no evidence that the British claimants were *deprived* of their lands by conquest; but even admitting it to be the fact, agreeably to the doctrines laid down in Vattel, the *jus postliminium* could only have been made to operate in their favor, had Florida, at the peace, been *restored* to England, who was the *original owner.* As those private rights were recognized in the articles of capitulation, and in the fifth article of the treaty, there is every reason to believe that there is no ground upon which this principle could be introduced, as that cannot be *restored* which was never lost by conquest. Further, as the country was *ceded* to Spain, the enemy and conqueror, instead of being restored to *England,* the *original owner* and nation to whom it belonged, the right of postliminium is taken away, unless the treaty be broken or cancelled. If cancelled or broken, it would be good ground of complaint to be brought by England against Spain; but it is a question in which it is believed the United States could not interfere. They were neither parties nor privies to the war, the capitulation or treaty, and as such can claim *no rights,* and consequently have incurred *no obligations* under them.

From this view of the subject, it is considered that the principle of the *jus postliminium* could not be made to operate in favor of British subjects; as Florida was ceded away by her, instead of being *restored* to her, by the treaty of 1783. Had it availed anything, Great Britain would not have provided for those claimants in the treaty, or made them remuneration when they failed to dispose of their lands agreeably to the stipulations of the treaty. Upon examination, it will be found equally evident that the United States are under no obligations on this occasion. They were not parties or privies to the war. Although Spain was at war with England during the latter part of the American revolution, yet we were not *allies,* engaged in a *common cause,* associates in the same contest. There was no treaty of offensive or defensive alliance between them. Conceding this point, however, and it avails nothing, in order that the doctrine of *jus postliminium* should be introduced with effect, we should have been *allies of England,* who lost the country by conquest, and to whom it should have been restored either by reconquest or treaty stipulation. American citizens can occupy no better ground than the citizens of Great Britian; and those, we have seen, cannot avail themselves of the right of jus postliminium.

As the right of postliminium no longer exists after the conclusion of a peace, the British claimants are precluded from availing themselves of it by the treaty of 1783. This instrument placed these claims entirely upon different grounds; recognized them, and made provision for their disposition by the subjects of Great Britain who were inclined to *emigrate.* The *jus postliminium* has no bearing upon the subject; but the question is made to turn, exclusively, upon the construction of the treaty.

By the articles of capitulation, signed at Pensacola, in 1781, by the commanders of the Spanish and British forces, it was provided that "the British inhabitants, *or those who may have been subjects of the King of Great Britain in the said countries,* may retire in full security and liberty where they shall think proper; and may sell their estates, and remove their effects, as well as their persons; the time limited for their emigration being fixed to the space of eighteen months." This indulgence was incorporated in the treaty of 1783, with the additional provision of extending the time if necessary. It is contained in the 5th article of the treaty, which was ratified on the 3d of September, 1783, and is as follows: "His Catholic Majesty agrees that the British inhabitants, *or others who may have been subjects of the King of Great Britain in the said provinces,* may retire in full security and liberty where they shall think proper, and may sell their estates, and remove their effects, as well as their persons, without being restrained in their *emigration* under any pretence whatever, except on account of debts or criminal prosecutions; *the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty;* but if, from the value of the possessions of the English proprietors, they should not be able to dispose of them within the said term, then his Catholic Majesty shall grant them a prolongation proportioned to that end." In the year 1785, it is said a prolongation of four additional months was given by the King of Spain.

Upon the subject of capitulations, Vattel says: "The governor of a town, and the general who besieges it, have a power to settle the terms of capitulation; and whatever agreement they thus form within the term of their commission is obligatory on the State or sovereign who has invested them with the power by which they conclude it."—(B. 2, c. 14, sec. 207.) It is no doubt upon this principle that the provision of the article of capitulation, in favor of British claimants, was incorporated in the 5th article of the treaty of 1783, and also for the purpose of consummating the arrangements. This was necessary, as Vattel declares that "*immovable* possessions, lands, towns, provinces, &c, become the property of the enemy who makes himself master of them; *but it is only by the treaty of peace, or the entire submission and extinction of the State* to which these towns and provinces belonged, that the acquisition is completed, and the property becomes stable and perfect."—(B. 3, c. 19, sec. 197.)

In examining the phraseology of the 5th article of the treaty, it appears that all British claimants were entitled to the indulgence; not only "*British inhabitants,*" but those "who may have been subjects of the King of Great Britain in the said provinces." Those who were citizens of the United States at the date of the treaty, if they had been subjects of the King of Great Britain in said provinces, were entitled to every indulgence in the disposition of their property. If they failed to avail themselves of those provisions, it is their own neglect, and they cannot but charge themselves with the consequences. The treaty is to be construed like any other contract; and if the parties have not complied with the conditions, they are compelled to abide the result, or submit to the penalty. Their claims occupy precisely the

same ground, however different may be the *character of the claimants.* Agreeably to the spirit, at least, of national law, Spain was authorized in requiring such a provision as that contained in the 5th article of the treaty. "Every state," says Vattel, "has the liberty of granting or refusing to foreigners the power of possessing lands or immovable property within her territory. If the sovereign does not permit aliens to possess immovable property, nobody has a right to complain of such a prohibition; for he may have good reason for acting in this manner; and as foreigners cannot claim any right in his territories, they ought not to take amiss that he makes use of his power and of his right in the manner which he thinks most for the advantage of the state."—(B. 2, c. 8, s. 114.) The sovereign may also forbid the entrance of his territories either to foreigners in general, or in particular cases, or to certain persons, or for certain particular purposes, according as he may think it advantageous to the state.—(B. 2, c. 7, s. 94.) The King of England had likewise the power and right to accede to the stipulations in the 5th article of the treaty of 1783. "The necessity of making peace authorizes the sovereign to dispose of the property of individuals; and the eminent domain gives him a right to do it."—(Vattel, b. 4, c. 2, s. 12.) In the treaty of 1783, the property of individuals was not ceded away *absolutely*, but only *conditionally*, where the claimants failed to dispose of it within the limitation.

If Spain refused to extend the time, as contemplated in the 5th article of the treaty, it was a subject of complaint by England against that government. The United States could not interfere in deciding such a question, as it would be an infringement of the independence of the original parties concerned.—(Vattel, b. 2, c. 4, s. 54; b. 4, c. 4, s. 40; Preliminaries, s. 9.) But it was not the fact that England complained or remonstrated on the occasion. Upon the expiration of the term within which the British claimants were to return and dispose of their property, that government made compensation to her citizens, which was an acknowledgment that she had no complaints or demands against the King of Spain. With this fact before them, it would not become the American government to interpose in the contracts of other sovereign powers, and declare that either had failed in compliance.

Most sovereign states have adopted, in some shape or other, the principle contained in the 5th article of the treaty, in order to prevent foreigners from owning real property within their limits, and thereby obtaining an influence which might be wielded to the injury of the country. It was no doubt principally from this consideration that the 5th article of the treaty was framed and incorporated in that instrument. In effect it required "the British inhabitants, or the others who may have been subjects of the King of Great Britain in the said provinces," either to remain in Florida as citizens of Spain, or to dispose of their property within the limitation. From the language of the articles, they appear to have had their election, and it is believed that where they failed to avail themselves of the indulgence secured by this provision of the treaty, or to obtain the confirmation of the Spanish authorities, which was equivalent to a release, the lands were considered vacant, and subject to forfeiture. Similar provisions are contained in the treaty of 1763, which are found in the proclamation of General Gage, bearing date 30th December, 1764, addressed to the inhabitants of Illinois and Vincennes, respecting their lands, upon taking possession of their country by the troops of his Britannic Majesty. In Siera's case, Governor O'Neal declares that the time had expired within which British claimants were to return and dispose of their property, and it is understood that it was regranted whenever applications were made to that effect. The 8th section of the act of Congress passed the 30th of March, 1803, making provisions for the disposal of the lands of the United States south of the State of Tennessee, and the 1st section of the act passed 5th July, 1812, upon the same subject, expressly recognize the fact of Spain having regranted lands originally granted by the British authorities in West Florida. The board of royal treasury, by a decree dated 24th of September, 1801, at New Orleans, which was founded upon official proceedings instituted to ascertain the buildings and lots in Pensacola to which the King of Spain was entitled by conquest, and from *absolute relinquishment of the same by proprietary owners,* exposed those houses and lots to sale at public auction. Whenever they were presented, after a limited period, they were either confirmed, or declared to be forfeited by the Spanish authorities. It was the policy of the Spanish government to have their lands settled and cultivated; foreigners were, as far as possible, excluded, unless they were Catholics. In their concessions, the petitioner was requested to take an oath that no foreigner was interested in the land solicited, and that he or she would not convey to such at a subsequent period. A difference in religion was not tolerated. Such was the effect of these regulations that most of the English removed from Florida, particularly from East Florida, after the treaty of 1783.

These facts combined, are conclusive as to the opinion entertained by the Spanish authorities in relation to the validity of such claims. Had those now under consideration been brought into controversy before the Spanish tribunals anterior to the cession of the country to the United States, there can be no hesitation in believing that they would have been declared null and void. The British claimants have not attempted to make out a valid title under the Spanish government, or to show that the Spanish tribunals would have considered their claims valid and correct. They are, no doubt, satisfied of their weakness upon this ground, and it accounts for those claims being permitted to lie dormant in the hands of the proprietors for upwards of forty years. During this period no notice was given of their existence; many were unlocated, and none in actual occupation of the proprietors. The King of England's proclamation, bearing date October 7, 1763, by which the governments of East and West Florida are created, vests the governors with the power to grant and dispose of lands "to any such person or persons, upon such terms, and under moderate quit-rents, services, and acknowledgments, as have been appointed and settled in other colonies, and under such conditions as shall appear to us to be necessary and expedient *for the advantage of the grantees, and the improvement and settlement of our said colonies.*" The governors were authorized to grant lands to new settlers, and to reduced officers of the army and navy, in the following proportions: To any person having the rank of a field officer, 5,000 acres; to any captain, 3,000 acres; to any subaltern, or staff officer, 2,000 acres; to any non-commissioned officer, 200 acres; to any private man, 60 acres. No limits, except that of the advantage *of the person, and the improvement and settlement of the colonies,* are imposed upon grants to new settlers; but the proclamation expressly declares that all these grants are subject to the same conditions of cultivation and improvement. Further, no plat is filed, in some cases, to show that they ever were surveyed; and the warrants, which require upon the face of them that they should be located in *six months* from the time at which they were issued, are entirely floating claims. No evidence, either, has been presented to show that the *condition subsequent* upon which the perfect grants were made, have ever been fulfilled. This alone, agreeably to Blackstone, renders the claims at least *voidable,* and may be declared void by the commissioners. Under such circumstances, we do not believe they would be recognized as possessing any validity under the laws of England, the government from whence they emanated.

Whether the British claims are, ipso facto, *void*, or only *voidable*, the United States are entitled to the right and immunities of Spain, by a transfer of the sovereignty and domain of Florida, under the treaty of February 22, 1819. Admitting that they are only *voidable*, the United States and their tribunals can declare them void, as did the Spanish authorities. If Spain could regrant them, and sell them at public auction, the United States, as the successor of Spain, are entitled to all the advantages resulting from a similar disposition of the property. As Spain, in her practical construction of the treaty, has viewed those claims as subject to forfeiture whenever they have not been regranted or confirmed by her legal authorities, they must be vacant, and consequently belong to the public domain. The doctrine of *prescription*, as a bar to such claims, as well as the plea attributing their want of location, and compliance with conditions to the peculiar situation of the country, are also superfluous, as it is admitting claims to exist which have been forfeited. The Partidas, as cited upon the subject of appeals from the judgments of Spanish tribunals, is equally far from being in point, as it could only apply between parties and privies within their legal jurisdiction. Under no circumstances would this law and the doctrine of prescription avail the claimants anything against the government, however effectual they might be in a private controversy. Neither can they derive any advantage from a non-compliance with the 5th article of the treaty, unless they can also show that they have received a confirmation or conveyance from the Spanish government to the land in question. Were the United States to recognize those claims it would be altogether a *gratuity*, an act of munificence, and not one which was the result of legal obligation. Congress are competent to make such a grant; but, as a special court of legal jurisdiction, we have no such authority, and can exercise no discretion upon the subject.

In the treaty between Spain and the United States no provision was made for the British claimants, but only such as emanated from his Catholic Majesty and his lawful authorities; and, by the law organizing this board of commissioners, none are to be examined except those claimed and owned, *bona fide*, by American citizens, and for which no compensation has been made by the British government. This has been construed by the claimants as a recognition of *postliminary* rights; but, if the law is examined, it will be found to be a mistake, as the commissioners are first directed to ascertain whether they are valid by the law of nations; how far they are so considered under the Spanish government, and, after this inquiry, are made the judges whether they are valid and correct, and entitled to confirmation.

It is believed that the commissioners have no power to declare a forfeiture in those cases where the claim exceeds 3,500 acres. Here they are only intended to act as an inquest, or court of inquiry, and furnish Congress with the facts upon which a forfeiture may be declared. It is their province to ascertain what lands belong to individuals, as distinguished from those which have accrued to the United States under the treaty. Those arising from forfeiture constitute as perfect a class of rights as those to the soil which has never been appropriated to individual uses; they appertain, in all regular governments, to the sovereignty and domain, and cannot be separated from them.

From every view which we have been enabled to give this subject, we are constrained to declare all British claims within our jurisdiction, which were not confirmed by Spain, or disposed of in conformity with the 5th article of the treaty of 1783, forfeited, void, and of none effect. They are not valid by the law of nations, and would not be considered valid under the Spanish government. We are therefore convinced that they are not valid and correct; and, agreeably to the provisions of the law organizing this board, they must be rejected. With respect to the British claims exceeding 3,500 acres, we believe the reasons contained in this opinion are altogether applicable, and request that they may be received as our report in both cases.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.
JOSEPH M. WHITE.

[Translation.]

PETITION OF F. M. ARREDONDO.

SEÑOR GOVERNOR: I, Don Fernando de la Maza Arredondo, junior, an inhabitant of this city, with due respect to your lordship, say that, to be on my guard in the case of the cession of this province to the United States happening to take effect, and to have a safeguard to oppose to any claim, which, under the pretext of ancient titles, might be attempted by English subjects upon any of the various lands which have been granted to me, although by their emigration they lost all their right, your lordship would be pleased to aid me, by ordering that, by the notary of the government, testimony in continuation be authorized of the third article of the definitive treaty of peace between the crown of Spain and that of England, signed at Versailles on the twentieth of January, one thousand seven hundred and eighty-three, and the official letter of prolongation for the emigration of the English subjects; which documents are collected in evidence to the acts of inventory of bargain and sale of the houses and grounds which reverted to the royal patrimony at the time of the English having evacuated this province, by their owners having left them *pro derelicto*. That there be also authorized the testimony of the fourth article of the edict of good government, published in this place on the 2d of September, 1790, relative to the royal order of the 5th of April, 1786, upon the remaining, in this said province, of the English inhabitants, under the indispensable condition of taking the oath of fidelity; which royal order, which is in the office of the secretary of the government, I pray you to be pleased to order to be delivered to the said notary, that he may legalize testimony from it, and that the whole proceeding may be lodged in the public office, and that testimony of the whole process may be furnished to me; therefore, I pray your lordship to be pleased to decree as I request, which favor I expect from your justice.

F. M. ARREDONDO.

ST. AUGUSTINE, *of Florida, February* 17, 1820.

DECREE.

ST. AUGUSTINE, *February* 17, 1820.

In everything as is requested.

COPPINGER.

Before me.

JUAN DE ENTRALGO, *Notary of Government.*

NOTIFICATION.

At St. Augustine, on the same day, month, and year, I notified the preceding decree to Don Fernando de la Maza Arredondo, jr.

Attested: ENTRALGO.

In compliance with the command, and at sight of the definitive treaty of peace made at Versailles the twentieth of January, one thousand seven hundred and eighty-three, which was approved in Spain by the King our lord, I copy literally the third article, which, with the said approval and official letter of prolongation aforesaid, is as follows:

ARTICLE 3. His Britannic Majesty shall cede to his Catholic Majesty East Florida, and his Catholic Majesty shall keep East Florida, it being well understood that there shall be granted to the subjects of his Britannic Majesty, who are established as well in the island of Minorca as in the two Floridas, the term of eighteen months, which shall be counted from the day of the ratification of the definitive treaty, to sell their property, recover their debts, and transport their effects and persons, without molestation on account of their religion, or under any other pretext whatsoever, excepting that of debts or criminal causes; and his Britannic Majesty shall have the power of causing to be transported from East Florida all the effects which may belong to him, whether artillery or any others whatsoever.

Don Carlos, by the grace of God King of Castile, Leon, Arragon, the two Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Algesiras, Gibraltar, the Canary Islands, the East and West Indies, the islands and continent of the ocean, Archduke of Austria, Duke of Borgona, Brabant, and Milan, Count of Apsburg, Flanders, Tyrol, and Barcelona, Lord of Biscay and of Molina, &c.: Whereas, in consequence of the preliminary articles of peace between my crown and that of England, signed at Versailles the twentieth of January of this year, by the Count of Aranda, my ambassador to the most Christian King, with my full powers, and by Don Alcine Fitz Herbet, minister plenipotentiary of the King of Great Britain, of which ratifications made by me and his Britannic Majesty were afterwards changed in due form, the same Count of Aranda on my part, and on that of his Britannic Majesty the Duke of Manchester, ambassador to the most Christian King, and his plenipotentiary, have labored and brought to a happy conclusion the definitive treaty of peace, which consists of a preamble and twelve articles, with other two separate articles, all in the French tongue, the contents of which, with its translation into Spanish, is of the following tenor. [Here was inserted the treaty.] Wherefore, having seen and examined the before-inserted definitive treaty, the twelve articles which it contains, and the two separate ones which follow it, I have come to approve and ratify what it and they contain, as in virtue of these presents I approve and ratify it in the greatest and most ample form that I can, promising, on the faith and word of a King, to fulfil and observe it, and to cause it to be fulfilled and observed entirely, as if I myself had done and signed it. In faith of which, I have ordered these presents to be despatched, signed with my hand, sealed with my privy seal, and countersigned by the underwritten, my counsellor of state, first secretary of state and of despatch. Given at St. Ildefonso, the twelfth of September, one thousand seven hundred and eighty-three.

I, THE KING.

JOSÉ MONINO.

OFFICIAL LETTER.

SIR: At the moment of sailing for Vera Cruz, the sixteenth of this month, his excellency Count de Galvez charged me to copy for you the royal order which he had just received, considering the delay with which his excellency could execute it if he waited to put it in execution from Mexico; in virtue of which I do it, the said royal order being of the tenor following:

ROYAL ORDER.

THE PARDO, *February* 7, 1785.

In consequence of what I have intimated to your excellency in the letter of the 24th of January last, the King has been pleased to prolong by four months the eighteen stipulated in the definitive article of peace for the emigration of the English subjects who may be in West Florida. I communicate to your excellency this royal determination, that its fulfilment may be provided for. God preserve your excellency many years.

DON JOSÉ DE GALVEZ.

Señor COUNT DE GALVEZ.

God preserve you many years. Havana, the 19th of May, 1785. I kiss your hands, and am your most obedient servant,

BERNARDO FRONCOSO.

Señor DON VICENTE MANUEL DE ZERPEDES, *Florida.*

FOOTING.

It is agreeably to the documents cited, which have been delivered to me by the governor and commander general of this place, to whom I returned them; and, in virtue of this decree, I give these presents at St. Augustine, of Florida, the 8th of March, 1791.

DOMINGO RODRIGUEZ DE LEON, *Notary of Government.*

It is agreeably to the testimony of their originals, which are collected for the process instituted in the year one thousand seven hundred and ninety, upon the sale of houses and lands which were abandoned and returned into the royal patrimony, in consequence of their English owners having emigrated, which process is in the archive under my charge, to which I refer; and, in fulfilment of the command in the decree preceding, I sign and seal these presents at St. Augustine, of Florida, the 18th of February, 1820.

JUAN DE ENTRALGO, *Notary of Government.*

ROYAL ORDER.

THE PARDO, *April* 5, 1786.

Of this date I communicate to the captain general of both Floridas, Count de Galvez, the following royal order: At a council of the board of state, and upon a view of what your excellency has expressed in a former letter, number fifty-six, and of the contents of the copy enclosed from the governor of Louisiana, Don Etevan Miro, respecting the difficulties which occur, that the English and American families established at Baton Rouge, Mobile, Pensacola, and Natchez, may go from said provinces, agreeably to the last treaty of peace, the King has been pleased to approve of the provision which your excellency has made with the said governor, that no novelty should take place towards the said families, it being his royal will that the permission be continued to them of dwelling where they are established, on the condition that for the present, and as indispensable circumstances, they take a solemn oath of fidelity and obedience to his Majesty, and that they go not out of the limits where they are actually situated without the power of going to other parts, not having an express license of the government; that those who shall not comply with these just conditions, depart by sea for the colonies of North America, at their expense, or, in defect of that, at the expense of the King, who shall be reimbursed from their effects as far as possible; that this same concession be extended to the inhabitants of East Florida as far as it may be adapted to it; and that in Natchez and other places of both Floridas, where it is convenient, parishes of Irish clergy be established, in order to bring said colonists and their children and families to our religion, with the sweetness and mildness which it advises. In order that this royal resolution may have due accomplishment and the good success which his Majesty promises himself, it is necessary that your excellency (availing yourself of your own observations, and of those which the Governors Miro and Zerpedes may furnish you) form a plan or arrangement of the mode which should be pursued in the said parishes, with an expression of the number of clergymen who are to serve them, in an understanding that under this date I inform the bishop of Salamanca to cause, in the meantime, four to be chosen, of known zeal, virtue, and learning, from those of that university, or any other part where he has them, and that this royal resolution be sent to the said governors for their understanding and fulfilment. God, &c. Such is the order of his Majesty for the purposes therein expressed. God preserve you many years.

THE MARQUIS OF SONORA.

The GOVERNOR *of St. Augustine, of Florida.*

DECREE.

ST. AUGUSTINE, *of Florida, August* 12, 1791.

Let a copy of this royal order be taken in the royal office, and let the original be returned to the department.

QUESADA.

NOTE.

That, of the date of the preceding decree, a copy of this royal order, which remains in the office under my charge, and was returned to the office of the government secretary, was taken, according to the orders of the same decree.

GONZALO ZAMORANO.

It is agreeably to its original, which is in the secretary's office of this government, to which I refer; and, in fulfilment of orders, I seal and sign the present testimony, at St. Augustine, of Florida, the 18th of February, 1820.

JUAN DE ENTRALGO, *Notary of Government.*

FOURTH ARTICLE OF THE EDICT OF GOOD GOVERNMENT.

The King our lord, by royal order of the 5th of April, 1786, grants to all the foreigners who may have been inhabitants of this province at the time of the English authority, that they may remain in it, protected in the possession of their land and effects, under the indispensable conditions of taking the oath of fidelity, of not augmenting the said lands, nor transferring themselves to any others; consequently, all those who have not conformed and do not conform to the said conditions within thirty days positively, by proceeding to show me their dispositions in person, or, if absent, by letters, to do what is proper, shall depart from this province aforesaid.

This is agreeably to the fourth article of the edict of good government, which is in the bureau of war, and was published in this place, with the usual formalities, on the 2d of September, 1790, by order of the political and military governor thereof, as appears from the book of edicts, which is in the archives under my charge, to which I refer; and, in fulfilment of orders, I seal and sign these presents, at St. Augustine, of Florida, the 18th of February, 1820. Sealed.

JUAN DE ENTRALGO, *Notary of Government.*

FLORIDA, *St. John's County, ss:*

I, James S. Zingle, keeper of the public archives *pro tem.*, do certify that the above and foregoing twelve pages contain a faithful transcript of the original now on file in my office. Witness my hand, November 29, 1822.

JAMES S. ZINGLE.

A new decree of the governor to a memorial presented by Don Juan Johnson, St. Augustine, Florida, August 30, 1785.

Under date of the 13th July last it is declared, on sight of the report of the secretary of this commandancy general, Captain Don Carlos Howard, qualified by his Majesty to attest and determine on the value and authenticity of every English document, that he considered Don Juan Johnson not qualified to execute the sale and alienation of the lot and edifices cited in the annexed memorial, not because he doubted that the said Don Thomas Nixon was then the lawful proprietor, and fully entitled to dispose of the real property which he had in this province, conformably to the tenor of the last treaty of peace, but because the power which Don Roberto Payne passed to the memorialist, Don Juan Johnson, in no manner cites, expresses, or quotes the letter of attorney granted by said proprietor Nixon to the said Payne, who gave the power to Don Juan Johnson; consequently, if Don Roberto Payne effectively received legal powers from Don Thomas Nixon, his having neglected to pass over the originals, or well-authenticated copies, to Don Juan Johnson makes said Payne, by the mere fact, the principal and only cause of the manifest inability of Don Juan Johnson to have the power to alienate said lot and buildings. And whether it be inadvertence, ignorance of the laws, or any other motive whatsoever, which may have induced said Don Roberto Payne to fail in so essential a point, the property of Don Thomas Nixon cannot be exempted from sharing the same fate as that of several other British subjects who have abandoned their immovable property without taking measures to sell it; and the same happened to several Spaniards, when, in the year 1763, this province was ceded to Great Britain, the abandoned possessions falling then to the King of England, in the same manner as they now devolve to the King, my master, the primitive term of eighteen months and the succeeding prolongation of four months stipulated for in the last definitive treaty of peace having ended on the 19th of June last.

I do hereby certify the foregoing to be a true and correct translation from a document in the Spanish language, recorded in a book in the office of the public archives.

Witness my hand and private seal, at the city of St. Augustine, Florida, the 15th of December, [L. S.] 1828.

THOMAS MURPHY, *Keeper of Public Archives pro tem.*

No. 46.

Extracts from treaties between Great Britain and the Indians of March 26, *May* 28, *and November* 18, 1765.

To all to whom these presents shall come:

I, William Hurry, notary public, by royal authority, duly admitted and sworn, practicing in Liverpool, in the county palatine of Lancaster, in the United Kingdom of Great Britain and Ireland, and also a master extraordinary in his Majesty's high court of chancery in England, do hereby certify that the annexed sheet of paper contains true copies of an "extract of a treaty between Great Britain and the Chickasaw and Choctaw Indians, signed at Mobile, in the province of West Florida, the 26th of March, 1765;" and of an "extract of a treaty between Great Britain and the Upper and Lower Creek Indians, signed at Pensacola, in the province of West Florida, the 28th of May, 1765;" and of an "extract of a treaty between Great Britain and the Upper and Lower Creek Indians, signed at Picolata, in the province of East Florida, the 18th of November, 1765;" and of the certificate of Lewis Hertslet, librarian of the state paper office, subscribed to each of such extracts, that the same is a faithful extract from the original treaty deposited in such office, and of the attestation subscribed to each of the said certificates of Joseph Planta, jr., esq., under secretary of state, under the seal of the foreign office, having carefully collected and examined the said copies with the said several original extracts, certificates, and attestations.

In faith and testimony whereof, I have hereunto subscribed my name, and set and affixed my seal of office, at Liverpool aforesaid, this seventh day of December, in the year of our Lord one thousand [L. S.] eight hundred and twenty-five.

WILLIAM HURRY, *Notary Public, Liverpool.*

Extract of a treaty between Great Britain and the Chickasaw and Choctaw Indians, signed at Mobile, in the province of West Florida, the 26th of March, 1765.

"ARTICLE 5. And to prevent all disputes on account of encroachments, or supposed encroachments, committed by the English inhabitants of this or any other of his Majesty's provinces, on the lands or hunting grounds reserved and claimed by the Chickasaw and Choctaw Indians, and that no mistakes, doubts, or disputes may for the future arise thereupon, in consideration of the great marks of friendship, benevolence, and clemency extended to us, the said Chickasaw and Choctaw Indians, by his Majesty King George the Third, we, the chiefs and head warriors, distinguished by great and small medals, and gorgets, and bearing his Majesty's commissions as chiefs and leaders of our respective nations, by virtue and in pursuance of the full right and power which we now have and are possessed of, have agreed, and we do hereby agree, that for the future the boundary be settled by a line extended from Gross Point, in the island of Mount Louis, by the course of the western coast of Mobile bay, to the mouth of the eastern branch of Tombecbee river, and north by the course of the said river to the confluence of Alebamont and Tombecbee rivers, and afterwards along the western bank of Alebamont river to the mouth of Chickasaw river, and from the confluence of Chickasaw and Alebamont rivers a straight line to the confluence of Bance and Tombecbee rivers; from thence by a line along the western bank of Bance river till its confluence with the Tallotkpe river; from thence, by a straight line, to Tombecbee river, opposite to Alchalickpe; and from Alchalickpe, by a straight line, to the most northerly part of Buckatanne river, and down the course of Buckatanne river to its confluence to the river Pascagoula, and down by the course of the river Pascagoula, within

twelve leagues of the sea-coast; and thence, by a due west line, as far as the Choctaw nation have a right to grant.

"And the said chiefs, for themselves and their nations, give and confirm the property of all the lands contained between the above-described lines and the sea to his Majesty the King of Great Britain, and his successors, reserving to themselves full right and property in all the lands to the northward of said lines now possessed by them, and none of his Majesty's white subjects shall be permitted to settle on Tombecbee river to the northward of the rivulet called Centebonck."

GEORGE JOHNSTONE,
Governor of West Florida.
JOHN STEWART,
Superintendent of the Southern District.
And by 29 kings and chiefs of Indians.

I certify that the preceding is a faithful extract from the original treaty deposited in the state paper office.

LEWIS HERTSLET, *Librarian.*

Signed in the presence of—
JOSEPH PLANTA, Jr.,
Under Secretary of State.
FOREIGN OFFICE, *August* 5, 1825.

Extract of a treaty between Great Britain and the Upper and Lower Creek Indians, signed at Pensacola, in the province of West Florida, the 28th of May, 1765.

"ARTICLE 5. And to prevent all disputes on account of encroachments, or supposed encroachments, committed by the English inhabitants of this or any other of his Majesty's provinces on the lands or hunting grounds reserved and claimed by the Upper and Lower Creek nations of Indians, and that no mistakes, doubts, or disputes may for the future arise thereupon, in consideration of the great marks of friendship, benevolence, and clemency extended to us, the said Indians of the Upper and Lower Creek nations, by his Majesty King George the Third, we, the said chiefs and head warriors, leaders of our respective nations, by virtue and in pursuance of the full rights and powers we have and are possessed of, have agreed, and we do hereby agree, that for the future the boundary be at the dividing paths going to the nation and Mobile, where is a creek; that it shall run along the side of that creek until its confluence with the river which falls into the bay; then to run round the bay and take in all the plantations which formerly belonged to the Yanmasee Indians; that no notice is to be taken of such cattle or horses as shall pass the line; that from the said dividing paths towards the west the boundary is to run along the path leading to Mobile, to the creek called Cassaba; and from thence, still in a straight line, to another creek or great branch, within forty miles of the ferry, and so to go up to the head of that creek; and from thence turn round towards the river so as to include all the old French settlements at Tassa; the eastern line to be determined by the flowing of the sea in the bays, as was settled at Augusta. And we do hereby grant and confirm unto his Majesty, his heirs and successors, all the lands contained between the said lines and the sea-coast."

GEORGE JOHNSTONE,
Governor of West Florida.
JOHN STEWART,
Superintendent of Southern District.
And by 31 kings and chiefs of Indians.

I certify that the preceding is a faithful extract from the original treaty deposited in the state paper office.

LEWIS HERTSLET, *Librarian.*

Signed in the presence of—
JOSEPH PLANTA, Jr.,
Under Secretary of State
FOREIGN OFFICE, *August* 5, 1825.

Extract of a treaty between Great Britain and the Upper and Lower Creek Indians, signed at Picolata, in the province of East Florida, the 18th of November, 1765.

"ARTICLE 5. To prevent all disputes on account of encroachments, or supposed encroachments, made by the English inhabitants of his Majesty's said province on the lands or hunting grounds reserved and claimed by the Upper and Lower nations of Creek Indians, and that no doubts, mistakes, or disputes may for the future arise, in consideration of the great marks of friendship, benevolence, and clemency, generosity, and protection extended to us, the said Indians of the Upper and Lower Creek nations, by his Majesty King George the Third, we, the chiefs, head warriors, and leaders of our respective nations, by virtue and in pursuance of the full rights and power which we now have and are possessed of, have agreed, and we do hereby agree, that for the future the boundary line of his Majesty's said province of East Florida shall be all the sea-coast as far as the tide flows in the manner settled with the English by the Great Tomachiches, with all the country to the eastward of St. John's river, forming nearly an island from its source to its entrance into the sea; and to the westward of St. John's river by a line drawn from the entrance of the creek Ocklawagh into said river above the great lake, and near to Spalding's upper trading storehouse, to the forks of Black creek, at Colville's plantation; and from thence to that part of St. Mary's river which shall be intersected by the continuation of the line to the entrance of Turkey creek into the river Altamaha; that no notice is to be taken of such horses or cattle as shall pass the line; and

we do hereby accordingly grant and confirm unto his Majesty, his heirs and successors, all the said lands within the said lines.

JAMES GRANT, *Governor.*
JOHN STEWART,
Agent and Superintendent of Indian Affairs.
And by 31 Indian chiefs.

I certify that the preceding is a faithful extract from the original treaty deposited in the state paper office.

LEWIS HERTSLET, *Librarian.*

Signed in the presence of—
JOSEPH PLANTA, Jr.,
Under Secretary of State.
FOREIGN OFFICE, *August* 5, 1828.

I, Cary Nicholas, clerk of the superior court for the middle district of Florida, do certify the foregoing to be true copies from documents filed in my office.

C. NICHOLAS, *Clerk.*
By JAMES S. SINN, *D. C.*

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20TH CONGRESS.] No. 736. [2D SESSION.

APPLICATION OF OHIO FOR A DONATION OF LAND FOR MAKING A ROAD FROM CHILICOTHE TO MARIETTA, IN THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 16, 1829.

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress assembled:

Whereas the road leading from Chilicothe, by the way of McArthurstown, Athens, and the mouth of the Little Hockhocking, to Marietta, has been and is still likely to remain in a bad condition, and cannot admit the transportation of the United States mail in stages, and can only be conveyed on horseback;

And whereas the improvement of said road would not only be a saving to the United States, by rendering the transportation of the mails less expensive, but would also open at once to a large and populous section of our State a direct communication, in one direction to the Ohio canal, at Chilicothe, and in the other to the Ohio river, and the contemplated slackwater navigation of the Muskingum river;

And whereas there are lands lying on said road and in its vicinity belonging to the United States, the legislature of Ohio do respectfully solicit from Congress a donation of fifteen sections of said lands, the avails of which shall be expended under the direction of the legislature, for the improvement of said road: Therefore—

Resolved by the general assembly of the State of Ohio, That our senators in Congress be instructed, and our representatives be requested, to use their exertions to obtain from Congress the donation above mentioned.

Resolved, That the governor be requested to transmit to each of our senators and representatives in Congress a copy of the foregoing memorial and resolution.

EDWARD KING, *Speaker of the House of Representatives.*
SAMUEL WHEELER, *Speaker of the Senate.*

FEBRUARY 2, 1829.

SECRETARY OF STATE'S OFFICE, *Columbus, Ohio, February* 3, 1829.

I certify the foregoing to be a true copy of the original remaining in this office.

JER. McLENE, *Secretary of State.*

EXECUTIVE OFFICE, *Columbus, Ohio, February* 5, 1829.

SIR: In obedience to the request of the legislature of Ohio, I transmit to you a copy of the preceding memorial and resolutions.

I have the honor to be, very respectfully,

ALLEN TRIMBLE.

20TH CONGRESS.] No. 737. [2D SESSION.

APPLICATION OF ILLINOIS FOR GRANT OF LAND TO COMPLETE THE CANAL BETWEEN ILLINOIS RIVER AND LAKE MICHIGAN.

COMMUNICATED TO THE SENATE FEBRUARY 16, 1829.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the people of the State of Illinois, represented in the general assembly, respectfully represent: That in the year 1827 an act was passed by Congress granting to this State a quantity of land on the route of the projected canal to connect the waters of the Illinois river with those of Lake Michigan, equal to one-half of the land lying within the range of five sections in width on both sides of the canal, and equal in length to said canal. Your memorialists represent that, in conformity to the object contemplated by said grant, a law was passed at the present session of the general assembly of this State providing for the sale of the land granted by Congress to the State, and an immediate application of its proceeds to the construction of the contemplated work.

A large portion of the land embraced in that grant is low, wet, and unfit for cultivation, and therefore will afford but little advantage to the interests of the canal; and your memorialists are fully convinced that the available portion of that grant will not yield a fund sufficient to complete more than one-half of the canal contemplated. Your memorialists deem it unnecessary to dwell upon the importance of a work of such deep interest to the people of this State and of such great advantage to the general government. They cannot look to the resources of this State as furnishing ground for a hope that she can, in any reasonable period, complete a canal of such great extent without further assistance from the general government. They believe that the nation feels too deep an interest in this work to see it languish for the want of means to complete it, and they feel assured that the policy which led to this donation will be

pursued until the object shall be fully attained. They therefore respectfully pray that the alternate sections reserved by Congress in their act of March, 1827, may be granted to the State of Illinois, for the purpose of enabling her to complete a navigable communication between the Illinois river and Lake Michigan.

THOMAS MATHER, *Speaker of the House of Representatives.*
WILLIAM KINNEY, *Speaker of the Senate.*

Attest:
WM. LEE D. EWING, *Clerk of the House of Representatives.*
E. J. WEST, *Secretary of the Senate.*

20TH CONGRESS.] No. 738. [2D SESSION.

APPLICATION OF ILLINOIS FOR GRANT OF LAND FOR THE IMPROVEMENT OF THE NAVIGATION OF CERTAIN RIVERS THEREIN.

COMMUNICATED TO THE SENATE FEBRUARY 16, 1829.

To the Congress of the United States:

The people of the State of Illinois, represented in the general assembly, respectfully represent to your honorable body that the Kaskaskia river is susceptible of being made navigable, and at no great expense, from the seat of government of this State to its confluence with the Mississippi, a distance of about three hundred and fifty miles by water; that this river passes through a section of country of remarkable evenness of surface, and passes through or forms the boundaries of seven counties of this State, to wit: Randolph, Monroe, St. Clair, Washington, Clinton, Fayette, and Shelby; that the counties of Montgomery, Bond, Marion, Jefferson, and Perry, are situate in its immediate vicinity, and would be greatly benefited by the improvement of the navigation of said river; that by removing the obstructions the river would be navigable for six months in each year, and that the channel at the Ripples in said river can be deepened at no great expense, and that the material obstructions to its navigation is caused by snags and drift-wood.

It is further represented to your honorable body that the unassisted means of the State are not adequate, at this time, to improve this river and make it permanently navigable. To show the importance of this work, your memorialists state that the counties above enumerated, situate upon or in the vicinity of this river, contain a large population, and are increasing more rapidly than at any former period of our State government; that this population is at the distance of twenty-five to eighty miles from the Mississippi; that the exchangeable surplus productions of this section of country, for the want of a navigable river upon which to convey them to market, are taxed with a heavy land carriage, as well as all importations, and which diminishes the value of the one and enhances the price of the other. Your memorialists further represent that the reasons and principles of this memorial are also applicable to the Sangamon, Macoupin, and Big Muddy rivers, in this State, all of which pass through fertile sections of country, and with adequate means could be made permanently navigable for many months in each year. Your memorialists, therefore, respectfully solicit that an act of Congress may be passed granting to this State such quantity of land as Congress shall deem just, to be disposed of by the legislature of the State, and to be applied exclusively to the improvement of the navigation of said rivers. The enlightened policy heretofore pursued by Congress, and the liberal precedents made in aid of the new States to construct works of internal improvement, induces your memorialists to hope that this reasonable application will be successful.

THOMAS MATHER, *Speaker of the House of Representatives.*
WILLIAM KENNEY, *Speaker of the Senate.*

Attest:
WM. LEE D. EWING, *Clerk of the House of Representatives.*
E. J. WEST, *Secretary of the Senate.*

20TH CONGRESS.] No. 739. [2D SESSION.

PRIVATE LAND CLAIM IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 17, 1829.

Mr. GURLEY, from the Committee on the Public Lands, to whom was referred the case of Josiah Barker, of Louisiana, reported:

That the petitioner claims 1,687 arpents of land, commencing 40 arpents from the river Mississippi, in the State of Louisiana, by virtue of a grant from the Baron de Carondelet, governor general of the province of Louisiana, to Madam Hindron, under whom petitioner claims title, and dated at New Orleans in the

year 1795. The grant appears to be genuine, and to have been duly recorded with the commissioner of land claims, but made no report thereon. It further appears that the land claimed has been in possession and occupation of petitioner, and the person under whom he holds title, from the date of the grant to the present time.

Your committee believe the petitioner entitled to the land, and therefore report a bill for his relief.

20TH CONGRESS.] No. 740 [2D SESSION.

CLAIM TO LAND BETWEEN ROBERTS'S AND LUDLOW'S LINES, IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 18, 1829.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom was referred the resolution of the 6th instant, directing an inquiry into the expediency of carrying into effect the provisions of the act entitled "An act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow and Roberts's line, in the State of Ohio," reported:

That on looking into the subject of the reference, they find that three several bills have heretofore passed the House of Representatives to quiet the title to certain persons who purchased lands of the government between Ludlow's and Roberts's lines, which lands are claimed by persons holding under Virginia military land warrants. Those bills, in each instance, did not pass through the House till the session was too far advanced to give to the Senate time to act upon them.

The committee concur in the report heretofore made on this subject, and beg leave to adopt it as a part of their present report.* They would remark, in addition to the facts stated in that report, that the Supreme Court of the United States, during its present term, has made a decision in a cause between a military claimant and a purchaser of the United States, whose title was defended by the government, which completely and finally establishes the validity of military titles acquired between Ludlow's and Roberts's lines previous to the year 1812. It now only remains for the United States to quiet the title of those who have purchased of the government and made valuable improvements on these lands, by purchasing in the title of the Virginia military claimants; or, on the other hand, to leave them to be evicted, and thus subject the government to the much larger and more importunate claims of the present occupants. The committee have not hesitated to adopt the former course, and in so doing have imitated the example of the committees which have heretofore examined this subject, and whose recommendations have successively received the sanction of the House. They therefore report a bill.

No. 7.

REYNOLDS, plaintiff in error, *vs.* MCARTHUR, defendant in error.

Opinion of Supreme Court.

This is a writ of error to a judgment rendered by the supreme court of Ohio for the county of Champaign, in an ejectment, in which the lessee of Duncan McArthur was the plaintiff, and John Reynolds was defendant. The plaintiff claimed the land in controversy under a patent issued on the 12th day of October, 1812, founded on an entry made in the year 1810, on a military land warrant granted by the State of Virginia for services during the war of the revolution in the Virginia line on continental establishment.

The title of the defendant is thus stated: The land was sold by the United States at their land office in Cincinnati, in the year 1805, to Henry Vanmeter. It reverted to the United States in the year 1813 on account of the non-payment of the purchase money, and was again sold during the same year at the same office to Henry Vanmeter, to whom a certificate of sale was issued, which he afterwards transferred to the defendant, John Reynolds.

The verdict and judgment were in favor of the plaintiff in the State court. At the trial the counsel for the defendant moved the court to instruct the jury on several points made in the cause, and excepted to the refusal of the court to give these instructions. The judgment of the State court, having been against a title set up under several acts of Congress, is brought before this court by writ of error, that the construction put on those acts by that court may be re-examined. The inquiry will be, whether the court ought to have given any of the instructions which were required.

The several prayers for this purpose will be considered in the order in which they were made.

1st. The first instruction asked is: "That the lands west of Ludlow's line, east of Roberts's line, and south of the Indian boundary line, had been withdrawn from appropriation under and by virtue of military land warrants prior to the year 1810; and that as the same had, pursuant to the acts of Congress in such cases made and provided, been directed to be surveyed and sold, and had accordingly been surveyed and sold to the defendant prior to the year 1810, the plaintiff's patent is void, and their verdict ought to be for the defendant."

This motion does not question the bounds of the lands reserved by Virginia for military bounties; but, supposing the tract of country west of Ludlow's line, east of Roberts's line, and south of the Indian boun-

*For this report vide vol. 4, No. 521, March 28, 1826; for report May 4, 1824, vide vol. 3, No. 410; for report January 21, 1825, vide vol. 4, No. 441; for report May 12, 1826, vide vol. 4, No. 526.

dary line, to be within that reserve, asks the court to say that Congress had, prior to the year 1810, when Mr. McArthur's entry was made, withdrawn it from appropriation under and by virtue of military land warrants.

Before deciding on the propriety of refusing or granting this prayer, it will be necessary to review the legislation of Congress on this subject.

The act of 9th of June, 1794,* taken in connexion with the reservation in favor of their officers and soldiers, contained in the deed of cession made by Virginia, unquestionably subjected the whole of the military reserve to the satisfaction of those warrants for which the reserve was made. Had Congress, previous to the year 1810, withdrawn that portion of this reserve which lies between the line run by Dudley Ludlow and that run by Roberts from its liability to be so appropriated?

So early as the year 1785 Congress passed "an ordinance† for ascertaining the mode of disposing of lands in the western territory," in which, for the purpose of securing to the officers and soldiers of the Virginia line on continental establishment the bounties granted to them by that State, it is ordained "that no part of the land between the rivers called Little Miami and Scioto, on the northwest side of the river Ohio, be sold, or in any manner alienated, until there shall first have been laid off and appropriated for the said officers and soldiers, and persons claiming under them, the lands they are entitled to, agreeably to the said deed of cession and act of Congress accepting the same."

The scrupulous regard which this clause, in the ordinance of May, 1785, manifests to this condition made by Virginia in her deed of cession is the more worthy of remark, because at that time no suspicion was entertained that the military warrants of Virginia would cover the whole territory; and it was even doubted, as the legislation of Congress shows, whether any part of that territory would be required for them. Even under these circumstances Congress declared the determination not to sell or alienate any land between the Scioto and the Little Miami.

In May, 1796, Congress passed "an act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river."‡ The second section enacts "that the part of the said lands which has not been already conveyed, &c., or which has not been heretofore, and during the present session of Congress may not be appropriated for satisfying military land bounties, and *for other purposes*, shall be divided," &c.

This law, then, from which the whole power of the surveyor general is derived, excludes from his general authority all lands previously appropriated for military land bounties and for other purposes; and consequently excludes from it the lands between the Scioto and the Little Miami. In May, 1800,§ Congress passed an act to amend the act of 1796, which enacts "that for the disposal of the lands of the United States directed to be sold by the original act, there shall be four land offices established in the said territory." The places at which these land offices shall be fixed are designated in the act, and the district of country attached to each is described. One of these places is Cincinnati, the place at which the lands in controversy were sold; and the district attached to it is that below the Little Miami. It is perfectly clear, from the language of this act, that it extends to those lands only which were comprehended in the act of May, 1796; and that no one of the districts established by it comprehends the land in controversy. Any general phrases which may be found in the law must, according to every rule of construction, be limited in their application to those lands which the original act authorized the surveyor general to lay off for the purpose of being sold. If he surveyed any lands to which that act does not extend, he exceeded his authority, and the survey is not sanctioned by law. If land thus surveyed by mistake has been sold, the sale was not authorized by the law under color of which it was made.

The counsel for the plaintiff in error has pressed earnestly on the court the grants made to John Cleves Symmes and to the purchasers under him. We are not sure that the argument on this point has been clearly understood, and have therefore examined that transaction in order to discover its influence, if it can have any, on the question now under consideration.

In 1787 John Cleves Symmes applied to Congress for a grant to himself and his associates of the lands lying within the following limits, viz: "beginning at the mouth of the Great Miami river; thence, running up the Ohio, to the mouth of the Little Miami river; up the main stream of the Little Miami river to the place where a due west line to be continued from the western termination of the northern boundary line of the grant to Messrs. Sargent, Cutler & Co. shall intersect the said Little Miami river; thence due west, continuing the said western line to the place where said line shall intersect the main branch or stream of the Great Miami; thence, down the Great Miami, to the place of beginning."

In consequence of this petition, a contract was entered into for the sale of one million of acres of land, to begin on the bank of the Ohio, twenty miles along its meanders, above the mouth of the Great Miami; thence to the mouth of the Great Miami; thence up that river to a place where a line drawn due east will intersect a line drawn from the place of beginning, parallel with the general course of the Great Miami, so as to include one million of acres within these lines and the said river; and from that place, upon the said Great Miami river, extending along such lines, to the place of beginning, containing, as aforesaid, one million of acres.

The language of this contract does not indicate any intention on the part of Congress to encroach on the military reserve which the ordinance of May, 1785, then in full force, had exempted from sale or alienation.

In 1792,‖ Congress, at the request of John Cleves Symmes, passed an act to alter this contract in such manner that the land sold should extend from the mouth of the Great Miami to the mouth of the Little Miami, and be bounded by the river Ohio on the south, by the Great Miami on the west, by the Little Miami on the east, and by a parallel of latitude on the north, extending from the Great Miami to the Little Miami, so as to comprehend the proposed quantity of one million of acres. The lands, then, which might be granted to John Cleves Symmes in pursuance of this act of Congress, lay between the Great and Little Miamis, and were to lie below the Little Miami; the Scioto is above that river; so that Congress could not have intended that this grant to Symmes should interfere with the military reserve.

On the 30th of September, in the year 1794, a deed was executed in pursuance of the act of 1792, conveying to John Cleves Symmes that tract of land beginning at the mouth of the Great Miami river, and extending from thence along the river Ohio to the mouth of the Little Miami river, bounded on the

* 2 U. S. L., 440.
† 1 U. S. L., 563, 569.
‡ 2 U. S. L., 533.
§ 3 U. S. L., 385.
‖ 2 United States Laws, 270.

south by the river Ohio, on the west by the Great Miami, on the east by the Little Miami, and on the north by a parallel of latitude to be run from the Great Miami to the Little Miami, so as to comprehend the quantity of 311,682 acres of land. It is obvious that this patent does not interfere with the military reserve. But John Cleves Symmes had sold to several persons, who purchased in the confidence that he would comply with his contract for one million of acres, and be enabled to convey the lands sold to them.

In March, 1799, Congress passed an act declaring that any person or persons who, before the first day of April, in the year 1797, had made any contract in writing with J. C. Symmes, for the purchase of lands between the Great Miami and Little Miami rivers, which are not comprehended in his patent dated the 30th of September, 1794, shall be entitled to a preference in purchasing of the United States all the lands so contracted for, at the price of two dollars per acre.

In March, 1801, Congress passed an act extending this right of pre-emption to all persons who had, previous to the first day of January, 1800, made any contract in writing with the said J. C. Symmes, or with any of his associates, for the purchase of lands between the Miami rivers, within the limits of a survey made by Israel Ludlow, in conformity to an act of Congress of the 12th of April, 1792. The provisions of this act are supposed to contemplate the survey and sale of the lands which had been sold to J. C. Symmes, between the Miami rivers, in like manner as had been prescribed for other lands lying above the mouth of Kentucky, by the acts of 1796 and 1800. The right of pre-emption was limited to lands within Israel Ludlow's survey; but that survey contained less than 600,000 acres, and the contract of Symmes was for one million of acres. Congress, therefore, resumed the consideration of this subject, and in May, 1802, extended this right of pre-emption to all those who had purchased from J. C. Symmes lands lying between the Miami rivers and without the limits of Ludlow's survey. It cannot be doubted that this right of pre-emption, allowed to the purchasers under J. C. Symmes, was limited to lands lying between the Miami rivers, and lying within his contract. Congress could never have intended that this contract should interfere with the military reserve. That reserve was of lands lying above the Little Miami. The sale to Symmes was of lands lying below that river. It was made while an ordinance was in full force declaring the resolution of Congress not to alienate any part of that reserve. Their contract was made in subordination to that ordinance, and cannot have been intended to violate it. The terms of the contract do not purport to violate it. The land sold to Symmes, and the pre-emption rights allowed to the purchasers under him, are so described as to furnish no ground for the opinion that Congress could have suspected them to interfere with the military reserve. If the Scioto and the Great Miami, contrary to all probability, should take such a direction as to produce a possible interference between the lands sold to Symmes and the reserve which Congress had declared its resolution not to alienate, some difficulty might possibly arise in a case where one of the parties claimed under a military warrant, and the other under a pre-emption certificate. But that is not the case. The title of the plaintiff in error is under a purchase made at a sale of the lands of the United States at Cincinnati by Henry Vanmeter, who is not stated to have held a pre-emption certificate, or to have been a purchaser under Symmes. The instruction which the court was asked to give is, that the land between the lines of Ludlow and Roberts had been withdrawn from appropriation, under and by virtue of military land warrants, previous to the year 1810. This withdrawal is not in express terms, but is supposed to be implied from a direction to survey the lands between the Great and Little Miamis, which had been exempted from the operation of the acts of 1796 and 1800, under the idea that they were comprehended in the contract with Symmes. Congress could not suspect that the lands to be surveyed under this law could interfere with the lands lying between the Little Miami and the Scioto; and, consequently, cannot have intended by this act to vary the boundary of the military reserve.

It has been very truly observed that all the laws on this subject should be taken together. The condition inserted in the deed of cession of Virginia, which reserves the land lying between the Little Miami and the Sciota for the purpose of satisfying the warrants granted to the officers and soldiers of that State; the ordinance of May, 1785, declaring that no part of that reserve should be alienated; the contract with Symmes for the sale of lands lying between the two Miamis; the acts relative to pre-emption, and which direct the survey and sale of the lands lying between the Miamis, without any allusion to the military district, must be taken into view at the same time. It is, we think, impossible to believe that Congress supposed itself, when directing the survey and sale of lands between the Great and Little Miamis, to be abridging or altering the bounds of a district which Virginia had reserved in the deed of cession by which the country northwest of the Ohio had been conveyed to the United States.

When Congress designed to act on this subject, the purpose was expressed, and overtures were made to the other party of the compact to obtain her co-operation. In executing the act of May, 1800, the surveyor general had caused a line to be run from what he supposed to be the source of the Little Miami towards what he supposed to be the source of the Sciota, which is the line denominated Ludlow's, and surveyed the lands west of that line in the manner prescribed by the act of Congress.

In March, 1804,* Congress passed an act establishing that line as the western boundary of the reserve, provided the State of Virginia should, within two years after the passage of the act, accede to it. Virginia did not accede to it.

In 1812† Congress made another effort to establish this line. The President was authorized to appoint commissioners to meet others which should be appointed by Virginia, who were to agree on the western line of the military reserve, and cause the same to be surveyed and marked out. These commissioners met, and after ascertaining the sources of the two rivers, employed Mr. Charles Roberts to survey and mark a line from the source of the one to the source of the other. This line is called Roberts's line. The Virginia commissioners, however, refused to accede to this line. This act provided that until an agreement shall take place between the commissioners, the line designated in the act of 1804, which is Ludlow's, should be considered and held as the proper boundary line. This enactment is provisional and prospective.

In 1818‡ Congress passed an act declaring that from the source of the Little Miami to the Indian boundary line, established by the treaty of Greenville, Ludlow's line should be considered as the western boundary of the military reserve, until otherwise directed by law; and that, from the said Indian boundary line to the source of the Scioto river, the line run by Charles Roberts shall be so considered. When we review the whole legislation of Congress on this subject we think the conclusion inevitable, that in the

* 3 United States Laws, 592.
† 4 United States Laws, 455.
‡ 6 United States Laws, 282.

acts of 1801 and 1802, which have been cited, the legislature did not consider itself as altering the boundary of the military district, or as withdrawing, before the year 1810, any part of the territory lying between the Little Miami and the Scioto, from being appropriated by the military land warrants granted by the State of Virginia.

If those acts have this effect, it is one which was not intended. Before a court can be required to declare the law which would arise between conflicting statutes of this character, the fact that they do conflict ought to be clearly established. The counsel for the plaintiff in error has argued this part of the case as if the fact was established; as if a line drawn from the source of the Little Miami to the source of the Big Miami would include the land between Ludlow's line and that of Roberts; and this court has thus far treated the question as it has been argued. But this fact is not established in this cause. It is not among the facts agreed by the parties. Nor was the State court requested to instruct the jury, that, if they should find the land west of Ludlow's, and east of Roberts's line, to lie between the Little and Big Miamis, or within Symmes's Purchase, "that it had been withdrawn from appropriation under and by virtue of said military land warrants, prior to the year 1810;" and that McArthur's patent was consequently void. The court was not required to state the law hypothetically, as being dependent on the fact, but to assume the fact, and to state the law positively upon that assumption. The record, we think, did not authorize the court to consider this fact as established, and to withdraw it from the jury. There is no error in refusing this instruction.

2d. The counsel for the defendant then asked the court to instruct the jury that, as the second section of the act of Congress of April 11, 1818, declares "that from the source of the Little Miami river to the Indian boundary line established by the treaty of Greenville in 1795, the line designated as the westerly boundary line of the Virginia tract by an act of Congress, passed on the 23d day of March, 1804, entitled 'An act to ascertain the boundary of the lands reserved by the State of Virginia, &c., &c., shall be considered and held as such until otherwise directed by law,' and as the said boundary line was run by Ludlow, under the directions of the surveyor general, pursuant to an act of Congress entitled 'An act to extend and continue in force the provisions of an act entitled "An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the territory northwest of the Ohio, and for other purposes,"' approved May 1, 1802, and offered for sale at public auction at the land office at Cincinnati, pursuant to the act entitled 'An act making provision for the disposal of the public lands in the Indiana Territory, and for other purposes,' approved March 26, 1804, must be construed as having relation back to the time the said recited act of March 23, 1804, was passed, and had its effect; and as the defendant's patent is for lands west of Ludlow's line, and south of the Greenville treaty line, and is based on an entry made in 1810, on a Virginia continental land warrant, which land had been surveyed and sold to the defendant, pursuant to the acts of Congress prior to the year 1810, the plaintiff's patent is void, and their verdict ought to be for the defendant."

The prayer for this instruction is founded on the assertion that Ludlow's line was run under the directions of the surveyor general, pursuant to the act of Congress of May 1, 1802, granting pre-emption rights to purchasers from John Cleves Symmes; and that the land in controversy was sold pursuant to the act of March 26, 1804, making provision for the disposal of public lands in Indiana Territory, and for other purposes. If, by the words "pursuant to an act of Congress," as used in this prayer, it is intended to say that the boundary line run by Ludlow was correctly run, as required by the act of May 1, 1802, and that the sale of the land in controversy was authorized by the act of March 26, 1804, then the court is required to decide facts not admitted by the parties, which are proper for the consideration of the jury; and then to declare the law arising upon those facts. If those words mean no more than that the line was actually run under the authority of the surveyor general, and that the land in controversy was actually sold at the land office in Cincinnati by the officers of government, the question fairly arises, What influence have these facts on the rights of the parties? Do they, taken in connexion with the act of the 23d of March, 1804, and of the 11th of April, 1818, justify the inference which the court is asked to draw, that the act of 1818 relates back to the act of 1804, and takes effect from its date, so as to avoid a patent issued in October, 1812, on an entry and survey made in 1810?

It has already been stated that the act of the 23d of March, 1804, establishes Ludlow's line, not absolutely, but on condition that Virginia shall assent to it, and that Virginia never did assent to it. It has also been stated, that, in 1812, Congress authorized the President to appoint commissioners, who should proceed, in concert with such as might be appointed by Virginia, to run a line, which should constitute the western boundary of the Virginia military reserve. These commissioners did meet, and did cause a line to be run from the source of the Little Miami to the source of the Scioto. This is called Roberts's line. The commissioners of Virginia did not assent to this line; consequently it is of no operation. The act of the 11th of April, 1818, declares that Ludlow's line shall be considered and held as the true western boundary of the Virginia military reserve, until otherwise directed by law. But from what time shall it be so considered and held? The language of the law is entirely prospective. It is a principle which has always been held sacred in the United States, that laws by which human action is to be regulated look forwards, not backwards, and are never to be construed retrospectively, unless the language of the act shall render such construction indispensable. No words are found in the act of 1818 which render this odious construction indispensable. The language is, that Ludlow's line *shall* be considered and held; that is, shall in future be considered and held as the true western boundary of that reserve. That this was the understanding of the legislature, is rendered the more probable from the clause which relates to patents. It does not annul patents already issued, but declares that no patent shall be granted on any location and survey that has or may be made west of this line. Patents which have been granted are not affected directly by the words of this law, and must depend on the pre-existing acts of Congress.

The argument is, that this act, declaring that Ludlow's line shall be considered and held as the western boundary line of the reserve, until otherwise directed by law, proves, that, according to the true construction of the deed of cession, this line is in reality the true boundary, and, therefore, that all titles previously acquired to lands lying west of this line are invalid.

We cannot admit the correctness of this argument. That, in the state of things which existed in 1812 and 1818, Congress might establish the western boundary of the military reserve, was to affect titles thereafter to be acquired, is not questioned. Congress might fix a reasonable time within which titles should be *asserted*, and might annex conditions to the extension of this term. But to look back to titles already acquired—to declare by a law what was the meaning of the compact under which those titles

were acquired, is to construe that compact, and to adjudicate in the form of legislation: it would be the exercise of a judicial, not of a legislative power. This construction can never be admitted by the court, unless it be rendered indispensable by the language of the act. We do not think that the language of this act does require it. If the language of the statute does not require this construction, neither does the fact that Ludlow's line was run by order of the surveyor general, and that the land in controversy was sold by the regular agents of government. These facts cannot, we think, carry back the act of 1818 to 1804, and give it a retrospective operation.

We do not inquire into the power of Congress to pass such an act. There is undoubtedly much force in the argument suggested at the bar, that the general power of legislation which Congress could exercise over the territory northwest of the Ohio passed to the new government when the territory was erected into a State, and that Congress retained only the power of a proprietor, with a capacity "to dispose of and make all needful rules and regulations respecting the property." But it is unnecessary to pursue this inquiry, because we are of opinion that this construction is inadmissible. The court, therefore, did right in rejecting this prayer.

3d. The third instruction asked by the defendant is in these words: "That, according to the true intent and meaning of the act and deed of cession from Virginia to the United States, and the several acts of Congress relative to the sale of the public lands of the United States, the land lying between the rivers Scioto and Little Miami is bounded by a line extending from the source or point of land furthest removed from the mouths of these rivers, from which the rain, descending on the earth, runs down into their respective channels, along the top of the ridges dividing the waters of the Scioto from the waters of the Great Miami, which empty into the Ohio below the mouth of the Little Miami, as delineated on the diagram returned by the county surveyor for the defendant in this cause; and as the plaintiff's patent covers land west, or without the boundary of the district so bounded as aforesaid, as is based on an entry on a Virginia continental land warrant, which entry was made in the year 1810, and which said entry and patent cover land which had, pursuant to the acts of Congress, been surveyed and sold to the defendant, prior to the date of the plaintiff's said entry, the plaintiff's patent is void, and their verdict ought to be for the defendant."

In the case of Doddridge *vs.* Thompson *et. al.*, this court said that the territory lying between two rivers, in the whole country from their sources to their mouths, and a straight line drawn from the source of one river to the source of the other, was considered in that case as furnishing the western boundary of the lands lying between them. One or both of the rivers may pursue such a course that a straight line from the source of one to the source of the other may cross one or both of them. Such a case may form an exception to the universal application of the straight line, and may go far in showing that no general rule can be laid down which will fit every possible case. But this obvious and reasonable rule has been adopted by Congress, as well as by this court. The act of 1804 adopts a straight line. The act of 1812 obviously contemplates a straight line; and the act of 1818 adopts Ludlow's line from the source of the Little Miami to the Indian boundary line, established at the treaty of Greenville, and the line run by Roberts, from the Indian boundary to the source of the Scioto.

The counsel for the defendant in the State court abandoned the rule adopted by Congress and by this court, by taking for his commencement "that point of land which is furthest removed from the mouth of the respective rivers, and from which the rain descending on the earth runs down into their respective channels," and to draw a line from that point along the tops of the ridges dividing the waters of Scioto from the waters of the Great Miami.

We feel some difficulty in comprehending the principle which was suggested and can sustain this rule. Why should a line drawn along the top of the ridges which divide the waters of the Scioto from those of the Great Miami constitute the true boundary of the country lying between the Great and Little Miami? Would such a line certainly lead to the source of the Scioto, or to that of the Little Miami? We can give no satisfactory answer to these inquiries. It is some objection, too, to this instruction, that the jury would be much and unnecessarily perplexed in finding the point of land furthest removed from the mouth of each river, and from which the rain descending on the earth runs down into their respective channels. If any point exists which would fit all parts of the description, and could be found by the jury, it is by no means certain that such point would be in a line which would mark the boundary of the country between the two rivers.

The rule which the court was asked to lay down appears to us to be entirely arbitrary; and this prayer was properly rejected.

4th. The fourth instruction has been abandoned by the plaintiff in error.

5th. The proposition on which the fifth prayer depends is, that the sources of the two rivers must be "at that point in their respective channels at which, from the union of several streams, sufficient water flows at an ordinary stage on which to navigate small vessels loaded." This rule for ascertaining the source of a river is entirely new in this country. A stream may acquire the name of a river which is not navigable in any part. A river which is navigable may retain that name above the highest navigable point. The meaning of words, as commonly used, must be changed before the source of a river can be confounded with its highest navigable point. The court did not err in rejecting this prayer.

6th. The proposition on which the sixth prayer depends is, "that the sources of the two rivers must be considered as commencing at that point in their respective channels from which the water flows at all seasons of the year."

Is this proposition so invariably true as to become a principle of law? We think it is not. A stream may acquire the name of a river, in the channel of which, at some seasons of extreme drought, no water flows. For a great portion of the year parts of a stream may flow in great abundance, in which, during a very dry season, we may find only standing pools. It would be against all usage to say that the general source of the river was at that point in its channel from which the water always flows. This prayer, we think, ought not to have been granted.

7th. The seventh prayer depends on the proposition that the sources of the two rivers must be fixed at that point in their respective channels furthest removed from their respective mouths, at which water is found at all seasons of the year.

If the terms of this proposition be taken according to their most obvious import, it would seem to vary from the sixth only in this—that the sixth fixes the source of a river at the point in the channel from which water flows at all seasons in the year, while the seventh fixes it at that point which is furthest removed from its mouth, at which water is found at all seasons. Understanding it in this sense, the proposition would not raise the question, which of several was the main branch, but at what point the source of

that main branch was to be found. The remarks made on the sixth prayer would apply with equal propriety to this, and the court would come to the same conclusion on both. But we understand from the argument that the counsel for the plaintiff in error intended by this prayer to furnish a rule by which the main branch might be designated. That rule is, that the branch in whose channel water might be found furthest removed from the mouth of the river is its main branch.

Is this proposition universally true? That branch of a river which is entitled to the appellation given to the main river is a conclusion of fact to be drawn from the evidence in the cause. Consequently, no general rule can be laid down which will, in all cases, guide us to a correct conclusion. One of the forks may have retained the name of the main river in exclusion of the others. The Scioto and Miami are both Indian names; and if any one branch of either had received from the natives, and retained exclusively, the name given to the main river, that would have been the stream referred to in the reserve contained in the deed of cession, although water might have been found in a dry season of the year in the channel of some other, at a greater distance from the mouth of the river; or the white men who explored the country before the deed of cession was executed may have fixed the name on some one of the branches of the respective rivers.

When France ceded to Great Britain all her pretensions to the country lying east of the Mississippi, "from its source to the river Iberville," no man could have been so extravagant as to assert that the source of the Mississippi was to be looked for through all its branches, and fixed at that point in the channel of either in which water might be found furthest removed from the mouth of the river. The size of the rivers, and the notoriety of the names by which they were designated, place the unreasonableness of such a pretension in so strong a point of view, that we can scarcely bring ourselves to suppose that there is any resemblance between the case put by way of illustration, and that under consideration. And yet, what is the real difference in principle? If one branch of a small river has, by consent, retained the name of the main river, in exclusion of the others, that branch must be considered, in the absence of other circumstances, as the true boundary intended by the parties in a deed which calls for the stream by its name. The fact may be less certain and less notorious, but, if it exists, it must be followed by the same consequences.

If neither branch had notoriously retained the name of the river, the main branch is entitled to it. But the main branch is not necessarily that in whose channel water might be found at all seasons of the year at the point furthest removed from its mouth. The largest volume of water is certainly one indication of the main stream; which does not necessarily accompany that which the counsel for the plaintiff in error has selected as the sole criterion by which it is to be determined. The length of the stream is another. It is obvious that two branches may pursue such a course that the source of the longest may be nearer the mouth of the river than that of the shortest.

We think the rule proposed in this prayer does not furnish a certain guide to conduct us to the source of the river; and therefore the instruction ought not to have been given.

8th. The eighth prayer requires the court to instruct the jury that the source of each river is at that point furthest removed from its mouth, from which the rain runs down into its channel.

We cannot perceive in the rule which this instruction proposes any principle which will conduct us to the source of the main stream. Every objection to granting the seventh prayer applies with equal force to this. They need not be repeated. The court did not err in rejecting it.

The instructions to the jury for which the plaintiff applied to the State court are some of them mixed questions, involving fact with law, and requiring the court to decide the fact, and then to declare the law upon that fact. Others propose a rule as of universal application, to ascertain the main branch of a river and the source of that main branch, which would, unquestionably, in many cases mislead us. They propose one single circumstance, in exclusion of all others, as being the infallible evidence of a complex fact depending on a number of varying circumstances. The court very properly refused to give any of these instructions.

The court is of opinion that there is no error in the judgment of the State court, and that it ought to be affirmed with costs.

20TH CONGRESS.] No. 741. [2D SESSION.

PRIVATE LAND CLAIMS IN MISSISSIPPI.

COMMUNICATED TO THE SENATE FEBRUARY 18, 1829.

GENERAL LAND OFFICE, *February* 17, 1829.

SIR: I have the honor to enclose herewith copies of reports of the register and receiver of the land office for the district of Jackson Court-house, Mississippi, under the provisions of the act of Congress, approved on the 24th of May, 1828, entitled "An act supplementary to the several acts providing for the adjustment of land claims in the State of Mississippi."

With great respect, your obedient servant,

GEORGE GRAHAM.

Hon. JOHN C. CALHOUN,
Vice-President of the United States and President of the Senate.

LAND OFFICE AT AUGUSTA, DISTRICT OF JACKSON COUNTY,
Mississippi, January 15, 1829.

SIR: In obedience to the act entitled "An act supplementary to the several acts providing for the adjustment of land claims in the State of Mississippi," approved the 24th of May, 1828;

In pursuance of the provisions of the above-recited act, and for the purpose of carrying the same into effect, we did attend, after having given suitable notice to the claimants of the time and place of our meeting, and the object thereof; and after having appointed Valentine Delmas, esq., clerk at Jackson Court-house, and the town of Shieldsborough, and held our respective sessions thereat so long as was thought necessary for carrying into effect the provisions of the aforesaid recited acts;

We have the honor herewith to report on the several claims received by us in the performance of the aforesaid duties. Reports numbers 1, 2, 3, and 4, contain the claims founded on written evidence; numbers 5 and 6 those founded on actual settlement. All of which are respectfully submitted.

With great respect, sir, your most obedient servants,

WILLIAM HOWZE.
G. B. DAMERON.

GEORGE GRAHAM, Esq.,
Commissioner of the General Land Office, Washington City.

REPORT No. 1.

Register of claims to lands within that part of the limits of the land district of Jackson Court-house, in the State of Mississippi, lying below the thirty-first degree of north latitude, (formerly Louisiana,) founded on complete grants, derived from either the French, British, or Spanish governments, which, in the opinion of the undersigned, are not valid agreeably to the laws, usages, or customs of such government.

Number.	By whom claimed.	Original claimant.	Nature of claim, and from what authority derived.	Date of claim.	Quantity claimed.				Where situated.	By whom issued.	Surveyed.		Inhabited and cultivated.
					Front.	Deep.	Area in arpents.	Area in acres.			When.	By whom.	
1	Daniel Boardman.....	John Marr.....	British government.....	Sept. 23, 1778	.....	.....	.....	500	Pascagoula	Peter Chester.....	Sept. 18, 1778	Elias Durnford.....	Not inhabited or cultivated.
2	.....do	.....do	.....do	.....do	.....	.....	.....	500	.....do	.....do	.....do	.....do	Not inhabited or cultivated.

Remarks.—The above grants are void, because it does not appear that they were recognized by the Spanish government, or that the land was ever inhabited or cultivated. It is believed that the same lands have been donated by our government.

WM. HOWZE, *Register.*
G. B. DAMERON, *Receiver.*

Attest: VALENTINE DELMAS, *Clerk.*

REPORT No. 2.

Register of claims to lands within that part of the limits of the land district of Jackson Court-house, in the State of Mississippi, lying below the thirty-first degree of north latitude, (formerly Louisiana,) founded on orders of survey, requettes, permission to settle, or other written evidence of claim, derived either from the French, British, or Spanish authorities, which, in the opinion of the undersigned, ought to be confirmed.

Number.	By whom claimed.	Original claimant.	Nature of claim, and from what authority derived.	Date of claim.	Quantity claimed.				Where situated.	By whom issued.	Surveyed.		Inhabitation and cultivation.	
					Front.	Deep.	Area in arpents.	Area in acres.			When.	By whom.	From—	To—
1	Juan de Cuevas.....	Nicholas Christian.....	Spanish permit.....	Aug. 1,1781	Unk'wn	Unk'wn	Unk'wn	Unk'wn	Cat Island.....	Manuel de Lonzas.....	(No survey)..	.....	1768	1828
2	Valentine Delmas.....	Anthony Blanc	.....do	Sept. 10,1795	6	40	240	.....	Pascagoula bay	Baron de Carondelet. ...	.....do	.....	1802	1828

Remarks.—Claim numbered 1, designated as Cat Island, contains 2,078.01 acres, most of which are unfit for cultivation. The permit on which this claim is founded calls for the whole island. From the long and continued inhabitation and cultivation it would seem that the claimant ought to be entitled to the whole island if the laws, usages, and customs of the Spanish government would warrant such an opinion.

WM. HOWZE, *Register.*
G. B. DAMERON, *Receiver.*

Attest: VALENTINE DELMAS, *Clerk.*

REPORT No. 3.

Register of claims to lands within that part of the limits of the land district of Jackson Court-house, in the State of Mississippi, lying below the thirty-first degree of north latitude, (formerly Louisiana,) founded on orders of survey, requettes, permission to settle, or other written evidence of claim, derived either from the French, British, or Spanish authorities, which, in the opinion of the former commissioners, ought not to be confirmed, but which have been revived, and additional testimony adduced in their support, and which, in the opinion of the undersigned, ought to be confirmed for a reasonable quantity.

Number.	Former commissioners' reports.				By whom claimed.	Original claimants.	Nature of claim, and from what authority derived.	Date of claim.	Quantity claimed.				By whom issued.	Surveyed.		Additional testimony.
	William Crawford.		Register and receiver.						Front.	Deep.	Area in arpents.	Area in acres.		When.	By whom.	
	No. report.	No. claim.	No. report.	No. claim.												
1	.....	.....	3	2	Eben Reese.....	Eben Reese.....	Spanish concession	Jan. 26,1795	.....	.....	1,000	.....	Gayoso	(No survey.)	.....	Inhabitation and cultivation ever since 1802.
2	.....	.....	3	9	Anthony L. Carrall.....	Anth. L. Carrall.	Spanish permit	July 24,1802	.....	.....	3,000	.....	Grand Prec....	....do	.....	Inhabitation and cultivation, 1798, 1812, and 1813.
3	.....	.....	3	8	John J. Jourdan.....	John J. Jourdan..	.....do	April 24,1798	25	40	1,000	.....	Gayso de Lemos	....do	.....	Inhabitation and cultivation since 1802.
4	.....	.....	special, 8	2	Reps. of Louis Boisdore.	Louis Boisdore ..	Spanish order of survey.	April 26,1783	Unk'wn	Unk'wn	Unk'wn	Unk'wn	Stephen Mero..	....do	.....	Inhabitation and cultivation, from 1788 to 1823.

Remarks.—Claims Nos. 1, 2, and 3, were reported unfavorably of by the former commissioners, for want of inhabitation and cultivation; and although the additional testimony which has been adduced in their support does not amount to full and satisfactory proof of inhabitation and cultivation, according to the laws, usages, and customs of the Spanish government, they are, therefore, forfeited; yet as the inhabitation and cultivation were prior to 1803, we are of opinion they ought to be confirmed for a reasonable quantity.

Claim No. 4.—This claim is founded on an order of survey, issued by Governor Miro, in favor of Louis Boisdoré, and confirmed to his widow, Marguerette Douisson, by the Intendant Morales, April 4, 1808. It does not appear by the title papers that an actual survey was made with *geometrical precision*, yet a *map or conjectural plan, definitely fixing the limits of the claim*, was made by the Surveyor General Pintado, May 30, 1810. This claim extends from Pearl river to the Bay of St. Louis, and is supposed to contain about *one hundred thousand acres*. The additional testimony adduced to us proves incontestably that this claim has been inhabited, and a part of the land kept under cultivation upwards of forty years; it is also in testimony before us that the extent of this claim was distinctly known to the neighbors, and that the claimant set up his claim to the whole limits contained within the before-mentioned figurative plan. The above claim is forfeited, under the Spanish laws, usages and customs, for want of inhabitation and cultivation within the time prescribed by those laws and regulations; yet as the inhabitation and cultivation appear to be very ancient, it is conceived that this claim ought to be confirmed for a reasonable quantity.

WILLIAM HOWZE, *Register.*
G. B. DAMERON, *Receiver.*

Attest: VALENTINE DELMAS, *Clerk.*

REPORT No. 4.

Register of claims to lands east of Pearl river, in the district of Jackson Court-house, lying below the thirty-first degree of north latitude, in the State of Mississippi, (formerly Louisiana,) founded on orders of surveys, requettes, permission to settle, or other written evidence of claim, derived either from the French, British, or Spanish government, which, in the opinions of the former commissioners, ought not to be confirmed, but for which certificates of confirmation has issued to the claimants for a quantity not exceeding six hundred and forty acres as donations. (*Under the third section of the laws of* 1819 *and* 1822.)

Number.	Former commissioners' reports.				By whom claimed.	Original claimant.	Nature of claim, and from what authority derived.	Date of claim.	Quantity claimed.				By whom issued.	Surveyed.		Additional testimony.
	William Crawford.		Register and receiver.						Front.	Deep.	Area in arpents.	Area in acres.		When.	By whom.	
	No. report.	No. claim.	No. report.	No. claim												
1	6	49	5	12	Benj. Lanier and wife..	Jerrel Byrne.....	Spanish concession ...	Nov. 19, 1798	.....	.....	1,600	.....	Manuel Lonzas	Mar. 12, 1804	J. Collins..	Inhabitation and cultivation, 1806 to 1808.
2	6	50	5	13	.....do	Thomas Byne.....	.....do	..... do.....	.....	.....	1,600	.....	.....do	1804-'5, dif.	times	Inhabitation and cultivation, 1807 to 1811.
3	.....	.....	3	10	Samuel A. Tanner.	Sam'l A. Turner.	Spanish permit.....	Mar. 21, 1799	.....	.....	1,600	.....	Gayoso.....	No survey..	.....	Inhabitation and cultivation, 1802.
4	6	26	.....	.....	Asa Hartfield.....	Alex. Durant	.....do	April 21, 1810	20	40	800	.....	Francisco Havia	....do	.....	Inhabitation and cultivation, Oct. to Dec., 1810.
5	6	58	.....	.....	Reps. of Simon Favre..	Simon Favre.....	Spanish order of survey.	Mar. 5, 1804	.....	.....	.....	1,200	John V. Morales	....do	.....	Formerly inhabited and cultivated.
6	6	60	.....	.....	.....do	.....do	Purch. from Spanish gvt.	Oct. 19, 1803	20	40	.....	800	.....do	....do	.....	Inhabitation and cultivation, 1806.

Remarks.—The above claims were considered by the former commissioners forfeited under the Spanish law for the want of inhabitation and cultivation. Certificates of confirmation, however, have been issued by our predecessors to the claimants for the quantity of six hundred and forty acres. The claimant claimed their privilege under the act of May 24, 1828, of reviving their claims in those cases where additional testimony has been adduced; the proof, in substance, amounts to the same as that recorded by the former commissioners; all the claims appear to have been inhabited and cultivated prior to April 15, 1813. We are therefore of opinion that the respective claimants ought to be quieted in their claims.

WILLIAM HOWZE, *Register.*
G. B. DAMERON, *Receiver*

Attest: VALENTINE DELMAS, *Clerk.*

REPORT No. 5.

A list of actual settlers within that part of the land district of Jackson Court-house, in the State of Mississippi, lying below the thirty-first degree of north latitude, (formerly Louisiana,) prior to April 15, 1813, who have no claims derived from either the French, British, or Spanish government.

Number.	Present claimant.	Original claimant.	Date of original settlement.	Date of present settlement.	Where situated.
1	C. Rane	Stephen Haven	March 1, 1813	August, 1828	East side Dog river.
2	do	Daniel Lary	March 11, 1812		West side Pascagoula river.
3	Simon Deflander	Mrs. Deflander	Upwards of thirty years past.		Bay of Pascagoula, Bayou Portage.
4	Pierre Ladner	Pierre Ladner	Forty-five or fifty years past.		Bayou Valdeterre.
5	Heirs of C. Peytevan	Heirs of C. Peytevan	Twenty-two or three years last past.		West of Bay Biloxi.
6	Glande Ladner	Glande Ladner	Before and since the American government.		Sea-coast, Old Chimneys.
7	Widow N. Ladner	Widow N. Ladner	Before and since the American government.		Sea-coast, Old Chimneys.
8	Mary Parish	Mary Parish	Upwards of thirty years past.		West side of bay St. Louis.
9	M. & J. Cleveland	M. & J. Cleveland	1812		East side Pearl river.
10	Mary Favre	Mary Favre	About twenty-five years past		East bank of Pearl river.
11	George Marse	George Marse	February, 1810		East side Pearl river.
12	Stephen Jerrell	Stephen Jerrell	1811		Pearl river.
13	Antonie Judise	Antoine Judise	1809		East side Pearl river.
14	James Rolles	James Rolles	January, 1812		East side Pearl river.
15	John Watson	John Watson	March, 1813	1828	Mouth Jourdan river.
16	James Hunt	Cary Christian	1811		West side Pascagoula river.
17	Widow Morin	Widow Morin	1812		West side Bay St. Louis.
18	Samuel White	Adam Gallenger	1812		Mulatto bayou.
19	John Dearman	John Dearman	1809		Red Bluff, Pascagoula.
20	Guedon Toulme	Guedon Toulme	1812		West side Bay St. Louis.
21	Nancy Collins	James Andrews	1812		Pearl river.
22	Leon Bingle	Leon Bingle	1812		North side Bay Old Fort.
23	George Chris. Dameron	Francis Henry	1803	1828	Vashrie Bluff, east side Pascagoula river.
24	Nancy Collins	Robert Lott	1808		Pearl river.
25	Stephen Wintworth	Stephen Wintworth	1811		Pearl river.
26	Nancy Collins	John Bradley	1811		Pearl river.
27	Robert Jones	John Heath	1811		Pearl river.
28	Andrew Dexter	James Burke	1811		Pascagoula river.
29	Heirs of Fred. Rodgers	Frederick Rodgers	1812		West side Pascagoula river.
30	Ellis Fairbanks	Ellis Fairbanks	1812		West side Pascagoula river.
31	Joseph Couria	Joseph Couria	1810		East of Pass Christian.
32	William Wallis	William Wallis	1812		Pearl river.

Remarks.—All the above claims appear to have been inhabited and cultivated prior to April 15, 1813, and, in our opinion, entitled to confirmation to the same extent of claims of this description reported by former commissioners.

WM. HOWZE, *Register.*
G. B. DAMERON, *Receiver.*

Attest: VALENTINE DELMAS, *Clerk.*

REPORT No. 6.

A list of actual settlers within that part of the land district of Jackson Court-house, in the State of Mississippi, lying below the thirty-first degree of north latitude, (formerly Louisiana,) subsequent to April 15, 1813, who have no claims derived from either the French, British, or Spanish government.

Number.	Present claimant.	Original claimant.	Date of original settlement.	Date of present settlement.	Where situated.
1	Reps. of Nicholas Holly	Nicholas Holley	1819		Sea-coast.
2	James Gilmore	James Gilmore	1818		Sea-coast.
3	Nancy Haven	Nancy Haven	1817		Oyster Hammock.
4	John Williams	Daniel Bathrick	1815		Sea-coast.
5	Samuel White	William J. Stewart	1817		Sea-coast, Deer bayou.
6	George Frazier	George Frazier	August, 1813		Hobolo Chitto.
7	Alexander Jebout	Alexander Jebout	August, 1817		Hobolo Chitto.
8	William Flynn	William Flynn	1818		Pearl river.
9	J. B. Mayo	J. B. Mayo	1818		Pearl river.
10	Narcissa Richard	Narcissa Richard	August, 1816		Sweet Water and Broken Pot rivers.
11	James W. Wyatt	Thomas Evirette	1819		Pascagon river.
12	William Seal	William Seal	March, 1819		Lott's creek.
13	James Carraway	James Carraway	1814		Pearl river.
14	Bernard Bernouis	Bernard Bernouis	1816		Bayou Point.
15	A. G. Lefountain	A. G. Lefountain	1814		Bay of the Old Fort.
16	Pierre Ladner	Pierre Ladner	1819		West side of Bayou Valdeterre.
17	Jonathan Rush	Jonathan Rush	1819		West side of Pascagoula river.
18	Moses Strahan, jr.	Moses Strahan, jr.	1818		Pearl river.

REPORT No. 6—Continued.

Number.	Present claimant.	Original claimant.	Date of original settlement.	Date of present settlement.	Where situated.
19	James Howard	James Howard	1819		Pearl river.
20	Ezekiel Mayo	Ezekiel Mayo	1818		Pearl river.
21	Seaburn A. B. Mayo	Seaburn A. B. Mayo	1819		Pearl river.
22	Asa Strahan	Asa Strahan	1817		Pearl river.
23	William Thompson	William Thompson	1816		Pearl river.
24	Heirs of James Caller	Alex. B. Curthbertson	1813		West side of Pascagon river.
25	P. R. R. Pray	P. R. R. Pray	June, 1824		Tuscullum, mouth of Pearl river.
26	François Coevas	François Coevas	1822		Binachoua.
27	Ynes Garcia	Ynes Garcia	1826		Binachoua.
28	Gilbert Ladner	Gilbert Ladner	1826		Cataolua.
29	Lewis Deneville	Lewis Deneville	1826		Point Boisdore.
30	Jesse Dupue	Jesse Dupue	1821		Headwaters of Jourdan river.
31	Jesse Moody	Jesse Moody	1820		Pearl river.
32	Chadrack Stewart	Chadrack Stewart	1820		Pearl river.
33	Henry Greenwood	Henry Greenwood	1827		Sea-coast.
34	James Cutler	James Cutler	1826		Mouth of Pearl river.
35	Alexis Fayerd	Alexis Fayerd	1822		Old Camp.
36	Etienne Joseph	Etienne Joseph	1825		Conjunction main branch Bayou Cousat.
37	George D. Davis	George D. Davis	1823		Bayou Valdeterre.

Remarks.—A few of the above claims appear to have been settled subsequent to March 3, 1819. In those cases the claimants have claimed to be registered. We have reported them accordingly, and respectfully submit them to the consideration of Congress.

WM. HOWZE, *Register.*
G. B. DAMERON, *Receiver.*

Attest: VALENTINE DELMAS, *Clerk.*

20TH CONGRESS.] No. 742. [2D SESSION.

APPLICATION OF OHIO FOR GRANT OF LAND FOR SUPPORT OF COLLEGES AND UNIVERSITIES.

COMMUNICATED TO THE SENATE FEBRUARY 20, 1829.

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress assembled:

The general assembly of the State of Ohio, in the discharge of their duty to their constituents, and under the influence of a regard to the welfare of the nation, and of that portion of it which they especially represent, do respectfully ask that the Congress of the United States will grant to this State, solely and exclusively for the support of colleges and universities therein, a quantity of land equal to two townships, to be located within the State, in such manner as to the wisdom of Congress may seem best, so as to comport with the general interest, and secure the full value of the grant for the purpose for which it shall be made. And they will ask the attention of Congress to a brief statement of some of the reasons by which they are induced to make this application.

Enlightened patriots have always sought to secure the welfare and advance the happiness of the nation by the diffusion of knowledge. In all ages and under every form of government the prosperity of the community, the happiness of its members, the permanence of good institutions, and the progress of improvement, have been closely connected, not merely with a measure of acquaintance with the fundamental principles of political and moral truth, but also with the diffusion of literature and science in their higher and more extended forms. Such is and must necessarily be the case, especially where free government and liberal institutions are established, and where, consequently, all is dependent upon the intelligence and virtue of the people. Aware of this truth, both the general and State governments of the United States, from a very early day of their existence, have yielded their aid in various ways to the operation of an enlightened system of education. And in common with her sister States, Ohio has given not a small degree of attention to this subject. But although something has been done—as much, perhaps, as could be expected from the recentness of the date of her political existence and the paucity of her means—yet much more must be accomplished before the state of public scientific education shall accord with the rank she must hold, and the influence she must exert in the great community of which she is a member.

But this State, although boasting an extensive territory, a fertile soil, and numerous population, and destined to take a high station among the members of the general confederacy, has yet no adequate means of creating and fostering scientific institutions, without resorting to the odious measure of direct taxation. Possessing no national domains, and having amongst its citizens few, or none, whose love of literature would prompt, and at the same time, their wealth would make them able, to endow public seminaries of learning, and the revenue of the State being pledged on account of the public works of improvement,

which are deemed to be essentially important to its prosperity, the interests of science must be neglected, and languish unless aid can be obtained in the mode now proposed.

Nearly all the original States on the Atlantic coast, and those which were formed from them on the easterly side of the Ohio, possessed a considerable property in lands, or had at command other resources of which they were able to avail themselves, as they were disposed, for the encouragement of learning. And to the States formed under the auspices of Congress northwest of the Ohio, as well as elsewhere, considerable donations of land have been made by the United States for this purpose. Yet it may justly be feared, it is proper to remark, that the funds thence arising will fall short, at the value these lands now bear, of accomplishing, in any good degree, the object for which they were intended. Ohio, however, has yet received no grant of this character, unless the lands included in the Ohio Company's purchase and Symmes' purchase should be so considered. But neither the State nor the inhabitants of those districts have ever thus regarded them. And without attempting a detailed argument of this question, it is respectfully alleged that the townships granted to Symmes, and the Ohio Company, for literary institutions, were as truly a part of the purchase, though for a specific object, as any other lands which they obtained; that they were designed for the special benefit of the inhabitants of those districts, respectively; and accordingly the location of the seminaries was confined to them, and that the inhabitants of other districts of the State have no other or greater advantages from them than are enjoyed by the inhabitants of the neighboring States within equal distances. Upon the principle of equal distribution, therefore, it is believed that Ohio has strong claims on the general government. And besides, the lands granted are found to be in fact entirely insufficient to erect and sustain the institutions which have been founded upon them, even in conjunction with the other means which they can command. For these and similar reasons, which the wisdom of Congress will readily suggest to their reflection, it is hoped and earnestly desired that the grant of land requested will be made.

Resolved, by the general assembly of the State of Ohio, That the governor of this State be requested to transmit a copy of the foregoing memorial, and of this resolution, to each of our senaters and representatives in Congress, and that they be requested to use their endeavors to obtain a grant of land for the purposes therein set forth.

EDWARD KING,
Speaker of the House of Representatives.
SAMUEL WHEELER,
Speaker of the Senate.

FEBRUARY 9, 1829.

SECRETARY OF STATE'S OFFICE, *Columbus, Ohio, February* 11, 1829.

I certify the foregoing to be a correct copy of the original remaining in this office.

JER. McLENE, *Secretary of State.*

EXECUTIVE OFFICE, *Columbus, Ohio, February* 13, 1829.

SIR: In compliance with the request of the legislature of Ohio, I herewith transmit to you a copy of the preceding memorial and resolution.

I have the honor to be, very respectfully,

ALLEN TRIMBLE,
By JNO. L. GREEN, *Private Secretary.*

20TH CONGRESS.] No. 743. [2D SESSION.

COST OF SURVEYING, SELLING, AND MANAGING THE PUBLIC LANDS IN 1827.

COMMUNICATED TO THE SENATE FEBRUARY 23, 1829.

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of the Treasury, with documents prepared in pursuance of their resolution of the 31st of December last, and showing the amount of expenses incurred in the survey, sale, and management of the public lands for the year 1827.

JOHN Q. ADAMS.

WASHINGTON, *February* 20, 1829.

TREASURY DEPARTMENT, *February* 18, 1829.

The Secretary of the Treasury, to whom was referred the resolution of the Senate, "requesting the President of the United States to cause a report to be made to the Senate, showing the amount of all expenses incurred in the survey, sale, and management of the public lands for the year 1827, arranged under appropriate heads, and excluding payments made in that year for services rendered in previous years," has the honor to submit to the President a letter of the Register of the Treasury, accompanied by four statements that embrace the information required, arranged in the manner indicated in the resolution, as nearly as it could be done from the returns made to this department.

RICHARD RUSH.

No. 1.

A statement exhibiting the expenses of surveying the public lands during the year ending December 31, 1827.

Surveyors general.	Salaries of—		Surveying.	Contingent expenses.	Total.
	Surveyors general.	Deputies and clerks.			
Edward Tiffin	$2,000 00	$2,100 00	$7,304 27	$237 29	$11,641 56
William McRee	2,000 00	2,000 00	6,813 34	146 52	10,956 86
George Davis	2,000 00	*3,303 33	17,676 55	538 56	23,518 44
John Coffee	2,000 00	1,500 00	3,670 27	369 98	7,540 25
Robert Butler	2,000 00	2,000 00	1,829 83	39 38	5,869 21
Total	10,000 00	10,903 33	37,294 26	1,331 73	59,529 32

* Includes small payments for services in 1826, which could not be separated from 1827. The same remark is applicable to the column headed "Surveying."

No. 2.

A statement exhibiting the amount paid to commissioners of private land claims, and their clerks, for services during the year ending December 31, 1827.

Land districts.	Salaries of—		Contingent expenses.	Total.
	Commissioners.	Clerks.		
St. Helena	$877 78	$625 00	.....	$1,502 78
Florida	2,125 00	750 00	$96 24	2,971 24
Total	3,002 78	1,375 00	96 24	4,474 02

No. 3.

Statement exhibiting the expenses incident to the sales of public lands during the year ending December 31, 1827.

Districts.	Compensation.		Amount allowed for superintending public sales.			Allowed for depositing public money.	Advance to examiners of land office.	Stationery, advertising, and other expenses.	Total.
	To the register.	To the receiver.	To the register.	To the receiver.	To clerks and crier.				
OHIO.									
Steubenville	$1,010 17	$1,103 07	$30 00	$30 00	.....	$303 05	$98 00	$180 07	$2,754 36
Marietta	650 18	647 73	5 00	5 00	.....	416 90	200 00	25 10	1,949 91
Zanesville	1,125 98	1,208 08	30 00	30 00	.....	109 79	.....	69 57	2,573 42
Wooster	933 65	925 51	30 00	30 00	$3 00	166 23	75 00	22 00	2,185 39
Chillicothe	784 28	669 48	25 00	25 20	5 00	28 40	.....	31 00	1,568 16
Cincinnati	1,318 19	1,300 84	20 00	20 00	36 00	.....	210 20	256 26	3,161 49
Piqua	530 65	545 57	.....	.....	.....	7 51	.....	19 50	1,103 23
Delaware	938 07	1,007 04	30 00	30 00	.....	314 44	60 00	56 26	2,435 81
MICHIGAN.									
Detroit	978 36	771 57	60 00	60 00	36 00	84 40	108 00	138 12	2,236 45
Monroe	596 75	576 30	60 00	60 00	36 00	.....	40 00	89 50	1,458 55
INDIANA.									
Vincennes	907 15	914 01	.....	.....	.....	.....	.....	181 87	2,003 03
Jeffersonville	945 14	966 50	30 00	30 00	15 00	11 99	393 40	121 72	2,513 75
Crawfordsville	1,919 17	1,622 74	60 00	60 00	39 00	446 42	.....	117 75	4,265 08
Indianapolis	1,332 40	2,049 51	5 00	5 00	.....	269 40	20 00	88 50	3,769 81
Fort Wayne	527 63	525 87	.....	.....	.....	2 05	50 00	10 50	1,116 05

No. 3.—STATEMENT—Continued.

Districts.	Compensation.		Amount allowed for superintending public sales.			Allowed for depositing public money.	Advances to examiners of land offices.	Stationery, advertising, and other expenses.	Total.
	To the register.	To the receiver.	To the register.	To the receiver.	To clerks and crier.				
ILLINOIS.									
Kaskaskia	$538 35	$525 15	$25 00	$25 00	$15 00	.....	.....	$17 50	$1,146 00
Shawneetown	566 08	532 37	30 00	30 00	15 00	$6 55	$150 00	64 13	1,394 13
Edwardsville	608 57	592 33	25 00	25 00	15 00	37 29	.....	33 38	1,336 57
Palestine	620 96	612 22	30 00	30 00	18 00	25 35	100 00	5 00	1,441 53
Vandalia	521 79	512 95	60 00	60 00	.....	.....	20 00	121 39	1,296 13
Springfield	887 57	1,187 69	60 00	60 00	36 00	129 30	.....	211 87	2,572 43
MISSOURI.									
St. Louis	949 65	732 43	25 00	25 00	30 00	.....	200 00	275 06	2,237 14
Franklin	1,471 51	1,854 72	25 00	25 00	50 00	202 46	200 00	210 99	4,039 68
Jackson	546 65	513 31	.....	.....	.....	.....	100 00	174 25	1,334 21
Palmyra	832 15	631 83	25 00	25 00	30 00	91 11	100 00	50 55	1,785 64
Lexington	1,035 28	470 11	.....	.....	.....	.....	.....	22 73	1,528 12
ARKANSAS.									
Little Rock	523 62	603 21	.....	.....	.....	45 65	200 00	90 80	1,463 28
Batesville	528 05	577 35	.....	.....	.....	.....	300 00	187 99	1,593 39
LOUISIANA.									
Washita	556 29	680 76	.....	.....	.....	54 78	270 00	71 19	1,633 02
Opelousas	566 40	569 65	.....	.....	.....	27 87	60 00	66 51	1,290 43
New Orleans	1,844 51	1,557 77	10 00	10 00	.....	.....	66 00	437 00	3,925 28
St. Helena	500 00	500 00	.....	.....	.....	.....	.....	.....	1,000 00
MISSISSIPPI.									
Washington	974 52	1,024 62	30 00	30 00	42 00	6 83	200 00	345 18	2,653 15
Choctaw	1,173 45	1,478 68	60 00	60 00	36 00	161 57	200 00	316 05	3,485 75
Augusta	513 01	504 76	.....	.....	.....	.....	.....	83 73	1,101 50
ALABAMA.									
St. Stephen's	597 03	621 18	.....	.....	.....	1 25	.....	391 06	1,610 52
Huntsville	713 20	738 63	.....	.....	.....	462 84	.....	495 34	2,410 01
Cahaba	1,397 56	1,303 82	.....	.....	.....	837 61	.....	251 63	3,790 62
Sparta	805 62	513 53	60 00	60 00	36 00	.....	.....	3 87	1,479 02
Tuscaloosa	690 84	849 48	.....	.....	.....	104 25	231 00	84 50	1,960 07
FLORIDA.									
Tallahassee	2,391 81	2,806 88	140 00	140 00	69 00	594 80	.....	489 50	6,631 99
St. Augustine	500 00	500 00	.....	.....	.....	.....	.....	.....	1,000 00
Total	37,352 24	37,829 25	990 00	990 00	562 00	4,950 09	3,651 60	5,908 92	92,234 10

No. 4.

Recapitulation of expenses of the survey, sale, and management of the public lands during the year ending December 31, 1827.

Expenses of surveys of public lands, (No. 1)	$59,529 32
Expenses of boards of commissions on private land claims, (No. 2)	4,474 02
Expenses incidental to the sale of public lands, (No. 3)	92,234 10
	156,237 44
To which add—	
Salary of the recorder of land titles in Missouri and Arkansas	500 00
Balances due to examiners of land offices	1,015 30
	157,752 74

TREASURY DEPARTMENT, *Register's Office, February* 18, 1829.

20TH CONGRESS.] No. 744. [2D SESSION.

APPLICATION OF OHIO FOR DONATION OF LAND FOR SCHOOLS IN THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 23, 1829.

To the Senate and House of Representatives of the United States:

The memorial of the legislature of the State of Ohio respectfully represents: That preparatory to the formation of a State government of the territory northwest of the Ohio river, propositions were made by an act of Congress of the 13th of April, 1802, in which it was contemplated that lands equal to section number sixteen in every township should be granted to the inhabitants of such township for the use of schools; which act, with the conditions and provisions which it contained, was, by an ordinance of the convention of said Territory, subsequently made in the same year, accepted and agreed to by the people of said Territory with certain qualifications, and, especially, that in addition to the lands equal to section sixteen, a donation equal to one thirty-sixth part of the quantity of land in the United States military tract, and in the Virginia reservation, should be made for the use of schools; and, also, that a grant of the same kind, or such other provision as Congress might deem adequate, should be made to the inhabitants of the western reserve; and that land equal to one thirty-sixth part of all the lands which might thereafter be purchased of Indian tribes by the United States lying in the State of Ohio should be given as aforesaid for the use of public schools within the same; that by an act of Congress passed the 3d day of March, 1803, the qualifications provided by the convention aforesaid were acceded to on the part of Congress, and grants made, embracing the full proportion for schools in the United States and Virginia military districts, and also fifty-six thousand acres to the western reserve, being equal in quantity to one thirty-sixth of all that part of the western reserve to which the Indian title had then been extinguished; that since the time of making the grant, on the part of the general government, of what was then the stipulated proportion, the western reserve, by a treaty made between the United States and sundry Indian tribes at Fort Industry on the 4th of July, 1805, the Indian title to about one million five hundred and forty thousand acres of land lying on the west side of the Cuyahoga river, being the Indian title to all the remaining land in said western reserve, was extinguished—one thirty-sixth part of which amounts to about forty-three thousand acres. The design of this memorial, as well as those which have heretofore preceded it, is to procure from your honorable bodies the passage of an act at an early day making a grant to the State for the use of schools in the said western reserve, of the land intended to be appropriated to such purpose. Immediate attention in relation to this grant is the more necessary at this period, in consequence that the legislature of Ohio is organizing and carrying into operation a system of school education throughout the State, and the great importance to the welfare and perfection of this system that the extent of the means in every section of the State should be clearly ascertained.

It is not supposed by your memorialists that the question of right on the part of Ohio is in any way involved in the subject of the appropriation now sought. The laws, ordinances, and propositions alluded to are no doubt thoroughly understood by Congress, and the hopes and expectations of the people of Ohio duly appreciated; and in inviting the attention of your honorable bodies to the subject of this grant, your memorialists would respectfully suggest, as heretofore, inasmuch as the appropriation has been long delayed, the propriety of authorizing said lands to be located in sections, out of any lands belonging to the United States within the State of Ohio not otherwise disposed of, in the manner the governor of the State may think it advisable to prescribe.

Resolved, That the foregoing memorial be submitted to Congress; and that the governor be requested to forward to each of the senators and members of the House of Representatives in Congress from the State of Ohio a copy thereof.

EDWARD KING, *Speaker of the House of Representatives.*
SAMUEL WHEELER, *Speaker of the Senate.*

JANUARY 21, 1829.

SECRETARY OF STATE'S OFFICE, *Columbus, Ohio, February* 12, 1829.

I certify the foregoing to be a correct copy of the original remaining on file in this office.

JER. McLENE, *Secretary of State.*

EXECUTIVE OFFICE, *Columbus, Ohio, February* 13, 1829.

SIR: In compliance with the request of the legislature of Ohio, I herewith transmit to you a copy of the preceding memorial and resolution.

I have the honor to be, very respectfully,

ALLEN TRIMBLE,
By JOHN S. GREEN, *Private Secretary.*

20TH CONGRESS.] No. 745. [2D SESSION.

APPLICATION OF MISSISSIPPI THAT PRE-EMPTION RIGHTS BE GRANTED TO CERTAIN SETTLERS IN WASHINGTON COUNTY, IN THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 23, 1829.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the general assembly of the State of Mississippi respectfully represents: That the county of Washington, in said State, which is a part of the lands purchased from the Choctaw tribe of Indians at the treaty of Doak's Stand, has been settled by an industrious and enterprising population, which has

experienced great privations and difficulties in effecting such settlements, and that most of the people residing in said county have located themselves on the public land belonging to the United States. Your memorialists further state that when the survey of that country was first attempted the surveyors could find no lands but swamps, entirely overflowed and unfit for cultivation, and in consequence thereof they desisted from making the surveys, and the land was, for that reason, not at that time brought into market, nor indeed has it been yet offered for sale, as they are informed, nor has any inhabitant of that part of the country as yet been able to purchase land and secure a home for himself and family, with the exception of a few at the lower end of Washington county, whose lands were surveyed in time. Your memorialists further state that after the first attempt to survey these lands was made and failed, many persons undertook, with great difficulty and many privations, to explore the county and search out the lands that would be worth surveying, and would be fit for cultivation, and afterwards settled upon them as public lands, there being no opportunity to purchase, as they had not been surveyed or brought into the market. This circumstance pointed out the good lands to the surveyors, and the new settlers offered them every facility in the prosecution of the public surveying. Many of these persons are meritorious citizens, and would have purchased the land at their first settlement if any opportunity had been offered them; they have now made lasting and some of them valuable improvements on those lands, and fear, as soon as the lands are brought into the market, those improvements will be a temptation to speculators to deprive the settlers of the land on which they are made, unless some provisions should be made in their favor by the wisdom and equity of Congress. They submit to the consideration of your honorable bodies that a right of pre-emption has heretofore been granted in similar cases, and such would seem now to be the well-considered and settled policy of the government towards this hardy and meritorious class of citizens; they therefore pray your honorable bodies to take their condition under your consideration, and that you pass a law granting to such settlers a right of pre-emption to the lands in Washington county on which they have settled before the public surveys are made under the authority of the United States; and they, in duty bound, will ever pray, &c.

W. L. SHARKEY,
Speaker of the House of Representatives.
A. M. SCOTT,
Lieutenant Governor and President of the Senate.

Approved January 26, 1827.

GERARD C. BRANDON, *Governor.*

20TH CONGRESS.] No. 746. [2D SESSION.

ON THE APPLICATION OF LOUISIANA FOR A CESSION OF THE PUBLIC LANDS IN THAT STATE, AND FOR A GRANT TO CONSTRUCT A CANAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 24, 1829.

Mr. ISACKS, from the Committee on the Public Lands, to whom certain resolutions of the legislature of Louisiana have been referred—one set of which represents the great public inconvenience which exists on account of the United States retaining the property in, and exercising jurisdiction over, the unappropriated lands within that State, the tardy operations in bringing the same into market, the high prices exacted therefor, and the advantages to result to the State and to the Union by placing the public lands under the control of the State, to be more speedily and equitably disposed of, and the proceeds applied to the purposes of internal improvement, and asking for a cession of all the public lands to the State, the other asking for an appropriation to be made for the construction of a canal between the river Mississippi and Lake Pontchartrain—reported:

That most of the principles assumed in the first resolution have been recognized by this committee in their report and bill presented to the House at the last session of Congress, wherein the graduation of the price of *all* the public lands of the United States is recommended and provided for, and also a cession of the refuse lands to the States in which they may be; and to the propriety of making this general and important change in the disposal of the government lands the committee still adhere. They are convinced that it is the most judicious course for the federal legislature to take in regard to its public domain, if not the only safe and advantageous measure which can be adopted with a view to that great interest. And it is confidently believed that the state of the country, its increasing population, the condition of the waste lands, the improvements which must await the individual ownership of the soil, and the equity and fitness of the principle which seeks for the distribution of the general property of the government among its citizens at its *ad valorem* rate, with many other considerations, conduce to hasten the success of this measure. But this change ought, in the opinion of the committee, to be general, and therefore they do not deem it expedient to recommend any change in the mode of disposing of the public lands, or a cession of the same, which shall apply specially to the State of Louisiana, at least until the great question which embraces the views presented in these resolutions shall be settled by Congress. Uniformity must be observed throughout the extensive region over which the land system operates; and though some difference may exist between different parts in regard to the public property, (and perhaps in none more than in the State of Louisiana,) compared to the rest, yet that is not deemed to be at present so striking as to render it necessary to exempt the lands there from what is now the rule, while it may last, or from the more desirable rule, should it obtain in future, as to public lands elsewhere. These reasons are, however, intended to be confined to the general mode and terms of sale and cession. Local causes may exist to require a greater amount of this property to be granted in one place than in another for local purposes, where the value of the whole property shall be improved by such surrender, or the general interest of the Union shall be promoted by the application of it to improvements of a national character; and in the State of Louisiana these causes do exist to a greater extent than in any other part of the public land

region. Much of the public lands in that State never can be of any use or value till it is first reclaimed from the inundations of the Mississippi and some of its tributaries; and, when that is done, they will require what *now* an immense amount of public and private property imperiously demand—protection by levees or other safeguards *from the same floods.* If the interest of the United States were alone to be consulted, this branch of the subject ought to receive the earliest and most deliberate attention of Congress.

The committee, while on this point, would respectfully refer the House to the report of the Commissioner of the General Land Office of the 12th of January last, showing that upwards of two millions and a half acres of the public lands below the 31st degree of north latitude are subject to annual inundation, which, if reclaimed and protected from the waters, would be the most valuable and fertile lands on the continent, and admirably adapted to the culture of *sugar* and cotton. This quantity, added to the lands above that point subject to be overflowed, swells the whole amount to near five millions of acres.

This immense amount of national wealth, and capable of presenting so great a field for individual enterprise, is now entirely lost; but, to recover which, the committee will feel it their duty to present to the House a bill, so soon as the details of the plan can be digested.

In addition to these subjects of legislation, that State, in common with others, presents obstructions in its navigable waters, and channels of communication necessary to be formed between them: of the former, is the great raft in Red river; and of the latter, is the canal between the Mississippi and Lake Pontchartrain. The attention of the committee being directed to the propriety of making a grant of the public lands for the construction of that canal, they have examined the report of the board of internal improvement, communicated on the 1st of March, 1827, and to which the House is respectfully referred in the seventh volume of Executive Papers, No. 133.

In this report, the great commercial and military advantages of this work are so fully shown, that the committee feel it unnecessary to say more than to express their entire concurrence with the views presented therein, and that a grant of land may, with great safety, be made to the State of Louisiana for the accomplishment of that object; and that such grant ought, in its value and amount, to be worthy the importance of the work to which it is intended to be applied. Similar grants to the one here recommended have been made to the States of Indiana, Illinois, Ohio, and Alabama, for objects of like interest to the Union and those States respectively. These precedents show that the expediency and policy of making grants of land to the States for internal improvement have received the repeated sanction of Congress, and afford a strong argument in favor of the present application on the ground of equality, in aid of the justice and propriety of the measure in itself. Every consideration, therefore, entitled to weight, in the opinion of the committee, unites in recommending a suitable appropriation of the public lands for this object; and for that purpose they report a bill.

20TH CONGRESS.] No. 747. [2D SESSION.

DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS AMONG THE SEVERAL STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 25, 1829.

Mr. STEVENSON, from the select committee appointed to inquire into the expediency of distributing, annually, amongst the several States, in proportion to their representation in this House, all moneys arising from the sales of the public lands, after paying out of the same such sums as may be annually required for the extinguishment of Indian titles, the expenses of supporting land offices, for surveying the public lands, and other necessary expenses relating thereto, reported:

That, in obedience to the order of the House, the committee have had the subject of the said resolution under consideration, and find the property to which the resolution relates embraces a wide range of inquiry as to its extent and value, and also as to such other facts as may tend to an enlightened legislation upon this subject.

It must be obvious to those who give any attention to the extensive landed property, the *right* to which is in the United States, that the course of policy adopted with regard to its sale or distribution will have a great effect on the general interests of the citizens of the republic. The whole landed superficies of our States and Territories, and of the great western region, comprises fourteen hundred and four millions of acres, and the indisputable *right of soil* yet remains in the United States to one thousand and sixty-five millions of acres of this. The measures regarding the disposal of this immense property should therefore be most carefully considered in their various relations to the national advantage; should be devised under a liberal and expansive view of the progress of population; and, being adopted in wisdom, should be persevered in with unvarying steadiness. Any material deviations from adopted principles would, necessarily and unavoidably, prove unjust and injurious in their operations upon those citizens who had made their arrangements and rested their prospects upon a consistent course of national principles.

From the lateness of the period of the session at which your committee was appointed, and the time necessarily occupied in collecting and arranging the facts deemed essential to the information of the members of the House prior to any attempt at legislation on the subject of the resolution, it is evident that no prudent decision could be made by Congress during the present *limited* session. The committee have therefore arranged their report, in part, with a view to comprise such facts regarding the public lands as, being diffused among the citizens, would impart a distinct knowledge of the extent and vast importance of the landed property belonging to them, *each in an equal degree;* and an acquaintance with which, on their part, might elicit the intelligence and opinions of the people at large upon the course of legislation most wise and most acceptable to them, and thus be calculated to influence their representatives in their future legislation.

The committee have confined their statements and views to as narrow a compass as seemed admissible under a due consideration of one of their leading objects—that of giving to such persons as may not have access to official documents the advantage of an acquaintance with the land concerns of the nation—in their prominent features at least.

At the close of the revolutionary war the confederated States found themselves without any special bonds of Union, deeply involved in debt, and their credit destroyed. To bind these by some common ties, to raise their credit, and to enable them to meet their obligations, were considerations of the highest moment. The boundaries of several of the States were undefined, and there were conflicting claims set up to the lands of the west. The confederation asked of such of the States as asserted claims to the unsettled lands lying west of the great range of mountains to make deeds of cession to the sovereignty and soil of these western lands, in order to insure harmony amongst the States; to unite them more certainly by the bonds of property held in common by them all; and, by the gradual sale of these lands, to provide the means of paying off the revolutionary debt. The request was met with a spirit of patriotism; cessions were made by individual States to nearly all the property lying west of the Appalachian mountains and east of the Mississippi river, embracing the richest and best watered valley of the inhabited world.

The sovereignty and right of soil of Louisiana and Florida, an empire in extent, have since been added to the national domain by purchases from France and Spain.

The public lands, as now held by the United States, may, therefore, be classed under the three following heads:

First. Those which were ceded by several of the old States to the confederated government and to the present government of the United States.

Second. Those which were acquired by purchase from France by the treaty of Paris of the 30th of April, 1803.

Third. Those which were purchased of Spain by the treaty of Washington of 22d February, 1819.

That portion of the public lands belonging to the first class, which was ceded to the United States before the adoption of the present Constitution, and which constituted what was then called the "Northwestern Territory," and is the now States of Ohio, Indiana, and Illinois, and the Territory of Michigan, and the Northwest or Huron Territory, was claimed *entire* by the State of Virginia, and *in part* by the States of New York, Massachusetts, and Connecticut, under their respective charters or grants from the crown of Great Britain. The metes and bounds set forth in these charters or grants were so vague and indefinite as to give rise to conflicting claims very difficult to adjust. It seems, however, that the title of the State of Virginia to all the above-described territory was better founded than that of any of the other above-mentioned States. Be that, however, as it may, the State of New York, on the 1st of March, 1781; of Virginia on the —— day of ——, 1784; of Massachusetts on the 19th of April, 1785; and Connecticut on the 13th of September, 1786, (with a reservation of what is commonly known by the name of the Western or Connecticut Reserve, the jurisdiction to which was afterwards, by deed of the 30th of May, 1800, released to the United States,) ceded all their right, title, and claim, as well of soil as jurisdiction, to the United States, to be, in the language of the grant from Virginia, held and "considered a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation, or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." These grants covered about 165 millious of acres. It ought, perhaps, to be added, that the State of South Carolina, on the 9th of August, 1787, made a cession of the territory lying south of the line of North Carolina, and north of a line drawn due west from the source of the river Tugoloo; but, inasmuch as it was afterwards ascertained that the source of the Tugoloo reached the southern boundary of North Carolina, this grant or cession, in point of fact, passed nothing. The liberal intention of the State should, however, be fairly appreciated. After the adoption of the present Constitution, the State of North Carolina, by deed, dated the 25th of February, 1790, ceded to the United States all that portion of her western land which now constitutes the State of Tennessee. This cession transferred the jurisdiction over about 26,500,000 acres; but the right of soil was subject to many grants and limitations, and the United States treasury has not yet been benefited by any sales made thereof.

On the 24th of April, 1802, the State of Georgia ceded to the United States the jurisdiction and soil of all that part of the present States of Mississippi and Alabama which lies north of the 31st degree of north latitude, for which the United States agreed to pay, "out of the first net proceeds of the lands thus ceded, one million two hundred and fifty thousand dollars to the State of Georgia, as a consideration for the expenses incurred by the said State in relation to the said territory;" and also, to "extinguish, for the use of Georgia, as early as the same could be peaceably obtained, on reasonable terms, 'the Indian title' to all the lands within the State of Georgia," as limited by said cession. The delay of the United States to comply with their agreement to extinguish the Indian title to the land of Georgia, whether unavoidable or not, whilst it was extinguishing in other States, has retarded the population of that large State; has kept down her relative political power, and been the cause of the late unpleasant controversy between the Executive of Georgia and the Executive of the United States. As the right of the State of Georgia to this territory was unquestionable, the United States obtained by this grant a clear title, as well of the *right of soil* as of jurisdiction, to about sixty millions of acres; five of which have been sold for more than twelve millions of dollars, and upwards of nine of which have been already paid into the treasury of the United States. There are yet fifty-odd millions of acres to sell. The third article of cession by Georgia declares that all the lands ceded shall, after satisfying the various claims recited, "be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other purpose whatever."

Second. By the treaty of Paris of the 30th April, 1803, France ceded to the United States the soil and jurisdiction of what was then called the colony or province of Louisiana; and it appears that, on the same day, and at the same place, there were two other treaties executed between the same parties; by the one of which, the United States engaged to pay to France the sum of eleven millions two hundred and fifty thousand dollars; and by the other, to its own citizens, in discharge of claims against the French government for spoliations, released by the same treaty, the sum of three millions seven hundred and fifty thousand dollars. At the time of this cession, the bounds of Louisiana were vague and unascertained; but by the treaty with Great Britain, of London, of the 20th of October, 1818, the northern bounds were fixed to run with the 49th degree of north latitude, from the former line of the United States to the Pacific ocean; and by the treaty with Spain, concluded at Washington on the 22d February, 1819, its western boundary was settled

to begin at the mouth of the Sabine, and to run thence on the western bank of that river to the 32d degree of north latitude; thence, by a line due north, to the Red river; then, following the course of the Red river, to the degree of longitude 100° west from London and 23 west from Washington; then, by a line due north, to the Arkansas; thence, by the southern bank of the Arkansas, to its source, in the 42d degree of north latitude; thence, by that parallel of latitude, to the South sea; but if the source of the Arkansas should be found to be north or south of the 42d degree of north latitude, then by a line due north or south, as the case might be, to that parallel of latitude. The land acquired by this purchase amounts to about eight hundred and fifty millions of acres, and consists of the States of Louisiana and Missouri and the Territory of Arkansas, and about seven hundred and fifty millions to the north and west of said States and Territory.

Third. The land acquired from Spain by the treaty of Washington of February 22, 1819, is well known by the names of East and West Florida; for the absolute title, as well of soil as jurisdiction, of which the United States released the claim of its citizens against Spain for spoliations, and agreed to pay them, in discharge of said claims, the sum of five millions of dollars, which has accordingly been done.

The quantity of land acquired by this purchase exceeds forty millions of acres, including the Territory of Florida, and what now constitutes a part of the States of Alabama, Mississippi, and Louisiana.

For the purpose of more distinctly bringing into comparative view the important relation which the United States lands bear to those of the rest of the Union, the committee have arranged the table No. 1, which shows the respective superficies, in acres, of all the States and Territories. From this it will appear that the whole number of acres within the present limits of the old thirteen States, and including what now constitute the States of Maine and Vermont, and the District of Columbia, is two hundred and thirty-seven millions six hundred and seven thousand six hundred and eighty acres; and that the whole number of acres in the States of Kentucky and Tennessee is fifty-one millions three hundred and ninety-two.

The lands which now constitute the State of Tennessee were ceded to the United States by North Carolina, but the soil has been nearly covered by rights under reservations in the deed of cession, and by grants from the United States. A balance of about three millions of acres may probably remain to the United States after all the rights under these reservations and grants of Congress are satisfied. Within the limits of the other new States and Territories, embracing the lands ceded to the United States, with the *right of soil* and sovereignty, exclusive of the Territory of Huron and the great western region, there is held by the United States three hundred and eight millions one hundred and ninety-five thousand four hundred and eighty-six acres; and that in the Territory of Huron and the great western region there is held by the United States, as nearly as can be estimated, eight hundred and seven millions of acres. From the same table it will also appear that in the new States and Territories the Indian title has been extinguished to upwards of two hundred and fifty-eight millions of acres.

By the tables No. 2 to 11, inclusive, showing the distribution of the lands in the several States and Territories, it appears that of the quantity to which the Indian title has been extinguished about thirty-one millions of acres have been conceded to satisfy private claims and reservations, or have been given by acts of Congress to the new States for common schools, and as *donations*, &c. That about twenty-one millions of acres have been sold, on which, as will appear by table No. 12, upwards of thirty-six millions of dollars have been paid into the public treasury, and that a balance remains unpaid on account thereof of upwards of four millions of dollars. Table No. 1 shows that upwards of two hundred and five millions of acres, to which the Indian title has been extinguished, remain unsold. It may be useful here to state that nearly ninety millions of these have been surveyed at the public charge, within the several States and Territories, and are now ready, without incurring further expense, to meet the demands of settlers.

The expenditures made and strictly chargeable on account of lands, since the organization of the government of the United States, have been nearly as follows:

For the purchase of Louisiana	$15,000,000 00
For the purchase of Florida	5,000,000 00
Payment to the State of Georgia	1,250,000 00
Payment on account of Yazoo scrip	4,950,000 00
Payment on account of Indian cessions, to January 1, 1826	3,392,494 00
Paid for surveying 140,000,000 acres of public lands	2,164,368 00
Expenses incidental to the sales of the public lands, salaries, commissions, &c., to June 30, 1828	1,435,197 24

The table No. 13 shows the operations in the Land Office of the United States for each year from the 1st January, 1821, to the 30th June, 1828, a period of seven and a half years. By this it appears, within that period nearly six millions of acres have been sold; that upwards of nine millions of dollars have been paid into the treasury during that time in payment of the purchase of land; that the incidental expenses, salaries, commissions, &c., are less than seven hundred thousand dollars for the whole term; and that the annual income, even under our present population, is very considerable.

In the table No. 1, showing the superficies of the respective States and Territories, the committee have given the population of the United States under the census of 1800 and 1820, showing its distribution in the respective States. The actual relative population to the relative superficies of the States is thus brought into view at two distinct periods. They have also given, from the best information, an estimate of the probable population and its distribution in the year 1830, which they believe will be found substantially correct. They have likewise hazarded a conjectural estimate of the population in the year 1860: a period thirty years hence, it is true, yet regarded by many as not too distant for the arrangements of individuals, with a view to the benefit of those in whom they feel an immediate interest, but certainly not too distant for a paternal government to embrace within its calculations in providing for the general benefit. It is but a conjecture of what will be when the boy who is now rocked in the cradle has reached the period when he is rendered eligible to a seat in the Senate of our country. It is but an estimate of what will be in the lifetime of the present rising generation, and made in the hope that the course of legislation may be adapted to its welfare.

The actual population of the United States in 1790 was three millions nine hundred and twenty-one thousand four hundred and twenty-six; to this add thirty-five per cent., and you have nearly the actual population of 1800, which was five millions three hundred and nineteen thousand seven hundred and sixty-two; add to this thirty-five per cent., and you have nearly the actual population of 1810, which was seven millions two hundred and thirty thousand nine hundred and three. So of 1820, which was nine millions six hundred and thirty-seven thousand nine hundred and ninety-nine; to this add, in like manner, thirty-

five per cent., and you have thirteen millions eleven thousand three hundred as the population of 1830, and which is believed to be distributed as in the table No. 1. From the best information the number and distribution must come very near the fact, as will be found by the next census.

By this mode of calculation (of adding thirty-five per cent. to the population of each period of ten years) the number in 1860 will be upwards of thirty-two millions of souls, and there is every reason to believe this estimate will prove correct.

Circumstances favorable to such ratio of increase exist in as high a degree as heretofore. We have extensive regions of country favorable to an extending population; means of supporting life seem equally certain; the protecting power of the nation has increased; our climate has improved; the conveniences and comforts of life have multiplied; and why should not its population continue to advance, to the period named, in its former ratio? Under the conviction that the ratio of increase for the last forty years will not be dimished for the succeeding thirty, and that we will, consequently, have a population within the present limits of the Union of thirty-two millions in 1860, the committee have hazarded an opinion of the probable distribution of this population in the several States and Territories for that year, as will be seen in the table No. 1. The committee cannot enter into a detail of all the considerations which have influenced their opinion as to the distribution according to the table. They have, however, had reference to the relative surface of each State; to its soil and productions; to climate, as affecting health and population; to the proportion of lands adapted to cultivation; to the facilities of approach to market; to the seats of commerce; to the application of labor; to the facilities of acquiring the rights of citizenship, and to various other circumstances.

The population of part of the eastern section of our country has nearly reached its highest point; its surplus is filling up New York, and tends strongly toward the west; the committee, however, allow that the temperate climate, the extensive surface, the fertile soil, the central position, the fertility, yet low price, of lands in Virginia, must, ere long, command a large accession from the surplus population of other States, and raise her in the proportionate scale of population to the square mile.

Next to Virginia, Georgia is the largest State in the Union, and her population to the square mile by far the lowest of all the old States; but, as she will shortly be freed from her Indian population, she will doubtless experience a great proportionate increase of numbers; especially so as a portion of her lands are found fitted for the culture of the sugar cane. The committee believe the increase in the numbers of these States will therefore equal their estimate for 1860. From the eminent advantages, agricultural, manufacturing, and commercial, of New York and Pennsylvania, there can be little doubt but that they will long retain the foremost rank in population.

Florida has a large surface, but her vast swamps and unproductive sand hills preclude a numerous population.

The survey of the lands lying in Louisiana has been too long retarded They ought at once to be brought into market, as their adaptation to the culture of the sugar cane renders this measure an important national object.

In table No. 1 the committee have given the number of square miles in each State and Territory, and the probable proportion to the square mile in each for 1830 and 1860.

If the committee are sustained in the opinions they have formed from the facts before them, as to the increase of population and its distribution, it must, of course, be admitted that the national lands will, under a well-devised system of sales, prove a vast resource to the nation or to the States, and a sure recourse for the increasing population of our country, which seeks, by the possession of a portion of the soil, to maintain personal independence, and, by its culture, to be enabled to rear a family.

The public lands in all the now organized States should be surveyed and put into the market at a reasonable, but unvarying price; and it will be very generally in the power of him who is disposed to win his living by the culture of the soil to command the means of purchasing what may be essential to him. Thus the excess of population will be provided for, and the lands rejected by the first settlers will all be gradually purchased, as the worst will be enhanced in value by the improvements around them, and finally command a price equal to what was paid originally for the best. The nation, by being itself the great proprietor, will keep within itself the power of apportioning, for a small consideration, a freehold to each of its industrious and virtuous sons; and no combinations of men, or of States, can be formed to enhance the price to the actual settler.

The material question submitted to the committee for their opinion, under their instructions, yet remains to be answered; that is, whether it is expedient to provide by law for the distribution of the amount of all sales of the public lands amongst the several States? The committee have concluded that it *is* expedient, and will briefly state the principal reasons which have led them to this opinion.

For many years the public lands were viewed as the great resource of the nation. Its credit was mainly based on this property, which was pledged for the payment of the public debts; they were, therefore, guarded as a treasure. Claims to any part of them were examined with the strictest scrutiny, and every attempt to obtain donations was repelled by Congress. Within a few years, however, a greater laxity in legislation has prevailed. Claims rejected at the land offices have been readily allowed by Congress. Grants to colleges and other institutions, of small tracts, having been obtained with facility, and other evidences having been manifested of a disposition on the part of Congress to concede the rights of the many to the importunities of the few, large donations were successfully solicited, and during the session of 1827 and 1828 Congress actually *gave away*, to States and to individuals, not less than *two millions three hundred thousand acres* of choice lands, comprising a surface equal to that of two of the States, Delaware and Rhode Island, and worth in the market at least three millions of dollars. Encouraged by the success of these applications, several of the new States have now boldly *demanded* of Congress the surrender of the lands within their limits, although the sovereignty and right of soil were obtained by the treasure, or won from the Indians by the blood of the citizens of the old States. These new States have affected to assert a right to what they, however, come before Congress to have awarded them by concession. Your committee will enter into no argument on the subject. These demands, the committee are disposed to believe, have been rather the acts of certain individuals than the deliberate expression of the people at large. The patriotism of the citizens of the old States, who voluntarily conceded these lands to the *Union*, might here be placed by the committee in strong contrast with the want of that feeling in the citizens of the new States who could seriously demand from the Union the surrender of all this invaluable property *to them alone*. But if any States have, in reality, an unhallowed desire *to get*, it may be useful to them to reflect that the other States have the power *to keep*, and that it is the *duty* of the representatives of these to know that if the national property is parted with, it is parted with only for the *general* advantage.

It appears to your committee that the time has arrived when the community should be awakened to a protection of their rights; when measures should be adopted in the national councils to give the States a direct interest in the income arising from the sales of the public lands. This individual measure would at once check further concessions, and effectually prevent the selfish from availing themselves of the advantage presented by some great crisis in public affairs to obtain propitiatory concessions from rival parties deeply injurious to the general interest. The committee cannot devise a surer guard to the purity of legislation, with respect to the public lands, nor an application of their value more just and equitable, as regards the *interests of all the States*, than by recommending for the consideration of Congress the policy of directing, by law, that the proceeds of all sales of the public lands, after deducting expenses, should be distributed to the several States, in the ratio of their population, as ascertained at the usual periods of taking the census. This policy would undoubtedly always influence a majority of Congress, because only the members from a State about to receive a cession would venture to make such gift, when the evident consequence would be the diminution of the direct revenue of the States represented by the rest. This measure would likewise interest the States in the adoption of a system of rigid economy, as relates to the expenditures of the land offices, and no private or other claim would be sanctioned but as their justice might be clearly established.

The average of the sum annually received into the treasury on account of public lands for the seven and a half years ending the 30th of June, 1828, after deducting all expenses, has been one million two hundred and three thousand two hundred and fifty-five dollars and eighty-three cents.

That the annual receipts from this source will soon be advancing seems certain from various causes, especially from the much greater annual increase of population, not of *ratio*, but of *actual numbers*, and from the facts that some of the old settlements are full; that the lands in the old States are now nearly all taken up, and that the large amount of lands reserved to private claimants in the original grants in the neighborhood of the United States lands are now settled and taken from the market, as are also a considerable part of the donations made by Congress.

It must, then, be evident that, unless the United States create rivals in her own land market by further concessions or donations, (the holders of which would, of course, occupy the market by selling *low* what had cost them *nothing*,) there must be a sure and hereafter an annually increasing demand for the public lands, and consequently an increasing amount in cash will be received for national purposes, or for the proposed distribution, and which, in all probability, will average three millions of dollars yearly for the next ten years; an amount which can be most beneficially applied by the States in well regulated systems of education, in constructing roads, bridges, canals, and such other useful works as may be deemed advisable by the respective States.

A division of the public lands among the States has been suggested to the committee. This measure, they believe, would be injurious. There would be an impossibility so to locate the several divisions as to attach to them an equal value. Each State would have a system of sales differing from that of the other States. Struggles would take place in Congress for measures to advance the value of the possessions of some of the locations over that of others. Serious collisions would necessarily occur. Speculation, fraud, and corruption would be attempted in the State legislatures: all which and other serious evils would be avoided, and the greatest possible benefits derived to the States from the sale of these lands by the general government agreeably to the present organized system, and from directing, by law, the distribution of the proceeds of sales among the several States.

It has been said that "a national debt is a national blessing." The maxim may be true so far as regards the individual interests of money-lenders, who naturally prefer the nation as security to every other, but it is false with respect to the general interests. That this national property would be rendered a national blessing and a stronger bond of union to the States cannot be doubted, should the general government agree to the recommendation of your committee, and make the proposed annual or other regular distribution of the net proceeds of sales of the public lands amongst the several States.

In conclusion, the committee will only add that, should Congress not deem it advisable at the present time to adopt their recommendation in relation to the public lands, they will nevertheless cherish the hope that the facts and views which they have here presented will effectually check in the future the *giving away* this most invaluable national property.

In conformity to the opinion of the committee, they report, for the consideration of the House, the following resolution:

Resolved, That it is expedient to provide by law for the annual distribution amongst the several States of the Union, in proportion to their respective population, the net proceeds of the sales of all public lands.

No. 1.

Table showing the quantity in acres of land within the limits of the respective States and Territories, distinguishing what part is held by the United States; also, the population of each State and Territory in the years 1800, 1820, *and as estimated for* 1830; *together with the number of square miles and the population to each, as they will probably stand in* 1830 *and in* 1860.

State or Territory.	Whole quantity of land in each State or Territory.	Quantity of land belonging to the United States June 30, 1838, to which the Indian title is extinguished.	Quantity of land belonging to the United States in each State and Territory, to which the Indian title has not been extinguished, up to June 30, 1838.	Population of the United States. Actual in 1800.	Actual in 1820.	Estimated for 1830.	Estimated for 1860, and its distribution.	Number of square miles in each State and Territory.	Estimate of population to each square mile in 1830.	Estimate of population to each square mile of the respective States in 1860.
	Acres.	*Acres.*	*Acres.*							
Maine	20,480,000	.....	.....	151,719	298,335	420,000	800,000	32,000	13	25
Massachusetts	4,992,000	.....	.....	422,845	523,287	580,000	700,000	7,800	74	90
New Hampshire	5,939,200	.....	.....	183,858	244,161	300,000	440,000	9,280	32	48
Vermont	6,536,000	.....	.....	154,465	235,764	280,000	490,000	10,212	27½	48
Rhode Island	870,400	.....	.....	69,122	83,059	90,000	110,000	1,360	66	80
Connecticut	2,991,360	.....	.....	151,002	275,248	290,000	330,000	4,674	62	70
New York	29,440,000	.....	.....	586,150	1,372,812	2,000,000	3,060,000	46,000	43	66½
New Jersey	4,416,000	.....	.....	211,149	277,575	330,000	414,000	6,900	48	60
Pennsylvania	28,280,000	.....	.....	602,548	1,049,458	1,390,000	2,300,000	43,950	32	52
Delaware	1,323,520	.....	.....	64,273	72,749	80,000	90,000	2,068	39	45
Maryland	6,912,000	.....	.....	349,692	407,350	450,000	600,000	10,800	41	46
District of Columbia	64,000	.....	.....	14,093	33,039	50,000	100,000	100	500	1,000
Virginia	40,960,000	.....	.....	886,149	1,065,366	1,180,000	1,900,000	64,000	18½	30
North Carolina	28,032,000	.....	.....	478,103	638,829	720,000	1,120,000	3,800	16	26
South Carolina	19,251,200	.....	.....	345,591	502,741	600,000	1,000,000	30,080	20	33
Georgia	37,120,000	.....	.....	162,686	340,989	410,000	900,000	58,000	7	15½
	237,607,680									
Kentucky	24,960,000	.....	.....	220,959	564,317	650,000	1,100,000	39,000	15½	28
Tennessee	26,432,000	3,000,000	.....	105,602	422,643	600,000	1,100,000	41,300	14½	27
Mississippi	31,074,234	11,514,517	16,885,760	8,850	75,448	130,000	1,000,000	46,358	3	21½
Indiana	22,459,669	12,308,455	5,335,632	5,640	147,178	400,000	1,300,000	35,100	11½	37
Ohio	24,810,246	4,984,348	409,501	45,365	581,434	1,000,000	1,900,000	38,800	25½	49
Louisiana	31,463,040	25,364,197	.....	.....	153,407	300,000	980,000	49,000	6	20
Illinois	35,941,902	23,575,300	6,424,640	.....	55,211	130,000	1,180,000	56,000	2½	21
Michigan, (peninsular)	24,939,870	16,393,420	7,378,400	.....	8,896	35,000	1,000,000	39,000	1	26
Arkansas.....do	28,899,520	26,770,941	.....	.....	14,246	35,000	730,000	45,300	1	16
Missouri	39,119,019	35,263,541	.....	.....	66,586	130,000	1,220,000	61,000	2	20
Florida, (peninsular)	35,286,760	29,728,300	4,032,640	.....	.....	40,000	300,000	54,500	1	5½
Alabama	34,001,226	19,769,679	9,519,066	.....	127,901	380,000	1,490,000	53,100	7	28
	597,195,166	205,672,698	49,985,639	5,319,762	9,637,999	13,000,000	27,654,000	929,482	.....	.....
Territory of Huron, lying west of Lake Michigan and east of the Mississippi river	56,804,854	.....	56,804,834	.....	.....	.....	346,000			
Great Western Territory, extending from the Mississippi river to the Western ocean	750,000,000	.....	750,000,000	.....	.....	.....	4,000,000			
	1,404,000,000		856,790,473				32,000,000			
Add quantity to which the Indian title is extinguished.			205,672,698							
Total acres belonging to the United States			1,062,463,171							

No. 2.

OHIO.

Table showing the quantity of United States land in the State of Ohio, and the manner of its appropriation.

The whole number of acres within the limits of the State of Ohio to which the Indian title *has been* extinguished	24,400,745
The whole number of acres to which the Indian title *has not* been extinguished	409,501
	24,810,246

Disposed of as follows:

To satisfy Virginia military land warrants	3,709,484
United States military (revolutionary)	1,461,666
Reserve made by Connecticut	3,267,910

Given to the State of Ohio and individuals prior to 1828	277,897	
Given to the State of Ohio by acts of Congress in 1828	972,960	
Given to the State of Ohio by act of Congress for schools, being the one thirty-sixth part of the whole land to which the Indian title is extinguished	677,465	
Sales made to the 30th June, 1828	9,025,335	
Saline reservations	23,680	
To which the Indian title has not been extinguished	409,501	
Balance of land in Ohio remaining unsold on the 30th June, 1828	4,984,348	
		24,810,246

No. 3.

INDIANA.

Table showing the quantity of United States land in the State of Indiana, and the manner of its appropriation.

The whole number of acres within the limits of the State of Indiana to which the Indian title *has been* extinguished		17,124,037
The whole number of acres to which the Indian title *has not* been extinguished		5,335,632
		22,459,669
Disposed of as follows:		
Allowed on private claims	277,274	
Donation to Canadian volunteers	64,640	
Given to the State of Indiana and individuals prior to 1828	48,640	
Given to the State of Indiana by act of March, 1827	384,000	
Given to the State of Indiana by act of Congress for schools, being one thirty-sixth part of the whole land to which the Indian title is extinguished	475,668	
Sales made to the 30th June, 1828	3,542,320	
Saline reservations	23,040	
To which the Indian title has not been extinguished	5,335,632	
Balance of land in Indiana remaining unsold on the 30th June, 1828	12,308,455	
		22,459,669

No. 4.

ILLINOIS.

Table showing the quantity of United States land in the State of Illinois, and the manner of its appropriation.

The whole number of acres within the limits of the State of Illinois to which the Indian title *has been* extinguished		29,517,262
The whole number of acres to which the Indian title *has not* been extinguished		6,424,640
		35,941,902
Disposed of as follows:		
Allowed on private claims	179,904	
United States military (late war)	2,878,560	
Given to the State of Illinois and individuals prior to 1827	50,560	
Given to the State of Illinois by Congress in March, 1827	480,000	
Given to the State of Illinois by act of Congress for schools, being the one thirty-sixth part of all the land to which the Indian title is extinguished	819,924	
Sales made to the 30th June, 1828	1,326,885	
Saline reservations	206,129	
To which the Indian title has not been extinguished	6,424,640	
Balance of land in Illinois remaining unsold on 30th June, 1828, excluding 84,500 acres of salines owned by the United States	23,575,300	
		35,941,902

No. 5.

MICHIGAN TERRITORY.

Table showing the quantity of United States land in the Territory of Michigan, and the manner of its appropriation.

The whole number of acres within the limits of the Territory of Michigan to which the Indian title *has been* extinguished		17,561,470
The whole number of acres to which the Indian title *has not* been extinguished		7,378,400
		24,939,870

Disposed of as follows:		
Allowed to private claims	217,291	
Given to the Territory and individuals	56,080	
Given to the Territory one thirty-sixth part of all the lands for the use of common schools	487,819	
Sales made to the 30th June, 1828	406,860	
To which the Indian title has not been extinguished	7,378,400	
Balance of land in Michigan Territory remaining unsold on the 30th June, 1828	16,393,420	
		24,939,870

No. 6.

MISSISSIPPI.

Table showing the quantity of United States land in the State of Mississippi, and the manner of its appropriation.

The whole number of acres within the limits of the State of Mississippi to which the Indian title *has been* extinguished		14,188,454
The whole number of acres to which the Indian title *has not been* extinguished		16,885,780
		31,074,234
Disposed of as follows:		
Allowed on private claims	581,884	
Given to Indians, January 20, 1825	2,560	
Given to the State of Mississippi for seat of government	1,280	
Given to the State of Mississippi for seminary of learning	46,080	
Given to the State of Mississippi for schools, being the one thirty-sixth part of the whole land to which the Indian title has been extinguished	394,124	
Given to the State of Mississippi for Indian schools	34,560	
Sales made to June 30, 1828	1,613,449	
To which the Indian title has not been extinguished	16,885,780	
Balance of land in Mississippi remaining unsold June 30, 1828	11,514,517	
		31,074,234

No. 7.

ALABAMA.

Table showing the quantity of United States land in the State of Alabama, and the manner of its appropriation.

The whole number of acres within the limits of the State of Alabama to which the Indian title *has been* extinguished		24,482,160
The whole number of acres to which the Indian title *has not been* extinguished		9,519,066
		34,001,226
Disposed of as follows:		
Allowed to satisfy private claims	71,139	
Given to individuals and companies by Congress	116,596	
Given to the State, in 1819, for seminary of learning	46,080	
Given to the State in 1819 and 1827	2,900	
Given to the State by act of Congress in 1828	400,000	
Given to the State, the one thirty-sixth part of all lands in the State for common schools	680,060	
Salines reserved for the State	23,040	
Sales made to June 30, 1828	3,242,586	
Reservations and selections by Indians	110,080	
To which the Indian title has not been extinguished	9,519,066	
Balance of land in Alabama remaining unsold on June 30, 1828	17,789,679	
		34,001,226

No. 8.

LOUISIANA.

Table showing the quantity of United States land in the State of Louisiana, and the manner of its appropriation.

The whole number of acres within the limits of the State of Louisiana, the Indian title being extinguished to the whole	31,463,040

Disposed of as follows:

To satisfy private claims under the French, English, and Spanish governments, estimated not to exceed	5,000,000	
Given to the State of Louisiana for a seminary of learning, by act of Congress	46,080	
Given to the State of Louisiana, by act of Congress, for schools, one thirty-sixth of the whole land	873,982	
Sales made to June 30, 1828	178,781	
Balance of land remaining unsold June 30, 1828	25,364,197	
		31,463,040

No. 9.

MISSOURI.

Table showing the quantity of United States land in the State of Missouri, and the manner of its appropriation.

The whole quantity of land in the State of Missouri has been ceded by the Indians, and is, in acres		39,119,019

Disposed of as follows:

Allowed on private claims	966,087	
United States military (late war) located	468,960	
To Kanza Indians	23,040	
Given to the State of Missouri and individuals	48,530	
Given to the State of Missouri by act of Congress, for schools, being the one thirty-sixth part of the land	1,086,639	
Sales made to June 30, 1828	1,216,142	
Saline reservations	46,080	
Balance of land in Missouri remaining unsold on June 30, 1828	35,263,541	
		39,119,019

No. 10.

TERRITORY OF ARKANSAS.

Table showing the quantity of United States land in the Territory of Arkansas, and the manner of its appropriation.

The whole number of acres within the limits of the Territory of Arkansas to which the Indian title *has been* extinguished, as originally bounded		33,661,120
Deduct a quantity of acres lying west of the boundary, as established by the act of May 6, 1828		4,761,600
		28,899,520

Disposed of as follows:

Allowed to satisfy claims under Spanish and French grants	59,682	
Allowed for locating military warrants (late war)	1,162,880	
Given for seminary of learning	46,080	
Reserved to be given to Arkansas for common schools, one thirty-sixth part of the whole	802,767	
Sales made to June 30, 1828	57,170	
Balance of land remaining unsold on June 30, 1828	26,777,941	
		28,899,520

No. 11.

TERRITORY OF FLORIDA.

Table showing the quantity of United States land in the Territory of Florida, and the manner of its appropriation.

The whole number of acres of land within the limits of the Territory of Florida, to which the Indian title *has been* extinguished, estimated at	31,254,120
The whole number of acres to which the Indian title *has not been* extinguished	4,032,640
	35,286,760

Disposed of as follows:

Allowed to private claims	297,167	
Given to Lafayette	23,028	
Given to deaf and dumb	23,040	
Given to an academy	46,080	
Given to Tallahassee	640	
Given to Hambly and Doyle	1,280	
Given to Florida, one thirty-sixth part of the whole lands, for the use of schools	868,170	
Sales made to June 30, 1828	266,414	
To which the Indian title has not been extinguished	4,032,640	
Balance of land in the Territory of Florida remaining unsold on June 30, 1828	29,728,300	
		35,286,759

No. 12.

Table showing the quantity, in acres, of public lands sold by the United States in the respective States and Territories, the sums received for the same, and the balances unpaid up to June 30, 1828.

States and Territories.	Acres sold.	Cash received.	Balances unpaid.
Ohio	9,025,335	$16,102,505 25	$377,558 8
Indiana	3,542,320	5,588,517 72	419,500 83
Illinois	1,326,885	1,590,610 00	191,078 17
Michigan	406,860	547,476 27	26,258 39
Mississippi	1,613,449	1,946,143 36	375,234 74
Alabama	3,242,586	7,274,746 24	2,653,750 00
Louisiana	178,781	394,754 43	38,028 66
Missouri	1,216,142	1,977,555 75	106,234 08
Arkansas	57,170	71,605 87	.....
Florida	266,414	367,848 42	.....
	20,875,942		
Sale of triangle to Pennsylvania	202,187	151,640 25	.....
	21,078,129	36,013,403 56	4,187,643 68

No. 13.

Table showing the quantity of land sold, the purchase money, amount of cash received at the land offices, the incidental expenses, salaries, commissions, &c., and the payments into the treasury for each year from January 1, 1821, to June 30, 1828.

Year.	Quantity of land sold.	Purchase money.	Amount received for lands sold under the credit system.	Aggregate amount received at the land offices.	Amount of incidental expenses, salaries and commissions.	Payments by receivers into the treasury.
	Acres.					
1821	780,572.82	$1,169,224 98	$330,115 71	$1,499,340 69	$86,824 04	$1,212,966 46
1822	792,840.13	1,012,785 24	837,821 38	1,850,606 63	85,930 43	1,803,581 54
1823	653,319.52	850,136 26	148,423 09	998,559 35	71,812 87	916,523 10
1824	749,323.04	953,799 03	110,890 59	1,064,689 62	74,621 56	984,418 15
1825	893,461 69	1,205,068 37	330,896 03	1,535,964 40	72,892 72	1,216,090 56
1826	847,996.76	1,127,500 41	36,397 82	1,163,898 23	111,212 65	1,393,785 09
1827	926,727.76	1,318,006 36	313,132 37	1,631,138 73	121,281 45	1,497,053 82
	5,644,241.72	7,636,520 65	2,107,676 99	9,744,197 65	624,575 72	9,024,418 72
1st and 2d quarters, 1828	341,599.75	427,110 16	2,824 54	429,934 70	47,752 14	.....
Aggregates	5,985,841 47	8,063,630 81	2,110,501 53	10,174,132 35	672,327 86	.....

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